

Pakistan Law and Order

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In Pakistan, the general should discard his uniform, the judge should forego his black robes and the two men should battle it out on the electoral terrain.

Sixty years old this August, Pakistan has been under de facto military rule for exactly half of its life. Military leaders have usually been limited to a 10-year cycle: Ayub Khan (1958-69), Zia-ul-Haq (1977-89).

The first was removed by a nationwide insurrection lasting three months. The second was assassinated. According to this political calendar, Pervez Musharraf still has another year and a half to go, but events happen.

On March 9 this year, the president suspended the chief justice of the supreme court. Unlike some of his colleagues, the judge in question, Iftikhar Chaudhry, had not resigned at the time of the coup, but like previous supreme courts, had acquiesced to the bogus "doctrine of necessity" that is always used to judicially justify a military takeover. He was not known for judicial activism and the charges against him are related to a "corrupt misuse of his office", but its hardly a secret that Chaudhry's recent judgments against the government on a number of key issues, including the rushed privatisation of the Karachi Steel Mills in Karachi, the demand that "disappeared" political activists be produced in court and taking rape victims seriously, panicked Islamabad. Might this turbulent judge go so far and declare the military presidency unconstitutional? Paranoia set in.

TV stations engaged in objective reporting were raided by the police, thus destroying the regime's proud boast (hitherto largely true) that it interfered less with the media than all its predecessors.

The decision triggered off a remarkable social movement. Initially confined to the country's 80,000 lawyers and several dozen judges, it soon began to spread. This in itself came as a surprise to a country whose people have become increasingly alienated from elite rule whose roots are rotten. Also worth noting is that this civil society opposition to a crude decision had nothing to do with religion. It was a defence of judicial independence (however nominal) against the executive. The lawyers who marched on the streets did so to insist on a separation of constitutional powers. There is something delightfully outmoded and old-fashioned about this struggle. It involved neither money nor religion, but principle. As respect for the movement grew, bandwagon careerists from the opposition (some of whom had organised their own thuggish assaults on the supreme court when in power) made the cause their own.

As often happens in a crisis, Musharraf and his advisers, instead of acknowledging that a mistake had been made and moving rapidly to correct it, decided on a test of strength. As Iftikhar Chaudhry's cavalcades became more and more popular, Islamabad plotted its counter-strike. The judge was due to visit the country's largest city, Karachi. Political power here rests in the hands of the MQM, an unsavoury outfit created during a previous dictatorship, addicted to violence and protection rackets and insensitive to moral and human realities. It consisted largely of poor muhajir families (Muslim refugees who fled to Pakistan at the time of partition in 1947), who felt abandoned by the state. Musharraf too, hails from a middle-class refugee background. For this reason, the MQM adopted him as one of their own (even though Musharraf's mother was a Communist sympathiser and the family as a whole was progressive).

On Islamabad's instructions, the MQM leaders now decided to prevent the judge from addressing any meeting in Karachi. That is what led to armed clashes and nearly 50 deaths in the city a few days ago. Footage of the killings, screened on Aaj (Today) TV led to the station being assaulted by armed MQM volunteers. All this provoked a successful general strike, isolating the regime. Were a presidential election to be held today

there is little doubt that the judge would defeat the general. Justice Chaudhry's popularity can only be understood in a context where traditional politicians had become thoroughly discredited.

The failure by Benazir Bhutto (Pakistan People's Party) to do anything substantial for the poor who had voted her into office resulted in mass disillusion. She was removed from office, allegedly for corruption, and in the subsequent elections her old rival Sharif (Pakistan Muslim League) won a large majority on the basis of a very low turnout (under 30%). Bhutto's disgusted supporters stayed at home.

Nawaz Sharif made his brother Shahbaz the chief minister of the Punjab. His late father became the unofficial president of Pakistan and was involved in negotiations with a disaffected army. It was old man Sharif who advised his sons that generals, not being angels from heaven, could also be bought and sold in the marketplace. But not all of them. And not Musharraf. Nawaz Sharif's comic-opera attempt to retire Musharraf backfired disastrously.

9/11 made Pakistan's president a key player in the region. For the native elite this was a godsend. Money began to pour in, nuclear-related sanctions were lifted, and the EU granted trade concessions worth over a billion euros and simultaneously relaxed tariffs on Pakistani textile exports. As the US became more closely involved the Pakistani military and political elite fell into line. Everyone - venal politicians, grovelling high officials, and harebrained society hostesses - applauded Pakistan's return to its old status as a frontline state. Not the Islamists, of course, since the new war was against them and their friends in Afghanistan. For a while the only opposition to the regime came from the Islamists, moderates and extremists alike, though the methods were different in each case.

The attempt to browbeat a judge has released a new fissure in Pakistani society. The violence in Karachi makes compromise difficult for both sides. There is an easy solution. The general should discard his uniform, the judge should forego his black robes and the two men should

battle it out on the electoral terrain without hindrance from the MQM or the numerous apparatuses of the state. It may seem like attempting to square a circle, but there are imminent dangers unless the generals agree to compromise.

P.S.

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