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Authoritarian Clientelism: Post-Martial Law Rule

The introduction of the 1962 constitution was a planned disengagement of the military from power and a careful transition to civilian rule by political and constitutional engineering, a careful tailoring of the political institutions and processes, and a co-option of a section of the political elite. The new political and constitutional arrangements reflected the military’s organizational ethos of hierarchy, order and discipline and attempted to regulate political activity; the democratic and participatory considerations were assigned a low priority. The continuity of key personnel and policies from military rule was more conspicuous than the change. The highly centralized political system with concentration of powers in the President established a patron–client relationship between the President on the one hand, and other institutions of the state and the political forces on the other. The authoritarian patron created clients rather than partners in political management.

The Ayubian Political Order

The executive authority of the state was vested in the President, who could exercise it directly or through the officers subordinate to him.¹ Once elected indirectly by an electoral college comprising the elected BD members for a five-year term, the President could exercise substantial powers in respect of administration, law-making, policy execution and key appointments, enabling him to determine the nature and direction of governance at the federal and provincial levels. He appointed members of his cabinet who held office during his pleasure and were not answerable to the federal legislature, i.e. the National Assembly.² He was also empowered to make several other key civil and judicial appointments. As the Supreme Commander, the President could raise and maintain the armed forces and their reserve, grant commissions in these services and appoint their C-in-Cs and determine their terms and conditions.³ He could declare war or make peace without reference to the National Assembly. He had the power to legislate through
ordinances which needed the approval of the National Assembly if these were to stay effective after a prescribed period, although there was nothing to stop the President from reissuing the ordinance.

The unicameral National Assembly, whose 156 members\(^4\) were divided equally between East and West Pakistan, were elected indirectly by the same electoral college that elected the President. As long as the National Assembly worked in harmony with the President it could exercise sufficient powers for law-making and amendments in the constitution. If the two diverged, the President had enough powers to restrain the National Assembly. It enjoyed much less financial powers than its predecessor body under the 1956 constitution.\(^5\) The National Assembly could vote only on the ‘New Expenditure’; the ‘Recurring Expenditure’ could be discussed but not voted upon.\(^6\) The latter included expenditure which was required from year to year for some multi-year project. In the first year, such an expenditure would fall in the category of ‘New Expenditure’. If the National Assembly passed the expenditure for the first year of a multi-year project, it was deemed to have passed the expenditure for the subsequent years. In this way, the President did not need annual approval for a large part of the budget. The practice of dividing the budget into votable and non-votable portions resembled the British Indian practice during 1921–4\(^7\) and showed Ayub’s distrust of the elected legislature. The President acquired dictatorial powers by declaring a state of emergency in the country which he alone was competent to impose and withdraw.\(^8\) Ayub Khan invoked this power in September 1965 on the outbreak of the Indo-Pakistan war and did not lift the emergency until February 1969.

The centre’s overriding legislative, administrative and financial powers left little autonomy to the provinces. The provincial Governor was a nominee of the President who appointed his cabinet members with the consent of the President. He enjoyed vast executive and legislative powers, modelled on the President in the centre, and could carry on administration effectively even when he developed differences with the Provincial Assembly. Originally, the Fundamental Rights were incorporated in the constitution as the Principles of Law-Making to serve as guidelines to the law-makers, but, the legislative measures or executive actions could not be challenged in the court of law on the basis of these principles. This caused much furore in political circles and the government had to initiate the first amendment to the constitution in 1963 to change the title of the Principles of Law-Making to Fundamental Rights and to make these enforceable through the courts.

The strong presidency was bolstered by assigning an important place to the bureaucracy in the Ayubian political system. The marriage of convenience that developed between the bureaucracy and the military regime during the martial law period continued in the post-withdrawal period. The bureaucracy was the main beneficiary of the government’s decision to expand its role in socio-economic development. The key positions in 22