

IN THE HIGH COURT OF SINDH AT KARACHI
(Original Civil Jurisdiction)

Suit No. ____/2021

Muhammad Siddique,

S/o Muhammad Ishaq Ansari

Owner, **Ansar Union Football Club,**

Having office at Ansar Union Football Stadium

Sector 35-B, K-Area, Khaddi Stop,

Korangi No. 5,

Karachi.

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Plaintiff

Versus

1. Syed Ashfaq Hussain

Son of Syed Mushtaq Hussain

Football House, Opposite Punjab Stadium,

Ferozepur Road, Near Garden Town,

Lahore

2. Muhammad Naveed Akram

PFF Secretariat, Football House,

Opposite Punjab Stadium,

Ferozepur Road,

Lahore.

3. Pakistan Football Federation,

Through its President

Football House, Opposite Punjab Stadium,

Ferozepur Road, Near Garden Town,

Lahore.

4. Normalization Committee

Through its Member,

Saud Hashimi,

Son of Fuad Hashimi

Resident of 4A, 9th South Street,

Defence Housing Authority 2

Karachi.

5. Pakistan Sports Board

Through its Director General

Kashmir Highway,

Near Aabpara,

Islamabad.

6. Ministry of Inter-Provincial Coordination (IPC)

Kohsar Block, Pakistan Secretariat,

Islamabad, Pakistan

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Defendants

**SUIT FOR DECLARATION, PERMANENT AND MANDATORY
INJUNCTION**

Respectfully *Sheweth*:

1. That the Plaintiff is a local football club situated in the Korangi area of Karachi and is duly registered with the District Football Association which is affiliated with the Pakistan Football Federation (Defendant No.3) and the Sindh Football Association. The Plaintiff is the owner/captain who has been maintaining and running the said club through donations and through his own funds. That the Plaintiff trains and manages players of all ages at the club with an aim of extracting their potential and assisting them in reaching professional club/international football. That the Plaintiff was a participant in the National Youth Championship at Karachi in 1986 and was a National Champion at Lahore in 1988 (Sindh). Subsequently, the Plaintiff achieved first place in the ECO Cup at Tehran in 1993 with the Pakistan Team and also finished first at the SARRC Gold cup at Lahore in 1993 with the Pakistan Team.

Copies of the club's registration is attached herewith and marked as 'A'.

2. That the Plaintiff is aggrieved by the letter dated 21.08.2021 and 07.10.2021 titled 'PFF Elections-2022' (herein referred to as the "**Impugned Letters**"), inviting all football clubs to partake in the process of the elections of Pakistan Football Federation. As per the Impugned Letters, the first phase of the elections commenced on 21.08.2021 and its first stage completed by 20.09.2021. All registered clubs have been invited to be a part of the election which even otherwise is an illegal election for reasons expounded upon herein below. It is important to mention here that this letter was never sent to the Plaintiff despite the fact that the club is over 60 years old. It should be noted that the Plaintiff has learned through various sources recently that the Defendants No.1 & 2 in collusion with each other are attempting to conclude elections illegally behind closed doors.

Copy of the Impugned Letters are attached herewith and marked as annexure 'B-1 & B-2'.

3. That the Defendant No.1 is the self-acclaimed president of the Pakistan Football Federation (herein referred to as '*PFF*'). That the Defendant No.1 has been leading protests against the normalization committee appointed by the Federation International De Football Association (herein referred to as '*FIFA*'). The Defendant No.1 has also illegally taken control of PFF's headquarters since 28.03.2021 in Lahore (herein referred to as the '*FIFA House*'). That the Defendant No.2 is the General Secretary of the Pakistan Football Federation and has authored the said Impugned Letters. That the Defendant No. 3 is the Pakistan Football Federation (PFF) which is the governing body of football in Pakistan currently being headed by the illegal faction led by the Defendant No.1 (Syed Ashfaq Hussain). That the Defendant No.4 is the Normalization Committee (herein referred to as the '*NC*') which was formally appointed by FIFA under article 8(2) of the FIFA Statutes 2021 in order to curtail the entire fiasco orchestrated by the Defendant No.1. That the Defendant No.5 is the Pakistan Sports Board (herein referred to as the '*PSB*') which was developed as a corporate body for the purposes of promoting competition in sports in Pakistan. That the Defendant No.6 is the Ministry of Inter Provincial Coordination who was given administrative control of the Ministry of Sports after the devolution of the Ministry of Sports in 2011.
4. The instant case pertains to a dispute regarding the Pakistan Football Federation and the Normalization Committee appointed by FIFA. Pakistan Football Federation is a body that draws its recognition and affiliation from FIFA apart from having its own constitution (PFF Constitution). Article 3 of the PFF Constitution states that the Pakistan Football Federation shall be affiliated with FIFA, among other internationally recognized boards and associations. Under Article 3(2) of the PFF Constitution, the PFF is obliged to fully comply with the statutes, regulations, directives and decisions of FIFA at all times. Article 3(2) of the PFF Constitution is reproduced herein below for ready reference and perusal:

"2. PFF has to fully comply with the statutes, regulations, directives and decisions of FIFA at all times, and has to ensure that these are also respected by its Members." [Emphasis Supplied]

Another example of this is Article 15 (1) (a) of the PFF Constitution, which, in context of members' obligations states the following:

"1. The Members have the following obligations:-

- (a) **Comply with the constitution, statutes, regulations, directives and decisions of FIFA, AFC and PFF at all times and to ensure that these are respected by its Members.**"

The above makes it clear that without FIFA, the PFF would be an empty shell, and it is in fact only the derivation of power and authority from FIFA which makes the PFF the only recognized and legitimate body for football in Pakistan.

Copy of the relevant provisions of the Pakistan Football Federation Constitution are attached herewith and marked as annexure 'C'.

5. Flowing from the above, the Pakistan Sports Board has already issued a letter dated 09.09.2014 bearing reference number F.7-1/2013-PSB(NF)P-III, with the subject caption "AFFILIATION/RECOGNITION OF NATIONAL SPORTS FEDERATIONS". That paragraph 3 of said letter states that the Pakistan Sports Board must affiliate and fund only those bodies which are recognized by their respective International Bodies. That for sake of convenience, Paragraph 3 is reproduced below:

"3. In light of the above, the Government has decided that PSB may affiliate and fund only those federations which are recognized by their respective International Bodies and meeting criteria of PSB affiliation in future." [Emphasis Supplied]

It follows that in light of this letter; only the Pakistan Football Federation which is recognized by FIFA remains the legitimate body to represent Pakistan football both in Pakistan and internationally.

A copy of the Letter dated 09.09.2014 is attached herewith and marked as annexure 'D'.

6. That unfortunately, football in Pakistan has been in a state of turmoil since the past few years ago, with no improvement in sight at the time. Since

2018, the Defendant No. 1 has been claiming himself to be the President of Pakistan Football Federation and he had also illegally taken over the FIFA House through the help of his goons at Lahore along with the accounts of Pakistan Football Federation in various banks. Since the Defendant No. 1 was never recognized by FIFA and to bring an end to the turmoil in Pakistan Football, FIFA appointed a 'Normalization Committee' i.e the Defendant No.3 in September 2019 under article 8 (2) of the FIFA Statutes 2021. For sake of convenience, relevant portion of the said provision is reproduced as under:

“executive bodies of member associations may under exceptional circumstances be removed from office by the council in consultation with the relevant confederation and replaced by a normalization committee for a specific period of time”

Copy of the relevant provisions of the FIFA Statutes are attached herewith and marked as annexure 'E'.

7. In essence, the role of the Normalization Committee was to take over the operations of Pakistan Football Federation which inter alia included running day to day operations. The appointment of the Normalization Committee is FIFA's standard procedure especially where the body running the football is not legitimate. This has happened in many countries across the globe. Moreover, if the Normalization Committee is not run in accordance with FIFA rules is then that country has the potential of being banned by FIFA in light of FIFA regulations not being adhered to.
8. That the Defendant No. 1 was directed by FIFA in September 2019 to vacate the FIFA House at Lahore and handover its possession and the accounts to the Normalization Committee appointed by FIFA. In view of the same, an Executive Committee meeting headed by Defendant No. 1 was held at the FIFA House in Lahore on 26.09.2019 wherein it was decided to hand over the FIFA House and all the accounts to Normalization Committee appointed by FIFA. The minutes of the meeting headed by Defendant No. 1 on 26.9.2019 clearly states as follows:

“Agenda Point # 3

All the members of the Executive Committee after a long deliberation, unanimously decided that for the better interest of football in Pakistan, **we should hand over Pakistan Football Federation and all accounts to the FIFA Normalisation Committee for PFF.** [Emphasis Supplied]

The composition of the Normalization Committee was then changed on 19th January 2021 wherein one Mr. Haroon Malik was appointed as the Chairman. The Normalization Committee is mandated with these posts in line with FIFA Governance Regulations, and is currently the only valid PFF Body as approved by FIFA in place.

Copies of Minutes of Meeting dated 26.09.2019 and copy of Appointment Letter dated 19.01.2021 are attached herewith and marked as annexures 'F' and 'F-1'.

9. That to the utter shock and surprise of the Plaintiff, the FIFA House situated at Gulberg, Lahore was raided on 28.03.2021 and a hostile takeover was perpetrated by an illegal faction headed by the Defendant No. 1. The FIFA House is in fact built by the money provided by FIFA. This was a forceful takeover which included snatching peaceful possession of the FIFA House from the rejuvenated Normalization Committee, as well as taking over the Account Books. In view of this incident, FIFA vide letter dated 30.03.2021 took serious exception to such a catastrophe and directed the illegal faction headed by Defendant No. 1 to immediately hand over the FIFA House at Lahore by 31.3.2021 or Pakistan would face immediate suspension. The operative part of the letter dated 30.3.2021 by FIFA is reproduced herein below:

“In view of the above, FIFA further considers that the illegitimate occupation of the PFF headquarters as well as any decision to take over the leadership of the PFF from the normalization committee appointed by FIFA, constitutes an undue interference in the affairs of the Federation, therefore violating the obligations imposed on PFF by art. 14 par. 1 let. i) and art. 19 of the FIFA Statutes. **In view of this, should the illegitimate occupation of the PFF headquarters not be lifted and the office bearers recognized by FIFA not be permitted free access to the building by Wednesday 31 March 2021 at 20:00 (Lahore time), at the latest, in order for them to carry out their mandate as instructed by FIFA, the matter shall be immediately submitted to the Bureau of the Council for decision, which might**

include the suspension of PFF on the basis of art. 16 par. 1 of the FIFA Statutes." [Emphasis Supplied]

A copy of the FIFA letter dated 30.03.2021 is attached herewith and marked as annexure 'G'.

10. That upon failure of the illegal faction to vacate the premises and hand over the accounts to the Defendant No.4, FIFA sent another email to the Chairman of the NC dated 07.04.2021, stating that the situation was referred to the Bureau of the Council. It was intimated that due to the deadline having passed, and the situation remaining unchanged, the Bureau of the Council suspended the Pakistan Football Federation with immediate effect. The Council decided that the suspension would not be lifted until FIFA was notified by the Defendant No.4 that the premises, accounts and administration of the FIFA House were handed over to the Normalization Committee. It is absolutely unfortunate that due to the acts of this illegal faction, Pakistan Football is currently suspended by FIFA. Relevant portion of the letter dated 7.4.2021 is reproduced herein below:

"Finally, the Bureau of the Council has taken note of the letter sent to the PFF on 30 March 2021, which included a deadline until Wednesday, 31 March 2021 at 20:00 (Lahore time) for the illegitimate occupation of its headquarters to be lifted and for the office bearers recognized by FIFA to be permitted free access to the building to carry out their mandate.

Given that the aforementioned deadline has passed and the situation remains unchanged, and based on the seriousness of the circumstances, the Bureau of the Council has today decided to suspend the PFF with immediate effect."

A copy of the FIFA suspension Letter dated 07.04.2021 is attached herewith and marked as annexure 'H'.

11. That a Civil Suit No. 23867/2021 titled *Shahid Niaz Khokhar versus Syed Ashfaq Hussain etc.* has been filed before the Learned Civil Court at Lahore. In the said suit it was prayed that the Defendant No. 1 be restrained from attempting to become a signatory to the Bank Account funded by FIFA for development of football in Pakistan. In this regard, the Learned Civil Court granted an injunction vide Order dated 17.07.2021 directing the Defendant

No. 1 to maintain status quo as well as not approach the banks for illegal change of signatory. It is reiterated that only Mr. Haroon Malik and the NCA are recognized by FIFA.

Copies of the Civil Suit and Status Quo Order dated 17.07.2021 are attached herewith and marked as annexures 'I and I-1' respectively.

12. As a result, FIFA through its Director Member Associations wrote to the Bank of Punjab vide letter dated 28.05.20021 stating therein that only Mr Haroon Malik was the recognized and appointed individual by FIFA and only he could legally access the PFF bank account.

Copy of letter dated 28.05.2021 is attached herewith as Annexure 'J'

13. That the Defendant No.1 is operating on his own whims and is illegally attempting to commence the election process so that he may be elected as a president of Pakistan Football Federation through collusive elections. Such appointment will accommodate the Defendant No.1 into facilitating his goons by placing them in charge of all the provincial sports boards. By concentrating such power, the Defendant No.1 will usurp all funds of the Pakistan Football Federation granted to it by FIFA and will continue to enjoy such illegal holding over the Football Federation while PFF continues to remain black listed by FIFA. It is submitted that the Defendant No.1 has no authority or power to initiate the election process as FIFA does not officially recognize him.
14. It should be noted that the election process requires the voting clubs to cast their votes at a district level in order to elect their president. In the present case, the Defendant No.1 is seeking votes from the fake/dummy clubs which he has set up as a façade for merely voting purposes and are clubs which only exist on paper. Such actions ooze malafide on part of the Defendant No.1
15. In lieu of the above, the instant call for elections is patently illegal, as the Defendant No. 1 is neither authorized nor empowered in any way or

manner by FIFA to conduct the said elections. The illegal faction is merely aiming to validate its illegal actions by conducting the elections, and in fact, the clubs who are invited to partake in the elections do not recognize this illegal faction as a legitimate body. That the Plaintiff's club, despite being registered with the relevant football associations, has not been invited to take part in the said elections in order to ensure that the Defendant No.1 wins the election and continues to stay in power.

16. Moreover, it is absolutely pivotal to note at this juncture that such elections are illegal and will not contribute anything to the welfare of football in Pakistan. That if the Defendant No.1 continues to illegally govern the Pakistan Football Federation, then it will continue to remain blacklisted by FIFA and will not be recognized internationally. No Pakistani football players will ever reach the international stage of football as they will be originating from a country which has been blacklisted and banned by FIFA due to its illegalities and violations of FIFA regulations. Hence, the entire election process will only be illegal and will not invoke any recognition from FIFA whatsoever.

17. That the FIFA Legal Handbook of 2021 i.e the Standing Orders of the Congress and the FIFA Statutes unequivocally state that the Member Associations obligations include full compliance with the statutes, regulations, directives and decisions of FIFA bodies. Vide letter dated 30.03.2021, FIFA directed the Defendant No.1 along with his illegal factions to hand over the FIFA House to the Normalization Committee or else Pakistan Football Federation would face suspension from FIFA. Upon such failure to hand over the FIFA House, the Pakistan Football Federation was subsequently suspended vide letter dated 07.04.2021.

A copy of the relevant provisions of the FIFA Legal Handbook are attached herewith and marked as annexure 'K'

18. Similarly, in line with Pakistan Football Federation's own constitution, article 90 of the same deals with the process of elections. That article 90(c) of the Pakistan Football Federation's constitution states that elections have to be completed by the 30th of April whereas in the instant case the elections

are still continuing. Moreover, article 90(d) of the PFF constitution states that the Provincial Football Associations shall recommend three suitable names to the Provincial Election Commissioners for the appointment of district conveners for election in each district football association. However, to the best of the Plaintiff's knowledge, no such Provincial Election Commissioners have been appointed and no such inclination has been manifested either on the world wide web or any of their respective websites. Even otherwise and without conceding, the Pakistan Football Federation's President has no power to convene such elections as he himself is holding the said office in utter violation of FIFA regulations and directives. It should further be noted that article 90 (f)(1) of the PFF Constitution clearly states that elections shall take place and be completed by 31st July of the election year and that the new body of PFF shall take office and start functions from September. In the instant case, the elections have not been completed and are still underway which further manifests the intent of the Defendant No.1 that he is flouting all laws of the PFF.

19. In lieu of the above, it is evident that the Defendant No.1 along with his illegal factions are trying their best to remain in power in order to continue deteriorating the state of football in Pakistan. Moreover, the Defendant No.1 is working tirelessly to conclude these elections so that he may appoint his blue-eyed individuals on the relevant provincial posts with an aim of usurping the funds awarded by FIFA. The entire football community has also appealed to the Prime Minister for restoring football in Pakistan. Despite holding the office illegally, the Defendant No.1 is going a step further and is signing contracts with international football players and companies to promote football in Pakistan. Upon such agreements and contracts, the Normalization Committee (Defendant No.4) has questioned the legality of all such ventures stating that the Defendant No.1 does not have the back of FIFA and without FIFA, no international players or contracts can happen.

Copy of football community's appeal to the Prime Minister and article dated 26.09.2021 published in 'THE NEWS' is attached herewith and marked as annexures 'L' and 'L-1'.

20. It is reiterated that the Defendant No.4 is the ONLY body recognized officially by FIFA in Pakistan for the purposes of football. The Defendant No.1 is not a recognized official in the eyes of FIFA and all his actions are thus void *ab initio*.
21. That the cause of action arose on 21.08.2021 when the Defendant No.1 circulated the Impugned Letters. It arose again when the election process entered its second stage on 20.09.2021. It arose again on 07.10.2021 when the Defendant No.2 extended the deadline for clubs and officials for verification purposes. The cause of action renews everyday as the Defendant No.1 has been illegally attempting to conclude elections for the Pakistan Football Federation.
22. That the Parties to the present Suit reside in Karachi and therefore, this Learned Court has jurisdiction to adjudicate upon the matter at hand.
23. That for the purpose of court fees and jurisdiction the instant Suit is valued at PKR 30 million and the requisite court fee is appended along with the Plaintiff.

PRAYER

In light of the foregoing, it is most respectfully prayed that this Honourable Court may be pleased to:

- i) Declare that the Impugned Election letters dated 21.08.2021 (Annexure B-1) and 07.10.2021 (Annexure B-2) as illegal, void, unauthorized, coram non judice and mala fide as well as in violation of Pakistan Football Federation's Constitution.
- ii) Declare that the Defendant No.1 and 2 neither have the legal right, authority or power to initiate elections nor they are empowered by FIFA to do the same.
- iii) Declare that the Normalization Committee (Defendant No.4) is the only recognized legal body by FIFA to conduct the football affairs of Pakistan.

- iv) Declare that the actions of the Defendant No.1 are in contravention of Pakistan Football Federation's Constitution and FIFA Statutes 2021 and have no legal status/consequence.
- v) Grant permanent injunction restraining the Defendant No.1 & 2, their agents, Officers, subordinates and/or any other person on their behalf from further acting upon or in pursuance of Impugned election letter dated 21.08.2021 and 07.10.2021.
- vi) Set aside/suspend/annul the operation of the Impugned Letters dated 21.08.2021 & 07.10.2021.
- vii) Any relief that this Court may deem fit and appropriate in the circumstances may also be granted.
- viii) Cost of the proceedings.

Karachi
Dated 10.11.2021

Plaintiff

Advocate for Plaintiff

Verification:

Verified at Karachi on this 10th day of November, 2021 on oath and solemnly affirm that the contents of above Paragraphs are correct to the best of my knowledge and those of Paragraphs are believed by me to be true on the basis of the information received.

DEPONENT

Documents filed : Annexures "A" to "L-1"

Documents relied upon : All the correspondence and other relevant documents in the custody and control of Plaintiffs and Defendants.

Address for service of the Plaintiffs : As given in the cause title.

Address of the Advocate for the Plaintiffs : **M/s Rasheed Razvi & Associates**
F-172/3, Block-5, Clifton, Karachi.

Drawn by me

(Advocate)