

## **Constitutional crisis in Pakistan and international conspiracy in the context of diplomatic relations of America**

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### **Abstract**

The Constitution of Pakistan has been repeatedly broken by military regimes. The notion of necessity was a driving force behind every violation of the Constitution of Pakistan by military regimes. On April 3, 2022, however, a civilian man named Prime Minister of Pakistan Imran Ahmad Khan violated the Constitution of Pakistan. The Constitution was not repealed because it was unavoidable, but because of an outside plot. The Constitution of Pakistan was upheld by the country's highest court. However, the accusations made in the American conspiracy letter against Pakistan's Constitution were unfounded. As a Pakistani, I felt the impacts of this groundless international conspiracy claim. The impact on international relations as well as the reasons for the abrogation of the Constitution will be explored in this study.

**Keywords:** Constitutional Crisis, International conspiracy, Diplomatic relation, Constitutional abrogation

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### **1. Introduction**

Because we are a sovereign nation, we will not allow any other country to interfere in any way with our internal affairs. Likewise, no other country will be allowed to do so. Any country that does not strictly adhere to its constitution, which is the highest law of that country given that the constitution is the supreme law, will find it difficult to maintain its sovereignty and continue to exist. Any country that does not properly abide by its set constitution will find it difficult to maintain its sovereignty and continue to exist. Each institution is granted a separate realm of authority under the Constitution, which is further detailed

therein. Any institution or organization cannot take actions that are outside the scope of its authority. In the course of Pakistan's history, the country's national Constitution has been repealed more than once, and each time, the idea of necessity has been used to support the decision. (Braibanti 1965)The Constitution was abrogated many times from 1947 to 2022(Khan 2001). First martial law imposed by Iskandar Mirza On October 7, 1958(Lambert 1959). General Yahyah Khan violated the Constitution for the 2nd time on March 24, 1969, under the doctrine of necessity(Pardesi 1969)

Similarly, General Zia-ul-Haq abrogated the Constitution on July 5, 1977 (Dr . Mian Saeed Ahmad, 2022), and General Pervez Musharraf abrogate the constitution of Pakistan 1973, on October 12, 1999, claiming the law of necessity. This explanation was supported by the necessity for quick action in the given circumstance. Imran Ahmed Khan Niazi can be nominated to be Pakistan's prime minister, speaker of the national assembly, and deputy speaker of the national assembly on April 3, 2022, by any civilian who is charged with violating the country's constitution. Nominations were accepted for these positions. This particular incident was the very first occurrence of its kind in the entire period of Pakistani Constitutional history. A constitutionally illegal plot was not carried out in line with the dictates of the law of necessity; rather, it was based on a letter of conspiracy obtained from the United States. There is a big distinction between abrogation of the Constitution out of necessity and abrogation of the Constitution by making someone else the offender get away with breaking the law. It is crucial to make this distinction since it has a substantial legal impact. There may be more significant repercussions from violating the Constitution by blaming another nation than from doing so by making a justification based on the need of the activity. Although it is exceedingly implausible, this is something that is both possible and possible.

## **2. Historical background of the Constitutional crisis**

In Pakistan, the effort to topple the government was supported by every party

that was opposed to the current administration. The numerous political groups that are opposed to the government led by Pakistan's current Prime Minister, Imran Ahmed Khan Niazi, have banded together to create a coalition that they refer to as the PDM to bring down Niazi's administration. As a direct consequence of this development, Imran Ahmed Khan Niazi's party was unable to garner the required support to establish a government with a simple majority of seats.

To establish a government, the Pakistan Tehreek-e-Insaf (PTI), which is headed by Imran Ahmed Khan Niazi and was founded on August 18, 2018, allied with the other parties. During its term in office, the administration of Imran Ahmed Khan Niazi faced a wide range of obstacles and difficulties. The value of one dollar increased during this period, while the value of one rupee decreased during this period. The pattern persisted through the end of this period. As a direct consequence of the country's ballooning total external debt, the rate of inflation shot upward, reaching an amazing 118,000 US Million dollars. (United Nations Department of Economic and Social Affairs 2022). During its tenure in power, the Imran Ahmed Khan administration was unable to create any new employment opportunities. Due to the state of the economy in this nation, even the International Monetary Fund was compelled to take out a loan to maintain its operations. One of the factors that led to the failure of the Imran Ahmed Khan administration was the rise in the global cost of living index, or covid for short. Corruption within the government was another factor that led to

the administration's downfall. Pakistan was able to succumb to it and become a victim as a direct result of all of the reasons that went into its growth. By Article 95 of Pakistan's 1973 Constitution, the People's Democratic Movement (PDM) presented a resolution of no confidence in the leadership of Pakistani Prime Minister Imran Ahmed Khan Niazi on March 8, 2022. (Iqbal et al. 2023)(Mahmood 1969). The proceedings were officially started on March 27 by the Speaker, who was also responsible for scheduling a meeting. The Policy Development Meeting (PDM) was successful since it was able to finish all the resolutions that were required for distribution.

The remaining of them worked for organizations that were PTI partners, and some of them were PTI members whose morality was in question. Imran Ahmed Khan Niazi, who was Pakistan's acting Prime Minister at the time, had 177 votes at one stage in favor of the People's Democratic Movement (PDM) passing a resolution of no confidence against him. This happened while the PDM was receiving this help. The national parliament reconvened on April 3, 2022, to consider the motion of no confidence in the administration. The goal of the meeting was to conduct the motion vote. It was Mr. Qasim Khan Suri's responsibility to preside over the meeting and serve as its moderator. He is currently the Deputy Speaker of the Pakistani National Assembly. He referred to a letter that Pakistan's Minister of Law, Fawad Chaudhry, had sent rather than calling for a vote on a resolution of no confidence in the administration. In the letter, Chaudhry said that the vote of no

confidence that Mr. Speaker had asked for was founded on a global conspiracy to topple the Pakistani government that is currently in power. He also requested a ruling on the conspiracy letter that the law minister had connected to the United States of America while reciting Article Five of Pakistan's 1973 Constitution. In 1973, Article Five was drafted. These two occurrences took place concurrently. The Pakistani Democratic Movement (PDM) has allegedly sponsored a resolution to overhaul the rule of law in Pakistan based on a plan that incorporates the United States of America, according to assertions made by Mr. Fawad Chaudhry, Pakistan's Minister of Law. In Pakistan's National Assembly, the proposition was made. The speaker of these words was Mr. Chaudhry. (Rahman 1973)

After hearing this, (Reayat et al. 2021)The Speaker rejected the motion of no confidence citing Article 5 Constitution of Pakistan 1973 (“Article 5 the Constitution of Pakistan 1973 - Google Search” n.d.). The Chief Justice of the Supreme Court took suo moto notice of this unconstitutional ruling (“Suo Moto Case No.1 of 2022 - Google Search” n.d.). The case was heard by a five-judge panel that the Chief Justice of Pakistan has put up specifically to hear and decide situations like this one. The Supreme Court took four days to consider whether to rule the punishment unconstitutional; during this time, all parties involved had the chance to present their arguments. The legal validity of Article Five of Pakistan's 1973 constitution, which served as the basis for the Speaker's decision, was also examined after exhaustively studying and evaluating every component of this conspiratorial letter.

The Speaker's conclusion was built on the principles of this article. The Supreme Court determined that the Speaker's judgment should be overturned and substituted with its own after taking into account all pertinent factual data and legal factors. The letter that was said to be associated with a plot against the United States of America was likewise a forgery. When the matter was taken to the Supreme Court for review, the Speaker's decision was overturned, and a vote on the motion of no confidence was mandated as a result. (Speaker et al. 2022). At a meeting that was called by the Speaker on April 9, 2022, to comply with an order that had been issued by the Supreme Court, a vote of no confidence was put to a vote. The Speaker of the House started engaging in activities that would lengthen the process to postpone a vote on the resolution of no confidence that had been brought forward. When it came time to swear loyalty during the cycle of allegiance, the Speaker of the National Assembly, Mr. Asad Qaiser, did not want to cast a vote against the Prime Minister of Pakistan, Imran Khan. He stated his reasons for this in the following sentence. Despite this, there was also the decision that had been made by the Supreme Court of Pakistan that needed to be taken into consideration. As a result of the resignation of Mr. Asad Qaiser, the speaker of the National Assembly, Mr. Sardar Ayaz was given the responsibility of presiding over the session of the National Assembly and voting on a motion. Over the previous year, Mr. Asad Qaiser presided over the National Assembly in the role of speaker. The stressful situation was ultimately calmed

down and resolved after being brought under control.

### **3. Consequences of Abrogation of the Constitution**

There have been multiple instances of military rulers in Pakistan overturning the country's constitution. On April 3, 2022, a citizen was the one to officially abolish the Constitution for the first time. Both the individuals who live in the country and the country itself have no status in the absence of a constitution. The law and the Constitution both have to take precedence. The idea of necessity was frequently employed by military dictators as a justification for their subversion of the Constitution. That Mr. Imran Ahmed Khan Niazi's government overturned the Constitution using a conspiracy letter that was connected to the Assistant Secretary of State for South and Central Asian Affairs as the basis for their action ("Ani! Updated: March 31, 2022, 09:37 Ist - Google Search" n.d.) A more perilous scenario would result from abrogating the Constitution in this manner.

### **4. General perceptions What were the reasons why Imran Khan's government did this?**

1. In light of the contents of this letter, Imran Khan made an effort to maintain control of his government.
2. By criticizing the United States in a speech, Imran Khan wanted to gain an edge over his rivals in the upcoming election.
3. He intended to plant the seeds of dishonesty in the minds and hearts of the

populace to gain an advantage in the approaching elections. He took this action to benefit himself.

4. He wanted to make a statement to cover up the incompetence and mistakes of his government. In his effort to run for office in the upcoming elections, Imran Khan was only able to issue a statement.

5. Imran Khan is well-versed in the mindset of the populace as a whole, and he intended to share his perspective on how such an election should be run. The letter was written to serve as an international statement, and Imran Khan intended to use it to accuse the United States of conspiring against his administration.

### **5. Conspiratorial Letter and facts**

On March 7th, the first report of the Constitution was made based on the Letter that Mr. Imran Ahmed Khan Niazi's government used to abrogate the Constitution. This report was based on the letter that Mr. Imran Ahmed Khan Niazi's government utilized. The letter that Mr. Imran Ahmed Khan Niazi's government used to breach the Constitution served as the basis for this report's findings and conclusions. In response to a request from the government headed by Mr. Imran Ahmed Khan Niazi, the letter has been sent to the National Security Council so that it can be reviewed. But the National Security Council was unable to produce any proof to back up the theory that there was a plan against the country. The letter did not provide any evidence of a foreign plot to overthrow the current administration in Pakistan, and the contents of the letter did

not present any evidence of such a scheme either. There is nothing in the minutes of the meeting of the National Security Council that makes it abundantly evident that this is some kind of plot that was hatched by an outside party. The United States of America has categorically rejected any involvement in either the conspiracy or the letter, as well as any accusation to the contrary. The United States has also categorically denied any role in any attempt to disprove their denial.

("https://www.aninews.in/News/World/Asia/Us-Denies-Sending-Conspiracy-Letter - Google Search" n.d.). In addition, a copy of the minutes from the National Security Council was given to Pakistan's top court, the Supreme Court of Pakistan. The Supreme Court of Pakistan is Pakistan's highest court. The highest court in Pakistan came to the judgment that it was impossible to prove beyond a reasonable doubt either the existence of a global conspiracy or the availability of unambiguous proof that the letter was real. This was one of the reasons that the court came to this result. The verdict that was handed down by the court came to this result.

Is it not detrimental to Pakistan's sovereignty that an unreasonable and unfounded letter is being aired around the world to convince everyone how weak we are on the inside? The contents of the letter are as stated above. Why would you say that if it's the case? How much of an effect does it have on the day-to-day functioning of our national government when elements that originate from outside of our nation are at play? Is there a common belief among people in other parts of the world that the

government of this country serves the political agendas of organizations like these? Because of this, Pakistan's ability to maintain the integrity of its territory is placed in a substantial amount of peril. In light of the allegedly conspiratorial letter that the Speaker of the National Assembly had submitted in conformity with Article 5, the Attorney General of Pakistan denied the opportunity to defend this letter in front of Pakistan's Supreme Court. This decision was made because the Speaker of the National Assembly had submitted the letter. When it came time to choose how to proceed with this matter, the fact that the letter had been handed off to the Speaker of the National Assembly was taken into consideration. Based on such a letter, the Constitution of Pakistan was transformed into a showpiece, even though it had not been confirmed and authenticated by any Pakistani institution that has the requisite competence. This was done even though the letter itself had not been confirmed and authenticated by any Pakistani institution. Even though it had been polished up into a showpiece, this was nonetheless carried out. This was carried out even though it had been enhanced so that it might be used as a showpiece. (Speaker et al. 2022).

## **6. Diplomatic consequences**

The degree to which an individual is respected and proud of themselves is not affected in any way by their decision regarding whether or not they choose to disregard the truth; this is the case regardless of the person's decision. It is a fact that cannot be denied that our nation is regarded as a developing nation; this is a status that

we currently hold. There is no getting around the undeniable truth that our nation is consistently ranked among the poorest in the world. In addition, the fact that our exports to the United States bring in around nine to ten million dollars annually cannot be ignored since it is a fact that cannot be denied and cannot be challenged. This is an incontestable reality. This is a number that just cannot be ignored in any way, and there is no way around that fact. We are not in a position to impose any economic repercussions on ourselves, nor do we have the financial wherewithal to do so even if we wanted to. Moreover, we are not in a position to impose any economic consequences on anyone else. This is because we are unable to impose any kind of economic repercussions on ourselves at this time. Because we cannot do so, we are also unable to impose any kind of economic sanctions on third parties. As a direct result of hearing about what went happening, people all over the world are now more reluctant than they have ever been to create diplomatic ties with Pakistan. This is a significant change from the past when they were more willing to do so. This degree of resistance has never been seen before.1. Is Pakistan in a position to spoil diplomatic relations?

2. Is Pakistan in a position where it has a valid cause to be apprehensive of the diplomatic contacts that it continues to sustain, and if so, what are those causes?

3. Is it possible that Pakistan would endure the same type of market loss as the United States, which may amount to ten million dollars in total?

Should Pakistan have made such a claim to keep up appearances before the international community without first ascertaining whether or not the letter in question was authentic?

5. If this is the plan that we decide to put into action, would the other nations of the globe engage in diplomacy alongside us? When we talk to ambassadors, will we be able to have open and honest conversations? Should we spread such opinions without first determining whether or not they serve both our self-interest and the political goals that our organization has set for itself? if I may pose the question.

7. Given the evidence presented thus far, does it make sound financial sense for Pakistan to maintain its current level of poor diplomatic ties on an international scale?

In Pakistan, a man's inflated sense of self-importance and his intransigence lead to the subversion of the Constitution of Pakistan, which in turn gives Pakistan a terrible name across the globe. The man's actions have resulted in this consequence. After that, he drafted a letter based on it, and he used that letter to nullify the Constitution, even though the Constitution did not ratify the letter. This was done even though the letter was not ratified by the Constitution. To achieve a variety of personal and political aims, the Constitution of Pakistan was ripped to shreds and thrown away.

## **8. Discussion**

The Constitution has a horrible track record when it comes to repealing clauses. In the name of the so-called "law of necessity," despots and other strong people throughout history have been known to violate the

Constitution for political goals. Pakistan is suffering through a constitutional, political, and financial crisis, all of which are interconnected because of the country's inability to maintain constitutional stability. No one has admitted fault for the breach of the Constitution, and no one has the authority to hold the accused of such a violation accountable for their actions from the time of the violation until the present. The question of who violated the Constitution and who should pay the consequences for doing so is still being disputed in the legal system, both in civil processes and in court cases related to the topic at hand. This dialogue is connected to the material just discussed. Possible resolutions to these issues may be found in impending judicial decisions.

## **9. Conclusion**

Qasim Soori, the Deputy Speaker of the National Assembly, released a statement to the press that "I have an ancient relationship with Imran Khan." Every citizen, however, while taking an oath, makes a solemn commitment to live by the Constitution and the rule of law. But the Constitution's preeminence cannot be preserved if we fail to prioritize the rule of law and the Constitution over our individual and collective interests. This is because we will not comply with the Constitution unless compelled to do so. If you care about Pakistan's continued existence and growth, you must uphold the Constitution and the law as supreme, and you must refrain from actions that could be harmful to Pakistan's economy and its citizens' sense of pride in their nation.

Working with every nation, whether it's the United States or someone else, is essential for Pakistan's development; as a Pakistani, you should be willing to make reasonable efforts in diplomatic relations and the rest of the commercial connections and everything else that matters. Each entity's authority can only be exercised within the bounds set by the Constitution for it. To serve the public good, one must sacrifice one's personal goals.

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