

MEDIA AND MUSHARRAF: A MARRIAGE OF CONVENIENCE

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Abstract

Media have never been consistently free in Pakistan. Different regimes used legal and constitutional means to control the media from public debate and criticism. In its over sixty-two years of history, Pakistan has been ruled by military more than the civilian. Media in Pakistan usually face threats, violence, economic pressure, etc. The country's laws have been used against journalists. Poor literacy, urban orientation of the media, and the high price of newspapers are detrimental factors for the under development of media in Pakistan. Beside these barricades, one can now easily notice a shift from the centralized broadcasting to an open competition broadcast system in Pakistan, enabling the audience to enjoy more power of selective exposure. All governments including the military say high about the media freedom but often do the thing other way round when media criticize the government. However, during the Musharraf military and civil regime for about nine years, media were operated in a mixed character. This paper sheds some light on media and politics during General (r) Pervez Musharraf regime.

Keywords: Musharraf regim, media, Pakistan

Introduction

Chief of Army Staff General Pervez Musharraf ousted Prime Minister Nawaz Sharif in a military coup d'état on October 12, 1999 and declared himself as Chief Executive of the country. The nomenclature of chief executive for head of the state of a country does not seem to exist in the known past. It happened to be so as the military dictator did not want to pose

himself as a dictator to avoid appearing the country under the martial law again. He was the fourth military dictator of the country. However, he formally assumed the office of the President of Pakistan on June 20, 2001. Interestingly, General Musharraf did not touch the then President of Pakistan Rafiq Tarar till June 20, 2001.

Earlier, the then Prime Minister Nawaz Sharif deposed him from the slot of Chief of Army Staff and appointed Chief of Inter-Services Intelligence General Zia-ud-Din Butt as Chief of Army Staff. The top military leadership declined to accept the political decision by the prime minister and sided with Pervez Musharraf which resulted in a bloodless successful military coup. Nawaz Sharif had to face the consequences of his decision and was put under house arrest and later was exiled to Saudi Arabia where he stayed till November 25, 2007.

General Pervez Musharraf mustered all powers in his hands. He considered that the country is in severe turmoil, the economy at the verge of collapse, the relations among provinces near breaking point and the country overall is at crossroads. He also had this impression that the political government had attempted to create chaos and split in the armed forces. Considering the imbroglios the country was passing through, he decided to put the constitution in abeyance to save the very solidarity of the country.

General Musharraf vowed to bring the country back on the track of democracy after overhauling the decomposed system. He introduced some stringent measures what used to be the ritual of army generals when they held reins of power in their hands. He introduced new local government system and imported a large number of army personnel to bring the derailed system back on the track. How strange it sounds when the responsibility of establishing and restoring democracy is shouldered with the army generals who were neither trained nor ever nourished under any democratic system. It virtually made mockery of democracy and the country witnessed its fallouts in the coming days.

Meanwhile, General Pervez Musharraf planned elections, constituted assemblies and appointed Mir Zafarullah Jamali as the Prime Minister of the country. Later, Zafarullah Jamali resigned due to internal fragmentation in the Pervez Musharraf led government party and Choudary Shujaat Hussain took oath as the new prime minister for a short period as Shaukat Aziz's candidature for premiership was in the making. When National Identity Card of Shaukat Aziz was made and he got through the melodrama of by-elections wherein he succeeded with majority, he was appointed as Prime Minister of the country. His early experience of politics in Pakistan was zero; however, he was known to be the best yes-man in the international banking sector.

General Musharraf's takeover was challenged in the court of law by some democracy lovers who considered his rule as illegitimate and detrimental to the solidarity of the country. Not all of them were political figures and workers of deposed political party – Pakistan Muslim League, of which leader was put in exile by the dictator. Smelling danger from the sitting judiciary which was capable of taking any decision against him and his mode of coming into government, he decided to seek judges' allegiance through taking fresh oath from the supreme judiciary. This ushered Oath of Judges Order 2000. All the judges were supposed to take fresh oath under this order wherein they had to show allegiance to the military rule and to state that no action will be taken against the actions of the military dictator and his government. This appeased the dictator and made him think about settling other issues in the country.

Militarized Politics and Politicized Military – A Synoptical View from History

“Certain times, conditions, and even places are like wombs that, when impregnated with certain events, give birth to certain personalities”¹. Pakistan is the place where power, constitution and institutions are like wombs that, successively impregnated with power lusted Generals, which militarized the politics and politicized the military. They grabbed the power by hook or by crook, played giddy goat and made the country a pretty kettle of fish. As each of them started to fall from the grace, realized that he was the fool who rushed in where angels fear to tread.

All this started from early period of the newly established State. The upper crust from political figures after Jinnah, started to struggle for power vis-à-vis generals jumped on the bandwagon with their own motives and lust for power. The blind leading the blind plunged the country in destruction.

That was the era of cold war. The world was divided into two blocs due to contrasting ideologies of two super powers. Third world countries suffered their treacheries as they promoted their own ideologies in those countries and kept them dependent. Pakistan was linked to Western block after Jinnah asked for financial assistance for the newly born state. His successors started acquiring western trust for their own goals, politicians and military

¹ Said Fethullah Gülen on his web site which can accessed on <http://www.fethullahgulen.org/fethullah-gulen-biography/748-the-physical-historical-and-sociological-background.html>. We retrieved on May 25, 2010.

personnel alike. From the early period as the declassified documents of State Department show, conspiracies against each other started to mushroom. Taking full advantage of the situation, America with its own motives jumped in. Due to this, US is blamed for putting the country in successive political turmoil.

Much of the time country remained under military rule. They served the foreign interests, as military junta depended heavily on foreign support which in turn provided them carte blanche for maintaining their power. In this way, these men of status quo weakened the democratic process as they distorted the very shape of democracy and promulgated the constitution from time to time according to their own interests.

All of these regimes proved impotent as the systems which they had introduced from time to time, collapsed with the end of their era. The political figures used for installing the puppet government deluded military junta and further brought disaster to the country while serving their own interests in powerful positions.

The venturesome military junta depending heavily on foreign contacts and aids ultimately threaten the sovereignty of country and plunged the nation in economic burden of loans. Vox populi at that time was ignored while taking decisions in close consideration of foreign interests. The upshot of this act brought the bad name to the military and labelled them quislings.

Roots of militarization of politics and politicized military can be traced back to Iskandar Mirza and Ayub Khan. General Ayub Khan who succeeded General Sir Douglas Gracey and was the first native commander-in-chief of Pakistan army, indulged in his own designs of grabbing power. While sitting in a hotel room of London, he sketched out the roadmap for Pakistan politics which later turned out a mere's nest. He promulgated the constitution and introduced Presidential form of government. Organized the institutions, later weakened them himself. Dismantling these reforms from time to time brought him in a cleft stick. It plagued heavily the military with politics. General Yahya Khan, a rat-arsed after Ayub became President of Pakistan. Hanky-panky was common in his regime. Cracks in discipline of military institution became visible as easy and swift promotions from junior to senior ranks were common. Disproportionate number of officers increased, thus putting institution of military in doldrums. Yahya's politics brought disaster to the nation. Pakistan lost its Eastern part, which declared independence and became Bangladesh with the help of India.

Zulfiqar Ali Bhutto, an extrovert indulged himself in political struggle with military. After losing the Eastern part, he took the powers. Constitution of 1973 was introduced. His wheeling and dealings again indulged the nation in Martial Law of General Zia. The Constitution of 1973 was broken. Bhutto was hanged. His hanging loomed over political life of Pakistan for decades. In early 80s, Pakistan was taken to Afghan war against Soviet occupation. Concept of 'Jihad'² was internationalized and well supported by West. Rubbles of dollars were poured in by Saudis and CIA, which brought widespread corruption in the country. West held Pakistan in high esteem during war against the Soviets, also intelligence agencies especially Inter-Services Intelligence (ISI) earned a very good reputation. Zia lost his life in a tragic incident of C-130 crash while returning from a trip to Bahawalpur.

Two successive unfinished terms of Muhtarma Benazir Bhutto and Nawaz Sharif revolved around military politics. It worked as fifth column in toppling their governments.

Last coup d'état on the eve of twenty first century against a democratic government took back Pakistan to dictatorial rule of military. The democracy was grooming but this bloodless coup proved nip in the bud. All the major institutional posts were taken over by military which brought the reigns of system in the hands of military alone. The first annus horribilis of twenty first century, 2001; further burdened Pakistan after the General decided in haste to become a part of America in its 'war on terror' after few hours of 9/11 attacks.

All the resources of country were spent in fulfilment of Western demands. War in the tribal belt against Al-Qaida and Taliban waged, which brought a wave of terrorism in the whole country. Jihad is now linked to terrorism and the reputation which ISI earned in its war against Soviets was badly affected.

Introducing the ideology of moderate enlightenment, General Musharraf took the country further away from its original Islamic ideology. This increased the confusions in the nation and dragged it away from visions of fore founders i.e. Islamic Ideology.

Taste of politics to military in Pakistan took its roots when Ayub Khan first time held a post in the federal cabinet in 1954, while retaining the post of the Army Chief. Political weakness was visible to him so planning a military takeover became his prime motive. This was beginning of military designs for politics. The military failed to serve and protect the system. Ayub Khan for his own motives supported half dead and egoist Ghulam Muhammad. He was facilitated with 'Law of Necessity' which later was used by usurpers for their own benefits and ruined the reputation of judicial system and remained on the head of nation like a

² Holy war

hanging sword. During that time no protection was given to elected government by military. He sowed the roots of militarized politics. He with Iskandar Mirza deceived Ghulam Muhammad and got extension in his post as C-in-C. Later declared Martial Law and become Chief Martial Law Administrator while sidelining Mirza. Earlier Rawalpindi conspiracy case had shown frustration of military towards illegitimate government system prevailing in the country.

Landlords, Chieftains, and other powerful figures from political life were gathered under the umbrella of military ruler. Thus fulfilling the requirement of democratic process in the country, they kept all under one man rule. Secret agencies were heavily involved in wheeling and dealing with the politicians winning their favours in support of their masters. It introduced militarized politics in the country at the cost of the nation. The working of agencies remained under dark shadow from that time, provided free hand to them in their business. This further complicated their roles in the state benefits. That is why it has been questioned many a times. Agencies are many a time held responsible for certain wrong doings in the state's affairs.

He played the politics like chessboard, by installing one figure against another while making his own way clear to maintain the office. He severely affected the status quo of political life and left the country in ethnic strife. The masses of eastern part showed cold shoulder to rulers by instigating strong agitation against military involvement in state's affairs.

A split during the last years of Ayub in military and politics took the country at the brink of catastrophe while another General grabbed the power from his master. Country suffered a breakdown as it lost its Eastern part during agitation between military and politics.

After Ayub fall upon his own sword, the turn of 'General Yahya Khan, left behind a shrunken country, beaten in war, a bewildered nation, and an army maimed by the stigma of defeat'(Arif, 2001, p.114).

Bhutto indulged in personality clash with Army Chiefs in lust of power and ultimately lost his life in their hands. Zia grabbed the ground by declaring Martial Law and abrogated the 1973 constitution. He created ethnic and religious strife all over the country and increased state of lawlessness. Struggle against Soviets helped him in creating international image. Later, he introduced non-party elected democratic government which ultimately was dissolved by him, after it started settling important issues without notice from him. He didn't allow an independent democratic government to be flourished in country in anyway.

Burdened with refugees and unstable Western borders with Afghanistan, political life of the country was again restored after tragic assassination of General Zia in a plane crash which military didn't let the cat out of bag. It remained a mystery. Military didn't stop interfering in political affairs and took part in destabilizing of democratic process. Initiatives for prosperity could not be met as political idols were the creation of military itself and opposition conspired with military against the elected one. Fearing the past promotions and extensions were bestowed to like-minded persons in military by political leaders. This practice further destabilized the discipline and moral value of military and politicized it.

Speedy promotion and then extension to then Army Chief, General Musharraf took the country to the adventure of Kargil. Pakistan had to face humiliation by Indians at that front as their media internationalized the issue and India declared war against Pakistan.

The General planned a coup against elected government as he faced a fierce clash of personality with political giant Nawaz Sharif. He was later imprisoned and then set for Saudi Arabia after signing a secret deal with him. His men instrumented a new political party by distributing money and power to like-minded men. They were successful in changing the loyalty of Sharif's men. This militarized politics gave birth to Q-League, which ruled the country for half a decade under the umbrella of General Musharraf. Thus, first ever elected government completed its tenure in the history of Pakistan. While country suffered from murder of political figures and military operation against own countrymen like 'Red Mosque', Bugti murder etc.

The 'war on terror' again provided to them an opportunity to indulge in loot, as military got billions of dollars in foreign aid for providing logistic, intelligence and military assistance to the US against terrorists. George Tenet wrote in his memoirs that they presented millions of dollars as a thanking note for achieving a high value target set by them³. Bad deeds of secret services still loom over status quo of the country.

It was the judiciary refusal to bow down before the General's wishes. Judicial crisis challenged the 'Law of Necessity', and left the general in the lurch. He was forced to resign as Army Chief and held only office of the president.

Whenever military put its foot under the shoes of politician's, increased international pressure divert their attention from local to world stage. They are forced to go along the wishes of foreign interests. Bad state of affairs at local level due to corruption destroys the institutions and the state's reputation at international level. Military became a serving tool

³ <http://www.geopoliticalmonitor.com/cia-says-gets-moneys-worth-from-pakistani-isi-1/>, retrieved on January 15, 2010.

under foreign hands. Despite economic and functional reforms during the eras of military, institutions could not be strengthened as every nook and cranny of country remained filled with military objectives. The rate of unemployment and poor economic condition worsened due to bad governance. Hatred increased among the Nation towards foreign intervention and militarized state of affairs.

Major Upheavals during Musharraf Regime

Though nine-year long regime is fraught with many epochal events, but some of them have left deep marks in the history of Pakistan. Here, we are analyzing three of these major events as case studies.

Operation Silence: A Case Study

Lal Masjid (Red Mosque) issue is the worst of its kind in the history of Pakistan. It dented the peace in entire country. Following lines shed some light on the event and the way national and international media covered it.

In 1966, Lal Masjid (Red Mosque) was declared as the central mosque (Markazi Jamey Masjid) of newly established capital (Islamabad) of Pakistan. It was given this name because of its red colour. Molana Abdulla (father of Molana Abdul-Aziz and Abdur-Rasheed Ghazi) was its first 'Imam' and 'Khateeb'. He was killed in 1998. Molana Abdulla was very active in Khatm-e-Nabuvvat Movement in 1974. At that time Lal Masjid became the base camp of the movement. Prime Minister Zulfikar Ali Bhutto arrested and jailed Molana for his active role. Basically this mosque (Lal Masjid) comes under the control of Capital Development Authority (CDA), and is supposed to be a supporter of the government policies.

After the death of Molana Abdulla, his elder son Molana Abdul Aziz was appointed as the Khateeb of Lal Mosque and his younger brother Abdur Rasheed Ghazi as the Assistant Khateeb.

After the incident of September 11, 2001, President Pervez Musharraf announced his support for the US-led 'war on terror'. This declaration sparked conflict with the Lal Masjid, whose leadership was openly pro-Taliban⁴.

⁴ BBC news. Retrieved on April 21, 2008.

Following the government policy, in 2006, CDA decided to demolish all the mosques and madrassas which were not approved in its master plan. Jamia Hafsa (the largest Islamic religious institution for women in the world, with more than 6,000 students)⁵ was also one of them. All the religious leaders of Islamabad opposed the demolition operation. On the eve, Molana Abdul Aziz demanded that all demolished mosques must be reconstructed, Islamic Law must be implemented in the country, and vulgarity from the society must be eradicated.

Prior to this, Molana Abdul Aziz released a ‘Fatwa’⁶ that operation of the Armed Forces of Pakistan against the Muslim militants in Waziristan is ‘haram’ (Shuja Abadi, 2007, p.125). The government started ‘Operation Silence’ on July 3, 2007. It took 9 days and was completed on July 11, 2007. Lal Masjid and Jamia Hafsa were besieged from July 3 to 11, 2007 while negotiations were attempted. Once negotiations failed, the complex was stormed and captured by the Pakistan Army's Special Service Group. The conflict resulted in 154 deaths and 50 militants captured.

This event triggered the ‘Third Waziristan War’ which marked another surge in militancy and violence in the country. During this operation, besides the national media, world media also crowded in Islamabad. Pakistani print media published special supplements, and electronic media kept on airing live coverage of the issue for 24/7. Majority of the media criticized the government’s decision of operation, but PTV, Dawn News, Daily Times, The Pakistan Observer, Aaj Kal and Radio Pakistan were supporting the operation. Geo, ARY One World, Aaj, Express News and other channels were covering the issue in somehow balanced way.

Foreign media, especially Indian and Anglo American was a strong supporter of the operation. Times of India, All India Radio, Zee News, *Hindustan Times*, VOA, BBC, *Washing Post*, *Lass Angles Times*, *Newsweek* and *Time* supported the operation strongly.

⁵ Introduction, Jamia Hafsa web site: <http://www.jamiahafsa.page.tl/Introduction.htm>. Retrieved on May 24, 2008.

⁶ A religious decree issued by a religious leader with certain qualification.

Some glimpses of the coverage by various media are as under:

English Daily *Dawn* supported the government's actions against Lal Masjid but queried, '... how the intelligence agencies failed to get wind of the goings-on in the Lal Masjid and the stockpiling of arms and ammunition in such large quantities'⁷.

The *Daily Times* also supported the government's position and added, 'Let us be clear. No government can violate the universal principle of 'no negotiation with terrorists' and live to be praised'⁸.

Jang Group of Newspaper's English daily *The News* was more critical and wrote⁹,

"Once 'Operation Silence' is over, the firing stops, the dust settles down and the bodies are counted, there are bound to be many questions raised. Why didn't the government take action earlier against the clerics because had that been the case so many lives would not have been lost? Why were the Lal Masjid elements allowed so much leeway that the complex became almost like a state within a state, complete with a moral policing force which acted with impunity enforcing a rigid interpretation of Islam on the city's residents? How did so many hardened militants, reportedly some foreigners among them, make their way inside the compound situated in the heart of Islamabad?"

English daily *The Post* was worried about how the episode would affect Pakistan while writing, 'This is going to ratchet up religious sentiments, and could lead to increased polarization between the moderates and extremists in the country, the former including General Musharraf under the banner of 'enlightened moderation''¹⁰.

⁷ 'Pakistan press on mosque assault', BBC news on 12-7-2007, which can be accessed from http://news.bbc.co.uk/2/hi/south_asia/6290594.stm. We retrieved on May 13, 2008.

⁸ Najam Sethi, the then editor of *Daily Times*, said in an interview with *Outlook*, published in July 23, 2007 issue of the magazine. It can be viewed on *Outlook* website: <http://www.outlookindia.com/article.aspx?235154>, we retrieved it on May 20, 2010.

⁹ 'A Bloody End', the editorial of *The News* on July 11, 2007.

¹⁰ 'Pakistan press on mosque assault', BBC news on 12-7-2007, which can be accessed from http://news.bbc.co.uk/2/hi/south_asia/6290594.stm. We retrieved on May 13, 2008.

English daily *The Pakistan Observer* praised the government, "The Government deserves credit for showing remarkable tolerance and patience and exhausted all possible avenues for peaceful settlement of the nerve-shattering crisis"¹¹.

Judicial Crisis: The Last Ditch

Judicial crisis started on March 9, 2007, when Chief Justice of Pakistan Iftikhar Muhammad Chaudhry was suspended by the President of Pakistan General Pervez Musharraf. Chief Justice was charged for violating the norms of judicial prosperity, misuse of power for seeking undue favour for his son and was also accused of interfering in the working of the executive branch. So Presidential reference against him was filed by the President on the advice of Prime Minister Shoukat Aziz and the reference was sent to the Supreme Judicial Council for further action.

It was the first time in the history of Pakistan that a Chief Justice was suspended by the President in spite of only sending the Presidential reference under Article 209 of the Constitution to the Supreme Judicial Council which is the constitutional body to investigate the allegation and make decision about the suspension or removal of the Chief Justice from his office.

Secondly, the General Musharraf also appointed Justice Javed Iqbal, as the acting Chief Justice because the second most senior judge, Justice Rana Bhagwandas, was reportedly out of the country. This appointment was also controversial because different groups of legal fraternity have contested it as unconstitutional. Even CJ Iftikhar Chaudhry himself challenged the appointment of an acting Chief Justice in his application before the Supreme Judicial Council stating,

‘He (Justice Javed Iqbal) has been appointed as acting Chief justice contrary to Article 180 of the Constitution of Islamic Republic of Pakistan which provides that acting Chief justice can be appointed when the office of the Chief Justice of Pakistan is vacant or the Chief Justice of Pakistan is absent or is unable to perform the functions of his office due to any other cause. The cause could be that if the Chief justice is incapable of properly performing the duties of his office by a reason of physical or mental incapacity which is not the case over here’.

¹¹ ibid

Although, Pakistan does not have a good judicial history and different approaches were employed to dispose of the judges not toeing the establishment line, but this was an unprecedented move of making the CJ ‘non-functional’.

The confrontation between General Pervez Musharraf and Supreme Court started on following judgments passed by Supreme Court headed by the Chief Justice Iftikhar Muhammad Chaudry during 2007. Gist of these judgments are as follows:

Pakistan Steel Mills Privatization

Supreme Court ruled against the government in case of privatization of Pakistan Steel Mills in 2007. It was stated that the selling of national property to a group including Arif Habib, former client and friend of PM Shaukat Aziz, was done in ‘indecent haste’.

Hasba Bill case

Chief Justice Iftikhar Muhammad Chaudhry, head of a panel of the nine judges bench, turned down the petition filed by General Pervez Musharraf to the top court for an opinion after the Hasba Bill which was passed in the North West Frontier Province Assembly. ‘The governor of the province of NWFP may not assent to the Hasba bill in its present form’, the court observed. This bill was proposed to give powers to the police to ensure observance of Islamic practices and values. The court declared the bill unconstitutional.

Missing Persons

One of the main confrontational cases heard by the Supreme Court in 2007 was about missing persons. The families of missing persons filed a petition against the illegal kidnapping of their siblings by the US agencies FBI, CIA and Pakistani agencies in pursuance of the ‘war on terror’. The petitioners (Ms Amina Masood Janjua representing 254 missing persons and their families) pleaded for producing the missing persons in front of a magistrate in line with the law and be given a chance of trial. The case was pleaded by Justice (r) Fakhruddin G. Ebrahim and Asma Jahangir from the Human Rights Commission of Pakistan. A bench under the Chief Justice Iftikhar Muhammad Chaudhry took up the case, which is still under trial.

Other Cases

Some other very important cases were also heard in the Supreme Court in the year 2007. Decisions taken in some cases were:

- The case whether Nawaz Sharif (twice the former PM of Pakistan) could come back to Pakistan. *Decision:* Sharif can come back.
- The case on whether or not the President Pervez Musharraf could run in the election for the next Presidency term. The decision was against the General.

The Lawyers, civil society and political forces saw the removal of CJ as an attempt to undermine the independence of the judiciary. To them, the Chief Justice was an obstacle to the president's plans to remain army chief while simultaneously occupying the presidency. Therefore, Musharraf had no choice but to get rid of him to prolong his rule.

The country wide protest started against the president's effort 'to tame' the judiciary and to reinstate the Chief Justice. These small scale demonstrations soon became huge protests - attended by most opposition parties - against the military rule.

On May 5, 2007, deposed CJ travelled from Islamabad to Lahore with his friend and counsel Atizaz Ahsan to address the Lahore Court Bar Association. For the support of Chief Justice and seeking for free and independent judiciary, the people of Pakistan came out on the roads to welcome their beloved Chief Justice and his motorcade which took 25 hours to reach the dinner, the association was holding in his honour. Demonstrators chanted slogans supporting the CJ and demanding Musharraf to step down. In his speech, he criticized the dictatorship and emphasized the importance of the rule of law thereby politicizing the office of Chief Justice. The same kind of support was also observed in all parts of Pakistan for reinstatement of the Chief Justice.

The BBC Correspondent Barbara Plett in Islamabad beautifully analyzed the situation and said that the emerging consensus is that the president has four options:

- Ride out the crisis in the hope that the protests run out of steam. The experience of Karachi and Lahore suggests that is not working.
- Accept that he had been wrongly advised, reinstate the chief justice, and look for a scapegoat. But many say, it is too late for that now.
- Declare a state of emergency and impose martial law. That might lead to violence on the streets, and to international condemnation, including from his friend the United States.
- Reach out to the Pakistan People's Party (PPP) of Benazir Bhutto, generally seen as the most popular political force in the country. According to the rumours, outlines of such a deal, corruption charges against Ms Bhutto would be dropped and she would be allowed to return from exile, if the PPP supported General Musharraf's presidency. However, the PPP said it would not accept the president if he stays on as army chief.

However, on July 20, 2007, the thirteen-members bench of Supreme Court headed by Justice Khalil ur Rehman Ramday reinstated CJ Iftikhar Muhammad Chaudhry to his previous position as the Chief Justice. The case of CJ was represented by Aitzaz Ahsan,

Shahid Saeed, Gohar Khan and Nadeem Ahmed [PLD 2007, SC 578] against 16 senior lawyers representing the Federation. The ruling combined 25 constitutional petitions filed by various parties, but referred most of the issues raised by the 24 petitions not filed by Chaudhry himself to lower courts for extended adjudication. All thirteen of the sitting justices agreed that Musharraf's action was illegal, and ten of the thirteen ordered Chaudhry to be reinstated and that he 'shall be deemed to be holding the said office and shall always be deemed to have been so holding the same'.

The decision of the court in Constitutional Petition No.08 and 09 of 2009 from 14 member bench headed by CJ Iftikhar Muhammad Chaudhry, summarily removed all justices of higher judiciary who were not part of it as on November 2, 2007. There were three groups of these removed justices:

- Those who were elevated to higher courts and initially took oath under PCO.
- Those who were elevated to higher courts after restoration of the constitution, and were appointed by General Pervez Musharraf.
- Those who were elevated to higher courts after restoration of constitution, and were appointed by Asif Ali Zardari.

Post-Script on NRO

A full court headed by Chief Justice has declared NRO as unconstitutional and discriminatory law and turned it down from the date of its issuance. Supreme Court also ordered the government to reopen all the cases on the position from where they have been closed under the NRO. Supreme Court also ordered the government to write a letter to Swiss government to reopen Asif Ali Zardari's Swiss Account case of \$60 million which is the most controversial issue as the President Asif Ali Zardari enjoys immunity under Article 48. This has aggravated the situation and some experts believe that the next judicial crisis is in the offing.

Emergency Declaration: Another Case Study

A tremendous growth in media especially electronic sector was observed after General Pervaz Mushraf came into power. He constituted Pakistan Electronic Media Regulatory Authority (PEMRA) and issued license to private sector for establishing television and FM radio channels. He also allowed private sector to broadcast news on FM radio. Similarly, other forms of media such as mobile phone with different services, cable

network and high speed internet facilities spread from elite class to common people both in urban and rural areas. Not only this, quite unprecedentedly, print media was allowed to flourish in the country. Musharaf also replaced the Press and Publication Ordinance which regulated the affairs of print media. This policy resulted in mushroom growth of media in its different categories. As long as the situation remained favourable for Musharaf's regime, he was very kind to media. But all changed when his hold on government become loose due to his unpopular and undemocratic decisions.

The first step in this way was the suspension of Chief Justice of Pakistan Iftikhar Muhammad Chaudhry on 9 March 2007. He asked the Chief Justice to resign but when CJ refused, President Musharaf suspended him and filed a reference against him in Supreme Judicial Council. This generated a gulf of differences between the military dictator and media who believed in freedom of expression, democracy, justice and supremacy of law. Media reported all the day-to-day events on the issue of suspension of Chief Justice and the hearing proceedings in Supreme Judicial Council. This reporting changed the public opinion, consequently Musharaf image was badly tarnished. This made Musharraf furious and instead of changing his unlawful policies, his speed accelerated and took number of steps to subjugate and bring media under his control. This was unacceptable for free media and it performed its professional responsibilities with great enthusiasm.

Media activism diluted the fear in atmosphere in the country and it encouraged the people, lawyers, politicians, members of civil society to express their sympathy with the suspended Chief Justice. A 13-member court on a constitutional petition reinstated the Chief Justice Iftikhar Muhammad on 20th of July 2007.

Though Musharaf publicly announced that he would accept the court decision but in reality he took such actions which were neither democratic nor constitutional. Among them was the furious incident which shocked whole of Pakistan was Lal Musjid incident in July 2007. Innocent boys and girls in the seminary were killed by the brutal use of force. The civic life in Islamabad, the capital and most modern city of Pakistan, was completely whacked. The surrounding area of Lal Musjid looked like a battle field and common people did not have access to the area. War weapons and battle field techniques were used to clear the Lal Musjid. Government was expecting that media would report the events as per its directions and desires. But the media by and large reported the event against the whims and wishes of the government. The Supreme Court and civil society were not happy with this action. The civil society requested the government time and again to restrain from the use of power, especially military power.

After the restoration of Chief Justice Iftakhar Chaudhry and events like Lal Masjid, the Musharraf government lost her popularity. The society became angry with the General's actions. He was going away from people and got isolated in such a way that he could not imagine the real situation outside the presidency. Instead of analyzing his flaws so that he could control the situation, he took such steps which reflected him a ruthless authoritarian ruler.

Among them the worst one was introduction of the Emergency Order 2007. The former military dictator General (r) Pervaz Musharraf imposed emergency and put the constitution in abeyance as Chief of Army Staff in Islamic Republic of Pakistan through an executive order issued on November 3, 2007. Furthermore, he issued Provisional Constitutional Order (PCO) to run the state affairs. He dismissed the Chief Justice of Pakistan Iftakhar Chaudhry, and ordered all judges of the Supreme Court, Chief Justices of all four High Courts and their respective judges to take a fresh oath under the PCO. All those who refused to take oath under PCO were dismissed from service without any benefit. Some 12 judges of Supreme Court and 24 judges of High Courts of Sind, Khyber-Pakhtoonkawah and Punjab were ceased to hold their offices. This also led to the suspension of fundamental rights under Article 9 of the Constitution of Pakistan. Safeguards against illegal arrests and detention under Article 10, freedom of movement under Article 15, freedom of assembly under Article 16, freedom of association under Article 17, freedom of speech under Article 19 and equality of citizen were suspended.

The country was gripped by demonstrations and strikes forcing government to review its decision. Across the world, every civilized person and institution joined the voice of Pakistani nation and the civil society.

The military dictator was of the opinion that his executive order would be obeyed by the people and he would face no resistance to implement his self-centered agenda as he practiced 8 years ago when he dismissed an elected government and forced the then prime minister to exile. But this time he experienced a very surprising reaction. The Pakistani nation, politicians, common people, lawyers, media and civil society unanimously rejected his order. They joined their hands against this emergency and started an unprecedented movement to cease the emergency, restore judiciary, basic human rights and freedom of expression.

The Musharraf government took every step to press this movement. They imposed ban on assembly, speeches and demonstrations. Power was used to disperse the demonstrators. They arrested thousands of demonstrators, torched them. They were detained and kept in isolation without any trial. Among them most of the demonstrators were lawyers. They were physically beaten, injured and shifted to far off jails. Their heirs were kept in dark about their whereabouts. At many places, police and forces opened fire and casualties were also reported.

The prominent figures who demonstrated against the emergency besides lawyers were the organizations including students from all Pakistan, some right and left wing organizations from all walks of life. The government proved to be deaf and dumb on these actions. It moved one step ahead and influenced the local cable operators to terminate the transmissions of independent television channels like Dawn News, Aaj, Geo News, Ary One World, BBC World, CNN and Al-Jazeera. The authorities used brutal force against the journalists who were demonstrating to lift the emergency, restore constitution and judiciary. The Pakistani government also influenced Dubai Government to stop the uplink facilities to Geo and ARY channels. Moreover, the mediemen were banned to enter in certain premises, they faced hurdles in performance of their professional duties which appeared like the censorship of old days. This made the situation graver. It was obvious that Government of Pakistan (GoP) in 21st century wanted to rule the country like it used be in the dark ages. This was unacceptable to the people, media and civil society of Pakistan. It was a crucial time. Media had to play its role by reporting in right direction – the restoration of democracy and constitution. Media did not compromise on canons of their profession. They performed their duties without any fear. They bore all the brunt and suffered huge losses due to their just struggle.

This generated a general grievance among the people. Some 70% people openly opposed the closure of private TV channels, arrest of the Chief Justice, 71% opposed the suspension of constitution and 67% demanded the resignation of General (r) Pervaz Musharraf. In this tough time, the situation worsened when the government promulgated two ordinances which limited the media activities. These ordinances were Prohibition of Live Television Coverage of events of violence and conflict and ban on TV operators to air programs or reports which could ridicule the president, armed forces, or executive, legislative or judicial organs of the state. Offenders could have been punished with three years in jail.

State authorities were not only confined to verbal threats, rather they took several unruly actions as well. The Geo TV office Islamabad was raided by police. The event went

on-air and all across the world it was seen. The police abused office staff, beaten them with batons and also damaged the office property. Similarly, the *Daily Express* editor in Peshawer Sohail Qalander was abducted in January 2007. The climax came in this story on 12th May 2008 when the suspended Chief Justice visited Karachi. The miscreants openly fired on Aaj TV crew and it was seen live by the people.

All these actions had one demand that media should not report the misdeeds of government, instead support it. Up to March 9, 2007, Musharraf was not an unwanted person. He enjoyed some respect in country. But as he started to ignore his mistakes, the decline became his fate. He took number of unpopular decision one after another. Media played its watchdog role in the system. Media pointed out his mistakes and asked him to rectify them, but instead of rectifying his mistakes he started to curb the mouthpiece of society. His unpopular decisions made him the most unpopular leader.

He tried to chain the media. He raided again and again on media offices and persons. He promulgated ordinances which were open threat to media because these ordinances prohibited media to discharge their duties, and journalists were also been threatened to be punished with imprisonment. All these made the situation bad to worst. The very foundations of Musharraf government were shaken with every passing moment. And eventually, he not only lifted the emergency on 15th of December 2007 but also resigned from his office on 18th August 2008.

Economy and Media

Economy plays a vital role in the progress and prosperity of any country. Strong economy brings change and development in every institution of a society. Economic development has a significance correlation with media freedom. In past when there was no such boom of multinational and transnational corporations in Pakistan, our media were greatly dependent, in term of revenue, on the government advertisements and subsidies. Media earned very little share from private sector because of its small volume. With the emergence of liberal market, economic forces and globalization, numerous national and international organizations have become major source of revenue for media. Indeed, remarkable share of multinational corporations has strengthened media economy tremendously. This financial independence has given editorial and content independence to media. Although the state set many laws and regulations to maintain its traditional control on

media but changing media landscape helped media enjoy more freedom than it had in the past.

The current media revolution sweeping the nation began ten years ago when Pakistan had just one television channel, according to the UK's Prospect Magazine¹². Today it has over 100 channels of various nature. Together they have begun to open up a country which was long shrouded by political, moral and religious censorship, now breaking chains and social taboos. The birth of privately owned commercial media took place during Musharraf regime when deregulation started, and media were capable of mustering revenue from advertising targeted at the burgeoning urban middle class consumers¹³.

Some recent statistics indicate the growth of newspaper readership in Pakistan during Musharraf regime.

Approximately newspaper readership 25 million

Average time of newspaper readership 26 minutes

Newspaper Readership

Total 20%

Urban 27%

Ruler 15%

Male 27%

Female 12%

Magazine Readership

Total 10%

Male 8%

Female 14%

Purchase of newspaper

Readership purchase newspaper 47 %

Readership borrowed newspaper 53%

Place of Purchase

Home delivery 48%

Stall shop 44%

[Source: Gallup survey]

¹² <http://www.prospectmagazine.co.uk/2009/07/therealnewsfrompakistan/>, retrieved on May 30, 2010.

¹³ <http://www.riazhaq.com/2008/08/musharrafs-economic-legacy.html>, retrieved on May 30, 2010.

Emergence of Electronic Media

There are many factors behind the emergence of electronic media in Pakistan. In year 1990s, Pakistanis first started viewing foreign channels when they could receive singles through dish antenna and receivers but the euphoria of watching direct transmission without any government censorship increased over time. In the year 2000, Pakistan Telecom Authority allowed cable TV operations and licenses were awarded for different cities in Pakistan. In the year 2002, when the PEMRA was established these operations were handed over to it.

Not only TV channels, in the mid 1990s, first private FM radio was also given license to operate, later Pakistan Broadcasting Corporation (PBC) launched its own FM network and started competing with the private sector.

PEMRA so far has given license to 88 FM radio channels in Pakistan.

State of radio listenership is:

Total	20%
Regular	6%
Occasional	14%

Increasing readership, viewership and listenership increased the advertising revenue manifold. In year 2004, total advertising revenue was estimated at Rs. 9.9 billion. The share between different media was estimated as under:

Print media	Rs.4.1 billion
TV	Rs.4.5 billion
Outdoor media	Rs.1.1 billion
Radio	Rs.0.2 billion

Advertising revenue in Pakistan is increasing at almost 10 to 15 percent per year.

In terms of various forms of advertising in print media, following data reflect the share of revenue advertising products (for year 2008-2009):

Classified advertisement	19%
TV and Radio station	9%
Real state	9%
Educational institution	8%
Banks	8%
Mobile communication	7%
Legal / other notice	5%
Energy sector	2%

Magazines	2%
Cinemas	2%

Following is the list of share of advertising products for electronic media during year 2008-09:

Mobile companies	26%
Shampoos	6%
Carbonated soft drinks	5%
Detergent	5%
Milk and dairies products	5%
Beauty cream / lotions	3%
Tea	3%
Real state	3%
Biscuits	2%
Soaps	2%
Others	40%

Total advertising revenue for media during year 2008-09:

Total	26.96 billion
TV	14.80 billion
Print	8.16 billion
Outdoor	2.48 billion
Radio	1.08 billion

[Source: Gallup survey]

Among top 10 companies providing greater revenue, only one company is partially public sector; i.e. Pakistan Tele Communication Limited. Rest of the companies are corporate sector multinational, mobiles companies, banks, real estate and beauty product manufacturers. Nevertheless, a little share belongs to public sector in print media.

In a nutshell, economy has tremendous effects on functioning of the media, of which some instances are explained as under:

Shifting of Revenue Source

Due to economic growth in private sector, the large part of the print and electronic media revenue has been shifted from government to private sector media, such as national and multinational companies preferred private channels over state owned media.

After 9/11, a large amount was sent to Pakistan by the Pakistani citizens in the USA and other countries of the world. Also, Pakistan received a large amount owing to ‘war on

terror', mostly as foreign aid. After the earthquake of 2005, financial flow to Pakistan increased and media got its share. All above events boosted the Pakistan's economy as well as of the media.

Changing Landscape of Media Freedom

Less dependence on public sector keeps the media free, and this is visible in Pakistan as with growth in economy, media have also grown tremendously. During last 5 years, mechanism and methods of controlling the content of media could not be applied anymore and traditional methods have now become part of the past.

Increasing Media Consumers

Pakistani society has rapidly turned into an information society. This has resulted in the birth of media consumerism due to viable economic growth boosting the buying power of people at large.

Technological Advancement

Technological advancement equipped media with modern gadgetry and infrastructure, enabling media to increase its access to mass level.

Satellite Communication

Media depend and relay on satellite communication which is operated and controlled by multinational organizations whose economic interest are blended with growing Pakistani media. Hence, they often facilitate electronic media in its fight against the will of the government.

Analysis of the above all factors indicates that the better economic conditions help media prosper in an independent environment.

Musharraf Regime and Media Boom

The roots of the currently booming media industry in Pakistan stretch to the era of a dictator who came through a military coup but introduced a liberal media policy that helped to open up a new epoch of information revolution in Pakistan.

Musharraf assumed the government control in October 1999. At that time only state run electronic media PTV and Radio Pakistan were operational. A huge population of 160 million people was bound to listen and watch what the then government wanted to offer its people on a single channel with limited content choice. Media especially the state media was termed as spokesman of the succeeding governments.

Till 2001, people of Pakistan had a single TV channel, i.e. PTV. NTM (Network Television Marketing) proved to be a bit of fresh air in the early 90's, but the conspiracies of PTV bureaucracy ultimately led to its closure. By then, most of the Pakistanis especially the urbanites of Karachi, Lahore and Islamabad had already switched over to the cable TV. So when Indus TV network started its transmission on 14th August, 2001, it was a new phenomenon on Pakistan's media scene. People started taking interest in this channel and its viewership increased manifold within months. Then other business tycoons jumped into the bandwagon in opening up of new TV channels.

After Indus, Geo TV, founded by Mir Shakil ur Rehman, owner of the Jang Group of Newspapers, was launched in May 2002 to serve the information needs of people of Pakistan. The channel started its test transmission on 14 August 2002, whereas regular transmission began from 1 October 2002. With thrilling spirit and new professionalism, Geo TV put freedom of speech and freedom of expression in Pakistan to unprecedented levels in Pakistan's history.

Musharraf's liberal policy for media development was opening up new avenues of information and advent of TV channels explosion was in its beginning in Pakistan. From its existence till today, PEMRA has issued eighty three licenses to different media groups. The quantum of news channels dominates in Pakistan which rose to 38 recently, while other channels are of entertainment, sports, and religious nature. No doubt, it was Musharraf's philosophy of enlightenment in every sector of life including media that broadened the Pakistan's media scene. However, the technological boom that emerged has its own significance in the process of media development in the country.

To regulate the electronic media affairs, Pakistan Electronic Media Regulatory Authority (PEMRA) was established on March 01, 2002. The main objective of the organization was to facilitate and regulate the establishment and operation of all private broadcast media and distribution services in Pakistan.

PEMRA became chief organization responsible for issuing licenses to radio and TV channels in Pakistan. A total of 83 licenses for satellite TV channels have so far been issued, including about 38 for news and current affairs channels (including regional news outlets). Around 65 channels are currently operating.

With the expansion of TV channels, not only the number of TV sets increased but it also gave boost to viewership paving way for the business. The birth of privately owned commercial media could become possible after the Musharraf's deregulation policy.

Now people of Pakistan can enjoy TV Channels in almost 33 different categories ranging from business to pure entertainment, sports to news & current affairs, which give people freedom of choice who were forced to watch the state TV before Musharraf regime. Besides this, some 25 upcoming TV channels are still in pipeline.

Electronic media boom during Musharraf era can also be observed in the field of radio networks that expanded from few to massive level. Islamabad, the capital of Pakistan has 9 FM radio stations. Punjab has 50, Balochistan has 9, Khyber-Pakhtunkhwa has 15, Northern Areas & Azad Kashmir has 8, and Sindh has 27 FM channels at present.

These radio stations are providing news & information besides 24 hours entertainment and have proved to be a catalyst for social change and national development.

TV viewing reached to 68% of the population in 2009. According to the Gallup Pakistan estimates, the number of TV viewers age 10 years and above has increased from 63 million in 2004 to 86 million in 2009. Though exact numbers are hard to find, it is estimated that the rapid growth of Pakistan's media market over the last decade has attracted significant investment in the range of billions of dollars, and produced hundreds of millions of dollars in revenue. As a result there are 150 advertising agencies and 74 production companies doing media business in Pakistan.

The booming media business in Pakistan can be gauged by the fact that a total revenue in Pakistan's electronic media reached to Rs.23 billion (US\$273 million) in 2009, up from Rs.20 billion (US\$238 million) in 2008.

Media have played a vital role to empower people of Pakistan socially, economically and politically. Recovering from 2005 earthquake to coping with the challenge of IDPs from Swat and tribal areas, from confronting 'war on terror' to nation building process, it was the media of Pakistan that motivated, inspired and strengthened the spirit and opinion of the people of Pakistan.

However, media scene in Pakistan is new and passing through the evolutionary stage. It is ambitious but not mature enough as regards to professional ethics in many respects. Media are enjoying freedom but it is criticized for being irresponsible. For example, from the cruelty of displaying dismembered limbs on television screens to creating a panic-oriented news culture and relegating the status of objective 'anchors' to partisan political players, the trends were and continue to be disturbing. Against the backdrop of the events of March 2009, the role of the electronic media was far from gratifying. The self congratulatory hysteria that now pervades the various channels betrays their utter inability to look back and in retrospect.

Musharraf himself set a new precedent by practicing the philosophy of ‘media democracy’ by tolerating some of the most biased sections of the national media, and by letting the people be the judge on its role. However, he could not fully comply with his own philosophy as he started to gag some editors of newspapers and banned TV channels including the Geo in 2007 and 2008.

Media development process started in Musharraf regime which has been unprecedented and unparalleled, and freedom of expression today is being termed as the ‘new establishment’. Now political and strategic wars are being fought through media either it was building pressure on Musharraf, pioneer of the media development, to resign or coping with the grave challenge of extremism in Pakistan.

Conclusion

General Pervaiz Musharraf also vowed not to introduce any restriction on media when assumed the role of Chief Executive of the country. Due to growing threats on Pakistan’s borders and ongoing war in Afghanistan and then ‘war on terror’, he did not feel any threat to his regime. Hence, no direct law was introduced rather the country witnessed mushroom growth of community and national broadcast media and enjoyed unprecedented freedom. But, this wave did not continue longer. The government had become too frail to stand fast to tackle the present judicial crisis. Under these circumstances, similar to the lines of history of the country, the media are supposed to face restrictions as presumed and predicted by Weaver (1985), Curran (1985), and Olien (1983). Interestingly, the nature of restrictions is direct and piercing that almost paralyzed the media activities, especially broadcast media.

In some cases, the weak political and military regimes opted for indirect means of controlling the media. The most significant method of indirect control was the bifurcation of the media as an institution into various segments with different objectives. This method controlled the media effectively as the masses could see diversity of views on issues of institutional concerns in the newspapers’ contents. Even control measures for media were applauded in certain quarters. However, it has been proved to be extremely hazardous for the media as an institution. This technique socialized (emphasis added) the newspapers and individual journalists with corruption, political ideologies instead professional ideologies and made them amenable to the government(s) of the time and to come. The most lamentable aspect of this method is the late return of the media to its original position. Direct controls

were released when the military or despotic government stepped down and the media was in a state to return to its original position instantly. While, the corrupted media will take a long time to get back to its original state where it was prior to the inception of the government that corrupted it.

For media to develop as an institution having inbuilt self-regulatory system, established culture and norms, common objectives / destinations, and professionalism as the highest point of concern, it has to fight long, to be united, evolve strategy for survival against the repressive laws by the state. States and governments are ruthless and myopic. For them, their survival is supreme; hence, media barons should not expect any mercy. As explained in the structural-functional approach pronounced by Menzies (1982), media will suffer due to polity. Its dependent role needs to be interpreted opposite or some firewalls may be raised to avoid the effects of inherited problems in the polity. No government, no state laws, nor the masses, but the media itself have to develop a shield against the harmful ramifications of other institutions in the society, particularly the polity.

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