**Appointment and removal of CEC**

On **Aug 12, 2022** [Malik Muhammad Ashraf](https://nation.com.pk/authorpost/columnist/malik-muhammad-ashraf/)

The rule of law is considered a pivotal ingredient of peace, tranquillity and progress of society and the state. This comes through strict compliance with the constitution and the laws enacted by the parliament. Any deviation from the constitution and law leads to chaos and crisis inimical to national interests. One of the reasons why Pakistan has always remained crisis-ridden and politically unstable is the disrespect shown to the constitution and law by the ruling classes and the politicians who have always found it convenient to place their narrow political agendas above national interests. Unfortunately, there seems no hope of course correction as is evident from the present political confrontation between PTI and the PDM government. Although the PDM parties cannot be absolved of their share in the current crisis my considered view is that PTI, particularly Imran Khan shares the major blame for this imbroglio.
When he was in power, he took the political rivalry to the level of enmity and in disregard to the democratic norms failed to establish a working relationship with the opposition which is an indispensable imperative in running a democratic polity. He ruled through the promulgation of ordinances and showed an irresistible propensity to keep the opposition out of the loop on issues of national importance. The process of accountability that he took pride in, was a sham. But it is regrettable to note that Imran Khan instead of fighting his case constitutionally has relied on concocting false narratives and building a case for political agitation against them. He does not seem to care for any moral values and the constitution. He is responsible for the introduction of elements of violence in politics and spares no chance to incite the youth to violence. The campaign to malign, ridicule and degrade the Election Commission, particularly the flak directed at the person of the Chief Election Commissioner cannot be condoned.
For quite some time ECP has been targeted by PTI and the Chief Election Commissioner accused of connivance with PDM, a narrative whose falsehood has been adequately exposed and nullified by the results of by-elections in Punjab. The reason for targeting the Chief Election Commissioner was known to everybody. Imran knew in the heart of his heart the wrong committed by his party in collecting prohibited funds and anticipated a decision against his party. Therefore he chose to put pressure on the CEC either to get a favourable decision or force him to resign. The CEC deserves to be patted on his back for not succumbing to the blackmail and performing his duties in line with his constitutional role. Imran sees immediate elections as a solution to the present quagmire and is persisting with his demand for the removal of the Chief Election Commissioner contending that PTI would not go for elections under his supervision even though his party has contested by-elections in Punjab under the same Chief Election Commissioner and is also poised to contest nine NA seats in September. Is it not a contradiction of his narrative?
Now coming to the question of having the present Chief Election Commissioner (CEC) out of the way. The only way it is possible is if he resigns or is removed by the President on the recommendation of the Supreme Judicial Council of Pakistan in case it finds the Chief Election Commissioner incapable of performing his duties on grounds of ill-health or misconduct. Accordingly, a reference will have to be made to the Supreme Judicial Council (SJC) for the purpose. And in case he is found guilty of misconduct he will be removed.
However, for the appointment of a new Election commissioner, the process prescribed in Article 213 will have to be followed. It requires consultation between the Prime Minister and the leader of the opposition and forwards three names to the parliamentary committee for hearing and confirmation of any one of the recommendations persons. In case no consensus between the Prime Minister and the leader of the opposition, each shall forward a separate list to the parliamentary committee for confirmation of any one of the recommended persons. The parliamentary committee to be constituted by the Speaker of NA will comprise twelve members, six each from both parties recommended by the respective parliamentary leaders.
As is evident from the foregoing discussion, forgetting what he wants Imran will have to follow the constitutional path which is only possible when he sits in the assembly as opposition leader and holds consultations with the sitting Prime Minister and the members of his party are represented in the parliamentary committee as per the procedure laid down in the constitution both for removal and appointment of a new Chief Election Commissioner. Merely wishing for something is not enough. In matters regarding the resolution of political issues, it is imperative to traverse the constitutional path and engage in dialogue with the political rivals. The current stance of Imran Khan is quintessential of the English proverb which says ‘If wishes were horses, then beggars would ride. No doubt Imran is a popular leader in his own right, but it does not confer on him any right to flout the law and sow the seeds of discord in society. Hitler was perhaps the most popular leader in Europe before World War II, but he brought disaster and eternal shame to his nation through his policies.