

Coverage of the Issue of Judiciary Crisis in National Newspapers of Pakistan

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Abstract

Pakistan is passing through a number of domestic and international problems and pressures. One of the most important and recent internal problems is the issue of the judiciary crisis. The issue emerged as a result of a political fight between the then President of the country General Pervaiz Musharraf and the then Chief Justice of the Supreme Court Mr. Iftikhar Muhammad Chaudhry and the earlier one dismissed the later one from his duties. Although, the government was changed, the new President Asif Ali Zardari had also denied reinstatement of the sacked Chief Justice but afterwards he had to do it. As a result of a huge movement during the long march, the Chief Justice was restored along with other judges on 16th March 2009¹. The print and the electronic media of the country gave tremendous coverage to the issue. The purpose of this paper is to find out the nature and treatment given by the major newspapers of the country to the issue of the judiciary crisis. The outcome of the our analysis reflects that the national English and Urdu newspapers not only donated a huge space to the issue of the judiciary crisis but they also did not accept any governmental pressure to suppress the coverage of the issue. Most of the coverage was found as against the government and in favor of the dismissed Chief Justice.

The Background of Judiciary Crisis

In the recent past years, one of the most important issues of Pakistan was the judiciary crisis. The issue became a focal point after the establishment of new democratic government. The issue started on March 9th 2007 when the then President General Pervaiz Musharraf dismissed the Chief Justice of the Supreme Court of Pakistan Justice Iftikhar Muhammad Chaudhry. A huge wave of protest was launched by the members of the civil society and lawyers of the country for the restoration of the Chief Justice. On 20th July 2007, the Supreme Judicial Council made the historic decision of the restoration of the Chief Justice. The lawyers celebrated their victory throughout the country. The general public also welcomed the decision. But on the 3rd of November 2007, President Pervez Musharraf used his special powers and dismissed all the

¹ Dawn, Islamabad. 17 March 2009

judges of the Supreme Court of Pakistan including the Chief Justice.² He appointed new judges and the Chief Justice of Supreme Court with his orders. Again a huge protest was started by the lawyers and the civil society throughout the country. The issue of the restoration of the judges of the Supreme Court became the major issue of the national elections of 2008. The political parties used this slogan to gain the sympathies of the voters. The new coalition government had promised several times to restore the judiciary. One major political party of the country, Muslim League N was included in the coalition government. It had a strong stance on the issue and it was not ready to compromise. The actual ruling party, Pakistan Peoples Party was not willing to restore the judiciary; as a result Muslim League N had to resign from the government and joined the opposition benches in the parliament. Later on some deposed off judges were reappointed by the government and they took oath afresh while the new president of the country and the Co-Chairperson of the ruling party Asif Ali Zardari had denied several times to restore the dismissed Chief Justice of the Supreme Court.

The lawyers' movement for the restoration of judges and the independence of the judiciary had continued in spite of the government's illegal and unconstitutional handling of the issue of the deposed judges. The government first made false promises for the restoration of the judiciary on November 2, 2007 as part of their election campaign. Trapped by these promises, the government then announced a 'constitutional package' for the restoration of the deposed judiciary and asked all the parties in the elected houses to support it. However, even after several months, none of the parties have taken serious notice of the constitutional package. The then law minister Farooq Naik, said that the judiciary could not be restored unconstitutionally and, therefore, the best way forward was to introduce a constitutional package. According to him, restoration through the National Assembly by means of a simple resolution would be unconstitutional.

When the government did not receive a favorable response from the political parties and civil society on the 'constitutional package', they then tried the stick method by ignoring all constitutional means, saying that the elected government could not adopt unconstitutional methods. Keeping the General's appointed judges at their existing positions, the government re-appointed most of the deposed judges. The civilian rulers had become more difficult than the General had been in dealing with judiciary.

At some time, the country, therefore, had two chief justices, one appointed by General Musharraf during his state of emergency and the other one who was restored by the decision of the Supreme Court on July 20, 2007, and was deposed by the General. The main question before the government was how to

² Dawn, Islamabad. 4 November 2007

cope with the situation and handle two chief justices of the country at the same time.³

On the very first day of the new parliament, Prime Minister Syed Yusuf Raza Gillani stated that those who were judges till November 3, 2007 are all free and have been accepted as judges, which means that deposed judges are neither fired nor retired, but are the sitting judges, and therefore without the consent of Chief Justice Iftikhar Choudhry, re-appointment of the judges is non-constitutional.

The lawyers are of the opinion that all the deposed judges were still under oath, and there was no justification for a fresh oath, adding that the judges had betrayed the lawyers' community by accepting the fresh oath under the law minister's formula. They also argue that there was no provision in the constitution about the reappointment of judges while the government was trying to validate the unconstitutional steps of 3rd November. It was widely considered that a conspiracy was being hatched against the reinstatement of Justice Iftikhar Mohammad Chaudhry as the present government had refused to reinstate him as the rulers know that Justice Iftikhar's restoration would strengthen the judiciary, and the government could not tolerate an independent judiciary in the country.

The Framework and Focus of the Present Research

This research project was aimed to investigate how the national print media of the country depicted the picture of the judiciary crisis. For this purpose, content analysis technique was adopted for the study. Content of the two newspapers, daily *Jang* Rawalpindi and daily *Dawn* Islamabad was analyzed for this study for one year, i.e., from May 1st 2007 to April 30th 2008. The reason for the selection of these newspapers is that the former one is the largest widely circulated newspaper of Urdu in Pakistan while the later one is the largest widely circulated English daily of the country. Both newspapers have a strong professional reputation covering almost all of the important issues of the country as well as the important issues of the world. They have engaged a sufficient number of highly qualified senior and professional journalists in their organizational structures. The main reason for the time period is that the issues of the study remained dominant in the Pakistani print media almost constantly throughout the period of the research study. The content analysis of the front and back pages of the newspapers was done on the alternate days. The content analysis of the daily *Dawn* was conducted of the newspapers published on even dates (2, 4, 6, etc.) and the content of the daily *Jang* was analyzed on the odd dates (1, 3, 5, etc.). Hence the content of a total number of 182 copies of daily *Dawn* and 183 newspapers of daily *Jang* was analyzed thoroughly and

³ Asian Human Rights Commission Report 2008.

the news on the issue of the study were counted and their length was measured in centimeters per column.

Variables of the Content Analysis

Frequency and Length: News stories published about the issue of the study on the front and back pages of the sample newspapers were counted and their length was measured in centimeters per column.

Slant: The slant of the news stories published about the issues was also analyzed in terms of favorable for the government, unfavorable for the government and neutral. The slant was measured by analyzing the coding unit of analysis which was paragraph.

Frame: It means how a news story was framed. The frames of the news stories were measured in terms of pro-government, anti-government and neutral. These were measured on the basis of contextual unit because the whole news story was a contextual unit.

Placement: The placement is also a very important factor in media agenda setting. It means where the news story was placed in the newspaper. In this study, the placement was divided into four categories. These are as under:

- 1- Front Page upper half
- 2- Front Page lower half
- 3- Back Page upper half
- 4- Back Page lower half

The paragraphs of the news stories were the coding unit of the content analysis. These were counted in terms of favorable, unfavorable and neutral. The whole news story was the contextual unit of analysis in this study and frames were measured on the basis of this unit.

Theoretical Framework

The study revolves around the theories of gate keeping, agenda setting and influences on media content. With reference to the context, it is noteworthy that possibly, Kurt Lewin (1947) was the first person to use the term 'gate keeping'. The gatekeeper is the person who decides what shall pass through the gate. In media studies, the gate keeping process include a news item released through some communication channels.⁴ The news editor sitting in the office of a media organization receives a lot of news stories but can hardly publish or broadcast a

⁴ Lewin, Kurt "Frontiers in Group Dynamics," Human Relations, v. 1, no. 2, 1947 p.145.

few of them. Therefore, he/she selects some of them for publishing or broadcasting purpose and rejects majority of them. This process is called as the gate keeping function of media. White (1964) was the person who worked on Lewin's comments and changed it firmly toward journalism in 1950.⁵ In the 1970s, McCombs and Shaw adopted a different direction when they observed the effects of the gatekeepers' decisions. They came to know that the audience learned how much importance to attach to a news item from the emphasis the media placed on it. McCombs and Shaw stated that the gate keeping concept was related to the newly emerged concept of agenda-setting⁶.

The study also revolves around the theories of influences on media content. Shoemaker and Reese (1996) presented a model of different influences on the media content which states that the media content is influenced by media workers, media routines, organizational influences, influences from outside the media organizations including the government and the advertisers' influence, and the influence of ideology.⁷ Due to the process of political economy, the media organizations obey those who finance them because of the 'Pay the Piper' approach which states that you pay the media and the media will sing songs of your praise.

Main Findings of the Research

Frequency of the News Stories Published

During the study period of one year, the daily *Jang* published 407 news stories on its front and back pages about the issue of judiciary crisis while the daily *Dawn* published 129 news stories on its front and back pages during the reported period (although on alternate days). It was the largest coverage donated by the *Jang* among a list of six most important issues of the day while the issue of judiciary crisis was found as the second most widely covered issue in the daily *Dawn* after the issue of terrorism. These issues included terrorism, Indo-Pak relations, food crisis, energy crisis, Red mosque and judiciary crisis.

Length of the News Stories

The space (length) given to the news stories about the issue of the study was measured in centimeters per column. The normal width of a column in the Pakistani newspapers is four centimeters. This is important to mention here that

⁵ White, David Manning. The 'Gatekeeper': A Case Study in the Selection of News, In: Lewis A. Dexter / David M. White: People, Society and Mass Communications. New York: Free Press. pp.160 - 172. 1964.

⁶ McCombs, Maxwell and Donald Shaw. The agenda-setting function of mass media. *Public Opinion Quarterly*,36 (2). 1972.

⁷ Shoemaker, Pamela. and Reese, Stephen. *Mediating the Message- Theories of Influences on Media Content*, New York: Longman. 1996.

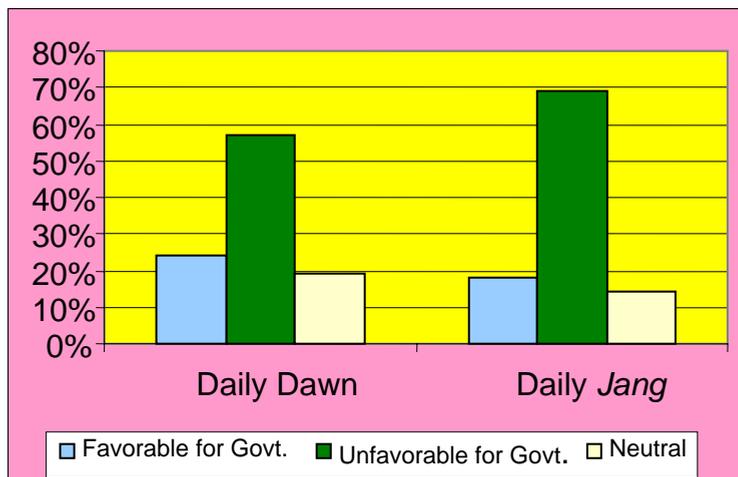
the visual coverage of the issue in shape of pictures was also included in the measurement of the length of the news stories. The daily *Jang* donated a space of 13017 centimeters column to the issue of judiciary crisis while the issue got coverage of 4864 centimeters column in the daily *Dawn*.

It can be seen a great difference between the coverage patterns of the English and Urdu newspapers, both in frequency and the length wise coverage of the issue of judiciary crisis. Daily *Jang* as the largest widely circulated Urdu newspaper of the country published huge number of news stories also giving a greater space to the issue of the study on its front and back pages while the daily *Dawn* published almost one third of the news stories in number as well as length wise space to the issue of judiciary crisis. It can be concluded that the Urdu newspapers gave coverage to the issue almost three times greater than the English newspapers. One may argue that it was the result of gate keeping effects.

Slant for the Issue of Judiciary Crisis

Unlike the other issues, the issue of the judiciary crisis received tremendous slant against the government. It might be a result of a huge movement of the lawyers of the country for the restoration of the judiciary. Interestingly, the daily *Dawn* published 24 percent news paragraphs on this issue in favor of the government while it published 57 percent news paragraphs about the issue that were unfavorable for the government. The percentage of the neutral paragraphs was 19. On the other hand the daily *Jang* allotted 18 percent coverage on the issue of the judiciary crisis in favor of the government while its 69 percent coverage on the above-mentioned issue was unfavorable for the government.

Figure 1: Slant for the issue of Judiciary crisis



The daily *Jang* published 14 percent neutral paragraphs about the issue. Figure 1 elaborates the slant given by the both newspapers to the issue of judiciary crisis. The news items about the judiciary issue that were found favorable for the government included the statements of the then President Musharraf, the Attorney General, and ministers, etc., while the unfavorable news items included the activities of the lawyers, bar councils and civil society for the restoration of the judiciary, the statements of the lawyers' leaders, specially Aitizaz Ahsan, Ali Ahmed Kurd, etc.

Framing of the Issue

Regarding the coverage of the issue of the judiciary crisis, both of the newspapers donated more coverage to anti-government frames. The *Dawn* published 34 news items giving a pro-government frame while it published 96 news stories against the government giving an anti-government frame. The *Jang* published 73 news stories with a pro-government frame and 334 news items with an anti-government frame regarding the issue of the judiciary crisis. The newspapers showed a clear policy on this issue and they did not support the government and the then president Musharraf. They gave a huge coverage for the restoration of the judiciary against the wish of the government.

Sources of Information

News stories are always based on the sources of information. The reporters have to rely on their sources for news. The sources always keep their own interest while giving information to reporters. Hence, the sources of information play a key role in media agenda setting which ultimately results in public agenda setting. The variable of the news sources was divided into three sub-categories; official, un-official and others. The official sources were taken as the relevant official persons giving the information to media including the ministers, etc. while the un-official sources included the private sources of the reporters. The news items coming from the other media or the analyses of the journalists were included in the third category called as 'others.'

The coverage of the issue of the judiciary crisis was found heavily dependent on the unofficial and private sources by the both newspapers. The *Dawn* published 85 news stories received from the unofficial sources, 41 news items from the official sources and only three news items from the other sources. The *Jang* published 290 news items on the issue of the judiciary crisis from the unofficial sources, 100 news items from the official sources and 17 news items from the other sources. The heavily reliance of the newspapers on this issue can be related with the slant and framing results of the content analysis (as mentioned above) which were mostly against the government and the official authorities. Most of the news coming from the official sources included the statements of the then President Musharraf, his spokespersons, ministers,

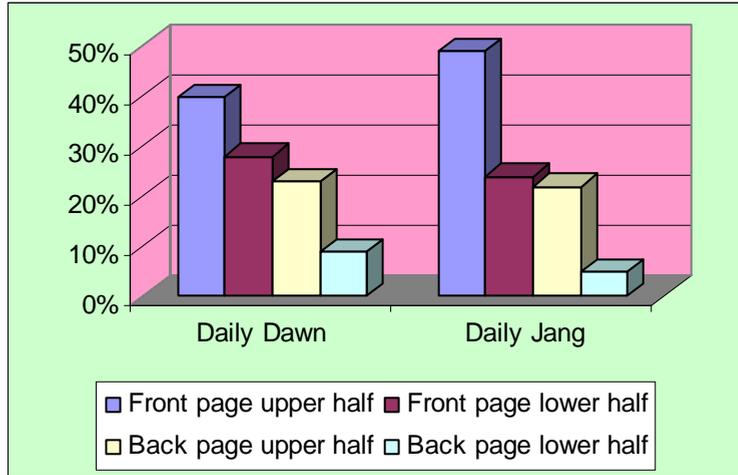
Attorney General and government representatives. On the other hand the unofficial sources' news items were mostly based on the statements of the political leaders of the opposition parties especially the leaders of Muslim League N, the speeches and statements of the deposed Chief Justice and the lawyers' leaders, the news about protests and rallies for the restoration of the judiciary, etc.

Placement of the news stories about the issue of Judiciary Crisis

The issue of the judiciary crisis remained a top priority issue for the Pakistani media throughout the year. Both the newspapers of this study gave a tremendous coverage to this issue ignoring all the governmental pressures. As indicated obvious in the figure 2, both newspapers gave maximum coverage to this issue on the upper half portion of their front pages which is the most important placement in newspaper coverage. The *Dawn* published 40 percent news of this issue on the upper half portion of the front page while the *Jang* published 49 percent of the news of this issue on this placement. The earlier published 28 percent news items on the issue on the lower half of its front page while the later gave 24 percent coverage to this issue on this position. The *Dawn* donated 23 percent space to the issue of the judiciary crisis on the upper half part of its back page while the *Jang* published 22 percent news on this position.

The category four got the least coverage of the issue in both of the newspapers. The *Dawn* published only nine percent and the *Jang* published only five percent news items about this issue on the lower half portion of their back pages.

Figure 2: Placement of the news stories about the issue of Judiciary Crisis



The ratio of the placement of the news items of the issue between the front and back pages remained 68:32 in the *Dawn* and 73:27 in the *Jang*. It seems that the ratio of the front page coverage to the issue of the judiciary crisis was found greater in the *Jang* as compared to the *Dawn*.

Conclusion

The most important conclusion of this study is that the Pakistani print media played a very pivotal role in the movement for the restoration of the judiciary in the country. The media stood side by side with the whole nation in this issue. The results of the study provide some important and interesting realities about the Pakistani print media. Usually, media are blamed to act as the mouthpiece of the government in countries like Pakistan but in this case this theory was negated. While giving coverage to the issue of judiciary crisis, the English as well as the Urdu newspapers of the country did not accept any governmental pressure to minimize the coverage. The newspapers not only gave a tremendous coverage to the issue of the judiciary crisis but the most of the slant and the frames of the coverage were found as anti-government. The newspapers represented the voice of the people and the society. Usually, the newspapers in the third world countries follow the official line of the government because of a number of reasons but in this case it was found wrong. However, the coverage pattern was found different in both newspapers. The daily *Jang*, the largest Urdu newspaper of the country published almost three times greater number of news stories about the issue than the daily *Dawn* which is the largest widely circulated English newspaper of the country. It was also found that the newspapers mostly relied on the unofficial and private sources for the news about the issue of the study. It also was found that both newspapers published

most of the news about the issue on the upper half position of the front page which is the most important and prominent space in a newspaper placement.

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