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PTI Lawmakers Face Legal Disqualifications Amid May 9 Cases

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A growing number of Pakistan Tehreek-e-Insaf (PTI) lawmakers are being disqualified by the Election Commission of Pakistan (ECP) due to convictions linked to the May 9, 2023, riots. The disqualifications have triggered debate among legal experts over the constitutionality and timing of the process.

So far, at least five PTI lawmakers have been disqualified in recent weeks. These include two Members of the National Assembly (MNAs), one senator, and one member of the Punjab Assembly (MPA). The ECP's actions are based on Article 63(1)(h) of the Constitution, which

bars convicted individuals from holding public office if sentenced to more than two years in prison and if the conviction has not been overturned on appeal.

Former Senator Ejaz Chaudhry, MNA Abdul Latif Chitrali, MNA Mohammad Ahmed Chattha, and MPA Ahmad Khan Bhachar were among those recently disqualified after Anti-Terrorism Courts handed them prison sentences of up to 27 years. In a separate case, MNA Jamshed Dasti was disqualified on July 15 for submitting false academic credentials in his nomination papers.

PTI Chairman Barrister Gohar Ali Khan has warned that up to 39 more lawmakers from the party could face similar outcomes if current legal proceedings continue at the same pace. He described the actions as part of a broader effort to undermine PTI's parliamentary representation.

The ECP has initiated these disqualifications following formal references from the National Assembly Speaker or petitions submitted by relevant parties, as required by law. However, legal experts have raised concerns about the timing and finality of the convictions. Former Additional Attorney General Waqar Rana argued that disqualifications should only occur once appeals are exhausted and convictions are upheld by higher courts.

PTI lawyer Abuzar Salman Niazi echoed similar concerns, emphasizing that many of the judgments are from trial courts and not yet final. He stated that the absence of a proper hearing before ECP decisions undermines procedural fairness and violates Article 10A of the Constitution, which guarantees due process.

Critics also note that the ECP's current approach bypasses the procedure outlined in Article 225, which states that election disputes should be handled by election tribunals. They argue that relying on trial court rulings without appellate review risks politicizing the disqualification process.

Meanwhile, the Supreme Court has directed Anti-Terrorism Courts to conclude May 9-related trials within four months. Observers caution that fast-tracking politically sensitive cases can affect the perception of judicial independence, referencing past examples such as the Panama Papers investigations.

The Lahore High Court is set to hear Jamshed Dasti's appeal, as the legal and political implications of the disqualification wave continue to unfold.