

Conflict between Pakistan's Supreme Court and government intensifies

Sampath Perera
28 July 2012

The deep political crisis in Pakistan continues after the government refused to bow to a Supreme Court order to reopen a corruption investigation into President Asif Ali Zardari. Prime Minister Raja Pervez Ashraf faces the prospect of contempt of court charges and his removal, as occurred to his predecessor Yousuf Raza Gilani just a month ago.

The government told the court on Tuesday that its order was “not implementable” because the president had immunity from prosecution. The Supreme Court insists, however, that Zardari no longer has immunity and it has ordered Ashraf to write a letter requesting that Swiss authorities reopen a corruption case against the Pakistani president dating back to the 1990s.

The deadline on the court order was Wednesday but the lead judge, Asif Saeed Khosa, extended it to August 8. Attorney General Irfan Qadir, who appeared for the government, alleged that Khosa was biased against the president and called on him to recuse himself. The judge rejected this demand.

The government has attempted to neutralise the court order by hurriedly passing a Contempt of Court Bill that exempts “holders of public office” from contempt of court in “exercise of powers and performance”. The legislation is being challenged in the Supreme Court where judges have already indicated that they considered the bill unconstitutional.

The legal battle over the issue of immunity stems from the crisis that forced the resignation of military strongman General Pervez Musharraf in 2008. Under pressure from Washington, Musharraf had signed the National Reconciliation Ordinance (NRO) into law in

2007, granting Zardari, his wife Benazir Bhutto, and others immunity from prosecution for alleged crimes committed between 1986 and 1999.

The NRO was designed to allow Bhutto to return from exile, paving the way for her Pakistan People's Party (PPP) to take power. After her assassination, Zardari won the presidency in elections in 2008.

Zardari's popularity quickly collapsed as opposition grew to his government's support for the US-led occupation of Afghanistan and its implementation of International Monetary Fund demands for higher taxes on low and average income groups, privatisations and other pro-market reforms. There are growing protests and strikes over poverty-level wages, power black-outs and the lack of basic services, as well as against the Afghan war.

The Supreme Court under Chief Justice Iftikhar Muhammad Chaudhry has become the focus for political opposition to the government from sections of the upper middle classes. Under Musharraf, Chaudhry regularly rubberstamped the decisions of the military junta and only came into conflict with the regime as it was breaking up. Musharraf's removal of Chaudhry provoked significant protests by lawyers and their supporters.

At the end of 2009, the Supreme Court overturned the NRO, setting the stage for the current legal battles. The transformation of Chaudhry from a trusted handraiser for the military junta to a champion of the constitution has nothing to do with defending the democratic rights of the masses. Rather, amid a worsening economic crisis, it reflects the frustration of layers of the middle

classes, whose economic and political ambitions have been blocked by the dominance of the military and established political parties.

According to data published by Economy Check Pakistan, the richest 1 percent of the population gets 8 percent of all income. The income of the richest 10 percent increased from 26.5 percent in 2008 to 28.3 percent. These figures do not include the various corrupt sources of income that are widespread in Pakistan.

By contrast, the fourth quintile of the population—the 20 percent below the wealthiest quintile—receives only 21.1 percent of income and its share has not increased in the past two decades. This layer includes members of the middle classes—professionals, intelligentsia and small business owners—whose livelihood is now threatened by the country's economic volatility and political instability.

Imran Khan's conservative-nationalist Pakistan Tehreek-e-Insaf (PTI), which postures as an antiwar party, has also gained considerable support among these layers. It is emerging as a rival to the country's traditional bourgeois parties, the ruling PPP and the opposition Pakistan Muslim League-Nawaz.

None of these parties defends the interests of the working class and rural masses—that is, the vast majority of the population. In fact, they are deeply fearful of the eruption of a movement of working people against their oppressive conditions.

The income of the bottom quintile or poorest 20 percent of the population has fallen from just 9.6 percent of the total in 2008 to 9 percent in 2011. All of these people live below the official poverty line. Moreover, the next quintile, immediately above them, is also either in poverty or hovering around the poverty line.

None of the sections of the ruling class involved in the legal fight centred on the government and the Supreme Court defends the social needs and democratic rights of the masses. Such a struggle will only be carried out by the working class, leading the oppressed

masses, in an independent movement to abolish capitalism and establish a workers' and peasants' government to implement socialist policies.



To contact the WSWWS and the Socialist Equality Party visit:

[wsws.org/contact](https://www.wsws.org/contact)