

Question: Critically analyze the constitutional crisis initiated by Governor-General Ghulam Muhammad, its validation by federal judiciary, and its enduring impacts on Pak's democratic trajectory

Ans :

After the independence of Pakistan (1947), it was under the "Indian Constitution Act, 1935". But later the constituent assembly was responsible for the formation of Pakistan's first constitution in 1954. While it was not in force yet. On October 1954, Governor General Ghulam Muhammad dissolved the constitutional assemblies. He ~~was~~ feared that his power would be challenged. As according to the article ⁷² of 1954 constitution, power was divided between federal centre and provinces. The parliamentary system was introduced in which head of the state was president and head of the government was prime minister. The major power was in hand of PM.

Leading

After the dissolution act by governor-general Ghulam Muhammad, Ch. Tamizudin who was speaker of assembly at that time challenged

his decision. The Sindh high court gave verdict against Ghulam Muhammad and declared this act as illegal. But later, the federal court denied the verdict and introduce the new policy "Doctrine of Necessity" which legalize extra-constitutional acts.

Doctrine of Necessity:

It was considered as any act would be allowed if it's for national interest even if it is against the constitution of Pakistan. It's validation by federal judiciary bring a lot of problems for Pakistan's Government system.

Outcomes of Validation:

The following impacts were made by the validation of Judicial System.

(i) Limited power to National Assembly:

The role of national assembly was challenged. As anyone can easily dissolved the assembly.

(ii) Power to military by Judiciary:

Military intervention in governmental affairs was a new challenge at that time which limit the sole of judicial system and other institutions.

(iii) Democracy was harmed:

The validation of the act harmed the foundation of democracy. Any action which contradicted the interests of political and militant goals, would be dismissed.

(iv) Civil-Military Relations:

Civil-military relations was harmed badly. The independence challenges faced new turn over. Military involvements started its foundation at that time. It further paved the way out.

(v) Foundation of Martial law:

That dissolution paved the ways for imposition of martial laws such as (1957, 1977, 1999).

Critics:-

The criticism by the public was shown. It was considered as;

- o The military coups was present in civil clothes.
- o The democracy of the state was harmed.
- o Civil-military trust was shaken.
- o The parliament and Judiciary left with limited role.

- o Delay in constitution

Conclusion:

The dissolution act of 1954 constitution badly impact on the foundation of the democracy. That showed the weak institutions and poor governance strategies. That action still has it's affect on current democratic system of Pakistan. Such problems can only be solved by following actions.

- Strong Institutional Structures
- Independent Judiciary.
- Minimize political unrest
- Good Governance
- Civil Awareness and Education
- Implementation of Constitution in true sense.
- Respect for Decision-making bodies

ANSWER IS TOO SHORT FOR 20 MARKS

NEED IMPROVEMENT

AVOID SUCH QUESTIONS IN EXAMS

8/20