

THE ROLE OF CONSTITUTIONAL TRANSFORMATIONS IN THE POLITICAL INSTITUTIONAL STRUGGLE IN THE ISLAMIC REPUBLIC OF PAKISTAN

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Abstract: *This article analyzes the formation, role, and significance of the phenomenon of "constitutional coups" in the context of inter-institutional political struggle during the early years of the independence of the Islamic Republic of Pakistan. The study examines the balance of power between civil government, the emerging military-bureaucratic elite, and the judicial system during the founding of statehood. It also reveals the weakness of early state institutions in the evolution of Pakistan's political system, the conflicts between the constituent assembly and the executive branch, and the early manifestations of manipulating constitutional norms to resolve crises, particularly the practice of unjustified dissolution of the government and parliament. The article provides a scientific assessment of the fundamental impact of "behind-the-scenes" games and legal decisions on the country's future political transformation during the period leading up to the first open military coup in 1958.*

Keywords: *Pakistan, political institutions, constitutional coup, governor-general, judiciary, military-bureaucratic elite, political crisis, soft coup, political transformation, Ghulam Muhammad, Constituent Assembly, A.K. Brohi, Muhammad Ali Bogra, bureaucracy, parliamentarism, power crisis.*

POKISTON ISLOM RESPUBLIKASIDAGI SIYOSIY INSTITUTLARARO KURASHDA KONSTITUTSIYAVIY TO‘NTARISHLAR ROLI

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Annotatsiya: Ushbu maqolada Pokiston Islom Respublikasi mustaqilligining dastlabki yillaridagi siyosiy institutlararo kurash sharoitida “konstitutsiyaviy to‘ntarishlar” fenomenining shakllanishi, o‘rni va ahamiyati tahlil qilinadi. Tadqiqotda davlatchilikning tamal toshini qo‘yish davridagi fuqarolik hukumati, shakllanayotgan harbiy-byurokratik elita va sud tizimi o‘rtasidagi hokimiyat balansi o‘rganilgan. Shuningdek, Pokiston siyosiy tizimi evolyutsiyasida dastlabki davlat institutlarining zaifligi, ta’sis majlisi va ijroiya hokimiyat o‘rtasidagi ziddiyatlar hamda inqirozlarni hal qilishda konstitutsiyaviy normalarni manipulyatsiya qilish, xususan hukumat va parlamentni asossiz tarqatish amaliyotining ilk ko‘rinishlarini ochib berilgan. Maqolada 1958-yilgi birinchi ochiq harbiy to‘ntarishgacha bo‘lgan davrdagi “parda orti” o‘yinlari va huquqiy qarorlarning mamlakat kelgusi siyosiy transformatsiyasiga ko‘rsatgan poydevorlik ta’siri ilmiy jihatdan baholangan.

Kalit so‘zlar: Pokiston, siyosiy institutlar, konstitutsiyaviy to‘ntarish, general-gubernator, sud hokimiyati, harbiy-byurokratik elita, siyosiy inqiroz, yumshoq to‘ntarish, siyosiy transformatsiya, G‘ulom Muhammad, Ta’sis Majlisi, A.K. Brohi, Muhammad Ali Bogra, byurokratiya, parlamentarizm, hokimiyat inqirozi.

РОЛЬ КОНСТИТУЦИОННЫХ ПЕРЕВОРОТ В МЕЖПОЛИТИЧЕСКОЙ БОРЬБЕ В ИСЛАМСКОЙ РЕСПУБЛИКЕ ПАКИСТАН.

Аннотация: В данной статье анализируются становление, место и значение феномена “конституционных переворотов” в условиях межинституциональной борьбы в первые годы независимости Исламской Республики Пакистан. В исследовании исследуется баланс власти между гражданским правительством, формирующейся военно-бюрократической элитой и судебной системой в период закладки фундамента государственности. Также в эволюции политической системы Пакистана раскрыты слабость ранних государственных институтов, противоречия между учредительным собранием и исполнительной властью, а также первые проявления манипулирования конституционными нормами при разрешении кризисов, в частности, практики необоснованного роспуска правительства и парламента. В статье дается научная оценка фундаментального влияния “закулисных” игр и правовых решений на дальнейшую политическую трансформацию страны в период до первого открытого военного переворота 1958 года.

Ключевые слова: *Пакистан, политические институты, конституционный переворот, генерал-губернатор, судебная власть, военно-бюрократическая элита, политический кризис, мягкий переворот, политическая трансформация, Гулям Мухаммад, Учредительное собрание, А. К. Брохи, Мухаммад Али Богра, бюрократия, парламентаризм, кризис власти.*

INTRODUCTION

In modern Oriental studies and comparative political science, the issues of the formation of state power institutions and their transformation during periods of crisis remain one of the most relevant research areas. In particular, the political history of the Islamic Republic of Pakistan, which is considered the strategic and nuclear center of the South Asian region, and the dynamics of the inter-institutional struggle in the early years (1947-1958) when its foundations of statehood were laid, deserve special scientific attention. Today, in the world, traditional methods of direct overthrow of power using armed forces and tanks are increasingly being replaced by hidden mechanisms – "soft" or "constitutional coups" (constitutional/soft coups) – masked as legal institutions, the judicial system, and constitutional manipulations. The first decade of Pakistan's independence served as a laboratory for such white-collar political technologies based on legal manipulation. Studying the patterns of this period is important not only for understanding the evolution of Pakistan's political system but also for understanding the pathology of the formation of hybrid regimes in transitional societies during the post-colonial period.

RESEARCH METHODOLOGY

Based on the historical-comparative and chronological method, the historical period from 1947 to 1958, that is, until the establishment of the first open military dictatorship in the country under the leadership of Ayub Khan, was studied in chronological order. During this period, the stages of the seven-fold change of government and the victory of the executive power over the parliament were compared. Through historical-comparative analysis, it has been scientifically proven how the "soft/constitutional" overthrow carried out through secret, judicial, and legislative means in the early years and its consequences later became the strategic foundation for the institutionalization of the military regime in the country.

Based on neoinstitutional analysis, the study examined political institutions not merely as a set of formal laws, but as "rules of the game" that determine the behavior of the political elite. Within the framework of neo-institutionalist methodology, the manipulation of the provisions of the 1947 Act on the Governance

of India (the interim constitution of Pakistan) and the first constitution of 1956 was studied. In particular, the processes of the dissolution of the government of Khoja Nazimuddin in 1953 and the Constituent Assembly in 1954 by Governor-General Ghulam Muhammad were analyzed as a mechanism for using "institutional traps" and legal loopholes.

Based on the systemic-functional approach, the political system of Pakistan in the first decade was studied as an integrated and complex macrosystem. Using this approach, the functional functions and interactions of the main micro-elements within the system were analyzed: the civil government (parliament and cabinet), the executive branch (governor-general and later the presidential apparatus), the judicial system (Supreme Court), and the emerging military-bureaucratic elite. This method served to reveal how the functional imbalance between the elements of the system and the disruption of the institutional balance created the institutional basis for "constitutional coups."

RESULTS

The Muslim League was responsible for the decline of politics and society after Pakistan gained independence and had to be held accountable for failing to live up to the people's expectations. The level of disillusionment in the opposition increased, and the use of repressive laws inherited from the United Kingdom or adopted by Pakistan, including provisions prohibiting preventive detention and gatherings of more than five people, intensified.

Conflict between politicians and the military also escalated from the early years of Pakistan's independence. The armed forces also posed a threat to the Liaquat government, which was less hostile to India than some officers would have liked. In March 1951, Chief of the General Staff Major General Muhammad Akbar Khan, along with fourteen other officers, was arrested on charges of attempting a coup d'état. The authors of what became known as the Rawalpindi conspiracy were secretly tried, found guilty, and sentenced to imprisonment.

Nevertheless, during the reign of Liaquat Ali Khan, the "Goals" resolution was adopted in March 1949. This resolution served as a preamble for the country's main law – the constitutions – which were subsequently adopted and amended in 1956, 1962, and 1973. This law also plays an important role in the formation of Pakistan as an Islamic state and the Islamization of Pakistani society. After all, in this resolution it was established that ..."the sovereignty over the whole world belongs to Allah alone..." This subsequently led to the adoption of laws in Pakistan based on the Islamic religion.

In the same year, the "Talimati Islomiya" commission, consisting of scholars, was appointed to advise on issues arising from the decision of the "Goals" resolution. However, the Council's recommendations were often rejected because they were not practical .

The declaration also stipulated that ..."Muslims should have the opportunity to regulate their lives in the personal and collective spheres in accordance with the teachings and requirements of Islam specified in the Holy Quran and the Sunnah..." These rules laid the foundation not only for the Islamization of state administration but also for the Islamization of society.

Following the adoption of the resolution, the Constituent Assembly established a Special Committee to develop the core principles of the future constitution. This Committee submitted two reports in 1950 and 1952, but both of them caused serious objections in different parts of the country. In 1953, the "Bogra Formula," proposed by then-Prime Minister Muhammad Ali Baghra, was relatively well-received and adopted by the Constituent Assembly in October 1954. On 1 October 1954, the Boğra Constituent Assembly announced that it would complete the constitution by December, and this statement was repeated again on 23 October. However, unexpectedly, a day later, the Constituent Assembly was dissolved by the Governor-General.

Following M. A. Jinnah, he played an important role in the Indian Liberation Movement and was the Chief Minister of East Bengal until Jinnah's death. Nazimuddin assumed the post of Governor-General. In an effort to control internal political instability in the provinces, Liaquat Ali Khan introduced the PRODA (Public and Representative Offices Disqualification Act) in January 1949. According to this law, lawsuits for the abuse of power by politicians could be initiated on behalf of the governor-general or the governor. Those found guilty could be suspended from public office for up to 10 years. This law became an effective tool in curbing the unrest and significantly influenced subsequent political processes¹.

On 16 October 1951, Liaquat Ali Khan was assassinated during a public meeting in Rawalpindi. After Liaquat's death, the Governor-General Nazimuddin Malik was encouraged by Ghulam Muhammad and other influential figures to take the post of Prime Minister, resulting in Ghulam Muhammad becoming Governor-General. Subsequent events showed that Ghulam Muhammad played a decisive role in the country's political life. The Governor-General, who did not follow parliamentary traditions and procedures, attempted to overthrow Nazimuddin's

ص - ۱۹۹۷، پبلیکیشنز کوشاں : آباد فیصل - . الی رحمت فام سیاہ اور مطلع میں پاکستان . کسانو احمد نصر. ۱۴۲¹

government in 1953 due to the unrest in the Punjab. Following the imposition of martial law in Lahore, Ghulam Muhammad resigned, blaming the Nazimuddin government for food shortages, its inability to solve economic problems, and its inability to maintain public order.

Following this, Ghulam Mohammad appointed Mohammad Ali Baghra, who was serving as Pakistan's ambassador to the United States and was not even a member of the Constituent Assembly, as Prime Minister. Muhammad Ali Baghra lacked sufficient political experience and, as an outsider to the party's internal processes, lacked real control over the Muslim League and its parliamentary faction. At the same time, Malik Ghulam Muhammad effectively acquired the same broad powers as under Muhammad Ali Jinnah. Although the Constituent Assembly approved the new appointments made by the Governor-General, some of its members were dissatisfied with the resignation of the previous government. At the same time, there was growing dissatisfaction with the arbitrary use of powers by the Governor-General².

Former Prime Minister Kh. Nazimuddin also formed a strong opposition group within the Constituent Assembly in collaboration with Fazlul Rahman. As a result, the conflict between the Governor-General and the deputies of the Muslim League intensified. The Constituent Assembly proceeded to pass a law amending a number of articles of the India Administration Act 1935. The main purpose of these changes was to strengthen the sovereignty of the Constituent Assembly and strengthen control over the government.

On September 20, 1954, the bill was introduced by the Minister of Justice, A. K. Brohy, and was hastily adopted on September 21, while the Governor-General was abroad. Simultaneously, the Constituent Assembly passed another law, which had been under consideration since 1951 and provided for the repeal of the PRODA law. As a result, the Governor-General lost the primary means of pressure he had used against politicians.

In accordance with the new laws:

- the Governor-General was now obliged to appoint as Prime Minister only the person supported by the majority in the Constituent Assembly;
 - he had to follow the advice of the ministers;
 - Ministers could only be appointed from among members of parliament;
- The government became collectively accountable to the Constituent Assembly.

² Abdulmuminov A. Pakistan's Partition: Search for National Identity. // Journal of Research at Minnesota State University. – Mankato, 2015. №15. – P. 14.

These changes were of great importance in terms of strengthening the parliamentary system³.

But in the situation of the early 1950s, it was difficult to expect respect for the constitution from the military establishment. For this reason, despite the abolition of PRODA, Ghulam Mohammad did not want to accept the limitation of his powers. He was particularly concerned that the Constituent Assembly would adopt a final constitution on 25 December 1954, reducing the post of governor-general to a symbolic one. As a result, the Governor-General and his supporters perceived the actions of the Constituent Assembly as a political conspiracy against them and developed a plan to dissolve it.

This opportunity came with the defeat of the Muslim League in the East Bengal elections of 1954. This situation called into question the representative nature of the Constituent Assembly. Taking advantage of the opportunity, Ghulam Muhammad managed to dissolve the Constituent Assembly within a short period.

DISCUSSION

On 24 October 1954, he officially announced the dissolution of the Constituent Assembly. A new government was formed, in which the position of Minister of Defense was given to the current army commander Ayub Khan. This showed that the military supported this decision. In addition, censorship of the press was introduced, public assemblies were banned, and the building of the Constituent Assembly was closed by the police. Thus, the process of constitutional development in the history of Pakistan was abruptly halted.

The role of Islam in the governance of the country was accepted as the main ideology even during the time of politicians such as Khoja Nazimuddin, Muhammad Ali Baghra, and Chaudry Muhammad Ali, who served as Prime Ministers after Liaqat Ali Khan. The country's first constitution, adopted in 1956, also demonstrates the inability to imagine a country without Islam. In particular, its introductory part ... "In the name of God, the Merciful, the Merciful. The dominion over the whole world belongs to him. Pakistan declares that it will be a democratic state based on the principles of Islamic social justice..." can show the importance of Islam in the process of state formation⁴.

Just as Islam was used as an ideological force against Pakistan's external threat, India, it was also used to solve internal problems, up to and including the unification of a divided nation. The most important task facing Pakistan's political and military elite was to unite the disintegrating state. Its foundation was the

³ Lodhi M. Pakistan beyond the “Crisis State”. – Karachi: Columbia University Press, 2011. – P. 301.

⁴ M.R. Kazimi. A Concise History of Pakistan. – Karachi: Oxford University Press, 2019. – P. 119.

systematic promotion of Islamic ideology, despite the secular principles of the state, which was acceptable to many.

In his autobiography, Ayub Khan describes in detail the need of nations for ideology, stating: "They will possess immense strength of unity and resistance. Such a society can be bent, but it cannot be destroyed... In our country, such an ideology is undoubtedly Islam. That's why we fought for Pakistan."⁵

Also, the implementation of this idea was reflected in the field of education. According to him, the history of Pakistan was now the peak reached by Muslims after the arrival of Islam in the subcontinent. This reinforced the Indian perception of hostility and intolerance toward Muslims, as reflected in Ayub Khan's personal biography.

CONCLUSION

The lack of a stable and balanced political system in the first decade of Pakistan's statehood, in particular, the pursuit of absolute supremacy of the executive over the legislature, as well as the ideological weakness of political parties and inter-factional conflicts within parliament, deepened the crisis of civilian governments and created a favorable institutional environment for "constitutional coups" in the country.

As practical proof of this, the unjustified dissolution of the government of Khoja Nazimuddin in 1953 and the Constituent Assembly in 1954 by Governor-General Ghulam Muhammad legitimized the first classic model of a "soft coup" carried out without the involvement of armed forces, purely through subjective interpretation and bureaucratic manipulations of the 1947 Act of Government of India. These chaotic parliamentary games and chronic government crises of the early years accelerated the institutionalization of the military-bureaucratic apparatus (establishment) as the only organized and stable force behind the scenes, and the tradition of covert overthrow until 1958 made the establishment of the first open military dictatorship, led by Ayub Khan, logical and inevitable, which determined the future of the country.

As a result, the practice of "constitutional coups" in 1947–1958 became the genetic code of Pakistan's political system, creating a unique systemic pathology that hindered the formation of strong democratic institutions and paved the way for the establishment of a hybrid regime model that still influences the country's governance today.

⁵ Talbot I. Pakistan: a modern history. – New York: St. Martin's Press, 1998. – P. 251.

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