

**DISCOURSE DEVICES BEHIND PROTEST MOBILIZATION FOR
THE RESTORATION OF THE CHIEF JUSTICE OF PAKISTAN: A
CRITICAL DISCOURSE ANALYSIS OF THE ENGLISH
NEWSPAPERS IN PAKISTAN**



T-S246

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A research dissertation submitted in partial fulfilment of the requirements for the award of an
MPhil (English) degree

Department of English Language and Literature
Faculty of Languages, Literature & Humanities
International Islamic University
Islamabad
Nov, 2008

12-8-2018

~~TH S246~~



Accession No TH S246

EN
9/9

MS
401.41
AKD

T 05286 C2

T 05287 C3

- i Discourse analysis
- ii English language - Discourse analysis - Newspaper
- iii English newspaper - Pakistan

Final Approval

Name of the student: Akhtar Aziz.

Title of the thesis: *Discourse Devices behind Protest Mobilization for the Restoration of the Chief Justice of Pakistan: A Critical Discourse Analysis of the English Newspapers in Pakistan.*

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ABSTRACT

The mass media, in recent years, has developed as a new centre of power in Pakistan. Its progress has been so phenomenal that traditional power centres are already feeling threatened by it. That it wields an immense influence in bringing the general public round, is a fact beyond question but how it manages to do that is a pertinent question to be asked. This study takes a Discourse Analytic approach to answer that question with a specific focus on how the mainstream Pakistani English newspapers, through a skilful use of their language, contributed towards mobilizing a protest movement for the restoration of the Chief Justice of Pakistan.

The study, having its roots in Critical Linguistics, has devised its methodological framework by drawing upon the Critical Discourse Analysis method to reach its conclusions. The framework is based on the Systemic-Functional approach which considers language to be a network of choices at various levels and these choices determine the purpose that the language intends to serve. This study has tried to highlight a few of these choices, labelled as 'Discourse Devices', which inspired the potential protestor to come out on the streets. As the protest mobilization took a very few days to gain its momentum, the corpus has been limited to the first few days after the 'suspension' of the Chief Justice on Mar 09, 2007.

The analysis of the four mainstream English newspapers has revealed that 'discourse devices' played a significant role in protest mobilization and that media almost played a party in support of the Chief Justice. As Critical Discourse Analysts focus on discourse in its ability to (re)produce and challenge dominance, this study has also shown that by aligning itself with this movement, the media also became a party to the challenge posed by the Judiciary to the dominance of the Executive.

DECLARATION

I, Akhtar Aziz, do hereby solemnly declare that the work produced for this dissertation is my own, and has not been presented to any other institution or university for a degree.

This work was carried out and completed at International Islamic University Islamabad, Pakistan.

Akhtar Aziz

DEDICATION

IF I HAVE LEARNT TEN GOOD THINGS IN MY LIFE, I OWE FIVE OF THEM TO THE CONSISTENT COUNSELLING BY MY ELDER BROTHER ABDUL HAFEEZ.

I DEDICATE THIS DISSERTATION TO HIM.

ACKNOWLEDGEMENTS

I owe a special gratitude to Prof Harry Feldman, my ex-supervisor, who made me understand what research actually means. I know that I am still far from achieving the ideals that he set before me but I have the satisfaction of knowing, at least, where I have to reach. His readiness to deliver all that he has and his brutal comments on one's performance make him a perfect trainer. His emails and blog posts, almost on a daily basis, haven't allowed me for once to feel his absence. He is always ready to listen and he has always something to say.

I am particularly thankful to Dr. Ayaz Afsar, my present supervisor, for his timely appearance at a point when I was facing a deeply frustrating situation and was about to quit the program. That he talked sense was enough for me to make a new beginning and his prompt responses have helped me finish this dissertation in a relatively short time.

I also feel obliged to Prof. Munawar Iqbal Ahmad, Chairman Department of English, for taking keen interest in our problems and for his efforts in resolving the dispute regarding our MPhil/PhD status.

To get an insight into the actual workings of the Pakistan media, I worked for some time with Business Plus TV as a Reporter and saw the Chief Justice issue unfold before my eyes. I am grateful to the administration of Business Plus not only for the enriching experience of field journalism but also for allowing me ample time to continue my studies alongside.

I am indebted to the Higher Education Commission for providing me the financial assistance and to the Technical Education Department (NWFP) for granting me a Study Leave to complete my PhD. Both the departments have relieved me of the worries of livelihood for such a long period of time.

My special thanks to my friend Mr. Abdus Sami Khan, for giving this composition a beautiful look through his adroit computer skills.

"Chief Justice Iftikhar Mohammad Chaudhry is no doubt the Chief Justice of Pakistan but because of his numerous *suo motu* notices, the oppressed classes have started considering him as their lawyer." (Translation)

Asif Bashir Chaudhry...ARY Oneworld...Islamabad

(Piece to Camera) July 20, 2007

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1.INTRODUCTION

1.1 The Chief Justice Issue: A Brief Story

On Mar 09, 2007, a Reference (See text in Appendix B:9, p.127) against Mr. Iftikhar Muhammad Chaudhry, the Chief Justice of Pakistan (CJ), on charges of misconduct and misuse of authority, was filed before the Supreme Judicial Council (SJC)(For SJC see Appendix B:2,p.120) by President Gen Pervez Musharraf. The Chief Justice was also 'suspended' and an Acting Chief Justice was appointed till the decision of the SJC. Keeping in mind the nature of power politics in Pakistan, where elected governments get toppled by Army Generals in bloodless coups, getting rid of a somewhat dissident judge was not supposed to be a big deal. Neither the government nor anyone else could have imagined at that moment as to where this action may lead.

As per tradition unwanted Prime Ministers, Governors, cabinet members or other high ranking state functionaries are asked to submit resignations for face-saving or to get fired in a humiliating way and most prefer the former. Some such thing was expected of the Chief Justice in his now controversial final meeting with the President at the latter's Camp Office. It was supposed to be a single column story on the front or may be on the back page of the newspaper which the people may read and forget the next day. The

unexpected, however, happened when the CJ refused to resign and decided to stand up and be counted.

Things would still have been under control had the government not panicked at this situation. Having been taken aback and being ill prepared to face the unexpected the government gripped the attention of the media by its bizarre behaviour in tackling the situation. The CJ was first pressurized at the Camp Office for several hours and then was chased and stopped by the police when he tried to go to his office and was escorted back home where he was kept in unofficial detention for some days with his phones and cables disconnected (for details see Appendix A:I,II,III,IV,p.91).

One purpose behind all this was probably to keep the CJ away from the media so that he may not be able to muster support for himself in the general public. Contrary to the intended purpose, the CJ mustered momentous support because of his being kept away. Reporters, cameramen and photographers had consecutive field days around the CJ's residence covering every minute detail of what was happening to him and it seemed as if the media itself had panicked at the situation. This panic continued to aggravate during the four month long protest movement till the restoration of the CJ by the Supreme Court on July 20, 2007.

The meticulous coverage of this event enabled the public to know everything as if it was happening before their eyes and reactions soon started to pour

in. The lawyer's community took the lead in starting protest rallies all across the country and they were joined by the opposition political parties and civil society. The images of blood-bathed lawyers on the TV screens and newspapers after a severe baton-charge on a protest rally in Lahore on Mar 12 gave a violent boost to this movement (For a picture see Appendix B:10,p.136). The movement seemed to have gained its full momentum on the very next day when despite barricades thousands managed to reach the Supreme Court to greet the Chief Justice on his first hearing before the SJC. On his first appearance in public since Mar 09, the CJ was given a welcome that is accorded to national heroes.

The crowd of protesters at the Constitution Avenue kept growing on each subsequent hearing but the CJ and his lawyers decided that as it is unworthy of a CJ to address political rallies, he should address the District Bar Councils all across the country. He travelled throughout the country by road addressing district bars on his way to some big city and a journey of a few hours sometimes took him 48 hours to complete because of the overwhelming crowds. All this was broadcast live by all the private TV channels and newspapers were filled with the stories of his remarkable welcome throughout the country.

This movement took its most violent turn when on May 12 the CJ was stopped to address the Karachi Bar and the ensuing violence claimed more than 40 lives and several injured apart from huge loss of property.

The speed at which this movement gained its momentum was surprising. Despite being largely limited to a few classes of the society, it not only managed to get the CJ restored but also brought the powerful government of President Musharraf to the verge of collapse and he had to impose another martial law termed as 'Emergency' on Nov 03, 2007 and the CJ along with many other judges had to go home again as they refused to take oath under the interim constitution.

The CJ and other deposed judges were again detained at their residences till a new government was formed after the election on Feb 18, 2008. As it seems it was primarily due to this movement that the Pakistan Muslim League (Q) government under President Musharraf suffered a humiliating defeat in these elections and the parties in power now are pressurizing him to resign. The President has stuck to his guns till now but the judges' issue is still dominating the political scene as this dissertation is submitted.

1.2 Research Questions

This study takes inspiration for its research questions from the following fragment of an interview with Mr. Ali Ahmad Kurd, Vice Chairman of the Pakistan Bar Council and a prominent leader of the lawyers' movement for

the restoration of the Chief Justice of Pakistan, just before the decision of the Supreme Court on July 20, 2007. He is talking to Mr Arshad Waheed, a reporter of GEO TV. When asked as to what would be his reaction if the Supreme Court decides against the Chief Justice:

Kurd:I'd tell you that it would be the blackest day in the history of Pakistan and neither the lawyers nor the millions of people of Pakistan would accept it and we'd fight against that decision with our full force and full power.

Reporter: Then it would mean that you have a lack of confidence on this 13 member panel (bench) of judges of the superior judiciary if you will not accept this verdict.

Kurd: No. No. No. No. We're not showing a lack of confidence but we are telling them that these decisions. the reference they are going to decide about . the people of Pakistan have decided this reference during the past 4 months. Millions of people have kissed the hands of Chaudhry Iftikhar. against the reference this is their . When they(people) have come they have come against the reference . When they have come they have come against Gen. Pervez Mussharraf.(Translation)¹(Waheed, 2007)

What Mr. Kurd is trying to establish is that the overwhelming support that the Chief Justice has received from all walks of life is a sort of a decision in his favour by the nation and the court proceedings, arguments and evidence, if any, against him have no significance. It sounds a bit too emotional but after a four month long successful protest movement Mr. Kurd

¹ An effort has been made to translate the interview verbatim so as to retain the originality and spontaneity of the text.

is beaming with confidence that the Court will restore the Chief Justice and so did it happen.

This research also assumes that it was the discourse outside rather than inside the court that proved to be the determining factor in the restoration of the Chief Justice by the Supreme Court of Pakistan on the 20th of July 2007. The discourse outside the court would mean the speeches, slogans, poems, placards, hoardings and so forth during the protest rallies and the discourse on media including news stories, editorials, columns, opinion articles, live TV news coverage, news reports and packages, talk shows, promos², vox-pops³, comedy-shows, songs and prayers.

This study further assumes that the most formative contribution towards protest mobilization was made by the print and electronic media of Pakistan. The study would, therefore, try to ascertain the extent to which the media discourse helped trigger a protest movement which in turn exerted a tremendous pressure on the government and the Supreme Court to give a verdict in favour of the CJ.

Due to its narrow scope, however, this study will focus only on the effective discursive practices of the print media in protest mobilization for the restoration of the Chief Justice. As stated above media discourse includes a variety of genres, it would be impossible to take into account all of them in

² Promotional Advertisement of a TV show by the channel including clips from the show and other relevant footage

³ A brief on-camera expression of views by a member of the public with an unseen reporter

such a limited research project. This study will, therefore, try to highlight various linguistic choices, henceforward called the Discourse Devices, made in some important news stories and editorials of the four mainstream English newspapers of Pakistan that may have contributed towards mobilizing the potential protester.

So as not to digress from its objectives, this study will try to answer the following questions

- Did Pakistan media play a party in support of the Chief Justice during the movement for his restoration?
- Which Discourse Devices in the mainstream English newspapers contributed towards protest mobilization?
- Did media discourse contribute in any way towards the production, maintenance or change in relations of social dominance?

1.3 Rationale

Many analysts have termed this event to be a defining moment in the history of Judiciary in particular and the history of Pakistan in general. It has been argued that the judiciary has finally liberated itself from the subjugation of the executive and that 'the doctrine of necessity'⁴ will be done

⁴ It was under the 'the doctrine of necessity' that the Federal Court upheld the unconstitutional dissolution of the Constituent Assembly by Governor General Ghulam Mohammad in 1954 and it was consistently used by the Court to defend many subsequent dissolutions by various regimes (For more history see Appendix A:XIV, p.110).

away with once and for all. Determining the validity of that argument is beyond the scope of this study but it will try to analyze the weight that media might have put behind that definition.

The introduction of dozens of satellite TV channels and the amount of freedom they enjoy is an unprecedented development in Pakistan. Media in fact has developed itself into a new power centre and traditional power centres like the civil and military establishment, parliament, and so forth have started feeling threatened by it. People have in fact started saying that if there had been such media in the past, things like the separation of East Pakistan and the hanging of a former Prime Minister Mr Z A Bhutto may not have occurred. It is therefore necessary to understand as to how media has actually worked to acquire that much influence.

This development has not only sprung surprises on the dominant classes but has also started showing its marks at the grass-root level of the society. Critical Discourse Analysts believe that discourse constitutes social and cultural change (Fairclough, 1995b) and that it plays a role in the (re)production and challenge of dominance in a society (Van Dijk, 1993). This study will certainly help those who want to appreciate that change, if any, in the social fabric of our society after the introduction of this new era of electronic and print media.

Critical Discourse Analysis (CDA), in particular, aims "to 'demystify' discourses by deciphering ideologies" (Wodak, 2006, p.4). The study will also demonstrate how discursive practices on the media work in the propagation of desired attitudes, ideals, values, ideologies, etc in a society. Our society, in fact, has not yet been able to fully comprehend how things have changed because of this development in mass communication and why do we need to know about how it works on our minds. We need to know about it not only to avoid being victims of misinformation or propaganda of vested interests but also to make use of the power of media in bringing about positive changes in our societies.

It is in this context that this study will try to analyze as to how discursive practices on media play upon the minds of the general public.

2. REVIEW OF LITERATURE

The immense potential of media discourse in moulding the opinions of the public was first exploited by the Creel Commission of the Woodrow Wilson government in USA during World War I (Chomsky, 2004). Its success in moulding the opinion of the American Public within six months to join the war against Germans amazed everyone. Media figures like Walter Lippmann (1922) thought it to be "a revolution in the art of democracy" which could be used to "manufacture consent" in the public without coercion.

Another brain behind the campaign was Rehnhold Niebuhr (as cited in Chomsky, 2004) who thought 'necessary illusions' were needed to keep the simpletons on course. Later on people like Edward Bernays successfully transferred the achievements of propaganda to Public Relationing and turned that into an industry. Being a nephew of Sigmund Freud he introduced the use of psychological techniques to 'engineer the consent' of the people (Edward Bernays, 1955).

The ability of the mass media to 'manufacture' the consent (Herman & Chomsky, 1988) of the common people is multidimensional. This ability, however, mainly resides in the language being used by the media. The roots

of textual analysis may be traced in classical rhetoric (Wodak R and de Cillia R, 2006) but its evolution into discourse analysis is a recent development.

It is now common to refer to discourse analysis as Discourse Studies but many diverse disciplines such as Linguistics, sociology, Anthropological Linguistics, Analytical philosophy, cognitive psychology, literary and social theory still lay claims to this branch of knowledge. That's why there is a lot of confusion as to what discourse actually means and how it is to be analysed.

According to the Cambridge Advance Learners Dictionary, 'Discourse' means the use of language in speech or in writing on a particular, usually serious, subject (Woodford & Jackson, 2003). Early linguists were interested only in the formal properties of a language under the dominating influence of L Bloomfield (1933) who argued that linguistics is only concerned with phonological, lexical and syntactic features of an utterance. He dismissed any consideration of meaning by saying that it is for other sciences to deal with.

John Firth, by contrast, asserted for the first time that language is fundamentally a way of behaving and making others behave and the linguist should focus on the verbal process in the context of the situation. He advised linguists to focus on conversation analysis to understand how language really works (as cited in Coulthard, 1998).

D Hymes (as cited in Brown & Yule, 1983), later on, specified the various features of 'context' including the Addressor (speaker/writer), Addressee (hearer/reader), Setting(place/time), Channel(speech/writing etc), code (language/dialect), message-form (chat/debate/sermon etc), Key(intended and Event(Education/Church service). All these features contribute to the meaning of any text and therefore are an integral part of analysis.

Some linguists like David Crystal (as cited in Mills, 1997) try to differentiate discourse from text. Crystal considers discourse to be naturally occurring spoken language such as conversations, interviews, commentaries and speeches. Text on the other hand is written language such as essays, road signs, notices, chapters and so forth. He, however, goes on to say that in a broader sense 'discourse' and 'text' may include all language units with a definable communicative function.

Gillian Brown and George Yule (1983) discuss discourse as "language in use" (p.1) and insist that apart from taking into account the formal properties of a language, a discourse analyst should be committed to an "investigation of what that language is used for" (p.1). They define a discourse analyst as a person who "treats his data as the record (text) of a dynamic process in which language was used as an instrument of communication in a context by the speaker/writer to express meanings and achieve intentions(discourse)"(p.26).

Apart from 'Context', Brown and Yule (*ibid.*) and George Yule (1985) include things like co-text (set of words used in the same phrase), presuppositions (what a speaker assumes to be true or known by the hearer), inferences (information used by the listener to understand what is said), implicatures (what is implied or suggested), analogy and so forth in their framework for discourse analysis. They differentiate between two meta-functions of a language namely Transactional and Interactional. Language is transactional regarding expression of its content and is primarily a tool of conveying factual or propositional information just like a professor delivering a lecture or a mother answering her questioning son. The Interactional function of language pertains to the establishment and maintenance of social relationships and personal attitude. Chatting to fill time, writing a love or thank you letter and sharing common point of views has nothing to do with imparting information.

In the late 70's a group of four linguists at The University of East Anglia put forth a new framework for discourse analysis with a particular focus on media discourse which they called Critical Linguistics (Fowler, Hodge, Kress, & Trew, 1979). Critical Linguists saw discourse as consisting of both linguistic and ideological processes which have a determinate relationship between them and linguistic choices carry ideological meanings (Trew, 1979b). They believed that there are strong connections between linguistic structures and

social structures and that discourse cannot exist without social meaning (Kress & Hodge, 1979).

The work of Critical Linguists on media discourse unravels the myth of objectivity and impartiality of media. They highlighted the use of passive voice and nominalization to hide the agency behind a bad action. They also worked on the transformation of news material from the source to the report, from one report to another or to an editorial (Trew, 1979a, 1979b). They also focused on the significance of vocabulary choices in processes of categorization like the differences in vocabulary used for men and women in a study of gender discrimination.

For the most part, critical Linguistics was concerned with what was later on labelled as 'Ideational' function of the language by the Systemic Functional theory. This theory assumes that language performs three metafunctions with regard to how it is used. In its Ideational function the language is used to represent events, situations, people and so forth. In its Interpersonal function it is used to enact social relations and identities and in its textual function it is used to build texts out of choices from vocabulary, grammar and so forth (Halliday, 1985).

Critical Discourse Analysts have mainly drawn upon the work of Critical Linguists but Fairclough (1989:1995b) calls his own perspective as Critical Language Study and criticizes the Critical Linguists for their excessive focus

on text and productive processes and an exclusion of the interpretative processes. It will, however, be evident from the following discussion that Critical Language Study or Critical Discourse Analysis are improvisations and they clearly belong to Critical Linguistics.

A major Critical Discourse Analyst Ruth Wodak (2006) says that "CDA has never been and has never attempted to be or to provide one single or specific theory. Neither is one specific methodology characteristic of research in CDA" (p.2). In that sense Critical Discourse Analysis is more a perspective than a specific method for discourse analysis. What differentiates CDA from all others is its broad scope which does not take language to be an autonomous construct but a kind of social process. CDA further assumes language to be a socially conditioned process (Fairclough, 1989) as it is influenced by its context. Discourse not only represents or describes a reality but may also add to its meaning.

Describing discourse as social practice implies a dialectical relationship between a particular discursive event and the situation(s), institution(s) and social structure(s), which frame it: the discursive event is shaped by them but it also shapes them. (Fairclough & Wodak, 1997 p.258)

Besides text, Critical Discourse Analysts believe that discourse includes a process of the text's production and a process of its interpretation as well (Fairclough, 1989) and both of these processes have deep roots in the society where that text is being produced. They believe all linguistic

phenomena to be social though all social phenomena may not be linguistic despite having a substantial but underestimated language element.

The processes of production and interpretation involve interplay between properties of a text and the representations already present in the minds of the producer and the receiver of the text. These representations may include shapes of words, grammatical forms, and structures of genres like news story, properties of objects, persons, situations and so on (*ibid.*). George Yule (1985) calls these structures of knowledge in our minds as schemata or schema for singular. In short what is socially produced is internalized by the people and it varies from person to person according to his exposure to the society.

This takes us to the socio-cognitive model put forth by Teun Van Dijk, another Critical Discourse Analyst on whose framework this study draws upon. Van Dijk's (1993) broadened the scope of CDA to include 'the role of discourse in the (re)production and challenge of dominance'. He employs CDA to deal "primarily with the discourse dimensions of power abuse and the injustice and inequality that result from it" (p.252) and to identify "structures, strategies or other properties of text, talk, verbal interaction or communicative events" (p.250) which play a role in these modes of (re)production. He maintains that social power is a result of privileged access to resources like wealth, status, education, group membership and so

forth. This power may also be due to special access to various genres, forms or contexts of discourse and communication. He also holds that in present times dominance is legitimised and made acceptable cognitively through "persuasion, dissimulation or manipulation, among other strategic ways to change the mind of others in one's own interests" (p.254) and the use of force is avoided. He highlights the importance of social cognitions at work in the minds of the participants in a discourse. By social cognitions he means "socially shared representations of societal arrangements, groups and relations, as well as mental operations such as interpretation, thinking and arguing, inferencing and learning" (p.257).

Van Dijk (1988) prefers to go beyond the sentence level and to take on a global dimension of a discourse where "overall meanings of whole texts or large text fragments, such as topics, themes and perspective, as well as overall schematic forms" (p.170). He labels the various pieces of information in a news item as Macrostructures (for more see 3.2:1, p.25) whereas various parts (headline, lead, superlead etc) of the story are labelled as Superstructures. He, however, does not deny the importance of the local dimension of the discourse at the micro level and considers it important to take into account things like entailment, implication, presupposition and so forth as they may reveal "elements of underlying ideologies" (p.170). Even his concept of Macrostructures seems to have been influenced by the

Theme-Rheme concept of the Hallidayan functional grammar (See 3.2:2, p.27).

Another major Critical Discourse Analyst Ruth Wodak (2006) defines CDA as a method of "analysing opaque as well as transparent structural relationships of dominance, discrimination, power and control when these are manifested in language." (p.4). She traces the origins of CDA in the Frankfurt School associated with Jurgen Habermas who claim that language being a social force legitimizes relations of organized power and serves as a tool of domination. Wodak considers herself to be a Critical Linguist and traces the roots of CDA in sociolinguistics, text linguistics, pragmatics, applied linguistics and classical Rhetoric.

In its non-adherence to any particular methodology CDA has incorporated various tools in use of a range of discourse analytical methods. Apart from the systemic functional grammar and the socio-cognitive model of Van Dijk discussed above, the Cognitive Metaphor theory by George Lakoff and M Johnson (1980) has also been frequently employed by the Critical Discourse Analysts. This theory took the metaphor out of the realm of literature and highlighted its influential role in our speech at the textual level. Being a potential tool for CDA Charteris Black has recently combined Cognitive metaphor theory with CDA and renamed it as Critical Metaphor Theory(as cited in Meadows, 2006).

Lakoff and Johnson's (1980) concept of a Conceptual Metaphor assumes that our conceptual system is largely metaphorical and it plays a dominant role in defining our everyday realities. They believe that language provides the best evidence to understand our conceptual system through which we perceive, think, and perform actions. The use of metaphors in texts not only adds to the meanings of the statement but also evokes powerful frames in the minds of the reader.

Cognitive Metaphor Theory in its early days was in line with the CDA's preoccupation with discourse being a socio-cultural practice and it believed that "metaphors may create realities for us, especially social realities" and that "people in power get to impose their metaphors" (Lakoff & Johnson, 1980 p.156). According to Veronika Koller (2005) some recent research has tended to background the socio-cultural dimension of the metaphor and to stick to the traditional cognitive linguistic focus on the impact of human neural makeup on language and cognition. She pities this backgrounding and says that the cognitive model of Van Dijk needs to be improvised upon so as to exploit the full potential of CDA.

George Lakoff (2004) has also worked on 'Frame Analysis' in recent years and he considers a Frame to be a conceptual structure used in thinking and words associated with that frame evoke the whole structure. It was Ervin Goffman who initially worked on Frame Analysis and he defines Frame as

"schemata of interpretation that enable individuals to locate, perceive, identify, and label occurrences within their life space and the world at large" (as cited in Eilders & Luter, 2000, p.417).

Given these interpretations of Schema, Social Cognitions and Frames given by Fairclough, Yule, Van Dijk, Goffman and Lakoff (For comparison see p.16,17,19) one can conclude that these concepts are synonymous and this study will use the term 'Frame' to refer to these concepts collectively. Collective Action Frame is a more systematic concept put forth by R. A. Benford & D. A. Snow (2000) to analyse the mobilization of social movements through discursive practices. They identify two 'core framing tasks' as 'consensus mobilization' and 'action mobilization'. 'Consensus mobilization' is achieved through Diagnostic Framing (identifying causality or agency) and Prognostic Framing (proposing a solution) whereas 'action mobilization' is achieved through Motivational Framing (rationale for action) (For more discussion see 3.2:3, p. 29). An analysis of the choices made in the media discourse at the sentence level will help us appreciate as to what frames were evoked by those choices and how these Frames managed to inspire the potential protestor to come out on the streets.

Language is considered to be just one of the various systems of signs used for communication and discourse analysts like Fiske and Hartley (as cited in Fairclough, 1995b) have applied a Semiotic Analysis to news discourse. They

focus on the semiotic codes and conventions underlying the linguistic and visual aspects of news stories. Paul J. Thibault(1991) considers Social Semiotics to be a study of the human meaning-making processes of all types including linguistic, pictorial, actional and other semiotic modalities and their co-deployment.

The above discussion shows that CDA is an open-ended framework and one should agree with Gunther Kress (as cited in Fairclough,1995a) who has argued that for an analysis that reflects the true spirit of CDA a new social theory of language including a grammatical theory is still a requirement. This study will therefore take its basic inspiration from the CDA proposition about the role of discourse as a socially conditioned process of the (re)production and challenge of dominance. As CDA borrows workable tools from the Systemic functional theory, Critical Metaphor theory, the socio-cognitive and social-semiotic models to reach its conclusions, this study will devise a framework of these tools labeled as 'Discourse Devices' that helped mobilize this protest movement for the restoration of the Chief Justice.

3. METHODS

This study sets out to analyse the selected corpus in a Critical Discourse Analytic perspective as discussed in the previous chapter. This analysis will be anchored around the Hallidayan (1985) assertion that language is a network of choices and it is the choices made at various levels of a Clause Complex⁵ that can restrict meaning to achieve certain objectives. The analysis will focus on what choices in the media discourse were made at the sentence level and beyond so as to motivate people to launch a protest movement.

Due to the inclusion of two pictures in the maltreatment story in Chapter six a brief Social Semiotic Analysis may also be employed to ascertain the significance of those pictures regarding the theme of maltreatment.

3.1 Delimiting the Corpus

The Critical Discourse Analysis requires particular research sites to define its corpus, that is, the selection of such texts which evidence crucial moments in discourse where participants may be placed at social risk (Fairclough, 1989). These sites offer "differing discourses and ideologies contending and struggling for dominance" (Wodak, 2006, p. 4). The Chief Justice issue is

⁵ 'A sentence can be interpreted as a Clause Complex: a Head Clause together with other clauses that modify it.' (Halliday, 1985, p.215)

definitely one such site where at various stages all the participants including the CJ, the government, the protesters, the media and so forth were placed at social risk and everyone was bound to lose or gain something.

Due to the enormity of the corpus spanning over a period of 4 months this study will focus only on the important developments during the first week after the Mar 09 action and further narrow down the corpus to a few important stories published in the four mainstream online available newspapers of Pakistan. The reason behind this delimitation is not only the narrow scope of this paper but also the fact that the pattern of coverage that was set in these initial days was repeated or improvised upon in the next four months. Another reason for this delimitation is the fact that the discourse devices behind protest mobilization were right in place and the protest movement was already at full swing by the 16th of March.

The electronic media has been excluded from the corpus because print media is comparatively more easily available for ready referencing. Another reason for this exclusion was the fact that the mainstream electronic media is mainly owned by the same Groups which own the mainstream print media. It was, therefore, assumed that the electronic media behaved in a similar manner as did the newspapers because of the Group's common policies.

The study has also restricted itself in terms of print media genres and only the News Stories and Editorials will be taken into account. These two genres have been chosen because they truly represent the policy of a newspaper organization and a similarity in their representations of events will shed light on the united policy adopted by the media towards the issue under consideration. The selection of these genres will be further restricted on the basis of their relevance to four major Macrostructures (see p.16) that had the most profound influence in protest mobilization. These include the *Trigger Event* (filing of reference and suspension of CJ), *the Judicial Activism of the CJ*, *the Maltreatment of the CJ*, and *the Significant Absences*.

The data studied in discourse analysis is always a fragment of a larger discourse and the discourse analyst always has to decide where the fragment begins and ends (Brown & Yule, 1983). Being a linguistic investigation, this research would look for linguistic evidence to support its assertions and assumptions in selected fragments of the four mainstream Pakistani English dailies including The News, The Dawn, The Nation and The Daily Times.

3.2 Discourse Devices: A Brief Outline

As stated earlier (see p. v, 7, 14, 20) the choices made at various levels (Discourse Devices) determine the success or failure of a discourse in achieving its desired objectives. The choices that played their role in

arousing the potential protesters to stand up against the Presidential action include:

1. *The Choice of Macrostructures*: Van Dijk's (1985) analytical framework for the structures of news is based on the global organization of news that goes beyond the sentence level. He differentiates between Macrostructures and Superstructures in a news item. Macrostructures are the Thematic Structures or global topics representing the content of a text and these topics are organized into Superstructures (headline, lead, super-lead, etc) according to their importance or relevance. Take, for example, the following headline of the Dawn on Mar 15:

Justice Iftikhar seeks reconstituted SJC: •CJ roughed up •Overwhelming support by lawyers •PBC strike today (See Appendix A: XVII, p.115)

The headline consists of four news items related to each other. A news story may consist of many interlinked pieces of information and each of these pieces is a Macrostructure. These Macrostructures are organised on the basis of their value, recency or any other motive to create a hierarchy so that the most important Macrostructures become the headline of the story.

Three macrorules may be used to infer the Macrostructures in a text, that is, Deletion (of what is obvious or unnecessary), Generalization

(of different situations) and (Re)construction (of a sequence of the text into a single proposition). It is obvious, for example, that the CJ was facing an enquiry before the SJC after a Reference was filed against him so this is deleted in the first Macrostructure 'Justice Iftikhar seeks reconstituted SJC'. All the macrostructures including the stopping of the CJ to walk towards the Court with his family, forcing him to go to the Baluchistan House, and finally pushing him into a car, have been 'Generalized' into the second Macrostructure 'CJ roughed up'. Information like the lawyers chanting slogans, breaking barricades to reach the Supreme Court, showering petals on the CJ, and so forth have been constructed into 'Overwhelming support by lawyers'.

The Superstructures of a news story organize the various interlinked news items (macrostructures) on the basis of their news value. This organization may often be subjective as it offers choices to a writer as to what Macrostructures should be made Headlines or Leads and so forth. He makes these choices according to his knowledge, ideology, training, belief or bias. This makes these structures to be cognitive units and shows that a writer is presupposing a lot and is in fact organizing these structures in a subjective way.

2. *The Choice of Themes in Clause Complexes*: The Systemic theory (Halliday, 1985) considers language to be a network of interlocking options and

the intended meaning of the speaker/writer determines what choices are to be made. One such option is the choice of the Theme of a clause when viewed in its textual dimension i.e. Clause as message. As against the traditional grammatical concept of the 'subject' the Functional Grammar distinguishes between a Theme, a Subject and an Actor in a clause. Halliday (ibid.) gives the following example to clarify this distinction.

This teapot my aunt was given by the duke.(p.32)

'This teapot' is the Theme of this clause as it is the one with which the clause is concerned or it is the one which is on the mind of the speaker when he produces the clause. 'my aunt' is the Subject of the clause as it is the one on which the truth of the statement rests or about which something is predicated. 'The duke' is the Actor of the clause as it is the doer of the action. The structure that makes the clause a message is called Thematic Structure and it may be called the root of Van Dijk's concept of Macrostructure. The 'clause as message' structure consists of a Theme and a Rheme. The theme may be a nominal group, an adverbial group or a prepositional phrase at the beginning of the clause and it may consist of more than one group. The groups serving as Theme are developed in the rest of the clause which is called its Rheme. Take the following example from a daily Dawn story on Mar 14

For the Pakistanis with a conscience *Tuesday was a sad day to see their chief judge being put in the dock.*

The underlined phrase serves as the Theme of the Clause Complex and it addresses only those Pakistanis who have a conscience. Obviously no reader would consider himself to be a person without conscience and this theme forces everyone to believe the italicized 'Rheme' which is the rest of the clause. The choice of groups to serve as the theme of a sentence signifies the importance being given to those groups and tells us as to what was on the mind of the writer when he wrote that sentence.

Thematization, however, is not limited to within a clause and can exist above the clause, that is, a clause can be the theme of a clause complex and a Clause complex can be the theme of a paragraph. There is often more than one word or group in a clause and more than one clause in a Clause Complex that can be made its theme and it depends on the choice of the speaker/writer as to what he thinks would fulfil his intended (sometimes unintended) purpose. Take for example the following clause complex in the daily Dawn story on Mar 15:

Having been roughed up and prevented from marching on, Justice Chaudhry was briefly confined to the nearby Balochistan House.

The underlined clause is a Dependent clause but has been thematized to highlight the maltreatment of the CJ.

3. *The Choice of Frames*: Framing is a spin technique aimed at restricting meaning so as to convey a particular interpretation to the mind of the reader/listener. Words or phrases in a text have a cognitive context i.e. a set of beliefs, values, experiences or knowledge stored in the mind (see p.20). Whenever these words or phrases are used they evoke a particular frame in the mind of the receiver which may include ideas, events, characters, situations and so forth. '*Don't Think of an Elephant! Know Your Values and Frame the Debate*' is the title of a book by George Lakoff (2004). He says that the title suggests not to think about the elephant but you can't help thinking about a word when you are hearing it. The word elephant (Democratic Party Symbol) evokes the Frame associated with it and the Frame includes all that the Democratic party stands for.

Collective Action Framing (Benford and Snow, 2000) is the framing of language to stimulate people for collective action and it is used for "moving people from the balcony to the barricades" (p.615). It employs a two-pronged strategy, that is, Consensus Mobilization & Action Mobilization. 'Consensus Mobilization' is achieved by convincing the participants to agree on the causes behind a problem (Diagnostic

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Framing) and by proposing possible solutions to that problem (Prognostic Framing). 'Action Mobilization' is achieved through a call for action (Motivational Framing).

The Pakistan media successfully projected the Judicial Activism of the CJ as the main Diagnostic Frame behind his 'suspension' (for details see section 4.2, p.51). The movement began with the 'restoration of the CJ' as their main Prognostic Frame. The quick projection, however, of the decisions of the CJ like the privatization of steel mills, the missing persons and many of his *suo motu* actions on human rights issues added another Diagnostic Frame and made the potential protestors believe that President Musharraf was the actual culprit behind this suspension and behind all the troubles that this nation is going through. That's why 'Go, Musharraf, Go' soon became the main Prognostic Frame behind the protest movement. A popular slogan of the protest movement was

Come along- We have come out to save the country.

'Save the country' is a powerful Motivational Frame with its appeal to the patriotism of the protestor. It enhances the gravity of the Presidential action by suggesting that the action has endangered the country.

4. *The choice of metaphors:* The political and media discourse make extensive use of metaphors because of their immense semantic and rhetorical potential. Linguistic evidence has suggested that our conceptual system is metaphorical in nature. Lakoff and Johnson(1980) present many examples from our everyday conversations to show that we make extensive use of metaphors and try to present or interpret one kind of a thing in terms of another, often without knowing it. Consider the metaphor 'Reference is war' in the media discourse regarding the CJ issue:

- a. Big *blow* to judiciary's (Dawn Editorial, Mar 11).
- b. Another *attack* on the judiciary! (Times Editorial, Mar11) .
- c. Minister *defends* decision.(Dawn Headline, Mar 10)

'Blow' 'attack' and 'defends' belong to different categories in a sentence but they are all associated with war and convey the sense that the filing of the reference is similar to war. The use of metaphors in language not only adds to its rhetorical elegance but also supports a particular viewpoint by evoking richer frames in the mind of the receiver. Take for example

According to several reports, most quoting Justice Chaudhry's family members, the house of the suspended chief justice is swarming with officials of the intelligence agencies...(Appendix XV,p.113).

The use of 'swarming' equates the intelligence officials with insects as it is part of the "officials are insects" metaphor. It evokes a derogatory frame and also gives an exaggerated impression of their large number.

5. *The Choice of the Order of Discourse:* Discursive practices of a community may be thought of in terms of networks called 'orders of discourse' (Fairclough, 1995b). Such an Order may pertain to a social institution or domain (order of discourse of media/family) and includes all the discursive types used there. An Order of Discourse may contain two categories, that is, genre ('interview' in order of discourse of media) and Discourses (liberal, socialist etc in order of discourse of politics). This study has taken the Genres of News Stories, Editorials and pictures from the Order of Discourse of Media as its corpus. As this study focuses mainly on the linguistic features of discourse from among the various discursive types, it will focus on the vocabulary or other linguistic expressions used in media from other Orders of Discourse. CDA highlights relationships between such types in an Order or between different Orders and shows that social change may be manifested in a redrawing of boundaries within and between orders of discourses.

6. *The Choice of Voice:* Passivization is a familiar journalistic tool to hide the agency or to mitigate the negative influences on it of the process. This

is done either by pushing it to the end of the clause or just by omitting it from the clause. The use of active voice indicates that the responsibility of the action is to be highlighted (Fowler, et al, 1979). As far as the Presidential actions are concerned the newspapers mostly chose to describe them in the active voice as the agency behind the actions was to be highlighted. Take for example the underlined choice of voice in the following fragment from the Times editorial on Mar 11

In the year of his re-election, after a general election that the opposition is convinced won't be fair, President General Pervez Musharraf has chosen to call the chief justice of the Supreme Court of Pakistan, Justice Iftikhar Muhammad Chaudhry, to his military 'camp' headquarters and fire him.(for full story see Appendix A:XII,p.108)

7. ***The choice of Visual Codes:*** Semioticians focus both on the linguistic and visual codes underlying news discourse. Linguistic codes include categorization of news stories into topics, the structuring of news stories, the assumption of consensus, the broadcasters acting as mediators with their conversational communicative style and so forth (Thibault,1991). Linguistic codes are thus almost similar to what is included in Van Dijk's model discussed above. The visual codes ,however, include the use of still pictures, graphics, framing of pictures, camera pans and zooms, the sequencing of shots and so forth. These come into focus mainly with reference to the electronic

media but the use of still pictures and graphics in the print media also calls for a semiotic view of their communicative function. Semiotic Analysts also assume that choices made from the available linguistic or visual codes carry social meanings.

8. *The Significant Absences:* Textual analysis is not merely ideational i.e. analysis of what is represented but also of what is not (Fairclough, 1995b). To understand the workings of a text to being sensitive to the absences is equally important. There may be many facts related to a particular issue that may, if stated or projected, harm or hinder the desired effects of a particular discourse and that's why they are preferred to be hidden or sidelined.

9. *Presuppositions:* The absence may be an effort to block some undesired response from the receiver but sometimes an absence is in the form of an implication or presupposition. Presupposition is something a speaker/writer assumes is true or is known by the hearer/reader (Yule, 1985). This not only gives the speaker/writer a platform to make a proposition but also influences the receiver to assume it to be a truth. Presuppositions are not thus actual absences but implicit presences.

4. ANALYSIS

Although it was too early to foresee the repercussions of the Presidential action on March 09, the media coverage on the very first day seemed to set the scene for what was going to turn into a mass movement within a matter of days. Notwithstanding the varied dimensions of the discourse outside the court that collectively managed to set the pace of this movement, this analysis would aim at identifying the linguistic features of the representation of events in the four mainstream Pakistani English newspapers which may have inspired the potential protesters to come out on the streets.

All newspapers on Mar 10 carried the Trigger Event i.e. filing of the reference and the 'suspension' of the CJ, as their main Macrostructure (for explanation see 3.2:1, p.25). Apart from the main story, there were stories about the reactions of the lawyers' community, the opposition leaders, the government officials and civil society but these stories have not been included in the analysis as they reflect the personal or party views of the people and may not directly represent the media. In order to appreciate the representation of the Trigger Event we can apply our framework to the three important Macrostructures that were present in not only the main story but also in other stories and editorials of the four newspapers during the first

few days after Mar 09. It will be followed by an analysis of the Significant Absences (for explanation see 3.2:8, p.33).

4.1: The Trigger Event Macrostructure:

The Headline and the Lead paragraph of a news story are well thought out compositions and in Van Dijk's (1985) terminology they are the most important schemata (Superstructures) in a news story as they express the highest level of thematic structures (Macrostructures). They are also the most widely read Superstructures in a newspaper as the general public doesn't bother much to go into the details of all the news items. In order to appreciate the Trigger Event Macrostructure this analysis will begin with a focus on the Headlines and Leads of the newspapers but fragments from other parts of the stories and the editorials will also come into account later on. The Trigger Event Macrostructure has three main substructures in its hierarchy as follows.

4.1.1 The Choice of 'Suspension' Macrostructure:

Following are the headlines and leads of the main story:

A: The Dawn, Mar 10

CJ suspended, escorted home: • Justice Iftikhar summoned by SJC on 13th for reference hearing • Ex-judges call it a blow to judiciary's independence; minister defends decision • whither judicial activism?

ISLAMABAD, March 9: In a highly dramatic move that has the potential to change the course of judicial activism in the country, President General Pervez Musharraf on Friday virtually suspended the Chief Justice of Pakistan, Justice Iftikhar Mohammad Chaudhry, and appointed the available senior-most judge, Justice Javed Iqbal, as the acting Chief Justice of the Supreme Court.(for full story see Appendix A:I, p.91)

B: The News, Mar 10

Iftikhar ceases to be chief justice

ISLAMABAD: Chief Justice Iftikhar Muhammad Chaudhry was "suspended" on unprecedented charges of "misconduct" and "misuse of authority" levelled in a reference filed by President Gen Pervez Musharraf with the Supreme Judicial Council (SJC) for his dismissal from service. .(for full story see Appendix A:II, p.93)

C: The Nation, Mar 10

CJP suspended, President files reference

ISLAMABAD — President General Pervez Musharraf Friday removed Chief Justice of Pakistan, Justice Iftikhar Muhammad Chaudhry, from his office and appointed Justice Javed Iqbal as Acting Chief Justice. . (for full story see Appendix A:III, p.95)

D: The Daily Times, Mar 10

SJC suspends CJP after president files reference, fixes March 13 for hearing; Suspended judge accused of misconduct, misuse of authority

Musharraf wants CJP Iftikhar out

ISLAMABAD: President General Pervez Musharraf on Thursday filed a reference of misconduct against Justice Iftikhar Muhammad Chaudhry, prompting the Supreme Judicial Council (SJC) to suspend him from his post as chief justice of the Supreme Court pending adjudication of the reference.(for full story see Appendix A:IV, p.97)

The Macrostructures included in the headlines and leads of the Trigger Event story are the summoning/call on of the CJ to the President's Camp office, the filing of reference, the suspension/non-functionality of the CJ, appointment of the acting CJ, escorting the CJ to his residence, summoning/invitation by the SJC⁶, the judicial activism of the CJ, the debate on the authority of the President to suspend the CJ, the description of the maltreatment of the Chief Justice and so forth.

If all the thematic structures be summarised by Deletion, Generalization or (Re) construction (for explanation see 3.2:1, p.26) we can come up with the top Macrostructure of the whole news story which could be something like this:

The President suspended/restrained/made non-functional the CJ after filing a reference against him.

Suspended was the word used by the media whereas the government first used 'restrains' (see Appendix B: 1, p.119) and later coined a new term 'non-functional'. This highest level macrostructure contains two lower level

⁶ The word 'summoning' was used by the media whereas the government called it a 'call on' by the CJ. Similarly 'suspension' and 'summoning' by SJC were used by the media whereas 'non-functional' and 'invitation' were the official expressions

structures i.e. filing of reference and the suspension of the CJ. Both have the potential to either jointly become the major Macrostructure of the story or they can do so on their own. In the headlines and leads of these papers it appears that the suspension of the CJ has been made the major Macrostructure and thus foregrounded. All the four headlines begin with the suspension structure and two of them (B, C) don't even mention the reference. Similarly three of the lead paragraphs (A, B, C) make the suspension their major macrostructure and two don't even make a mention of the reference (A, C).

The Daily Times lead does make the reference its major macrostructure but as it seems the reporter did not have the correct information about the fact that it was the President who had already suspended the CJ before sending the reference to the Supreme Judicial Council (see Appendix B:1, p.119). The Daily News mentions the reference but it not only makes it secondary to the suspension but also ridicules it or makes it controversial by putting the charges in the reference in quotes i.e. "misconduct" & "misuse of authority".

The choice between 'suspension' and 'reference' may be justified on the common journalistic criteria of News Value and the 'suspension' structure may be considered to have more news value than the 'reference' structure. But there may be other reasons behind this choice. As a matter of fact the presidential order did not use the word 'suspended' or 'removal' for the CJ

probably because the Executive did not have any such constitutional power. Although the first order did use the word 'restrains' it was immediately deleted in a revised order the same day which said that the CJ

is unable to perform functions of his office, as the reference under Article 209 of the Constitution of the Islamic Republic of Pakistan is filed against him. (see Appendix B:1,p.119).

Being 'unable to perform' does convey the sense that the CJ is suspended but it does not literally mean that. It is an obvious attempt at euphemism and conveys the sense that the CJ is unable to do so because of some illness or something like that. So it seems that the reporters have themselves equated this 'inability' with the 'suspension' and have moved further away to the hyperbolic⁷ expressions like 'ceases to be the Chief Justice' (C) and 'removed.... from his office' (D) which tantamount to termination.

The preference of 'suspension' over 'reference' might be because of news value but more often than not values are intentionally assigned to particular structures to inject certain desired effects on the reader. Let's see if more value could have been assigned to the 'reference' Macrostructure. The official news agency APP reported the point of view of the law minister on this issue in this lead paragraph:

⁷ Hyperbole is a rhetorical device used to present someone or something sound bigger, better, more, etc. than they are. (Woodford & Jackson, 2003)

E: ISLAMABAD, March 9: Federal Minister for Law, Justice and Human Rights Division Wasi Zafar on Friday said that the reference filed by the president before the Supreme Judicial Council (SJC), against Justice Iftikhar Muhammad Chaudhary was in accordance with the Article 209 of the Constitution.APP. The Daily Dawn, Mar 10 (see Appendix A:V, p.98).

This lead does not mention the status of the CJ being 'suspended' or otherwise and the 'reference' structure is made the highest level macrostructure in being a constitutional act. The reference structure is passivized '...by the president' and the Actor (for explanation see 3.2:2, p.27-28) is pushed down the sentence so as to background it. If we have a look at the voice of the four leads above we find that except for the Daily News (B) the rest of the three leads chose the active voice and thematize (for explanation see 3.2:2, p.27-28) the President (or his 'move') as the Actor so as to foreground the agency.

The suspension of the CJ is mentioned in the second last paragraph of the story.

F: According to the Constitution, if a reference is filed against anyone who is also a member of Supreme Judicial Council, he will be stopped from carrying out his judicial responsibilities with immediate effect and the next available senior-most judge will replace him. (see Appendix A:V,p.98)

That this thematic structure is pushed to the second last place is one way of backgrounding a particular topic and it is structured in a way so as to present a constitutional defence of the act of suspension without mentioning the word 'suspend' which has obvious negative connotations particularly when it is associated with a person of the stature of a Chief Justice. The phrase 'according to the constitution' is made the Theme of the Clause Complex to give an impression that there is nothing *malafide* in that action and everything is going on as dictated by the constitution.

The tension between the two major macrostructures in the reporting of the Trigger Event of Mar 09 and the choices made by the mainstream privately owned newspapers and the official news agency reflect two points of view. Whereas the 'suspension' structure draws upon the Order of Discourse (for explanation see 3.2:5, p.31-32) of injustice, domination and exploitation (as would be more clearly revealed in the upcoming fragments for analysis), the 'reference' structure draws upon the discourse of corruption, misconduct and misuse of authority as is mentioned in an official report stating that the President has been receiving "numerous complaints and serious allegations for misconduct, misuse of authority and actions prejudicial to the dignity of office of the chief justice of Pakistan,". (APP)

'Suspension' and 'Reference' in fact evoke two different Frames (for explanation see 3.2:3, p.29) in the mind of the reader consisting of all the

connotations of the Orders of Discourse mentioned in the above paragraph. The headlines and the leads of these news stories seem to highlight the Suspension Macrostructure as it evokes a Frame of negative feelings for the agency or Actor behind the suspension, that is, the President has done something bad. The Reference Macrostructure on the other hand is backgrounded as it arouses a Frame of negative feelings for the Goal, that is, the Chief Justice has done something bad⁸. These cognitive implications make one understand as to why the newspapers might have chosen to highlight the 'suspension' Macrostructure.

4.1.2 The Dismissal of the 'Reference' Macrostructure:

The 'Reference' structure also seems to be sidelined because the media doesn't seem to give credence to its contents. Right from the very first day the filing of the reference is framed as a definite consequence of the anti-govt decisions of the Chief Justice (detailed discussion in section 4.2, p.51) and that it has nothing to do with misconduct or misuse of authority. Some of the stories dismiss the charges in the reference altogether by saying that there is nothing unusual about such deeds because everyone in power in Pakistan does that. The Daily News editorial on Mar 11 states

G: Further, should a request for protocol be held against any particular government officer given that it is now the norm for senior state functionaries to expect such treatment? (Appendix A: XI, p.107)

⁸ Functional Grammar renames the traditional 'Object' as 'Goal' and defines it as something to which the process is extended. (Halliday, 1985)

The Times editorial on Mar 11 defends the CJ against the major allegations in a this-worldly way:

H: It is alleged that he demanded unnecessarily big protocol and high security during his travels. So what was the big deal? Others in this government are guilty of more serious 'crimes' like corruption and illegality. Also, we need to remember that Pakistan is not famous for protecting its judges. The powerful and corrupt of the country have killed them like flies in the past. It is said that he was rude to lawyers and civil servants, but such judges are found all over the world and are tolerated if they are competent. Fellow apex court judges found him obnoxious and despotic. But that charge can be levelled against most politicians, ministers and others in power in this country, given a culture of authoritarianism and unaccountability at the very top. Then there is the case relating to his son's unmerited jobs and promotions. But the charge ought to be laid at the door of those in the executive who granted such illegal favours rather than the person who asked for them. Indeed, if such matters are to be dredged up in his case then it should only be fair that all judges — nay all civil servants, army officers and other bureaucrats — past and present are subjected to the same sort of scrutiny and 'suspended' or sacked. (Appendix A:XII, p.109)

This paragraph does not use any spin techniques to give an impression of impartiality or to hide its sentiments about the issue. The editorial clearly pleads the case for the CJ but in doing so it frames its arguments in quite a 'non-traditional way'. It does not term the allegations as baseless or untrue as would normally be the case when a lawyer pleads for his client. It dismisses all charges against him by declaring them as quite 'normal' and 'acceptable' even if they are proved to be true. It draws upon the popular

Discourse Type against 'the system' which condones individual shortcomings by shifting the responsibility to a corrupt or inefficient system. It shifts the responsibility of the CJ's 'misconduct' or 'misuse' of authority to the politicians, civil and military bureaucrats, and to a culture of authoritarianism and unaccountability.

From the beginning of this paragraph to the end we find a chain of macrostructures in defence of the CJ which follow a logical sequence except for these two sentences which may be relevant but seem a bit out of place:

Also, we need to remember that Pakistan is not famous for protecting its judges. The powerful and corrupt of the country have killed them like flies in the past.

If one goes by the notion that a text has traces of its process of production (Fairclough, 1989) one can infer that these two sentences, sandwiched between the logical chain of macrostructures, reveal the agony in the mind of the writer. He wants to make his case more effective by alluding to the threats under which judges have to work and it arouses a Frame in the mind of the reader in which the executive is the offender and the judge or judiciary is the victim. This frame is reinforced by the use of a Shakespearean⁹ simile¹⁰ which may not be in the minds of all readers, but even without that, conveys the sense of insignificance (like flies) of the

⁹ As Flies to wanton boys, are we to the gods
They kill us for their sport. (King Lear)

¹⁰ A Simile is a rhetorical device for comparing two different things by virtue of some common quality, always using 'as' or 'like' (Woodford & Jackson, 2003).

judiciary in the eyes of the executive. It also gives a sense that the judges have been killed in a large number in the past because they stood up against the executive. This seems a highly exaggerated impression to gain the sympathies of the readers for the judges.

If we look at some other editorials of the first few days we come to realize that emotions ran high even in an otherwise cool and staid atmosphere of an Editor's room.

I: Beware the ideas of March

To say that the 'suspension' of the Chief Justice of Pakistan, Iftikhar Mohammad Chaudhry, upon the filing of a reference by President Pervez Musharraf under Article 209 of the Constitution is a controversial move would be an understatement. (The News, Mar 11) (Appendix A: XI, p.106)

The heading of the editorial is a poetic warning for all concerned that the events of Mar 09 may lead to disastrous consequences. The use of the 'events are ideas' metaphor (for explanation see 3.2:4, p.30-31) enriches the expression by implying that it is the ideas or plans (of those responsible) behind the events that need be worried about. The expression is sensational and intensifies the gravity of the situation in the mind of the reader.

The opening clause complex further dramatizes the situation and thematizes the 'suspension' structure, ridiculed or made suspicious by the parenthesis.

The editor thinks that 'controversial' is too soft a word for this act of suspension and leaves it to the reader to guess as to what word of condemnation might be appropriate to appreciate the severity of the situation. The description of the action of the filing of the reference and the suspension of the CJ by the word 'move' draws upon the metaphor 'politics is a game of chess'. It has obvious associations with board games like chess which involves kings and their military planning and each turn the players take is called a move. It sets the stage for a conflict between two institutions of the state with moves and expected counter-moves. It pits the CJ against the President and pits the executive against the judiciary as is stated in the very next sentence.

J: The chain of events set in motion on Friday by the filing of the reference is only going to further exacerbate the rocky relationship between the executive and the judiciary. (Appendix A: XI, p.106)

The examples above show that the newspapers, apart from thematizing the Suspension Macrostructure, chose to dismiss the Reference Macrostructure through a deft choice of metaphors, Frames, similes, and Discourse Types. They advocated an overtly partial view of the situation by saying that things like insolence, nepotism or protocol beyond entitlement have become norms in our society and are not chargeable offences.

4.1.3 Authority of the President Macrostructure:

Another Macrostructure that was highlighted in the media discourse in the first few days was the question on the authority of the President to suspend the CJ. This is discussed in the 3rd paragraph of the Trigger Event story in the daily Dawn.

K: Notwithstanding the intense debate *that soon started within the legal fraternity on the question of the president's authority to make the Supreme Court chief justice 'non-functional',* it was being said that if the newly constituted judicial council found him guilty of the charges, he would be removed from office. (Appendix A:I, p.91)

The paragraph has two macrostructures in a single Clause Complex, that is, the debate on the authority of the President to suspend the CJ and the dismissal of the CJ by the SJC if found guilty. The construction of the clause complex suggests that the SJC action is the main macrostructure but the clause that is put in the beginning is the one about the debate on the President's authority. The underlined noun phrase is made the Theme of the first Clause and together with its italicized Rheme (for explanation see 3.2, p.27) serves as the Theme of the whole Clause Complex. The Reporter has chosen to thematize this phrase for presumably having more value than the action of the SJC as it serves to highlight the Macrostructure that the President did not have the authority to suspend the CJ according to the constitution. According to article 209 of the constitution the President can file a reference against the CJ but cannot suspend or remove him unless the

SJC recommends him to do so after proper inquiry (See Appendix B: 2, p.120). This is an important Motivational Frame (for explanation see 3.2:3, p.30) which arouses sympathies in the potential protester for the CJ because he has been 'suspended' through an unconstitutional method. For a convenience in cross-referencing this Motivational Frame may be labeled as 'Unconstitutional Method (UM)' Frame. Highlighting this dimension certainly created a furor and the law ministry had to issue another notification on Mar 15 that the CJ has been sent on forced leave (See Appendix B: 1, p.119).

The use of the noun phrase 'the legal fraternity' in the first clause in the above fragment (K) is significant as the word 'fraternity' has a rhetorical significance and is part of "legal community is a brotherhood" metaphor. Brotherhoods entail a concept of loyalty, friendship and love for all the members and may help arouse a feeling of unity among the lawyers who are otherwise a group of people having diverse political or ideological affiliations. Instead of using a word like 'community' the newspapers have time and again used 'fraternity' with a view to cement the unity in the lawyers. The choice of the word 'legal' instead of 'lawyers' is also significant in that it also encompasses the judges and all those associated with this profession.

In the very next paragraph the reporter tries to intensify the severity of the action by saying

L: Although the country's judicial history has been a chequered one all along, and judges have been removed by various methods, this is the first time that the chief justice of Pakistan has been made, in the words of the official handout, 'non-functional' and his case has been sent to the Supreme Judicial Council for action. (Appendix A:I, p.91)

In this paragraph the reporter has drawn upon the Order of Discourse of grief and mourning for the judicial history of Pakistan. He metaphorically equates the judicial history with a pattern of squares of varied colors but actually goes on to mention only one color or dimension of that pattern i.e. removal of the judges. It gives an impression that judicial history is chequered because the judges have frequently been removed by various governments and this victimization has now reached an extent where the Chief Justice of the country has been targeted. It also implies that judges have been victimized because they have been taking stands against the governments. The truth of the matter is that the judiciary has played an acquiescing role in validating the unconstitutional actions of the past governments and has always helped dictatorial regimes get away with whatever they do under the 'doctrine of necessity' (for some historical details see Appendix A:XIV, p.110).

This paragraph also adds to the UM Frame in the previous fragment (K, p.48). Apart from the fact that The CJ has been 'suspended' unconstitutionally, he is the first CJ of Pakistan who has been 'suspended'

like this. It implies that previous governments may have victimized other judges but none has taken such an extreme action.

4.2: The Judicial Activism Frame:

Apart from the Trigger Event story all the news papers on the very first day carried separate news stories highlighting the series of decisions of the Chief Justice going against the government and his numerous *suo motu* actions. This extraordinary importance given to the judicial activism of the Chief Justice made it the second most important story of the day.

As suggested earlier, the major Macrostructure that seemed to work behind the protest movement was the causal relation between the judicial activism of the CJ and the filing of the reference. This Macrostructure evokes a Diagnostic Frame (for explanation see 3.2:3, p.30) in the mind of the reader who gets to know as to why the CJ has been 'suspended'. It projects the President as the Oppressor being challenged by the knightly figure of the CJ who had tried to rescue the oppressed by his bold decisions and numerous *suo motu* actions. In this sense Diagnostic Frame also turns into a Motivational Frame and the potential protestor is bound to feel that CJ has been unconstitutionally suspended because of his honesty to his profession. This Motivational Frame, which may be labeled as 'Punishment Frame', is reinforced and consolidated on the very first day by not only mentioning this causal relation in most of the stories but also by the publication of separate

stories on the judicial activism of the CJ after he assumed his office. Two of the newspapers (The Dawn & The News) in fact published two stories on his performance.

The Punishment Frame presented the CJ as a 'Tragic Heroic figure' and the President and his supporters as antagonists right from day one and worked behind protest mobilization as the major Macrostructure. Apart from one or two separate stories on the judicial activism of the CJ, the Trigger Event and other stories in the newspapers also drew upon this Frame. Take for example the headline and lead of the Dawn story discussed in the previous section (4.1.1: A, p.36-37).

M: CJ suspended, escorted home: • Justice Iftikhar summoned by SJC on 13th for reference hearing • Ex-judges call it a blow to judiciary's independence; minister defends decision • whither judicial activism?

ISLAMABAD, March 9: In a highly dramatic move that has the potential to change the course of judicial activism in the country, President General Pervez Musharraf on Friday virtually suspended the Chief Justice of Pakistan, Justice Iftikhar Mohammad Chaudhry, and appointed the available senior-most judge, Justice Javed Iqbal, as the acting Chief Justice of the Supreme Court. (Appendix A:1, p.91)

The last of a series of headlines clearly raises the question as to where the judicial activism may be heading. The use of the archaic 'whither' gives it a poetic touch and enhances the rhetorical effects of the question. The very first clause of the lead is a Presupposition (for explanation see 3.2:9, p.34)

that the Presidential move is *malafide* as it is the result of the judicial activism of the CJ and the reporter is saying so when the contents of the reference have not been made public as yet. Who knows it may contain some genuine charges that may have been proved true later on.

If we focus our attention from 'beyond the sentence' back to the sentence level we can first look at the choice of Themes in the clauses of the lead paragraph so as to analyze what words or groups of semantic and grammatical categories have been given weight in the Clause Complex consisting of three clauses. Its beginning is sensational and the actual news is preceded by a prophecy about judicial activism. The words 'move' and 'change' arouse the anticipated process of movement and change which is described in three causative clauses. The choice of the Active Voice is against the common practice of passivization in journalistic language to hide agency. Two entities i.e. the move & the President are clear cut Actors in terms of Functional Grammar as the action extends from them to the Goals (Halliday, 1985) i.e. the course of judicial activism, Justice Iftikhar and Justice Javed.

The clause complex begins with a noun phrase which serves as the theme of the first clause. The Actor 'move', being a metonymic¹¹ expression, may be interpreted as an attempt at eliding responsibility and agency, that is, the

¹¹ Metonymy is a rhetorical device used to refer to a thing by a word that describes a quality or feature of that thing (Woodford & Jackson, 2003). 'Move' here refers to the President.

President, if it had been a single-clause sentence. Looking at the clause complex as a whole we find that the first clause is actually serving as a Theme of the whole Complex. This underscores the importance of 'the move' in being prophetic about the future of judicial activism in this country and being part of the metaphor 'politics is a game of chess' (as discussed in 4.1.2, p.47), it also makes the central action process (virtually suspended) in the next clause more sensational.

The Nation story about Judicial Activism carries a significant headline

N: What he did and what he could (Appendix A:VI, p.98)

This Headline consists of two principal clauses both of which thematize the relative pronoun 'what', referring to the actions or decisions of the CJ. Both principal clauses juxtapose two equally important Macrostructures, that is, the past decisions of the CJ and the expected ones in the future. This juxtaposition adds another dimension to the causal relation between the judicial activism and the reference. The reference is not only a result of the past decisions of the CJ but also a measure to block his impending decisions which may prove fatal for the agency behind the reference. This addition enriches the Diagnostic and Motivational Frame associated with judicial activism in the mind of the reader and increases his sympathies towards the CJ.

'What he could' clearly implies lots of presuppositions regarding the future decisions of the CJ and may have proved wrong keeping in view those past decisions of the CJ that went in favor of the President. The story in the daily News on Mar 10, significantly embeds this fact in the concluding paragraph of his story.

O: A major credit that Justice Chaudhry has is that he took concrete steps to clear the huge backlog of cases. Some of his rulings did comprehensively embarrass the government but hardly any of his decisions impinged hard on Musharraf. However, his intervention in cases of public importance and human rights violations was remarkable. (Appendix A:II, p.93)

That he embarrassed the political government working under Mr. Musharraf and didn't create any serious problems for Mr Musharraf himself is a significant fact which is mentioned in the last paragraph of the story and is the only macrostructure that goes against the CJ in the whole story. So as not to spoil the effect of the whole story, it is cleverly embedded between two sentences eulogizing the CJ for his clearing of the backlog and human rights interventions.

The headline of the Nation story discussed on the previous page is followed by this interesting Lead

P: ISLAMABAD - Suspended Chief Justice Iftikhar Chaudhry, appointed on June 30, 2005, is the 5th Chief Justice of Pakistan to be changed in 7 years and 5 months under the present military regime. Amongst the 5 chief justices, he is the second

after Saeed-uz-zaman Siddiqui who has been forced out, though his tenure was to last till 2013. (Appendix A:VI, p.98)

It begins with an action process verb 'suspended' used as a participle adjective. This Thematization is a glaring example of the importance that is being conferred to the suspension macrostructure for the reasons mentioned in section 4.1. The participle adjective shares the nature of both the verb and the adjective (Thomson & Martinet, 1960) and 'suspended' though used as an adjective, reminds one of the presumably soiled action of suspension.

As the story gives information about the judicial activism of the Chief Justice, the Macrostructure chosen for its lead gives an impression that 'changing' five Chief Justices in seven years might have something to do with their judicial activism or with the intolerant attitude of the regime. Instead of using neutral phrases like 'the present government' 'President Musharraf's tenure' the phrase 'military regime' is chosen for obvious negative connotations. This phrase preceded by the action process verb 'changed' instantly evokes a Frame of Dictatorship (detailed discussion in 4.3, p.60) with an Iron Man getting rid of so many dissident judges in such a short time.

The first line of the first paragraph after the Lead is also interesting

Q: Former Chief Justice Chaudhry ruffled many feathers by taking suo moto actions in cases involving violations of human rights as well as in cases of political and public importance.

The immediate substitution of 'suspended' with the modifier 'former' seems quite stunning, keeping in view the controversy surrounding the status of the CJ. The reporter seems to have decided that the Chief Justice is no more. It may just be out of the reporter's simplicity in being unaware of the significance of such a choice as the Theme of the sentence but it runs in the same hyperbolic vein as 'removed' or 'ceases' in the Trigger Event story (see 4.1.1, p.40).

The reporter refers to the judicial activism as the 'ruffling of feathers' which being an idiomatic expression only serves to enhance the image of the CJ as a daring person. She goes on further to explain that he was daring because he took *suo motu* action in matters involving human rights violations and some issues of political and public importance. This again projects the CJ as a champion of human rights and like all other stories does not mention at any place that the CJ may not have been ruffling the feathers all the time and he may have taken decisions which ran contrary to political or public interests. This will, however, be discussed in detail in section 4.4 of this chapter.

4.3: The Sacrilege Frame:

As suggested earlier in the chapter it was the minute to minute coverage by the electronic media of whatever happened to the CJ that arrested the attention of the public and things wouldn't have gone that bad as they did if

the CJ had not been treated the way he was. The disinterested majority of the people, as always, was taken by surprise as they 'generally' don't bother much about who the Chief Justice of Pakistan is and what he is doing?

The filing of the reference and the subsequent maltreatment of the CJ was consistently projected in the media discourse as something sacrilegious so much so that to talk anything against the CJ in public seemed tantamount to blasphemy. The image of the CJ apart from being heroic also became somewhat sanctified and it helped blanket the failings of the CJ as discussed in the next section of this chapter.

The sensational description of the mishandling of the CJ creates a third Motivational Frame in the mind of the reader. The potential protestor is bound to think that after being unconstitutionally suspended and after being wronged for his uprightness, the victim is humiliated and tortured as well. It may be labeled as the 'Sacrilege Frame' and it is more influential than the UM and Punishment Frames discussed already (see section 4.1.3 & 4.2). It is so powerful that it raises the level of sympathies of the protesters for the CJ even if he has done something wrong.

All this began with the meeting between the CJ and the President at the latter's Camp Office in Rawalpindi around noon on Mar 09. All the newspapers reported that the CJ was 'summoned' by the President for this meeting but the President and other officials later said that it was a 'call on'

by the CJ. The four newspapers reported the meeting in the following clause complexes.

R: However, events started to take a dramatic turn around noon when the country's chief adjudicator was summoned to the President's Camp Office, located in the annexe of the army chief's official residence in Rawalpindi. *The Dawn* (Appendix A:I, p.91)

S: Before his "suspension", the chief justice was summoned to the Army House, where President Gen Pervez Musharraf informed him about the charges and asked him to quit, but he refused. *The News* (Appendix A:II, p.93)

T: Earlier, Chief Justice Iftikhar Muhammad Chaudhry was summoned by the President where he was confronted with the charges in the presence of Prime Minister Shaukat Aziz, official sources said. *The Nation* (Appendix A:III, p.95)

U: CJP summoned to Army House

ISLAMABAD: Justice Iftikhar Muhammad Chaudhry was on Friday called to Army House where he was informed about the allegations of misconduct against him. *The Times* (Appendix A:XIII, p.110)

Whereas the first three newspapers made the 'summoning' Macrostructure a part of their Trigger Event story, the daily Times published a separate short story with the headline given above.

Federal information minister Mohd Ali Durranni and Federal law secretary had to issue clarifications that the CJ was not 'summoned' but he called on the President himself (see Appendix B:3 & 4, p.121).

Why was so much fuss being made on the use of the word 'summoned'? The newspapers in their headlines and stories consistently projected the CJ being summoned by the President with an impression that it was too insulting for the Chief Justice to have been called to the Camp Office which is in fact part of the Army House, the official residence of the Army Chief.

The repeated mention of the Camp Office (often in parenthesis) evokes a Frame of Dictatorship in the mind of the reader and this Frame is part of the overpowering Sacrilege Frame. It makes him remember that the man masqueraded as the President is in fact a military dictator and 'dictator' has obvious negative connotations in this modern era overwhelmed by the ideals of democracy. Such a Frame might include things like Mr. Musharraf must be a violator of the constitution and basic human rights; must be ruthless and intolerant; must be against the freedom of expression; must be a Mussolini or a Hitler; and so forth¹². It all depends on the knowledge, experiences and opinions of a reader to evoke a frame in his mind and there may be some who would create a different Frame of Dictatorship if they, for example, are disillusioned with the ideals of Democracy or modern Human Rights.

Thus being suspended and maltreated by a dictator has more potential to instigate emotions than by a constitutional President. The Times editorial on

¹² It is interesting to note that when President Musharraf finally took off his uniform after Feb, 2008 elections, the media started writing his name as President Gen(retired) Pervez Musharraf. Some days later media was sent a request from the President's House that his name be written as President Musharraf. There could be no reason behind this request but to get rid of the Frame of Dictatorship associated with the word General.

Mar 11 was even more blunt when it described the summoning and suspension macrostructure in the following way:

V: Another attack on the judiciary!

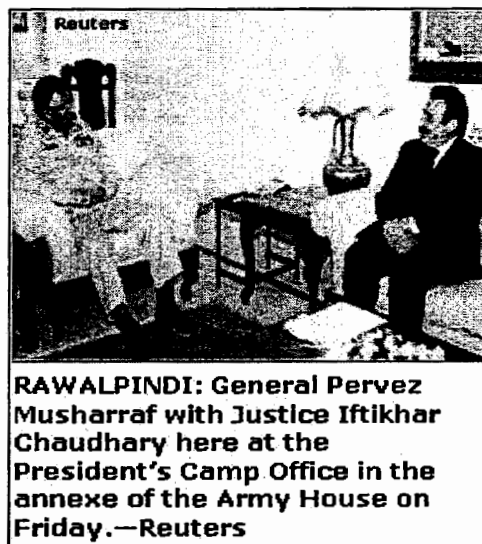
Let's dispense with legal niceties and get to the political gist of the matter. In the year of his re-election, after a general election that the opposition is convinced won't be fair, President General Pervez Musharraf has chosen to call the chief justice of the Supreme Court of Pakistan, Justice Iftikhar Muhammad Chaudhry, to his military 'camp' headquarters and fire him. (Appendix A: XII, p. 108)

The headline includes a war metaphor which is very handy and is frequently employed even in our everyday language in any situation involving struggle. It was frequently employed in the media discourse on the CJ issue and the heading of this editorial also draws upon the metaphor 'Reference is war' and calls it an attack. The use of 'another' refers to the 'chequered history' so often mentioned in the press discourse of the first few days and signifies that this is not the first attack on judiciary.

The editor is trying to focus on the political repercussions of this action against the CJ for the future of President Musharraf and then goes on to describe the action in a derogatory way. He uses the full title (even adds 'of the supreme court of Pakistan' which is normally not written) with the name of Mr Chaudhry so as to highlight his highly privileged status. Having introduced the CJ as such he goes on to describe the action against such a

privileged person to be a humiliating one because he was called to the 'military camp headquarters' and then he uses the hyperbolic 'fires'(also part of the war metaphor) instead of 'suspends'.

The 'summoning' Macrostructure was coupled with a picture of the meeting of the President with the CJ. This combination magnified the Sacrilege Frame in the mind of the reader. It is said that a picture may sometimes be worth a thousand words and thousands of words indeed were spoken or written about this one.



Pictures do play a significant communicative role in the print media and some Critical Discourse Analysts have followed the Social Semiotic analysis to appreciate pictures and other visual objects in the print and electronic media. Let's see whether a semiotic view of this picture conveys some significant meaning or not.

It is quite traditional for a Governor, Chief Minister or other high ranking official to make a farewell call to the President or Prime Minister if he intends to resign. Even if he is forced to resign he is given this opportunity for face-saving and we find a news item with a similar picture saying that Mr. so and so has resigned from his office due to some personal reasons. People take such pictures and news items for granted and forget about them in a few days.

As per traditional plan this picture was expected to be one such picture and the president and others present at the Camp Office probably expected that the CJ would give in easily. That's why they called the official media and probably one or two photographers from important international news agencies for a photo session. As a photo session traditionally takes place before the formal meeting, the facial expressions of both the men reveal that nothing has gone past between them as yet. The CJ almost seems smiling and there is a formal smile on the face of the President.

The caption of a newspaper picture has sometimes important communicative role especially when it tries to impose a thematic structure on the picture. The caption of this picture seems to have been given by Reuters but the fact that the daily Dawn (Mar, 11) has not changed or removed it means that it owns it as well. The statement seems a bit pointed as it begins with 'General' instead of 'President' Pervez Musharraf. Although it suits the

picture as Mr Musharraf is sitting in his Army uniform, it again arouses the Frame of Dictatorship in the mind of the reader. The caption further goes on to mention the location of the Camp Office. The location again reinforces the Frame of Dictatorship and may entail that it is in fact the Army Chief who is meeting the CJ. What made this picture controversial or offending was the fact that it did not appear on the front pages with the expected caption or news item which would have meant something like

The Chief Justice paying a farewell visit to the President before submitting his resignation due to some personal compulsions.

When this picture appeared with the Macrostructures like suspension, reference, summoning and humiliation, it suffered a shocking change in its meaning-making process (for explanation see chap 2, p.19). It must have infuriated the potential protester to imagine that the top adjudicator of the country could be summoned by an Army Chief to his Army house. He might have thought that Mr Musharraf is wearing his uniform to overwhelm and harass the CJ. He may have thought that his sitting posture with his legs spread apart was giving an air of authority and a godly detachment. Some such thoughts were in fact expressed by the media. In the Mar 11 editorial of the daily Dawn the maltreatment of the CJ is described like this:

Now coming to Friday's episode, one is appalled to see the photograph of a general in uniform calling the country's Chief Justice to his "camp office" as if the latter were

a 'suspect' in a case of embezzlement, thus stripping him of the dignity to which he was entitled to by virtue of the office he held. (Appendix A:XIV, p.111)

The editor is evoking the sacrilege frame by calling the above picture 'appalling' and putting Camp Office in quotes probably ridicules the location of the camp office as discussed above. According to him the picture presents the CJ as a suspect of embezzlement and this analogy boosts the humiliation of the CJ at the hands of a 'general' as Mr Musharraf has been referred to in this clause complex. The humiliation is further enhanced by the use of the phrasal verb 'strip of' which has obvious associations with taking off one's clothes.

The News Editorial dated Mar 13 draws upon a discourse of mourning and presents a miserable picture of the CJ and his family under detention.

All the makings of a police state

The events since Friday make extremely depressing reading for anyone remotely concerned about the state of the nation. (Appendix A:XV,p.112)

The bleakness of the picture is enhanced by the modification of 'reading' with a gerund 'depressing' which is further modified with a degree adverbial 'extremely'. The underlined phrase at the end of the sentence makes an appeal to those who have a concern for their country. It implies that the CJ has been treated in such a bad manner that all segments of society should naturally be influenced by it provided they care about their nation. The

phrase draws upon the Order of Discourse of patriotism to prompt the indifferent masses to stand up and be a part of the protest movement.

The second sentence of this editorial presents a similar picture of the mess around the CJ.

The continued virtual house arrest of the suspended chief justice of Pakistan, Justice Iftikhar Mohammad Chaudhry, is a black spot on this government that will be difficult - one would say, almost impossible- to erase from public memory.

Another use of the full title of the CJ 'chief justice of Pakistan, Justice Iftikhar Mohammad Chaudhry' projects the towering status of the CJ and modifying it with the participle adjective '*suspended*' again brings into play the act of suspension as discussed in the Trigger Event story.

The house arrest of the CJ is being called a black spot which is first termed as 'difficult' to be forgotten. The editor having not been satisfied with the semantic potential of the word 'difficult' puts a hyperbolic 'almost impossible' in parenthesis which enhances the 'blackness' of the 'spot' in the mind of the reader. The editor goes on to evoke the sacrilege frame in the next sentence:

As if the humiliation of Justice Chaudhry being summoned to Army House and being asked to explain to the president (wearing army fatigues) the allegations contained in a now-controversial letter was not enough, one now learns that since Friday the suspended chief justice of Pakistan and his family have had their telephone lines

disconnected, their mobile phones taken away and have been prohibited from watching television or reading newspapers. .(Appendix A:XV,p.112)

Being summoned to the Army house is here again projected as humiliating. Mr Musharraf is referred to as 'the president' but to eliminate any positive connotations of the title, the editor refers to his uniform in parenthesis in an affected but forceful way. 'Being asked to explain' also gives a sense of being interrogated like a criminal which further augments the Sacrilege Frame. The participle adjective 'suspended' is again repeated followed by a description of the predicament of the CJ with his family. This predicament is described by drawing upon the Order of Discourse of human rights.

The description is a continuation of the picture of humiliation being projected in such a way as if the CJ is not at his cozy residence but at some torture cell where he and his family are undergoing harsh punishments.

The story of the CJ's maltreatment took a new turn when he was manhandled by the police as he refused to sit in the official vehicle and tried to walk towards the Supreme Court with his family for his first hearing on Mar 13. This added fuel to the sacrilege frame already serving as a major Motivational Frame for the potential protesters to come out on the streets.

In a day of high drama on the streets of the federal capital, the 'suspended' Chief Justice of Pakistan, Justice Iftikhar Mohammad Chaudhry, tried to march up to the Supreme Court along with his wife and children, seeking justice amidst

an orchestrated official campaign that accuses him of misconduct and misuse of authority.(Dawn, Mar 14) (Appendix A:XVII,p.115)

This lead presents a sad picture of the attempt of the CJ to walk towards the court. The suspension macrostructure is again foregrounded with the participle adjective 'suspended' and the full title of the CJ is again used to highlight his towering status. The mention of the wife and children walking beside the CJ carries a special emotional appeal with an implication that CJ's family is also sharing his predicament. The phrase 'seeking justice' implies a Presupposition that injustice has been done to the CJ which is a clearly partial position as nothing of the sort has yet come to light.

The use of another participle adjective 'orchestrated' is also significant as it literally means 'to arrange something carefully, and sometimes unfairly, so as to achieve a desired result'. That it is something *arranged carefully* has negative connotations, obviously evokes a frame of conspiracy on part of the government. It also juxtaposes the predicament of the CJ with the official campaign in a satirical way if we consider 'orchestrate' to be a part of 'the government is an orchestra'¹³ metaphor.

The description of the manhandling of the CJ by the police when he tried to walk towards the court also seemed a bit out of proportions.

¹³ Orchestra means a large group of musicians who play many different instruments together and are led by a conductor.

While the way the Chief Justice was roughed up by police and physically forced into a vehicle would make many bow their head in shame, this was no stray incident but the culmination of the humiliation to which he has been subjected since Friday when he was stripped of his powers, privileges and protocol. The Nation Mar 15(Appendix A:XVI, p.114)

The editorial is again drawing upon a discourse of lamenting and uses the phrasal verb 'rough up' which means to hit or kick someone. This gives an exaggerated sense of the maltreatment of the CJ. The same phrasal verb is used by the Dawn news story on Mar 14.

Having been roughed up and prevented from marching on, Justice Chaudhry was briefly confined to the nearby Balochistan House. (Appendix A:XVII,p.115)

What happened to the CJ that day (as evidenced by the TV footage and pictures) could be termed as 'manhandling' at the most as the CJ was physically obstructed to walk and was later pushed into a vehicle as is clear from the following picture published in the Nation on Mar 14.



This picture, like the one before, created a furore and bolstered the Sacrilege Frame to its climax. Its impact was so huge that the Supreme Court had to

take a *suo motu* notice of the manhandling of the CJ. This incident and its presentation left no option for the potential protester to sit back and verbally condemn the continued predicament of the CJ as projected by the media. The Dawn editorial on Mar 14 called it 'brutal manhandling' before commenting

Never before has a chief justice been treated in such a callous and disrespectful manner, with little regard for his position, exposing the full extent of the government's muddling of the whole affair since Friday. (Appendix A:XVIII,p.118)

Thematizing the adverbial of degree 'never' the editor singles out this situation in being 'callous' and 'disrespectful'. It was indeed 'disrespectful' or discourteous on part of the police but to call it 'callous' seems a bit exaggerated. One would suggest that the CJ forced this situation upon himself and tried to create a scene with the police so as to add more color to the picture of his predicament. No one except the government took such a view of the situation when the information minister Mohammad Ali Durrani said that the CJ was behaving like a politician.

4.4: The Significant Absences

Discourse analysis is not just about what is being said or written. An important aspect of the Critical Discourse Analysis is an appreciation of what is not being said. All the stories that have been published to highlight the judicial activism tell us about those decisions that either went against the

government or pertain to thousands of his *suo motu* notices and the clearing of a huge backlog of the cases that were pending before the Supreme Court when he took office. Without denying the truth of these stories one cannot help thinking that in a country like Pakistan it is quite difficult if not impossible to reach such a high profile job without making compromises on one's principles or ideals.

Mr. Iftikhar Mohammad Chaudhry started his official career in 1989 as the Advocate General of the Baluchistan Province. The AG serves as a representative of the government in legal matters. It is obviously a political post and the ruling party or any other regime appoints to the office a person who is capable defending the government in legal matters. Mr Chaudhry became the AG when Mr Nawab Akbar Bugti, the Baluch Nationalist leader (killed in 2006 in a military operation under Musharraf government) was the then Chief Minister of Baluchistan (Appendix B:8,p.126). In 1990 Mr Chaudhry became a judge of the Baluchistan High Court reportedly on the recommendation of a former Chief Minister Humayun Mari (Appendix B:8,p.126). He was the Chief Justice of the Baluchistan High Court when President Musharraf took over in 1999 and forced all the judges to take oath under his Provisional Constitutional Order. Mr.Chaudhry did that and got promoted to the Supreme Court the very next month (Appendix B:7,p.126).

As a Supreme Court judge and later as the Chief Justice of Pakistan he was part of many decisions that protected President Musharraf against several constitutional challenges. Like his predecessors General Musharraf got his extra-constitutional take-over validated from the Supreme Court in the famous *Zafar Ali Shah vs Gen Pervez Musharraf* case. Mr Chaudhry was part of the bench that not only validated the army take-over under the *doctrine of necessity* but also entitled him to amend the constitution which is the sole prerogative of the parliament. The then Chief Executive Gen. Musharraf having been given the license to amend the constitution made changes on a massive scale. These amendments were first collectively drafted into the Legal Framework Order and were later on grafted into the constitution through the 17th Amendment (constitutional cover to all the actions of President Musharraf) passed on Dec 31, 2003 by the parliament.

These amendments were challenged in the Supreme Court collectively and individually through various constitutional petitions. Allowing only graduates to contest election was challenged in the Supreme Court on being discriminatory and a violation of basic human rights. A bench including Mr Chaudhry dismissed the petitions and upheld the said condition. The Legal framework Order was challenged before the Supreme Court in *Watan Party Vs Chief Executive/President of Pakistan Case*. Mr Chaudhry was again part of the bench that dismissed this petition. Similarly, The Referendum of Gen Musharraf was challenged before the Supreme Court on being an

unconstitutional method for whose election as the President of the country. A Bench including Mr Chaudhry validated the referendum. When the 17th amendment and Gen Musharraf's holding of another office i.e. President and Chief of Army Staff were challenged before the court, a Bench including Mr Chaudhry again dismissed the petitions.

The story about the 'backdoor' induction of his son Mr Arsalan Iftikhar into the police force even though he failed in the competitive exam was the main charge against him in the reference filed by the President. The use of influence in such cases is hard to trace unless all those involved in the rapid deputations of Mr Arsalan are implicated in the trial. This was not done by the government and the short order of the setting aside of the reference by the Supreme Court does not state its position with regard to this charge. A close look, however, at the progression of Mr Arsalan from his appointment as a medical officer(Basic Pay Scale 17) in a provincial institute of Health Department to his induction in police(BPS 18) within a year clearly asks for legitimate reasons behind these actions. His date-wise progression is as under

- June 22,2005: Appointment as MO(BPS 17), Institute of Public Health, Quetta
- Aug 15,2005: Transferred as Section Officer(BPS 17) Health Department, Quetta

- Sep 05,2005: Transferred to Federal Investigation Agency as Assistant Director(BPS17) Islamabad
- Dec 05, 2005: Confirmation of his service much before the completion of his 2 year probation period by relaxing the concerned rule.
- Mar 22,2006: Transferred & promoted as Deputy Director FIA(BPS 18) with retrospective effect from the date of joining.
- May 19,2006: Attached with the National police academy for training with a batch of Assistant Superintendents of Police who are selected through a competitive exam.(Appendix B:9,p.127)

Such a swift progress through a series of deputations in such diverse cadres of service is logically impossible without the use of influence and everyone can well assume who could be the source of that influence for Mr Arsalan.

Such facts about the CJ are either not mentioned in the news stories or mentioned only as passing references. When all was going well between the CJ and the government, a reporter somehow got hold of the backdoor promotions of the Mr Arsalan and tried to publish it but the government forcefully stopped its publication(Appendix B:6,p.124). When things went wrong, Mr. Arsalan's case was the main charge leveled by the government in its reference against the CJ. The media which tried to publish that story a

year back was now trying to background and dismiss it as nothing unusual in our society(as discussed in section 4.1.2,p.42).

As it seems the dominant majority of the protesters, who faced baton-charge and tear gas and some even laid down their lives for the cause, were kept oblivious of the Significant Absences mentioned above. A balanced neutral view is mostly a cold and lackluster view and does not fit into the Motivational Framing required for things like protest mobilization. That's why, probably, Pakistan media chose to background these absences.

The discussion in this chapter leads us to believe that Discourse Devices for protest mobilization were right in place from day one of this issue. The continuous employment of these Devices by the newspapers and other media, during the first few days, grabbed everyone's attention and aroused the potential protester. The media panicked and so did the whole country. With a Critical Discourse Analytic perspective this study has reached certain conclusions which will be discussed in the next chapter.

5. DISCUSSION & CONCLUSIONS

The detailed analysis in the previous chapter should enable us to ask as to whether the findings of that scrutiny are sufficient to answer the questions posed in Chapter one. They included

- Did Pakistan media play a party in support of the Chief Justice during the movement for his restoration?
- Which Discourse Devices in the mainstream English newspapers contributed towards protest mobilization?
- Did media discourse contribute in any way towards the production, maintenance or change in relations of social dominance?

Let's take these questions one by one

5.1 Being a Party:

Modern media is very skilful in masquerading its ideological or political affiliations. It cannot be as explicit as the protesters on the streets who were openly chanting abusive slogans and singing satirical songs against the President. The Critical Discourse Analysis, however, is well-equipped to lay bare the ideological underpinning of the discourse on media because of its political orientations. Setting aside traditional notions of objectivity the Critical Discourse Analysts are very explicit in their political stances and urge

others to do so (Fairclough, 1989, Van Dijk, 1993). Let's see if media discourse on the CJ issue was actually taking sides and engineering the consent of the potential protestor to stand up and cry foul.

As discussed in the previous section one can easily trace the affiliations of the Media, between the lines, in this conflict. The consensus mobilization through the Diagnostic and Prognostic Frames (UM, Punishment & Sacrilege Frames) brought to light a clear-cut distinction between the protagonist and the antagonist of the conflict. The portrayal of the President as a military ruler, as evidenced in the various textual fragments and his picture in uniform with pointed captions and harsh comments, are enough for the potential protestor to identify and target his enemy. The portrayal of the Chief Justice as an epic figure having come to rescue and help the exploited classes at the hands of a ruthless despot is enough to serve as a Motivational Frame to urge the potential protestor towards action. The Judicial Activism also turns into a motivational Frame when the CJ is suspended in an unconstitutional and insulting manner and is later maltreated because of that.

The maltreatment of the CJ (see section 4.3, p.57) was the most important Motivational Frame for the swift protest mobilization within a week after Mar 09. It was projected as something blasphemous by the media and one can well understand what sacrilege or blasphemy stands for in a religion like

Islam. This sanctification of the CJ not only filled his supporters with awe and respect for the CJ but also made them intolerant of any criticism or disrespect for their hero. When some lawyers tried to show support for the government before the Supreme Court their clothes were torn apart and they were severely beaten by the supporters of the CJ. On another day, during the movement, the face of the Government lawyer Mr Qasuri was smeared with black ink by a supporter of the CJ.

That media played a party in this conflict is also evident from the significant Absences in the media discourse. Media was enthusiastic about the decisions of the CJ that went against the government but did not highlight his past decisions favouring the President in particular. It did not give any credence to the charges in the reference which had the potential of being proved true.

5.2 Media Discourse & Protest Mobilization

It is beyond doubt that the reality of the suspension of the CJ and his subsequent maltreatment had the potential to warrant such a protest movement and that one need not look for any other driving force beyond that. Having said that, one cannot deny the fact that such realities or incidents have happened many a times in the history of Pakistan but probably never before, at least for the sake of judiciary, has any such reality been able to marshal the disinterested public the way it did during this movement. Though Judges have been dissenting and have been forced to

leave but none could raise such potent voices of protest among the public except for a few press statements.

To say that all this was made possible only by the discourse on media would seem to be an overstatement as well but one cannot deny the vital contribution of the discourse devices employed by the media in projecting the issue which at times seemed blowing out of proportion. To say that the discursive practices of the four mainstream English newspapers made the people come out on the street would also seem to be hyperbolic as a very limited educated class of Pakistanis reads English newspapers. One should, however, keep in mind that this movement was mainly driven by the lawyers' community, civil society, intelligentsia and some other middle-class professionals who are all highly educated and do read English newspapers. It is amazing also to know that not only these but some from the elitist classes like retired Army Generals also joined this movement. This is an unprecedented composition for a protest movement in the history of Pakistan but that needs a separate investigation.

The Urdu newspapers and the private TV channels on the other hand were not only more aggressive but also had the added advantage of having a wider readership or viewership because of the use of the national language. The electronic media had the leading edge of being prompt in its minute to minute coverage and hot debates where media-men openly supported the

pro-CJ personalities. The representatives of the government were being cut short, talked down and cornered by the anchors whereas representatives of the opposition parties were given a free hand.

The Critical Discourse Analysis of the three major Macrostructures and the Significant Absences, in the previous chapter, throws ample light on the weighted projection of the issue by the English newspapers. The thematization of the Macrostructures like 'Suspension' and many others associated with the Sacrilege Frame by the newspapers and the dismissal of the 'Reference' Macrostructure shows that the reporters/editors were, at least, unconsciously if not deliberately supportive of the CJ. It reflects upon the mental training of the journalists and the social cognitions at work in their minds. Those news items that criticize or give a bad impression of the government have traditionally been understood to have more news value than the ones giving a good impression. In fact the 'good impression' news items are generally believed to be untrue and to project them is to be a part of the government agenda which is always deemed bad. So a journalist is cognitively trained to thrash the government and on this issue he had a lot to thrive upon.

This cognitive hatred gets intensified when the government is a military dictatorship and whether it is doing better than a democratic one, its performance loses all its merit when the Frame of dictatorship is evoked.

That's why the newspapers consistently evoked the Frame of Dictatorship to stimulate the potential protestor that by defying a dictator he can become part of a historic struggle. That's the reason why, right from the very first day of the protest campaign, 'Go, Musharraf, Go' became the central slogan of the movement. This Frame was simultaneously working as being Diagnostic, Prognostic and Motivational. It was Diagnostic as the cause behind the trouble was a dictator. It was Prognostic as it was the challenge of an institution to the perpetual dominance of a dictatorial institution and its success meant the removal of the dictator. It was a Motivational one because it in turn evokes many adjacent Frames like democracy, human rights, justice, liberty and all the great ideals that man has struggled to achieve throughout the history.

The discussion in the previous chapter demonstrates that apart from the Dictatorship Frame, the newspapers put their share in Consensus Mobilization through the Judicial Activism Frame which was simultaneously working as a Diagnostic and Motivational Frame. It was Diagnostic as the CJ was said to have invited the trouble through his judicial activism and it was Motivational as the potential protestor was bound to think that a man being punished for good deeds must be hero or a saint and he needs to back him up.

The analysis of the various news items in the previous chapter shows that besides the choices in macrostructures and the resultant 'framing' of this issue, the newspapers used many Discourse Devices which proved helpful in protest mobilization. The use of vocabulary from the Orders of Discourse of injustice, corruption, exploitation, mourning, patriotism and so forth added to the emotional appeal of the News Stories and Editorials for the potential protester. The use of metaphors like chess, war, sacrilege and so forth not only evoked powerful Frames but also helped cast the desired spell on the protester. The extensive use of Hyperbole supported by Significant Absences not only helped project the issue out of its proportions but also in creating the required panic.

The Order of Discourse of Media is multifaceted and requires different kinds of analytic techniques pertaining to diverse branches of knowledge so as to reach some comprehensive conclusions about its contribution towards protest mobilization. Singling out the discourse devices employed by the English newspapers may not help reach those conclusions but it certainly throws light on the overall orientation of the Pakistan Media with regard to this issue.

That media took sides with the CJ is quite plain from this analysis but a question as to why could have media behaved in such a partial way is bound

to pinch the minds. Let's see if we can find an answer to that question in the next section.

5.3 Contribution towards Challenge:

As our conclusions in the previous two sections of this chapter show, the Pakistan media did belong to the CJ's party and being so did play a most vital role in protest mobilization. This study does not aim at reaching such conclusions as to whether media did a commendable job in taking sides with the CJ or was it against the notions of detachment and objectivity normally associated with journalism. The basic aim of this study was to highlight the mechanisms at work in media to mould the opinions of the public which are so effective that media can help mobilize protests and bring about social, political and cultural change in a society.

The first and probably the last time that judiciary tried to assert its independence in Pakistan was the decision of the Sindh Chief Court against the dissolution of the Constituent Assembly in 1954 by the then Governor General Ghulam Mohammad. This assertiveness was, however, short lived and the Supreme Court dismissed the decision of the Chief Court and upheld the dissolution under the doctrine of necessity. Since then the judiciary has played a largely compliant role in not only legitimizing the military take-overs but also facilitated the Executive in the political victimization of opponents through fake trials and forced exiles. The social relation between

the Judiciary and the Executive has thus largely been that of a boss and a subordinate.

No matter what his past actions have been, the refusal of the Chief Justice to resign under intimidation was an unprecedented challenge to the traditional dominance of the executive. This challenge had the added significance of being against a President in uniform and was thus a challenge to the institution of the Army which has possessed the institution of the Executive for the most part of this country's history. The ensuing discourse on the issue was, thus, bound to be based on this challenge of dominance and the change in the nature of relationship between the Executive/Army and the Judiciary.

The protest movement began when almost all the political and social forces (except those in the government) unanimously condemned this high-handedness of the Executive. The fragments analysed in the previous chapter clearly reveal that the media discourse supported this challenge by the judiciary to the Executive. As it was the Army playing the Executive at that time, right from day one, it was solely a challenge to the institution of the Army.

The reason why, despite his shortcomings, media projected the CJ as an angelic and heroic figure is not difficult to imagine. By doing what it did, the Pakistan media aligned itself with that challenge like all the other forces. By

virtue of this alignment it contributed towards a change in the relationship between the executive and the judiciary, as it seemed on the 20th of July, 2007 when the Supreme Court set aside the reference against the CJ and restored him.

It would be irresistible for any enlightened individual or institution to become a party to such a cause which is associated with powerful frames like democracy, human rights, resistance, and freedom of expression. That's why, probably, Pakistan media managed so easily to sideline the past failings of the CJ to become a part of such a movement and so did, probably, every other protester.

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APPENDICES

1. APPENDIX A

I: The Daily Dawn. March 10, 2007 Saturday Safar 20, 1428

CJ suspended, escorted home: • Justice Iftikhar summoned by SJC on 13th for reference hearing • Ex-judges call it a blow to judiciary's independence; minister defends decision • Whither judicial activism?

By Nasir Iqbal

ISLAMABAD, March 9: In a highly dramatic move that has the potential to change the course of judicial activism in the country, President General Pervez Musharraf on Friday virtually suspended the Chief Justice of Pakistan, Justice Iftikhar Mohammad Chaudhry, and appointed the available senior-most judge, Justice Javed Iqbal, as the acting Chief Justice of the Supreme Court.

The move to make Justice Iftikhar Chaudhry 'non functional' was immediately followed by yet another decision by the president to send a reference under Article 209 of the Constitution to the Supreme Judicial Council to investigate allegations of misconduct against him.

Notwithstanding the intense debate that soon started within the legal fraternity on the question of the president's authority to make the Supreme Court chief justice 'non-functional', it was being said that if the newly constituted judicial council found him guilty of the charges, he would be removed from office. Although the country's judicial history has been a chequered one all along, and judges have been removed by various methods, this is the first time that the chief justice of Pakistan has been made, in the words of the official handout, 'non-functional' and his case has been sent to the Supreme Judicial Council for action. The president's orders came in the afternoon, and within minutes took the country by storm. Many in the legal fraternity were shocked by the way the country's top adjudicator had been treated. Among them was the President of the Supreme Court Bar Association, Munir A. Malik, who described it as a 'blatant attack on the independence of the judiciary', and former chief justice Saeeduzzaman Siddiqui.

Still, a few thought it was bound to happen as, according to them, the chief justice's style of judicial activism, and his personal conduct on some issues, was a bit too unsettling for the government. The most vocal defender of the move was the minister of state for information, who said the president had no choice but to take action after serious allegations of misconduct and misuse of authority had been levelled against the chief justice. But as the debate continued to rage, with private television having a field day in covering the story, most legal and constitutional experts were of the view that the move was likely to create a new crisis rather than resolving it.

As speculations started to grip bar rooms and political circles about the fate of the judiciary, and the impact of the move on other key issues, the acting chief justice was sworn in by a brother judge, Justice Abdul Hameed Dogar, in an 'uncharacteristically simple ceremony'. The traditional fanfare that has been the highlight of such ceremonies was missing and instead of the main hall of the Supreme Court, a small room on the third floor of the judges' block was chosen for the occasion. The media persons and the accompanying cameras clearly outnumbered the officers of the court at the ceremony as most of the brother judges (as they are mostly referred to by their colleagues) were conspicuous by their absence. So was the Attorney General Makhdoom Ali Khan, even though he was seen in precincts of the court house, and also the veteran lawyer and Prime Minister's adviser, Sharifuddin Pirzada. Along with a handful of lawyers, Justice Muhammad Nawaz Abbasi witnessed the ceremony as Justice Hameed Dogar administered oath from the acting chief justice. Later on it was explained to the media that the senior-most judge after chief justice was Justice Bhagwandas, but since he was away from the country, so Justice Javed Iqbal being the second in line was made the acting head of the apex court. Lawyers and other staff at the Supreme Court said the day started with the usual routine, with even the Chief Justice, Iftikhar Chaudhry handing cases in the courtroom. However, events started to take a dramatic turn around noon when the country's chief adjudicator was summoned to the President's Camp Office, located in the annexe of the army chief's official residence in Rawalpindi. There in the presence of Prime Minister Shaukat Aziz, President Musharraf informed him of the allegations that had been taking rounds in the country, particularly his alleged misconduct in handling matters within and outside the court. According to an official handout, when confronted, the chief justice had no answer. The President also informed the chief justice that he was being made "non-functional", an acting chief justice was being appointed, and a reference against him was being sent to the Supreme Judicial Council, comprising senior judges of the Supreme Court and the chief justices of the four provinces. Chief Justice Iftikhar Chaudhry's reaction was not known as since his "suspension" or being made "non-functional" he had remained incommunicado. After his meeting with President Musharraf, he remained inside the President camp office for a few hours, and was later prevented from going to the Supreme Court by the security officials. Informed sources told Dawn that when late in the afternoon Justice Iftikhar Chaudhry was returning from the President's camp office he tried to go to the apex court, but a strong police posse chased his car which was blocked near Serena hotel. In the meantime senior superintendent of police Tariq Yasin rushed to the spot, and escorted the chief justice to his official residence. The security outside his residence had already been increased, and it was not possible to even contact him on telephone.

By this time security had also been stepped up outside the Supreme Court building where only lawyers and journalists were being allowed after proving their identity. As the oath taking ceremony ended, a beaming acting chief justice hugged his brother judge, Justice Dogar who had administered the oath, and started to walk towards his chamber. He was repeatedly asked for comments by a battery of reporters, but understandably he constantly parried the questions. "It's premature to say anything right now," he observed on being asked about the likely outcome of the reference sent against the chief justice. Soon

after the oath taking ceremony, the Supreme Judicial Council went into a session and decided to call Chief Justice Iftikhar Muhammad Chaudhry on March 13 to answer the allegations of misconduct levelled against him. Presided over by Acting Chief Justice Javed Iqbal, the SJC also ordered the chief justice not to perform functions as judge of the Supreme Court or as the chief justice till the reference was decided by the council.

The SJC meeting was also attended by apex court judges namely Justice Abdul Hameed Dogar and Justice Sardar Muhammad Raza Khan, Chief Justice of Lahore High Court Iftikhar Hussain Chaudhry and Chief Justice Sindh High Court Sabihuddin Ahmad, who had flown into Islamabad earlier in the day. Although the events during the day had moved at a fast pace, the action against the chief justice was not entirely unexpected. Stories about favours given to his son had already been taking rounds, and his desire to remain in the news through his court decision was becoming a source of annoyance for some in the government. But it was most his judicial activism, which on the one hand had made him popular in the eyes of ordinary people seeking justice but on the other had also irked a few in the establishment. Some of his decisions had started to appear like an open challenge to the government, and in recent weeks cases of missing persons had been a cause of embarrassment for a few in high places. But members of the legal fraternity point out that the turning point came with the appearance of a so-called "open letter" by a lawyer-cum-television personality, Naeem Bokhari in which Justice Iftikhar Chaudhry was accused of a series of doing favours and violating judicial norms and practices. He was accused by Mr Bokhari of running a "slaughter house" in the name of courtroom, and warned of a "rebellion" if he did not change his style and behaviour.

Since then it was widely believed in the legal and political circles that there was more to the "open letter" than a simple attempt by an officer of the court to challenge the highest adjudicator of the country. Whether the president's action was a direct result of this letter is not clear, but the minister of state for information. Tariq Azeem, while taking part in a discussion on a local television, said after the serious allegations levelled by Mr Naeem Bokhari it was not possible for the President to sit idle and not take any action.

II: The Daily News Saturday, March 10, 2007

Iftikhar ceases to be chief justice

By Tariq Butt

ISLAMABAD: Chief Justice Iftikhar Muhammad Chaudhry was "suspended" on unprecedented charges of "misconduct" and "misuse of authority" levelled in a reference filed by President Gen Pervez Musharraf with the Supreme Judicial Council (SJC) for his dismissal from service.

The orders issued by the council, after having a brief meeting over the reference here on Friday, said: "After examining the reference received by the Supreme Judicial Council and having gone through the record, the Council has taken cognisance of the reference and decided to invite the respondent on March 13, 2007 at 1:30 pm."

The council further ordered that respondent (Justice Iftikhar Muhammad Chaudhry) shall not perform functions as judge of the Supreme Court or as the Chief Justice of Pakistan till the above reference is answered by the council.

This order was issued unanimously by the Supreme Judicial Council comprising three judges of the Supreme Court including Acting Chief Justice and two senior most chief justices of the high courts.

Justice Abdul Hamid Dogar, Judge, Supreme Court, Sardar Muhammad Raza Khan, Judge of the Supreme Court, Chief Justice Lahore High Court Chaudhry Iftikhar Hussain and Chief Justice of Sindh High Court Justice Sabihuddin Ahmed attended the meeting as members of the Supreme Judicial Council according to the Article 209 of the Constitution of Islamic Republic of Pakistan. Acting Chief Justice Javed Iqbal presided over the meeting according to the provision of the Constitution as available next senior most judge of the Supreme Court.

III: The Nation Saturday, March 10, 2007

Assad Hameed ISLAMABAD

CJP suspended, President files reference

President General Pervez Musharraf Friday removed Chief Justice of Pakistan, Justice Iftikhar Muhammad Chaudhry, from his office and appointed Justice Javed Iqbal as Acting Chief Justice.

The President also sent a reference to the Supreme Judicial Council under Article 209 of the 1973 Constitution against Iftikhar Chaudhry under the charges of "misuse" of authority, misconduct and actions prejudicial to the dignity of the office of the Chief Justice of Pakistan. Earlier, Chief Justice Iftikhar Muhammad Chaudhry was summoned by the President where he was confronted with the charges in the presence of Prime Minister Shaukat Aziz, official sources said. It was also reported that President had sent the reference to the Supreme Judicial Council on the recommendation of Prime Minister Shaukat Aziz. It was further revealed that Chief Justice was asked to tender resignation in the wake of serious charges including placement of his son, Dr Arslan in a key position in the Punjab police. However, the Chief Justice refused to resign and opted to contest his innocence before the Supreme Judicial Council. The Supreme Judicial Council is a five-member body, which oversees the affairs of top judiciary. The Council comprises Chief Justice of Pakistan, two senior most judges of the apex court and two most senior Chief Justices of the High Courts. The suspended Chief Justice has been asked to appear before

the Supreme Judicial Council when it meets on March 13 at 1:30pm, said a Law Ministry official. Chief Justice Iftikhar Chaudhry, who assumed the office on June 30, 2005, was the 20th Chief Justice of Pakistan. He was scheduled to retire in 2013 at the age of 65.

Soon after the removal of Chief Justice Iftikhar Chaudhry, Justice Javed Iqbal took oath as Acting Chief Justice of Pakistan. Justice Abdul Hameed Dogar administered the oath at a crowded ceremony at the Committee Room of Supreme Court building. The appointment of Justice Javed Iqbal has been made in the absence of senior most judge of the apex court, Justice Rana Bhagwan Das, who is presently abroad.

Later, the Acting Chief Justice held meetings with senior judges of the apex court and Attorney General for Pakistan. According to an official statement, the Supreme Judicial Council meeting will be chaired by Acting Chief Justice Javed Iqbal while Justice Abdul Hameed Dogar, Justice Sardar Muhammad Raza Khan, Chief Justice Lahore High Court, Iftikhar Hussain Chaudhry, and Chief Justice Sindh High Court, Justice Sabih-ud-Din Ahmad, will be its members.

Official sources have, however, predicted that Justice Javed Iqbal were likely to continue as Acting Chief Justice even after the return of senior most judge from abroad.

Acting Chief Justice of Pakistan, Justice Javed Iqbal, was born on January 8, 1946. He holds master's degrees in Political Science and International Law besides being a law graduate.

Justice Javed Iqbal joined the Bar in 1970, practised between 1971-72 and then joined judicial service in 1973. He was elevated to High Court in 1993 and appointed as Chief Justice of Balochistan High Court on February 2, 2000.

Justice Javed Iqbal was elevated to the Supreme Court of Pakistan on April 28, 2000. Regarding the detail of charges against the suspended Chief Justice, official sources say the respondent may face about a dozen charges including misuse of official authority and wrongful conduct. "The list of charges includes use of a Mercedes car with a huge cavalcade of security operatives, using a helicopter to travel to Shiekhupura for offering condolence prayers, spending huge funds on decorating his chamber and house, reservation of a wing in the judges guest house besides induction of his son Dr Arslan Iftikhar in the Punjab Police via FIA despite failing a competitive examination for induction at such a level," sources said.

Independent sources, however, say the government was not happy over many of the verdicts that Chief Justice Iftikhar Muhammad Chaudhry had delivered during his time in the office.

Rulings of Chief Justice Iftikhar Muhammad Chaudhry in case and suo moto hearings on a number of issues including Steel Mills Case, Missing Persons Case, Street Crimes Case, Gwadar Land Allotment Case and many other issues were quoted as the main irk to the government.

Legal experts are also attaching great importance to the return of senior most judge of the apex court, Justice Rana Bhagwan Das, from abroad. His name has not been included in the Supreme Judicial Council despite the fact that his presence is mandatory at the top body under the Constitution as the senior most judge of the apex court.

Many attempts were made to contact Chief Justice Iftikhar Chaudhry for his version on the issue, however, he was not available. Security around his Judges Colony residence was further beefed up and no one was allowed to go in.

IV: The Times, Mar 10, 2007

SJC suspends CJP after president files reference, fixes March 13 for hearing; Suspended judge accused of misconduct, misuse of authority

Musharraf wants CJP Iftikhar out

By Mohammad Kamran ISLAMABAD: President General Pervez Musharraf on Thursday filed a reference of misconduct against Justice Iftikhar Muhammad Chaudhry, prompting the Supreme Judicial Council (SJC) to suspend him from his post as chief justice of the Supreme Court pending adjudication of the reference. "Justice Iftikhar Muhammad Chaudhry is unable to perform his functions as chief justice as a reference has been filed against him under Article 209 of the Constitution. President General Pervez Musharraf, while exercising his powers under Article 180 of the Constitution, is pleased to appoint the most senior judge available, Justice Javed Iqbal, to act as acting chief justice of Pakistan," reads a presidential notification.

The SJC met in an emergency session soon after the acting chief justice was sworn in and issued notice to Justice Iftikhar to appear at 1:30pm on March 13 to defend himself. The SJC decided that "the respondent (Iftikhar Muhammad Chaudhry) shall not perform functions as judge of the Supreme Court or as chief justice of Pakistan till the above reference is answered by the council". Justice Iftikhar was sworn in as chief justice of Pakistan on June 30, 2005. His term was due to expire on December 11, 2013. He has been charged with "misconduct and misuse of power".

The hurriedly arranged oath-taking ceremony of Justice Javed Iqbal, the senior-most SC judge in the absence of Justice Rana Bhagwandas, was held in a small room. Justice Abdul Hameed Dogar administered the oath. Only two SC judges— Justice Nawaz Abbasi and Justice Raja Fayyaz – attended. Lahore High Court CJ Iftikhar Hussain Chaudhry and SHC CJ Sabihuddin Ahmed were especially flown in to Islamabad to attend the SJC meeting. Speculation for the chief justice's suspension ranged from reports that he had misused his influence to secure employment for his son in the police, that he had accepted a gift of a BMW car from a well wisher, to recent SC decisions that displeased higher

authorities. Meanwhile, the Supreme Court cancelled the cause list for the next week. A new cause list will be issued today.

V: The Daily Dawn Mar 10

Reference filed under constitution, says minister

ISLAMABAD, March 9: Federal Minister for Law, Justice and Human Rights Division Wasi Zafar on Friday said that the reference filed by the president before the Supreme Judicial Council (SJC), against Justice Iftikhar Muhammad Chaudhary was in accordance with the Article 209 of the Constitution.

Explaining the procedure regarding the proceeding of the Supreme Judicial Council, the minister said the council, consisting of three senior-most judges of the Supreme Court and two senior-most Chief Justices from the four High Courts of the country, would hear the reference under the provisions/clauses of Article 209. A sub-section of the article explains the constitution of the Supreme Judicial Council and its functioning.

The minister said the Supreme Judicial Council was responsible for hearing complaints of misconduct against judges of the Supreme Court and High Courts, coming before it in the form of references filed by the president as well as complaints by any citizen.

According to the Constitution, if a reference is filed against anyone who is also a member of Supreme Judicial Council, he will be stopped from carrying out his judicial responsibilities with immediate effect and the next available senior-most judge will replace him.

Some experts told APP that the Supreme Judicial Council would send its recommendations to the president.—APP

VI : The Nation, Mar 10

What he did and what he could

Iman Hasan ISLAMABAD - Suspended Chief Justice Iftikhar Chaudhry, appointed on June 30, 2005; is the 5th Chief Justice of Pakistan to be changed in 7 years and 5 months under the present military regime.

Amongst the 5 chief justices, he is the second after Saeed-uz-zaman Siddiqui who has been forced out, though his tenure was to last till 2013. Former Chief Justice Chaudhry ruffled many feathers by taking suo

moto actions in cases involving violations of human rights as well as in cases of political and public importance.

On June 23, 2006; he blocked the sale of Pakistan Steel Mills (PSM), to a private consortium consisting of Tawairqi Steel Mills, Magni Togorsk Iron and Steel and Arif Habib Securities of Pakistan. The PSM was scheduled to be handed over on May 29, 2006; at a total cost of Rs 21.68 billion.

The Supreme Court said in its decision, "The process of privatization of Pakistan Steel Mills Corporation stands vitiated by acts of omissions and commissions on the part of certain state functionaries reflecting violation of mandatory provisions of law."

According to senior Supreme Court lawyer, Muhammad Ikram Chaudhry, "Those 'certain' state functionaries mentioned in the Supreme Court's judgment are actually the members of the privatization commission and member(s) of the Prime Minister's cabinet on privatization."

The day after the detailed judgment of this case was announced, a vicious campaign against the former Chief Justice started with reports appearing in media about his son's induction in police department. This media campaign climaxed last month with the surfacing of a letter written by Naeem Bukhari, an Islamabad-based lawyer and ex-husband of Tahira Syed.

On December 5, 2005; the former Chief Justice took a suo moto action on the illegal abduction of dozens of Pakistani nationals and even on the last hearing, on March 8, 2007; ordered the concerned government departments to inform the whereabouts of those people and produce them before the court. Up till now 23 people have been released due to the efforts of the Chief Justice who has been removed now and about whom some of the applicants of the 'missing people case' says, "He was the only one doing justice to the judiciary. He was a very loyal and a just person." The former Chief Justice of Pakistan, Iftikhar Muhammad Chaudhry, while talking to the trainee civil judges on February 24, 2006, advised them to, "Make decisions according to the voice of your conscience and satisfaction, as this satisfaction would remain part of your life."

On December 15, 2006; the Supreme Court stopped the NWFP government from enacting the Hasba Bill, which was passed by the NWFP Assembly on July 14, 2005. Since the President filed a reference twice in the court under the Supreme Court's advisory jurisdiction challenging the bill and requesting the Supreme Court to take up the matter 'at the earliest'. Earlier this year, a harsh encounter took place between the former CJ Iftikhar Chaudhry and IG Punjab Major (Retd) Zia-ul-Hasan, during the hearing on increased crime rate in Punjab. He reprimanded IG Punjab for not controlling the increased crime rate in Punjab. Consequently IG Punjab was removed from his post. On January 23, 2007; he ordered cancellation of allotment of thousands of acres of land in Gawadar to the politicians, judges, generals and other officers of armed forces under various schemes.

On March 6, 2007; he summoned the well-connected Chairman of PCB Dr. Nasim Ashraf to appear before the apex court on the first week of April this year in connection with a petition filed by a law student, Wasim Rehan, resident of Dera Ismail Khan, who challenged his appointment as Chairman of PCB. Dr. Nasim Ashraf is also occupying the position of the head of the National Commission of Human Development. It was expected that he would have taken up other cases of national, political and constitutional importance in the near future. The cases, according to the legal and political quarters, likely to be taken up by the apex court, were the issues pertaining to the upcoming Presidential elections, issue of President in uniform, probability of the postponement of the General Elections 2007, the tenure of assemblies, the rising crime rate in Punjab and other issues of national interest.

VII: The Daily Times, Mar 10

Decisions that irked the govt

By Mohammad Kamran

ISLAMABAD: Justice Iftikhar Muhammad Chaudhry ruled against the government in at least four high profile cases before he was suspended from his post as chief justice of the Supreme Court.

These included the 2006 decision to strike down the sale of Pakistan Steel Mills; another ruling in 2006 that stopped the conversion of public parks to commercial ventures; the decision to ban kite-flying as unsafe; and the forced disappearances case, in which the chief justice directed the government to find and release missing people who their relatives allege are being illegally detained by intelligence agencies.

In the Pakistan Steel Mills, case a nine-member bench on June 23, 2006, unanimously struck down the privatisation deal that it estimated would cause a Rs 18 billion loss to the government, and provide extra benefits worth Rs 33.67 billion to the successful bidders, partly in the shape of 4,457 acres of land that was to be given free of cost along with the mills. The detailed judgement exposed a number of legal violations, lapses, omissions and commissions by the Privatisation Commission and the Cabinet Committee of Privatisation.

In another case of public interest, the Supreme Court cancelled the leasing deal of a public park in Islamabad owned by the Capital Development Authority (CDA) for its conversion into a mini golf club. The court ruled the deal was contrary to the fundamental rights of the public enshrined under Article 26 of the Constitution.

The most important recent case was the missing persons case, wherein the chief justice ordered the government, through the Interior Ministry and Defence Ministry, to recover the missing persons and help end the phenomenon of forced disappearances. The case is still continuing, and the court only last

Thursday heard a Human Rights Commission of Pakistan petition alleging that the government was responsible for the disappearances of 148 citizens.

Another important case regarded kite-flying. The Supreme Court banned kite-flying, and Basant, in 2005 on the grounds that the festival caused several deaths. However, this year the Punjab government promulgated its own legislation to allow kite-flying on Basant.

The chief justice was involved in several other major decisions. In 2006, he activated state machinery to stop the flow of spurious drugs; stressed the implementation of anti-tobacco laws; ruled against the notorious custom of *vani* to stop marriages for compensation; stopped a number of government and private projects which were hazardous to the environment; ordered the closure of substandard private institutions and medical colleges; and decided a number of human rights cases of abduction, elopement, marriages, detention, torture and murder under his *suo moto* jurisdiction. The Supreme Court directed the inspectors general of police of the four provinces and the Northern Areas to protect women in their respective areas being given in marriage as a dispute-settlement mechanism under the customs of *vani* and *sawara*.

The court also took *suo moto* notice of violations of smoking laws and directed the Ministry of Health and other authorities concerned to implement the ban on smoking at public places.

The chief justice was also seized with constitutional petitions against the hike in petroleum prices and alleged overcharging on petroleum products by the government. President Gen Pervez Musharraf recently filed a reference against the Hasba Bill of the NWFP Assembly, seeking the opinion of the Supreme Court as to whether it violated the Constitution. A five-member bench of the court directed the NWFP governor not to sign the bill and declared a number of its clauses to be unconstitutional. A number of political cases regarding election of the president by the present assemblies, validity of madrassa degrees of 68 MMA parliamentarians, postponement of elections and others were soon to be brought before the chief justice.

VIII: The Daily Dawn, Mar 10

Landmark judgments of Justice Iftikhar

ISLAMABAD, March 9: Chief Justice Iftikhar Muhammad Chaudhry, who was suspended on Friday, has several important judgments to his credit, the most significant being the case in which he overturned the privatisation of the Pakistan Steel Mills and another in which he forced the government to locate 'missing' persons.

During his 21-month tenure as chief justice, Justice Chaudhry initiated suo motu action even on a simple application filed by any aggrieved person. Despite his popularity among ordinary people, such moves were regarded by some members of the legal fraternity as being against the norms of the apex court.

There were so many suo motu actions against government officials, especially the police, that the chief justice had to set up a fully-fledged human rights cell in the apex court.

Contrary to public perception that victims of rape or other injustices were unlikely to get justice from lower courts, Justice Chaudhry opened the gates of the Supreme Court, bringing some relief to the needy.

In the privatisation of Pakistan Steel Mills, which is his most famous case, the chief justice's detailed judgment of Aug 8, 2006, had put the government under severe pressure by accusing it of holding the mills' privatisation in 'indecent haste'.

In his judgment, the chief justice held that the entire transaction was the "outcome of a process reflecting serious violation of law and gross irregularities" in which various aspects of profitability and assets of the state-owned enterprise were totally ignored.

Likewise, on Feb 20, 2007, the Supreme Court upheld most parts of the Hasba Bill, re-legislated by the NWFP Assembly, though it asked for minor modification to clauses related to the definitions of the Mohtasib and religious scholars.

On June 27, 2006, the chief justice decided a case about Section 2A of the Services Tribunal Act 1973 and ruled that employees in most government corporations not governed by the statutory rules were not civil servants.

The most important and sensitive case to-date, which the chief justice had heard just a day before his removal related to 'forced disappearances' and he had expressed strong disappointment over the government's failure to locate the whereabouts of the disappeared people because of their suspected links with Al Qaeda or other jihadi outfits.

On Jan 22, 2007, the chief justice, while leading a bench, had turned down the Punjab government's request to approve its decision to briefly lift the ban on kite-flying during the spring festival and asked the provincial government to celebrate 'Basant' at their own risk. The apex court had taken suo motu notice on the reported deaths of children because of kite-flying.

Another important matter, which had deep political implications, was the case filed against educational degrees of Muttahida Majlis-i-Amal's (MMA) members in parliament. They had been challenged on the grounds that the degrees issued by religious seminaries were not equivalent to graduate degrees.

On Jan 18, 2007, the chief justice had settled the custody dispute of UK-born Muslim girl Misbah Irum Rana through a compromise reached between her divorced parents.

On Jan 22, the chief justice had directed the Balochistan government to submit a detailed report about illegal allotments of 241,600 acres of land to ministers, politicians and other bureaucrats in Gwadar. The order was passed on a petition filed by Bibi Zahra against the the Balochistan government's Board of Revenue.

The chief justice had also taken strict action against violators of the Supreme Court's ban on meals in weddings, forcing the government to adopt a private member's bill, allowing one-dish during marriages. Due to the apex court's intervention, the government also had to take action against fake drugs and the use of tobacco in public places.

IX: The Daily News, Mar 10

Iftikhar known for taking suo moto notice

By Wajih Ahmad Sheikh

LAHORE: Justice Iftikhar Muhammad Chaudhry is known for bringing a marked improvement in the Supreme Court's performance regarding clearance of a huge backlog of pending cases, besides taking suo moto notices for giving relief to the people.

During his 20-month tenure of Chief Justice Iftikhar Muhammad Chaudhry, the backlog of pending cases in Supreme Court of Pakistan was reduced from 38,000 cases to around 10,000.

Justice Iftikhar was appointed as the Chief Justice on June 30, 2005, when a total of 25,808 cases, including appeals and petitions were pending before the Supreme Court, while the filing of 12,331 new cases in one year, it raised the total number of cases that came before the apex court for adjudication was 38,139.

The apex court refined its earlier strategy for clearing the backlog of cases and the chief justice constituted different benches and they started hearing cases at registry branches regularly. Some other measures were adopted which led to decision of over 20,000 cases during a year and the backlog of cases was recorded 10,389 in March 2007.

For a speedy disposal of cases, information counter was opened in the main entrance at the principal seat branch registries and benches were constituted during summer and winter vacation. To decrease the backlog of cases, benches were also sent to branch registries to decide cases pending there. The lawyers were asked to apply general adjournment and they should inform their clients.

The cases were categorised as per subject matter and certain categories were given priority and started issuing cause lists three-months in advance. Special benches were constituted for hearing of fresh cases.

Free legal aid was provided to the un-represented jail petitioners, who cannot afford to hire the services of a lawyer. Additional posts of three research officers in Grade-18 were created for posting with benches with a view to facilitating the court and improving performance. New posts of stenographers and protocol officers were created and filled for posting with judges. Post of judicial assistant was upgraded from BPS-15 to BPS-16. Entry of munshies/clerks into offices was prohibited to minimise corruption amongst the staff.

Justice Iftikhar Muhammad Chaudhry took notices in a number of human rights violations on complaints and letters which he received from the aggrieved persons and on press reports and he passed orders to the authorities concerned. The suo moto action resulted in provision of quick relief to the common man. A large number of detainees who were picked up by intelligence agencies were also ordered to release them in his tenure. He also took notice on serving meals in weddings following which the government passed a law to allow one dish.

Over the reports of killings of innocent children due to kite flying, the CJP took suo moto notice and imposed ban on kite flying activity. It was first time in 2006 when Basant could not be celebrated due to this ban. The Supreme Court also stopped the privatisation of Pakistan Steel Mills while pointing out the irregularities.

X: The Daily News, Mar 10

The famous cases

RAWALPINDI: The suspended chief justice Iftikhar Muhammad Chaudhry took suo moto notices of record number of cases of public importance ranging from rights abuses and disappearances in custody to environmental pollution and violation of wedding meal bans following his elevation to the highest judicial echelon in June 2005.

RAPE

Among the famous rape cases taken up by the Supreme Court included that of Mukhtaran Mai, Sonia Naz, a Kashmiri girl victim of the October 2005 earthquake and abductions in far and wide of the country.

RIGHTS ABUSES

The most contentious cases of rights abuse taken up by the apex court included those of missing persons. The court directed the federal government to submit a comprehensive report regarding location and whereabouts of the persons missing after taken into custody by various government agencies.

Other cases of rights abuses included the detention of foreign prisoners at various jails of the country while completing their sentences. The chief justice suspended a magistrate for allowing handcuffing juvenile prisoners by police in Hyderabad and ordered action against the concerned police officers.

Justice Iftikhar Muhammad Chaudhry also ordered the Balochistan police chief to ensure the recovery of 42 children allegedly abducted from Quetta and submit compliance report to the court. Other cases ranged from robberies and abductions to police lethargy in tackling criminals besides deaths in judicial and physical custody of police.

VANI AND SAWARA CUSTOMS

The outgoing CJ also expressed concern over non-implementation of the Supreme Court orders to the provincial police chiefs to stop the practice of marriage as compensation under Vani and Sawara customs.

On Feb 24, 2006, the court had ordered the inspectors-general of police of the provinces to adopt concrete measures for protecting Vani victims and put a stop to such marriages.

POLITICAL

Among the political cases, which badly impacted the government, was annulment of the sale of Pakistan Steel Mills when the SC directed the government to refer the matter to the Council of Common Interests.

PROTECTION OF PUBLIC INTEREST

The former chief justice ordered the State Bank to develop guidelines to protect consumers from humiliation and maltreatment while paying utility bills in commercial banks. He also barred the banks to bear the entire cost of collecting bills of electricity, gas, water and telephones rather than burdening consumers.

The chief justice also restrained the Punjab government from constructing 180 shops on the premises of Government Postgraduate College Chakwal on the directives of the chief justice. He also sought the list of unrecognized medical colleges in the country, urging their recognition if they met the required standard set by the PMDC or compensation of the students by returning their fees.

Justice Iftikhar Chaudhry took suo moto notice of reports on environmental aspect of the proposed 'New Murree project' and sought details of the project from the Punjab Government. The other cases included suo moto notice of violation of wedding meal ban by two Punjab ministers. His tenure saw clearing the backlog of record number of cases when 1,718 cases alone were disposed off in the month of February 2006.

XI :Editorial: The News,Mar 11

Beware the ideas of March

To say that the 'suspension' of the Chief Justice of Pakistan, Iftikhar Mohammad Chaudhry, upon the filing of a reference by President Pervez Musharraf under Article 209 of the Constitution is a controversial move would be an understatement. The chain of events set in motion on Friday by the filing of the reference is only going to further exacerbate the rocky relationship between the executive and the judiciary. First the facts as they stand: the president does have the constitutional right to file a reference under Article 209 with the Supreme Judicial Council (SJC) if he receives "information" that a judge of the Supreme Court or the High Court "may be incapable of properly performing the duties of his office by reason of physical or mental incapacity or may have been guilty of misconduct". The chief justice was, according to several news reports, summoned to meet the president at the latter's camp office where he was asked to explain the allegations in the letter. According to the official APP news agency, he failed to give a satisfactory defence and was told that a reference was being sent to the SJC against him on the grounds contained in the letter (this was also corroborated by the minister of state for information in his appearance on a TV show). The SJC comprises the chief justice of the Supreme Court, the next two most senior judges of the Court and the two most senior chief justices of the high courts. Since Justice Chaudhry himself would be heading the SJC in normal circumstances, his place will be taken by the Acting Chief Justice of the Supreme Court, Javed Iqbal. However, it is unclear whether Justice Rana Bhagwandas, next in seniority after Justice Chaudhry and reported to be presently on leave abroad, will be included in the SJC when it takes up the presidential reference this coming week. Of course, all this may come to naught – the hearing of the reference by the SJC, that is – if Justice Chaudhry chooses to resign.

The facts, however, do not end there. The basis of the reference, according to the minister of state for information who said this to a private television channel on Friday, seems to be a letter written by a Supreme Court advocate and otherwise well-known personality which contained allegations that Justice Chaudhry had turned his courtroom into a "slaughterhouse", that he was seeking protocol over and above that due to someone holding his post, that he used his influence to get his son posted in the police after he failed to qualify and that he would announce short orders but would change the verdict in the written judgement. There were other allegations as well but these seemed the more substantive ones. However, no allegations of financial impropriety have been laid in the letter (the text of the reference, though, has

not been made public). As far as the issue of appointment of the acting CJ is concerned, the ministers of the government have been saying that the next most senior judge, Justice Rana Bhagwandas, who should have been appointed according to the Constitution, was on leave and outside the country. Given this peculiar situation with a reference filed against the chief justice himself, if the reference is indeed heard by the SJC there may arise the possibility that one of its members benefits from its eventual outcome.

It would be fair to assume that many people will see this run of events with suspicion. In fact, some have linked it to a statement made by a leading politician recently linking a possible declaration of a state of emergency as a justification for extending the National Assembly by one year. Many will also link the action taken by the government with the fact that the chief justice was a strong proponent of judicial activism and that some of this may have stepped on powerful toes. For example, the Supreme Court struck down the Pakistan Steel Mills privatisation deal which was an embarrassment for the government, took strong note of the New Murree project which had strong vested interests backing it, and of late had been regularly hearing petitions filed by relatives of citizens claiming that the latter had been detained incommunicado by government intelligence agencies. During the course of these hearings, revelations came to light which again caused some embarrassment for the government because some of the disturbing allegations seemed to have been correct.

As already pointed out earlier, the Supreme Judicial Council is to meet this coming week and has invited Justice Chaudhry to present his side of the story. Pending that hearing and pending the SJC's examination of the said reference, and upon receipt of its recommendations by the president, Justice Chaudhry will not perform his duties as Chief Justice of Pakistan. Because this hearing is yet to take place, it is premature to comment on this aspect of the matter. However, questions are bound to (and should) be asked, especially about the manner in which the chief justice was summoned and the reference against him filed on the basis of a single letter (so far we have been made to understand that this is the case). Some jurists, among them former Supreme Court judges and lawyers of considerable standing, have questioned the government's decision to suspend the chief justice: they say that while the filing of the reference is very much within the president's powers under Article 209, the matter of suspending the highest judicial officer in the land is not. The argument — a cogent one — runs along the following lines: it is a canon of justice that no one should be condemned unheard and that suspension is not something envisaged under the said article. Of course, common sense would require that any judge against whom a reference has been filed with the SJC and if he is eligible to be a member of the SJC should himself step aside. However, so the argument goes, this is not something that Article 209 is categorical about. Of course, there is also the general observation — being made across the board — that the allegations mentioned in the letter may be difficult to prove other than the posting of Justice Chaudhry's son for which there may well be documentary evidence (such evidence, however, may well implicate the government itself, since it would show that it acquiesced to the request). Further, should a

request for protocol be held against any particular government officer given that it is now the norm for senior state functionaries to expect such treatment? These arguments and counter-arguments are bound to go on and may well intensify in the coming days but one thing is for sure: what happened in Friday is certainly not a red letter day as far as the state and its relationship with the judiciary is concerned. One now waits anxiously for the SJC's meeting scheduled for this Tuesday – provided nothing further happens before that.

XII: The daily Times: Mar 11

EDITORIAL: Another attack on the judiciary!

Let's dispense with legal niceties and get to the political gist of the matter. In the year of his re-election, after a general election that the opposition is convinced won't be fair, President General Pervez Musharraf has chosen to call the chief justice of the Supreme Court of Pakistan, Justice Iftikhar Muhammad Chaudhry, to his military 'camp' headquarters and fire him. He wanted the chief justice to resign to avoid being investigated by the Supreme Judicial Council (SJC) for alleged "misconduct and misuse of authority" but the chief justice refused, whereupon the president, under the relevant article of the Constitution, issued a 'reference' to the SJC which took no time in 'suspending' Mr Chaudhry and asking him to face an inquiry on March 13. Of course, it is a legal curiosity whether the acting chief justice was sworn in before the SJC had announced the CJP's suspension!

This action has shaken the state of Pakistan. Normally, states don't allow such harsh action lest it damage their image. But the image is surely damaged when the 'removing' authority's validity is under challenge from the opposition, and the political challenge is also based on points of law that could have been placed before the Supreme Court. There is also the 'logic' of removal, developed cynically in Pakistan over time because of the custom of using the judiciary to sort out political disputes, which must be considered.

The logic is: a judge is usually gotten rid of if he threatens to render an anti-government judgement, implying that he is an honest judge and doesn't bend to pressure. But to fire such a judge is to invite opprobrium. Politicians usually "stuff" the judiciary with suitable judges to forestall the moment of firing them on the eve of an expected verdict. To push the logic further, if the judge is corrupt and must be gotten rid of, then it is advisable to suffer him till such time as his dismissal is not politically damaging. Any government in the world would keep this in mind. But it appears that General Musharraf's advisers did not give much thought to the rumblings that are now being heard.

No one but the government is to blame for provoking the opposition and well-known jurists to cry foul. Despite the 'Bokhari Letter' — of which the less said the better — which complained that Justice Chaudhry was a bit of a bully in the Court, some very honourable personalities connected to the judiciary

have protested at the mode of removal of the chief justice, the first ever to face the SJC. When he was made Chief Justice in 2005, his reputation was apparently beyond reproach; otherwise he would have been bypassed, as the executive has done with some other senior-most judges in the past. During his tenure he initiated many suo moto cases, a style popular in Pakistan because most wronged people cannot afford to go to court. He also antagonised the executive when he stopped the privatisation of the Steel Mills and sent it scrambling for cover when he demanded that 'disappeared' people — especially in Balochistan — be produced under the habeas corpus.

It is alleged that he demanded unnecessarily big protocol and high security during his travels. So what was the big deal? Others in this government are guilty of more serious 'crimes' like corruption and illegality. Also, we need to remember that Pakistan is not famous for protecting its judges. The powerful and corrupt of the country have killed them like flies in the past. It is said that he was rude to lawyers and civil servants, but such judges are found all over the world and are tolerated if they are competent. Fellow apex court judges found him obnoxious and despotic. But that charge can be levelled against most politicians, ministers and others in power in this country, given a culture of authoritarianism and unaccountability at the very top. Then there is the case relating to his son's unmerited jobs and promotions. But the charge ought to be laid at the door of those in the executive who granted such illegal favours rather than the person who asked for them. Indeed, if such matters are to be dredged up in his case then it should only be fair that all judges — nay all civil servants, army officers and other bureaucrats — past and present are subjected to the same sort of scrutiny and 'suspended' or sacked.

Justice Chaudhry worked to clear the Supreme Court backlog. When he took over, a total of 25,808 cases, including appeals and petitions, were pending before the Supreme Court, which went up to 38,139 because of the new appeals. If the Supreme Court, by deciding over 20,000 cases a year reduced the backlog of cases to 10,389 in March 2007, some of the credit must go to Justice Chaudhry. The visible 'irritants' he offered the government — on such matters as Basant and wedding feasts — were too small to merit the punishment he has been meted out, unless of course the presidential reference has other more serious charges to press or political considerations to worry about.

Prime Minister Nawaz Sharif, whom President Musharraf removed, did not treat the judiciary well. His ministers threatened and bent the judgement of the judges at the Lahore High Court, and his supporters attacked the Supreme Court itself. Chief Justice Sajjad Ali Shah was sacked by dividing the judges between two benches, creating the dreaded situation in which the two benches were ready to condemn each other. President Musharraf should remember that when he took over in 1999 one reason the people celebrated Mr Sharif's dismissal was his shameful treatment of the judiciary.

Legality and morality apart, the government should have contemplated the ignominy attaching to the military rulers of the past who manipulated the judiciary, hired and fired judges, to make things easy for themselves. General Zia ul Haq got rid of the chief justice he knew would not confirm the hanging of

Prime Minister Zulfikar Ali Bhutto and appointed someone who would. After the hanging, he administered fresh oaths that got rid of good and independent judges like Dorab Patel and Fakhruddin G Ibrahim. He let the favoured judges stuff the higher judiciary with their friends, which meant that it would take a long time for the courts to get back to normal.

The repercussions of the ouster of Chief Justice Iftikhar Muhammad Chaudhry are going to be far-reaching and ugly. The president should have deliberated further if he thought the charges against the judge were serious enough to warrant a confrontation. From a purely political point of view, however, he might have considered taking action against Justice Chaudhry after the 2007 general election. After all, what was the big hurry? Unless, of course, one believes what the opposition is now saying: the government feared that judgements in the constitutional cases relating to the dual office of the president and his re-election by the current assemblies inevitably due before the court might go against it if Justice Chaudhry was CJP. *

XIII: The Times, Mar 10

CJP summoned to Army House

ISLAMABAD: Justice Iftikhar Muhammad Chaudhry was on Friday called to Army House where he was informed about the allegations of misconduct against him. Justice Iftikhar remained at Army House for five hours. Sources said that Army House officials, on behalf of President General Pervez Musharraf, explained the allegations to him. The sources said the chief justice also met the president and prime minister to answer the allegations but he could not satisfy them. rana qaisar

XIV :Editorial The Dawn, Mar 11

A big blow to the judiciary

WITH the Chief Justice of Pakistan having become "non-functional", another sordid chapter has been added to the judiciary's chequered history. Ghulam Mohammad began the process of destroying the foundations of Pakistan's constitutional and democratic structure, but he is not known to have interfered with the judiciary. That the Sindh Chief Court tried to undo the dissolution of the Constituent Assembly in October 1954 showed that the judiciary till then had acted independently. However, the Federal Court then came to his rescue with the notorious 'Doctrine of Necessity' that has since held the ground. Indeed with his arbitrary actions that shook the very foundations of Pakistan, Ghulam Mohammad had laid down a perverse tradition which military and civilian despots have used shamelessly to prolong and consolidate their rule by resorting to extra-constitutional methods. As years wore on, the judiciary more or less acquiesced in its role as a subservient institution whose duty was to legitimise every authoritarian ruler's assumption of power, even if he acquired it by means of a military coup, and to uphold all his actions which often were in utter violation of the fundamentals of law and constitutional propriety. That is how the

Doctrine of Necessity became an intrinsic part of Pakistan's constitutional jargon, for, instead of being forgotten as a one-time exception, this doctrine has been exploited by the generals, who often found — barring some exceptions — willing allies of the judiciary.

Generals Ayub, Zia and Musharraf all overthrew elected governments. While the Noon ministry, which Ayub and Iskander Mirza combined to dislodge by a coup, was not directly elected, it had, nevertheless, enjoyed a majority in the assembly and had a constitutional status, but Zia and Musharraf overthrew governments which had come to power through general elections. Once in power, they de-fanged the courts by appointing yes men to the apex judiciary so as to ensure uninterrupted legitimisation of all their actions. Zia was a class by himself. He not only got rid of five judges of the Supreme Court, he also sacked Chief Justice Mohammad Yaqoob Ali. Zia also made no secret of his fascist bent of mind by declaring publicly that the 1973 Constitution was a scrap of paper which he could tear up any time. The Provisional Constitutional Order and the Revival of the Constitution Order were not at all what their imposing titles suggested; they were instruments of manipulation to perpetuate his rule which he had assumed initially for 90 days to hold elections. Finally, the Constitution he left behind as his legacy had little resemblance with the Constitution enacted by the National Assembly in 1973. Instead, it had been stripped of its parliamentary character, all powers were concentrated in his person, and like Gen Musharraf today, he continued to remain both army chief and president till his death. The amended Constitution contained a new Article — 58-2b — which authorised Zia to sack an elected government, which he did by dismissing the government of his protégé, Mohammad Khan Junejo.

The most shocking part of Pakistan's judicial history is the post-Zia period when the popularly elected prime ministers, Benazir Bhutto and Nawaz Sharif, showed scant respect for the concept of an independence judiciary and staffed it with yes men. Where a judge or two refused to bend, they were got rid of. It was also during this era — when Nawaz Sharif was prime minister — that the hoodlums of the ruling party attacked the Supreme Court premises and made the Chief Justice flee for his life. Those leading the hooligans were later tried and given light sentences. Today they are back in business. The drama surrounding Chief Justice Sajjad Ali Shah's ouster from office and the role played by "brother judges" made a mockery of the judicial norms and are a shameful part of Pakistan's history. The "brother judges" combined to get rid of their own chief for political reasons. But both the civilian prime ministers were held accountable for their conduct.

Now coming to Friday's episode, one is appalled to see the photograph of a general in uniform calling the country's Chief Justice to his "camp office" as if the latter were a 'suspect' in a case of embezzlement, thus stripping him of the dignity to which he was entitled to by virtue of the office he held. Chief Justice Iftikhar Mohammad Chaudhry was then not allowed to return to his office and was "escorted" home. Gen Musharraf has made a reference against him to the Supreme Judicial Council, and the media has published a list of the alleged acts of malfeasance by Mr Justice Chaudhry. Since the charges are sub

judice and commenting on them would constitute 'contempt', one cannot but take note of the background against which the Chief Justice was made "non-functional" and the "judicial activism" that came to be associated with his name since he became chief justice in June 2005. More important, it is difficult to avoid the suspicion that some of his verdicts had irked the government and for that reason it did not wish an independent Chief Justice to be in office at a time when the apex court could be called upon to decide vital constitutional issues in the light of continued reports that President Musharraf will retain the two offices and that the existing assemblies will re-elect him as president for another term. In some other cases, too, he had been bold — like reversing the sale of Pakistan Steel, stopping the decision of the Capital Development Authority to turn a public park into a mini-golf course, and taking suo motu actions to make some highly progressive and popular decisions concerning human rights, women and environment. However, the decision that must have hurt the government relates to "disappearances", of which there have been quite a few in the context of the war on terror.

While SJC will, no doubt, decide upon the case whose outcome will have profound consequences for the future course of law and constitution in Pakistan, the nation is appalled that those who impose accountability on others and imprison politicians are accountable to no one. Is not the nation justified in wondering why the men in khaki consider themselves above accountability? He who seeks justice must come with a clean hand is an old axiom. The generals seek to dole out justice to others, but they themselves are not prepared to present themselves before an impartial, civilian tribunal to defend their actions. It is for this reason that, since Zia's days, the word 'accountability' has acquired a strange connotation because it is hard to dispense with the notion that the military uses the shibboleth of accountability to persecute the regime's political enemies through what can be called inquisition courts.

A larger question is Pakistan's image. The government has been very keen to project a soft image for Pakistan, and there is no doubt that this country gets bad press abroad, often because the good here does not make news, while terrorism, honour killings and gang rapes regularly hit world headlines. But then the nature of the regime in power is a major factor in giving the country a good or bad image. Friday's treatment of the Chief Justice is hardly the episode that will cast Pakistan in a better image abroad. In fact, it will have a negative impact on the world and add to the impressions abroad that Pakistan is just another Muslim country where the ruler's word is the law.

XV: Editorial The News, Mar 13

All the makings of a police state The events since Friday make extremely depressing reading for anyone remotely concerned about the state of the nation. The continued virtual house arrest of the suspended chief justice of Pakistan, Justice Iftikhar Mohammad Chaudhry, is a black spot on this government that will be difficult — one would say, almost impossible — to erase from public memory. As if the humiliation of Justice Chaudhry being summoned to Army House and being asked to explain to the president (wearing army fatigues) the allegations contained in a now-controversial letter was not enough,

one now learns that since Friday the suspended chief justice of Pakistan and his family have had their telephone lines disconnected, their mobile phones taken away and have been prohibited from watching television or reading newspapers. According to several reports, most quoting Justice Chaudhry's family members, the house of the suspended chief justice is swarming with officials of the intelligence agencies and no one is allowed to enter the premises, though retired air force chief Air Marshal Asghar Khan did manage to argue and walk past the guards and meet Justice Chaudhry.

In doing all of this, the government has clearly overstepped its authority. Justice Chaudhry, if Article 209 has been followed and read properly, has had a reference filed against him for misconduct and abuse of office. However, preventing him from meeting people and restricting his and his family's movement, and not letting him establish contact with anyone outside his residence gives the impression as if the government considers him a dangerous criminal who is a clear and present danger to society. What the government has been doing since Friday is only going to exacerbate the crisis and lower its credibility – already quite low – in the eyes of (it can be safely said) most Pakistanis because they will think that if this can happen to a chief justice of the Supreme Court then ordinary citizens might just as well forget about receiving their constitutionally guaranteed right to due process and a fair hearing.

By denying the suspended chief justice the right to move around freely, to meet whoever he wishes or even to talk to the media, the government is in violation of the Constitution, and specifically of the constitutional process by which a member of the Supreme Court is to be removed from office. Surely, the president, the prime minister, members of the federal cabinet and even the brother judges of Justice Chaudhry would agree that this is a case of convicting without even being given a fair hearing. Surely, it can be seen that Article 209 does not authorise the president, or anyone for that matter, with the power to restrict the physical movement of a judge against whom a reference has been filed and to bar him from using any link to the outside world. A lot of damage has already been done by this full frontal assault on the judiciary of the country.

Of course, no one should defend a judge, no matter how august he may be, if he indulges in conduct unbecoming of his office and misuses his official powers. But allegations should not be equated with proof and conviction – something that the government's actions suggest is the case – and the method and process outlined in the Constitution need to be followed. This constitutional method does not have any provision for physically restricting a judge under investigation from moving about freely and stripping away his officially entitled privileges – the latter can be done only after the investigation has been carried out and a recommendation for removal made by the Supreme Judicial Council and acted upon by the president. Even in that eventuality, the action should not be seen as high-handed and vindictive – which seems to be the case now, despite the fact that the charges against Justice Chaudhry remain mere allegations. As has been reported widely, on the day of his suspension following the filing of the presidential reference, Justice Chaudhry was stopped from entering the premises of the Supreme Court

building and escorted to his house by a senior police official. Even now, with a reference filed against him but none of the charges proved, the suspended chief justice should be free to visit his office if he so wishes because there is nothing in the Constitution that prevents any judge of the Supreme or High Courts, and against whom a reference has been filed with the Supreme Judicial Council, from attending his office.

There is one other point as well: ministers should not consider the people of this country to be bumpkins who cannot see what is going on. When told that Air Marshal Asghar Khan had met Justice Chaudhry who told him that he (Justice Chaudhry) had no access to the phone, TV or newspapers, one member of the federal cabinet expressed surprise and then went on to say that this itself was proof that the chief justice was free to meet people. Surely, the hordes of journalists, politicians and well-wishers standing outside the gates of Justice Chaudhry's official residence and denied entry by the security staff posted there speak of an entirely contrary situation, one that really puts official claims that he is free to meet anyone to shame. The government needs to extricate itself from this ugly situation before it spirals out of control. Any delay in repairing the damage can only convince most Pakistanis that they live in a country that has all the makings of a police state. Also, equally importantly, the government needs to understand that for the sake of its own credibility this farce needs to come to an end.

XVI: Editorial, The Nation, Mar 15

A call for rationality

THE President is within his rights to send a reference against any judge of a superior court, including the Chief Justice of Pakistan. He also has the authority to constitute a Supreme Judicial Council in accordance with the provisions of the Constitution. What is required is that the Chief Justice is not only treated as innocent before a case is established against him, but also extended respect and provided full protocol. Unfortunately, this has not happened.

While the way the Chief Justice was roughed up by police and physically forced into a vehicle would make many bow their head in shame, this was no stray incident but the culmination of the humiliation to which he has been subjected since Friday when he was stripped of his powers, privileges and protocol. If the government wanted him to be investigated, the aim could have been achieved by recourse to a more decorous procedure. The Attorney General could have been tasked with calling on the Chief Justice to convey the President's order. The heavens would not have fallen if the government had waited till March 22, when Justice Bhagwandas, the next most senior judge, is scheduled to resume duty. This would have ensured that there was no strong reaction in the country and everything would have proceeded in an orderly way. The government however acted altogether differently. It stripped Chief Justice Iftikhar Muhammad Chaudhry of his status as Chief Justice, physically stopped him from proceeding to the Supreme Court, put him under house arrest where he was kept isolated. Meanwhile, a character

assassination campaign was fomented against him, beginning with a letter circulated by a lawyer. Subsequently government ministers also started leveling accusations. All this time the Chief Justice was denied the opportunity to defend himself. Even after the Acting Chief Justice promised that the enquiry would be held in a fair and transparent manner, Chief Justice Chaudhry's counsel were not permitted to consult him.

The maltreatment has not only elicited strong reaction from all sections of society, but also drawn flak from international human rights organizations like Human Rights Watch and legal forums like the International Commission of Jurists. The government must rectify at least some of the wrongs committed. It should allow Chief Justice Chaudhry to meet his lawyers, restore his telephone connections and remove restrictions on his movement. The enquiry must be conducted in line with the letter and spirit of the Constitution. The process should not only be transparent but seen to be so.

XVII: The Dawn Mar14

Justice Iftikhar seeks reconstituted SJC: •CJ roughed up •Overwhelming support by lawyers •PBC strike today

ISLAMABAD, March 13: In a day of high drama on the streets of the federal capital, the 'suspended' Chief Justice of Pakistan, Justice Iftikhar Mohammad Chaudhry, tried to march up to the Supreme Court along with his wife and children, seeking justice amidst an orchestrated official campaign that accuses him of misconduct and misuse of authority.

Having been roughed up and prevented from marching on, Justice Chaudhry was briefly confined to the nearby Balochistan House. Later, after some persuasion he was driven amidst tight security to the apex court to defend himself.

Scores of lawyers present there ignored the police cordon to greet him by showering flower petals and raising anti-government slogans. After an initial attempt by security officials failed to prevent a rousing reception for the 'suspended' chief justice, better sense prevailed among police which, instead of using the traditional high-handed methods, stepped back to allow the lawyers and some opposition politicians to take Justice Chaudhry inside the court house in the form of a procession. This was the first time since his 'suspension' on Friday that Justice Chaudhry had been seen in the public. And what a sight it was! He was brought to his own court in a situation where the city which had been under police siege since morning. All entry points to Islamabad were being watched by security officials to prevent lawyers from coming to the city, and the area around the Chief Justice's residence had been barricaded. From the Presidency to the Foreign Office and beyond, the area had many rings of barbed wires thrown on the main road and streets as if a major terrorist attack was being prevented. All these arrangements were meant to hold in-camera proceedings of the Supreme Judicial Council (SJC), which began hearing of the

reference filed by President Pervez Musharraf against Justice Chaudhry. Despite tight security, dozens of lawyers managed to slip through the barbed wires and police barricades. So did many opposition politicians and a large number of journalists. It was also a heyday for opposition politicians. Qazi Hussain Ahmed, Maulana Fazlur Rehman, Raja Zafarul Haq, Imran Khan and a host of PML-N and PPP leaders were present there to show solidarity with the 'suspended' chief justice. And by the time Justice Chaudhry was brought outside the court premises, a large crowd had assembled there to greet him with slogans of support. As leaders of the opposition, particularly those like Liaquat Baloch of the MMA, joined the lawyers to climb over Justice Chaudhry's car and take his virtual 'custody', the officials decided that any attempt to stop the crowd might have disastrous consequences. The police allowed the crowd to take control of the events, and soon opposition MNA and seasoned lawyer Chaudhry Aitzaz Ahsan and others escorted a visibly harassed Justice Chaudhry inside the court premises. As Justice Chaudhry got the first chance to speak to the media, he decided to speak his mind. "I am not going to resign as allegations against me are useless," he told reporters after coming inside the court premises. Even in the court house, he refused the protocol that the officials had suddenly decided to accord him. On entering the judge's block of the Supreme Court building, he refused to wait in the chambers meant for judges, saying he would prefer to sit in the office of any clerk before attending in-camera proceedings of the SJC. However, he freshened up in a court house dispensary and refused to appear before the SJC without his panel of counsel, comprising Aitzaz Ahsan, vice-chairman of Pakistan Bar Council (PBC) Ali Ahmed Kurd, President of Supreme Court Bar Association Munir A. Malik, Tariq Mehmood and Hamid Khan. Finally, when he appeared before the SJC, he submitted a four-page statement which, among other things, called for reconstitution of the judicial council by excluding three members against whom he had raised objections. The SJC then decided to serve a notice on Attorney-General Makhdoom Ali Khan for March 16 to respond to the objections, Hamid Khan told reporters after an hour-long proceeding.

The attorney-general had also been directed to ensure that Justice Chaudhry should have access to his counsel, he added. Headed by the acting Chief Justice, Justice Javed Iqbal, the SJC comprised Justice Abdul Hameed Dogar, Justice Sardar Mohammed Raza Khan, Chief Justice of Lahore High Court Justice Iftikhar Hussain Chaudhry and Chief Justice of Sindh High Court Justice Sabhiuddin Ahmed. In his objections, the 'suspended' chief justice stated that the acting chief justice had been appointed contrary to Article 180 of the Constitution which provided that the acting chief justice could be appointed when the office of the chief justice becomes vacant. Moreover, under Article 209 of the Constitution, reference against the chief justice could be heard only by the senior-most judge who, in the ongoing situation, is Justice Rana Bhagwandas. There was no urgency to convene the SJC meeting in the absence of Justice Bhagwandas who is abroad till March 22, said the statement. It added that a reference was pending against Justice Abdul Hameed Dogar before the SJC in a case of financial misappropriation in the Shah Latif Bhatai University, Khairpur. Justice Dogar had administered oath to the acting chief justice on Friday last. According to the statement, the LHC chief justice could not sit in the council since more than one reference of misconduct was pending against him before the SJC. He said the LHC chief justice had also

developed strong hostilities against him as he had not accepted his recommendations of advocates and judicial officers for elevation as judge of the high court. Moreover, his elevation as the judge of the apex court was also opposed by him in August 2005 for some reasons which could not be divulged now. "We are also not on speaking terms with each other," Justice Chaudhry said and demanded a public inquiry to apprise the people of the nature of allegations against him. He said he had little doubt that if the inquiry was fair, he would be exonerated of all charges. In his statement, he also mentioned the 'sufferings' he and his family, including his seven-year-old child, had been undergoing since March 9. He said his official residence was besieged by heavy contingent of police and agency sleuths, without any justification. Moreover, all vehicles in his use had been taken away through a lifter, he said, adding that only one vehicle had been brought back by a lifter, and that too without keys. The Supreme Court staff, attached with the chief justice, was also reportedly missing and had been kept at some unknown place. "I believe that they have been detained just to fabricate evidence against me," the statement by Justice Chaudhry said. "I have learnt that my chamber has also been sealed and reportedly files have been handed over to the ISI," he alleged. Due to heavy deployment, the statement said, the chief justice or his family has not been allowed to go outside. Similarly, no one was allowed to meet him freely, he said. "Even my colleagues have no access. And whenever they wanted to visit, they were asked to wait for a considerable period of time during which permission was sought from high-ups," he said. He said his children were also not allowed to go to school, college and university; and facilities like telephone, cable and Internet, as well as basic amenities had been denied. Meanwhile, the PBC has again called for a strike on Wednesday to protest against what they called the manhandling of Justice Chaudhry and his family as well as police brutality against lawyers in Lahore on Monday. In addition, two lawyers will observe a token hunger strike daily in the Supreme Court Bar room till the logical conclusion of the events. At the end of the hearing, Justice Chaudhry again refused an official car and used a silver colour jeep of PPP leader Advocate Zamarud Khan. Barrister Aitzaz Ahsan accompanied him in the vehicle which left the apex court at 4pm. He was escorted by five police vehicles. Earlier in the day, when Justice Chaudhry was still confined to his official residence, owner-editor of The Nation, Arif Nizami, was allowed to go inside and hold a brief meeting. A few minutes later, panic struck the area as US Ambassador Ryan C. Crocker drove past the police barricade along with his security officials. Officials, however, said he did not make any attempt to go inside the Chief Justice's residence, and drove back after viewing the situation.

The proceedings are adjourned till 3pm on March 16.

LAHORE: Lawyers in Lahore and elsewhere in Punjab observed black day by boycotting court proceedings. Except for Ferozwala, where three lawyers and a policeman were injured in a clash, no violence was reported from anywhere in the province.

QUETTA: A complete strike was observed in Quetta where all shops, markets, shopping centres and business concerns remained closed. Lawyers boycotted court proceedings in Quetta and other parts of the province for the fourth consecutive day.

MUZAFFARABAD: Lawyers in Azad Kashmir held demonstrations on the second consecutive day. They boycotted courts and staged demonstrations to express solidarity with the lawyers' community in Pakistan.

XVIII: Editorial The Dawn, Mar 14

Spectacle of shame

YESTERDAY'S brutal manhandling by the Islamabad police of the Chief Justice of Pakistan, Iftikhar Mohammed Chaudhry, whose clothes were torn as he was forced into a car by the police for taking him to the Supreme Court, casts the government in a terrible light. Never before has a chief justice been treated in such a callous and disrespectful manner, with little regard for his position, exposing the full extent of the government's muddling of the whole affair since Friday. Restrictions placed on the Chief Justice who, together with his family, was virtually kept under house arrest shattered all illusions about any democratic credentials that anyone expected this government to have. Since the CJ's illegal, virtual confinement, lawyers, politicians and senior media persons who wanted to meet him were turned away by the security personnel. The sheer deception indulged in by the federal information and law ministers, who kept denying that any restrictions had been placed on the freedom of movement or of speech of the Chief Justice, is a matter of further shame. On Tuesday night an official handout attributing the issuance of an 'advice' by the Supreme Judicial Council warning the media not to print or broadcast news or comments on the proceedings against the Chief Justice was released to the media. Earlier, the government forced two independent news channels off the air after images of police action against a lawyers' rally in Lahore were telecast. Transmissions were resumed only after the footage had been 'edited' or censored. How could a government which claims to have been elected by the people conduct itself in such a callous and thoughtless manner? That in the preceding four years in office it has never allowed any meaningful debate to take place in parliament over national issues is bad enough; the abrupt adjournment of the Punjab Assembly sessions on Monday and Tuesday after the speaker disallowed a debate on the developing crisis involving the legal community further exposed this government's lack of democratic credentials. Little can be expected of a government whose security apparatus can manhandle even the Chief Justice of Pakistan against all norms of civilised conduct.

2. APPENDIX B

1: Gazette of Pakistan Extraordinary, Part III, Islamabad, p675 March 9, 2007

No. F1(2)/2005. A.II.- The President of the Islamic Republic of Pakistan does hereby restrain Mr. Justice Iftikhar Mohammad Chaudhry to act as Chief Justice of Pakistan and a Judge of the Supreme Court, as he is unable to perform the functions of his office due to facts narrated in a reference having been made against him to the Supreme Judicial Council under Article 209 of the Constitution of the Islamic Republic of Pakistan.

No. F. 529(2)/2007-Secy.- Mr. Justice Iftikhar Mohammad Chaudhry, the Chief Justice of Pakistan is unable to perform functions of his office, as the reference under Article 209 of the Constitution of the Islamic Republic of Pakistan is filed against him. The President of Pakistan in exercise of the powers conferred under Article 180 of the Constitution of the Islamic Republic of Pakistan, is pleased to appoint Mr. Justice Javed Iqbal, Judge, Supreme Court of Pakistan being most senior Judge available, as Acting Chief Justice of Pakistan with immediate effect.

Gazette of Pakistan Extraordinary, Part III, Islamabad, p711

March 15, 2007

No. F.I(2)2005-A.II.- Consequent upon initiation of proceedings of the Supreme Judicial Council against Mr. Justice Iftikhar Muhammad Chaudhry, the President in terms of Article 2(I) of the Judges (Compulsory Leave) Order, 1970 (P.O. No. 27 of 1970), is pleased to order that Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice and Judge of the Supreme Court of Pakistan, shall be on compulsory leave with effect from the 9th March, 2007, till submission of the report by the Supreme Judicial Council and the President's order thereon, in terms of Article 209 of the Constitution of the Islamic Republic of Pakistan.

Gazette of Pakistan Extraordinary, Part III, Islamabad, p781

March 22, 2007

No. F.2(I)2007-AII.- In exercise of the powers conferred by Article 180 of the Constitution of the Islamic Republic of Pakistan the President is pleased to appoint Mr. Justice Rana Bhagwandas, the most senior Judge of the Supreme Court, to act as Chief Justice of Pakistan with effect from the date he resumes his office.

2:Article 209 of the Constitution of Pakistan

Downloaded from <http://www.pakistani.org/pakistan/constitution/part7.ch4.html>

Supreme Judicial Council.

(1) There shall be a Supreme Judicial Council of Pakistan, in this Chapter referred to as the Council.

(2) The Council shall consist of,

(a) the Chief Justice of Pakistan;

(b) the two next most senior Judges of the Supreme Court; and

(c) the two most senior Chief Justices of High Courts.

Explanation:- For the purpose of this clause, the inter se seniority of the Chief Justices of the High Courts shall be determined with reference to their dates of appointment as Chief Justice ^[231] [otherwise than as acting Chief Justice], and in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of any of the High Courts.

(3) If at any time the Council is inquiring into the capacity or conduct of a Judge who is a member of the Council, or a member of the Council is absent or is unable to act due to illness or any other cause, then

(a) if such member is a Judge of the Supreme Court, the Judge of the Supreme Court who is next in seniority below the Judges referred to in paragraph (b) of clause (2), and

(b) if such member is the Chief Justice of a High Court; the Chief Justice of another High Court who is next in seniority amongst the Chief Justices of the remaining High Courts, shall act as a member of the Council in his place.

(4) If, upon any matter inquired into by the Council, there is a difference of opinion amongst its members, the opinion of the majority shall prevail, and the report of the Council to the President shall be expressed in terms of the view of the majority.

(5) If, on information ^[231A] [from any source, the Council or] the President is of the opinion that a Judge of the Supreme Court or of a High Court,

(a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity; or

(b) may have been guilty of misconduct,

the President shall direct the Council to ^[231B] [, or the Council may, on its own motion,] inquire into the matter.

(6) If, after inquiring into the matter, the Council reports to the President that it is of the opinion,

(a) that the Judge is incapable of performing the duties of his office or has been guilty of misconduct, and

(b) that he should be removed from office,

the President may remove the Judge from office.

(7) A Judge of the Supreme Court or of a High Court shall not be removed from office except as provided by this Article.

(8) The Council shall issue a code of conduct to be observed by Judges of the Supreme Court and of the High Courts.

3: The News, Mar 12

Council to decide, says Durrani

ISLAMABAD: Federal Minister for Information and Broadcasting Senator Muhammad Ali Durrani has said that the Supreme Judicial Council would decide about the demand for open proceedings of the reference filed against the non-functional Chief Justice Iftikhar Mohammad Chaudhry.

Addressing a press conference along with Secretary-General of Pakistan Muslim League (PML), Senator Mushahid Hussain Sayed on Sunday at the PML House here, he confirmed that some veteran politicians and judges had met Justice Iftikhar Muhammad Chaudhry.

He said the president's action has empowered the judiciary adding, the Supreme Judicial Council (SJC) is functioning in accordance with the original Constitution of 1973. About the chief justice's meeting with the president, he said the meeting was held at President's Camp Office Rawalpindi, adding that the chief justice had himself requested for this meeting.

Senator Durrani said the chief justice had been holding meetings with the president in the past. He said there is complete supremacy of law in the country and all measures were taken in accordance with the constitution.

The minister said some lawyers are trying to politicise this matter adding, the law-abiding lawyers community is starting a movement in support of the President's action. Responding to a question about protest by some lawyers, he said lawyers who have respect for the law and Constitution couldn't take the

law into their hands. He said the government has a right to defend itself adding, "We are responding to the issues raised by opposition in this regard."

The Secretary-General of Pakistan Muslim League (PML) Senator Mushahid Hussain Sayed said that the reference against Chief Justice Iftikhar Muhammad Chaudhry sent by the president to Supreme Judicial Council (SJC) was legal and constitutional both in letter and spirit and there is nothing in the hands of the government, adding, now it will be taken up by the Supreme Judicial Council (SJC) which is an institution of judiciary itself, on March 13. He said, "The constitution has been followed in this matter."

Senator Mushahid made it clear that the government has nothing to do with this case, rather it is related to the judiciary. About opposition's comments on this matter, he said, they were in search of an issue and now are trying to politicise the case, which is purely a legal matter.

Terming judiciary a sacred institution, he said it is effectively functioning and appealed to political and legal fraternity not to politicise or de-stabilise it. The PML secretary-general added that a convention of lawyers' community would be organised in Lahore on Monday to support the supremacy of law and constitution in the country.

Answering a question, he said there is no crisis in the country with regard to the present situation. "The president has sent the reference to an institution which has been constituted to deal with such a situation," he added.

Mushahid said all those who are trying to take political mileage out of this issue have failed miserably. He said there is complete consensus over completion of country's democratic and political system and added, the general elections will be held on time and according to the constitution.

Responding to another question, he said the proceedings of Supreme Judicial Council will be held under the rules set by the Constitution and Justice Iftikhar Muhammad Chaudhry could defend his position there.

4: The News, Mar 12

CJP sought meeting with president, not summoned

By Muhammad Saleh Zaafer

ISLAMABAD: The suspended chief justice of Pakistan, Justice Iftikhar Muhammad Chaudhry, was not called by the president on Friday. On the contrary, the chief justice himself requested the meeting to discuss with him a complaint lodged by a Peshawar High Court (PHC) judge with whom the chief justice wanted a reconciliation through the good offices of the president.

The complaint was addressed to the prime minister and the judge sent the copy to the chief justice as well. The prime minister had already forwarded it to the president. The meeting took place in the camp office of the presidency (Aiwan-e-Sadr) Rawalpindi and not in the Army House.

President General Pervez Musharraf had to change his schedule for his other engagements of the day for the meeting. This was revealed by Federal Law Secretary and former Justice Mansoor Ahmad on Saturday here while talking to The News exclusively.

The sitting judge of the Peshawar High Court came out with a clear threat that if his submission was not heard he would resign from the office. He complained that Justice Iftikhar Muhammad deliberately harmed him by sitting on his case regarding a family property dispute. He was of the view that it was a vindictive act on the part of the suspended chief justice, the law secretary said.

The chief justice asked the president to play a role for mediation with the Peshawar High Court judge. The president declined and advised him to handle it by himself. The president informed the chief justice about the heap of complaints he had already received against him. The chief justice was shown the complaints consisted of hundreds of pages while he was present at the camp office. All these complaints constituted the basis for the reference, Justice Mansoor Ahmad said.

"The president had no role to play in the matter. He has not acted in extra-constitutional manner in any way. The authority to appoint the chief justice is vested with the president and it gives him inherited jurisdiction to place the person under suspension since the chief justice would never allow a reference to be heard as long he is still in office. This could defeat the cause of justice," the federal law secretary added.

He said Justice Iftikhar Muhammad Khan visited the president with high hopes and expecting that the president would interfere and help him in reconciliation with the PHC judge in question. The president politely declined to play any role in it as he already had received a reference forwarded to him by the prime minister for further action. Instead, the president informed him about the complaints that the government was constantly receiving about him from various people.

"In fact, the president was bound to act upon the advice of the prime minister, who had earlier referred the matter to the president with his advice for the reference to the SJC," the law secretary said.

The secretary said the president tried to gather the chief justice point of view about the complaints but Justice Iftikhar could not offer any satisfactory explanation on account of the allegations pertaining to the misconduct.

5: The News, Mar, 15

Another petition filed

KARACHI: Another petition against the President's reference to Supreme Judicial Council (SJC) was filed in the Sindh High Court on Wednesday.

Sohail Hameed, Advocate, sought declaration that President Musharraf's reference against the CJP was in violation of natural justice. He submitted that the reference filed by the President was an abuse and violation of the principle of natural justice as the CJ had not served any written show-cause notice providing him reasonable time to reply to the same. He also challenged the act of the President for summoning the CJP at the Rawalpindi camp office though the President's House is functional and the Chief of Army Staff has no jurisdiction to summon the CJP. The court was prayed to declare the act of COAS to call the CJP for explanation at Rawalpindi camp office in violation of the independence of judiciary, protected under Article 2-A of the Constitution being the mandate of people of Pakistan and it is without jurisdiction and in meantime suspend the President's reference.

6: Defenders turn detractors

By Ansar Abbasi

ISLAMABAD: As is the culture, it is now time to spill the beans. Those in the government who until recently have been facilitating the son of the deposed chief justice of Pakistan in his pursuit of a police career are now ready to speak against Justice Iftikhar Muhammad Chaudhry.

They were tight-lipped in the past, defending Dr Arsalan's police training despite his not being a police officer. But today the situation has changed. Seeing the man falling, those who were silent in the past have started speaking out. Interior minister Aftab Sherpao, whose ministry had issued repeated orders to treat Dr Arsalan extraordinarily, right from his posting from Balochistan to the FIA, and then allowing him to get police training along with the probationers of the Police Service of Pakistan, said that the junior WVIP got special treatment because of his father.

"How would have we known Arsalan had he not been the son of the (deposed) CJ?" said Sherpao when asked by The News here Saturday if Justice Iftikhar had ever used his influence to get extraordinary treatment for his son. Without commenting on the question if the interior ministry is not required to be charge-sheeted for doing the undoable for the CJ's son, he said that his ministry did not violate any law as Arsalan was never inducted into the Police Service of Pakistan.

Sherpao said that Justice Iftikhar was in full knowledge of what the government was doing for his son. To a question, the minister said that both the father and the son asked the government for the favour. "We

had made it clear that Dr Arsalan could not be inducted into the police service," the minister said, perhaps without recalling that the prime minister's secretariat had entertained Arsalan's request for his induction into the police service. However, it was not done as the PM secretariat's move was reported by The News on August 10, 2006.

Secretary interior Maj (retd) Syed Kamal Shah when approached was cautious about speaking on the matter. He said that the matter is subjudice so he should not speak until the case has been heard by the Supreme Judicial Council. Shah said that the Dr Arsalan case is one of the charges against Justice Iftikhar so it has become subjudice.

When asked why the interior ministry should not be charge-sheeted for doing the undoable for Arsalan, he said that in every case (charge) there is a provider. When again probed on the dubious role of the interior ministry in Arsalan's case and if Justice Iftikhar had exerted any pressure on the government in this respect, he said, "Things don't happen without any reason. Obviously it has a background."

The secretary interior was also reminded of this correspondent's discussion with him on the same subject more than a year back when Dr Arsalan had just joined the National Police Academy. Shah said that he would speak in detail on the issue once the case is disposed of by the Supreme Judicial Council.

Interior Secretary Syed Kamal Shah when approached last year had said that Arsalan was appointed in the FIA on deputation after seeking the consent of the DG FIA. About the young man's training in the National Police Academy (NPA), he had said, "I have always been pro-training even if it is offered to deputationists."

Justifying Dr Iftikhar's training with the ASPs, Shah had said that training for deputationists is far more important for efficiency. He had also admitted that deputationists are being trained in the NPA on the interior ministry's order, disclosing that the officer himself had volunteered for the training.

The FIA Director General Tariq Pervaiz when contacted last year by this correspondent, was of the view that it was the interior ministry's initiative that led to the appointment of the Balochistan official as assistant director in the FIA. About the deputationist's training in the NPA, he said that it was also done on the written orders of the interior ministry.

The then National Police Academy Commandant Asif Ali Shah, when contacted had confirmed to The News that the FIA official was being trained along with 21 police officers at the academy. He had disclosed that the 21 police officials included 16 ASPs belonging to the Police Service of Pakistan and five police officers from the Maldives. Shah was of the view that he did not know about Dr Arsalan's background and whether or not he was a deputationist in the FIA.

It should be mentioned here that in the evening of the same day when this correspondent had talked to the secretary interior, the DG FIA and commandant police academy on Dr Arsalan's issue more than a year back, the then press information officer (PIO) approached this correspondent with a request that I should not file the story. The PIO did not share how he came to know about the story that was not even written by its author, but nevertheless he insisted that it must not be filed. The request was turned down but the story got stuck in the then editor's desk.

Meanwhile in the Geo Capital Talk show, Minister of State for Information Tariq Azeem said on Friday evening that the allegations levelled against Justice Iftikhar included his son's case as well as the use of Mercedes and BMW cars by the deposed CJ. He proposed that if the federal and provincial authorities had violated the law of the land to favour Dr Arsalan they should also be taken to task. On the cars' issue, Azeem said that under the law the CJ was authorized a 1600cc car. However, he did not elaborate on why the government provided the CJ the staff cars which were beyond the top judge's entitlement.

7: The News, Mar 10, 2007

Justice Iftikhar: a profile

LAHORE: Justice Iftikhar Muhammad Ch was born on December 12, 1948. He started practicing as advocate in 1974. He was enrolled as advocate High Court in 1976 and was enrolled as advocate Supreme Court 1985. He was appointed as Advocate General Balochistan in 1989. In 1990, he was elevated as additional judge of Balochistan High Court and after three years he was confirmed. He was appointed as Chief Justice High Court of Balochistan on April 22, 1999 and elevated as judge Supreme Court of Pakistan on February 4, 2000. He was appointed as Chief Justice Pakistan on June 30, 2005 whereas his retirement was due in 2013. During his practice as a lawyer, he was elected as president High Court Bar Association, Quetta, and he was also elected twice as member Bar Council.

8: The Dawn Mar12, 2007

Balochistan Bar official opposes strike

QUETTA March 11: Balochistan Bar Council vice-chairman Amanullah Kanrani has said that lawyers in Quetta would not boycott courts on Monday in protest against the suspension of Chief Justice Iftikhar Mohammad Chaudhary.

Speaking at a press conference here on Sunday, he said a meeting of the Balochistan Bar Council would be held on March 12 to discuss the issue.

Mr Kanrani said that the suspension of the chief justice was the result of a tussle between the government and the chief justice and the issue should not be a matter of concern for people. He said that

Justice Iftikhar Chaudhary belonged to Balochistan, but he did not take notice of missing persons on appeals of people from the province. He said that the lawyers should not become party in the dispute between the government and the judiciary.

Mr Kanrani said that the present system of government was imposed on people with the support of opposition and religious parties and all classes failed to launch an effective movement against the government. He said that the people were being deceived by expecting from a weak personality that a revolution would come in the country through the chief justice. He said the chief justice was respectable for us, but facts should be brought before the people.

He said that Iftikhar Chaudhary was made advocate-general of Balochistan in 1989 by Nawab Akbar Bugti (the then chief minister).

The federal government appointed him as a judge of Balochistan after his name was recommended by Chief Minister Hamayun Marri.

Mr Kanrani said that when Justice Chaudhary's father died, Nawab Bugti not only attended the funeral, but also participated in his fateha for three consecutive days. He said that when Nawab Bugti was killed, the chief justice did not come to offer fateha.

9: Text of Reference against CJ before the Supreme Judicial Council, PAKISTAN.

Reference by the President, Islamic Republic of Pakistan under Article 209 of the Constitution
Respectfully sheweth:

The facts and circumstances necessitating this Reference by the president of the Islamic Republic of Pakistan ("Pakistan") under Article 209 of the Constitution, briefly stated, are as under:

I. The Prime Minister of Pakistan on receipt of information, from several sources, with respect to the conduct of Mr. Justice Iftikhar Muhammad Chaudhry, the Chief Justice of Pakistan (hereinafter referred to as, "the learned judge") was pleased to advise the President of the Islamic Republic of Pakistan to "direct" the Supreme Judicial Council of Pakistan, in exercise of its powers under Article 209 of the Constitution, to inquire into the matter and report to the President whether the learned judge has been guilty of misconduct and further, whether he should be removed from office?

II. The advice of the Prime Minister was, inter alia, based on the following:

Arsalan Iftikhar

1. Dr. Arsalan Iftikhar is one of the sons of the learned judge. As narrated in paragraphs 2 to 25, the learned judge committed misconduct by employing his position to gain undue advantage for Dr. Arsalan

Iftikhar. To secure this end he committed and was responsible for the commission of a number of unlawful acts. That all the acts narrated in paragraphs 2 to 25 were committed as a result of his influence and on account of the demands made by him and the pressure exerted by him. He unlawfully used his position as a judge and Chief Justice of the Supreme Court of Pakistan influence, harass and intimidate all concerned and compelled them to act in an unlawful manner. Such conduct is unbecoming a judge and is particularly reprehensible in the case of the Chief Justice of Pakistan.

2. Dr. Arsalan Iftikhar sought admission to Bolan Medical College in the year 1996. Having secured 639 marks with an overall "C" grade in his Intermediate Examinations he could not be admitted on merit. The threshold being 750 marks. The Chief Minister of Balochistan was approached who nominated him, "for admission in 1st year MBBS class in Bolan Medical College, Quetta, against leftover foreign vacant seats/special seats".

3. On 22 June 2005 Dr. Arsalan Iftikhar was appointed as Medical Officer/Demonstrator in the Institute of Public Health, Quetta.

4. On 18 July 2005, a few days after Dr. Arsalan Iftikhar was so appointed, the Chief Minister of Balochistan passed the following order:

"Dr. Arsalan Iftikhar, Medical Officer, presently posted as Demonstrator, Institute of Public Health Quetta be transferred and posted as Section Officer (Technical) in Health department with immediate effect in the interest of public service. Please issue notification." [Emphasis supplied]

The Chief Secretary, Balochistan, to whom these orders were addressed, directed these to the Health Department on that very day (18 July 2005).

5. The Health Department on 10 August 2005 referred the case to the Services and General Administration Department ("S&GAD") as the authority "for posting/transfer of Secretariat staff is S&GAD Department.

6. On 11 August 2005, in a Summary for the Chief Minister, the S&GAD pointed out that "no ... post in Technical quota is available against which Dr. Arsalan could be considered for posting as Section Officer". It was, however, pointed out that 07 posts of Section Officers against the "quota of initial recruitment are vacant", the case for placing the requisition of these posts with the Balochistan Public Service Commission was being processed separately. It was "proposed that Dr. Arsalan Iftikhar be considered for posting as Section Officer against one of the vacant post as a temporary arrangement".

7. On 15 August 2005 a notification was issued to the effect that Dr Arsalan Iftikhar Demonstrator in Institute of Public Health, Quetta, was "transferred and posted as Section Officer (Dev) in Health Department, against existing vacancy with immediate effect until further orders."

[Emphasis supplied]. It may be stated that as was pointed out in the Summary to the Chief Minister, there was no existing vacancy. The 07 vacancies had to be filled by initial recruitment through the Balochistan Public Service Commission. What was proposed was that at best Dr Arsalan Iftikhar be temporarily accommodated against one of these vacancies, till it was filled by a suitable candidate by the Balochistan Public Service Commission.

8. Nine days before the notification of 15 August 2005 was issued, the Ministry of Interior, Government of Pakistan, addressed a letter on 6 August 2005 to the Chief Secretary, Government of Balochistan:

The services of Dr. Arsalan Iftikhar, BS-17 officer of the Health Department, Government of Balochistan are required to be utilized in FIA in public interest [Emphasis supplied]

2. It would be highly appreciated if you could place the service of Dr Arsalan Iftikhar at the disposal of the Ministry of Interior for posting in FIA.

On 13 August 2005, two days prior to the notification of 15 August 2005, the S&GAD, Government of Balochistan conveyed to the Ministry of Interior, Government of Pakistan, its "no objection for placing the services of Dr. Arsalan Iftikhar (Health/B-17) at the disposal of Ministry of Interior for posting in FIA. While this letter was either in the mail or had not reached the "right" hands, the Ministry of Interior sent a reminder on 16 August 2005.

9. On 5 September 2005 a notification was issued by the Ministry of Interior, Government of Pakistan. Dr Arsalan Iftikhar was transferred and his services were placed at the disposal of FIA for posting as Assistant Director (BS-17) in the FIA, on deputation for a period of three years, in his own pay and scale, with immediate effect and until further order.

10. On 9 September 2005, the Secretary S&GAD brought the matter to the attention of the Chief Secretary, Balochistan. On 13 September 2005 the Chief Secretary Balochistan on behalf of S&GAD issued a notification pursuant to the notification of the Government of Pakistan. On 30 September 2005 Dr Arsalan Iftikhar received charge of the office of Assistant Director, FIA at Islamabad. This was notified on 24 October 2005.

11. Within four months of his appointment as Medical Officer/Demonstrator in the Institute of Public Health, Quetta, Dr Arsalan a BS-17 officer, who had not even completed the mandatory period of his probation, was transferred and posted first as a Section Officer in the Government of Balochistan against a non-existent vacancy and then sent on deputation as Assistant Director, FIA, to the Ministry of Interior, Government of Pakistan, for a period of three years; all in the public interest. And this for a person who had appeared thrice in the CSS competitive examinations and failed each time.

12. Under Rule 8 of the Health Department, Government of Balochistan, Service Rules 1984, a person appointed to the service against a substantive vacancy remains on probation for a period of two years if appointed by initial recruitment. Dr Arsalan, having been so appointed, on 22 June 2005, his period of probation would have been completed on 21 June 2007.

13. On 22 November 2005 the S&GAD, Government of Balochistan moved a summary to the Chief Minister, Balochistan proposing confirmation in services of Dr Arsalan Iftikhar "with immediate effect against the substantive post of Medical Officer in the Provincial Health Department by relaxing Rule 8 of the Balochistan Health Department (Basic Pay Scale 16 and above) Service Rules 1984 for completion of probation period of 2 years." On 5 December 2005 the S&GAD, Government of Balochistan issued a notification whereby the services of Dr Arsalan Iftikhar were confirmed.

14. On 22 March 2006 in continuation of its notification of 5 September 2005, the Ministry of Interior issued yet another notification, Barely within 5 months of having assumed the charge of Assistant Director FIA in BS-17:

Dr Arslan Iftikhar (BS-17) Health Department, Government of Balochistan Quetta is transferred and his services are placed at the disposal of Director General Federal Investigation Agency for posting as Deputy Director (BS-18) in FIA on deputation basis for a period of three years....(Emphasise supplied)

On 7 April 2006 it was notified that he had assumed charge of the office of Dy Director (BS-18) FIA on 22 March 2006. On 9 May 2006 by a letter issued by the Office of the Director General Federal Investigation Agency it was clarified as follow:

Now he has been upgraded as Deputy Director in BPS-18 with retrospective effect, i.e. from the date of initial joining as per notification dated 22-03-2006.

On 9 May 2006 the Ministry of Interior issued yet another notification in partial modification of its notification of 22 March 2006. It was stated:

Dr Arslan Iftikhar has assumed the charge of the post of Deputy Director /BS-18, FIA on 3rd September 2005 with retrospective effect.

15. This done, a campaign was launched to induct Dr Arsalan Iftikhar in the Police Service of Pakistan. As BS-17 officer Dr. Arslan Iftikhar could have joined the Police Service only through the competitive services examination conducted by the Federal Public services commission but being in BS-18 made induction possible and the FPSC route could be avoided. As a first step he was to be sent to the Police Academy for training with PSP officers all of whom had been selected by the Federal Public Services Commission. The training was exclusive to PSP officers.

16. On 19 May 2006, the Ministry of Interior addressed a letter to Commandant, National Police Academy, Islamabad, stating that Dr. Arshad Iftikhar, Deputy Director, FIA, was attached with the National Police Academy for training with CTP batch. The Commandant was requested to attach the said officer for field training along with under training ASPs to cover catch aspect of the required training.

17. On 24 May 2006, the Ministry of Interior again issued a letter to the Commandant, National Police Academy, Islamabad, stating that after the completion of the specialized training programme at the National Police Academy, the services of Dr Arslan Iftikhar be placed at the disposal of Punjab Police for further posting at Lahore for his District Attachment Training.

18. Pursuant to the letter of 24 May 2006, the National Police Academy, Islamabad, on 27 June 2006 relieved Dr Arslan Iftikhar, "for completion of remaining training programme of 32nd CTP, and directed to report to Elite Police Training School, Bedian Lahore on 02-07-2006 doing six weeks Orientation Course." After completion of the course he was to "report to CPO, Punjab, Lahore for Phase III part of training which is six months Field Attachment".

19. In the meantime, the Prime Minister's Secretariat was approached for the permanent induction of Dr Arslan Iftikhar in the Police Service of Pakistan in BS-18. On 16 May 2006 the Prime Minister's Secretariat sought the views of the Establishment Division in that regard.

20. The UO Note of the Prime Minister's Secretariat was also circulated to FIA. On 3 June 2006 the Office of the Director General, FIA, stated that, "neither FIA requisitioned his services, nor was involved at any stage for his deputation or district attachment etc." FIA, therefore, expressed its inability to offer any views/recommendations on the UO Note.

21. On 23 May 2006 the Establishment Division noted that as per the PSP (Composition, Cadre and Seniority) Rules, 1985, "the request of the officer for induction in PSP in BS-18 is not feasible." In a separate note the Establishment Division observed that Dr. Arslan Iftikhar could not be inducted in the Police Service of Pakistan without an amendment in the PSP (Composition, Cadre and Seniority) Rules, 1985. Such an amendment could only be made with the approval of the President.

22. On 31 May 2006 the Secretary, Establishment, was called by the learned judge for a meeting at his residence. The meeting took place at 2100 hours. The observations of the Establishment Division were also communicated to him. The learned judge appreciated the aforementioned reservations but the meeting ended with the learned judge insisting on:

(a) the induction of Dr Arslan Iftikhar in FIA preferably in BS-18;

b) his subsequent deputation to the Punjab government without their specifically mentioning the post against which he will be posted; and

c) simultaneous initiation of a proposal to amend the rules to provide for induction of FIA officers in the Police Service of

Pakistan, and sought his son's permanent induction in (BS-18) in the Police Service of Pakistan.

The Secretary, Establishment, communicated these demands to the Principal Secretary to the prime Minister, around midnight, the same evening. Soon thereafter the Secretary Establishment received a call from the learned judge saying that he had found a number of precedents of induction into various groups. On 1 June 2006 the papers were received from the learned judge. Later, the learned judge called the Secretary Establishment on the Green Line to enquire if the papers sent by him had been examined. The Secretary Establishment stated that it would take some time. The learned judge stated that orders of the Prime Minister be obtained by referring to these precedents. He was told that a written reference would be made to the Prime Minister's Secretariat giving the precedents as well as the legal position. The learned judge responded that a written reference would "jeopardize the case and that this was part of a package and reference to the rules need not be made."

23. The learned judge continued to "insist" that all concerned make the necessary changes and warned of "consequences" if his desires were not met. Due to the relentless pressure and the campaign of intimidation and harassment launched by him, ultimately a summary was prepared and submitted by the Establishment Secretary on 23 June 2006 to the Prime Minister for addition of a new "Rule 7-C" in the Police Service of Pakistan (Composition, Cadre and Seniority) Rules, 1985. The amendment was tailor made for Dr. Arsalan Iftikhar.

24. Since then the learned judge has almost on a daily basis exerted all kinds of pressure on the Prime Minister's Secretariat to secure the approval of the summary aforementioned and for the consequent induction of Dr. Arsalan Iftikhar as an officer in the Police Service of Pakistan as a BS-18 officer.

25. He also used his influence and authority to have Dr. Arsalan Iftikhar nominated to attend the 2nd Training Course in Combating International Terrorism and Organized Crime from 30 October 2006 to 3 November 2006 in Istanbul. He was the only non-PSP officer and the only under training person to attend this course.

26. The learned judge is entitled to one 1600 CC car, but he has contrary to the norms and rules on the subject secured the use of the following cars for himself at Islamabad:

i) Mercedes Bens 3000cc

ii) IDJ-166 Toyota Corona Model 1993 - 1300cc

iii) ODF 6828 Toyota Corona Model 1993 - 2000cc

iv) CIA-9 Toyota Corolla Model 2000 - 1300cc

v) GP-8695 Toyota Corolla Model 2002 - 1300cc

vi) IDM-7976 Toyota Corolla Model 2003 - 1300cc

vii) IDM-7977 Toyota Corolla Model 2003 - 1300cc

7. Besides these the learned judge has the use of a fleet of cars at Islamabad, Lahore and Quetta.

28. On more than one occasion demands have been made to the Chief Minister or Governor of the province which the learned judge is visiting to provide the cars for their own official use to the learned judge during the period of his stay in the province.

Protocol over and above entitlement

29. The learned judge insists on being provided protocol which has neither been ever sought by or provided to a Chief Justice. Besides an outrider to lead the cavalcade the demand is for a number of police vehicles to follow him. The men have to be from elite units. At times specific demands have been made for an officer not below a particular rank to act as an outrider. Traffic has to be diverted or stopped while the convoy travels from one point in the city to another at high speed. Such actions are completely unprecedented for a Chief Justice.

30. Demands have been made for senior bureaucrats not below a particular rank to receive him at the airport when he arrives in a provincial capital.

USE OF PLANES AND HELICOPTERS

31. The learned judge frequently demands the use of the plane or aircraft of a Governor or a Chief Minister to travel from one place to another or for a private visit to offer condolences or to attend a function. The learned judge is well aware that he is not entitled to the use of these aircraft and helicopter but is in the habit of making these demands frequently and secures these by insisting on these.

Para 32 deleted

33. For some time a BMW car registration No "RAZIA-1" remained in the use of the learned judge and members of his family. The story hit the press and when it refused to die down the car was quietly moved elsewhere.

Judicial Conduct

34. There are complaints of orders being verbally announced in open court in favour of one party and subsequently a written order at variance from the order announced in court being delivered. Two such cases have acquired particular notoriety. In one of these two cases it is alleged that amounts as large as Rs55 million may have been involved.

Reports

35. These matters have been subject of general and uncontradicted public comment, press reports, magazine articles, media comments by senior and respected members of the bar and former members of the superior judiciary.

Entitlements

36. The learned judge used the influence of his position to gain undue advantage by "insisting on an increase and enhancement in his entitlements or in securing the relaxation of the rules in that respect.

III. In the light of, inter alia, the foregoing facts and circumstances, and after a thorough consideration of the matter the Prime Minister of Pakistan advised the President of the Islamic Republic of Pakistan to refer to the Council, for its report, the question whether the conduct of Mr Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan in the following matters namely:

(a) in using his position, office, influence and authority as a judge of the Supreme Court and Chief Justice of Pakistan to:

- (i) secure the appointment of his son Arsalan Iftikhar as a Section Officer in the Health Department, Government of Balochistan;
- (ii) to have his son Arsalan Iftikhar sent on deputation by the government of Balochistan to the Ministry of Interior, Government of Pakistan as Assistant Director, FIA in BS-17;
- (iii) to have his son Arsalan Iftikhar confirmed in the service of the Health Department, Government of Balochistan, much before the expiry of the mandatory period of probation in violation of the applicable rules;
- (iv) to have his son Arsalan Iftikhar upgraded as Dy Director, FIA, in BS-18 with retrospective effect;
- (v) to make efforts to have his son Arsalan Iftikhar inducted in the Police Service of Pakistan in violation of the rules and/or to seek an amendment of the applicable rules;
- (b) in seeking and securing official vehicles and transport for his use much beyond the sanctioned and permissible limits;
- (c) in insisting on protocol to which he was not entitled;
- (d) in demanding and securing use of helicopters and planes to the use of which he was not entitled;
- (e) in accepting accommodation with a litigant before the Supreme Court;
- (f) in using the BMW car "Razia 1";
- (g) in writing judgements which were contradictory to orders announced verbally in open court;
- (h) in insisting on entitlements or having rules relaxed for such entitlements;

constitutes a ground of misconduct on which the learned judge ought to be removed from the office of a judge of the Supreme Court of Pakistan and the Chief Justice of Pakistan.

IV: The President of the Islamic Republic of Pakistan is of the opinion that the learned judge may have been guilty of misconduct and therefore, is pleased to refer the question aforementioned to the Council for the purpose of conducting an inquiry into the matter and after such inquiry as it may deem fit report to the President its opinion whether the learned judge has committed misconduct and whether he should be removed from the office of a judge of the Supreme Court and the Chief Justice of Pakistan.

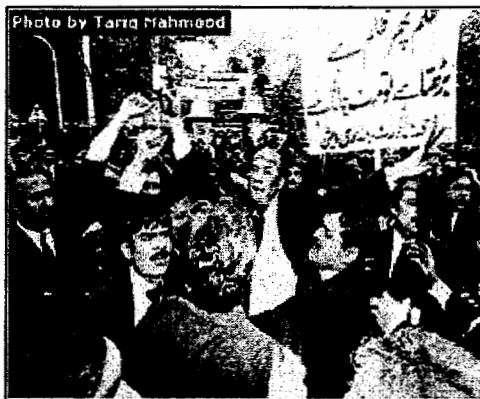
V. That the Prime Minister was further pleased to advise the President that besides making the reference to the Council the President may simultaneously, in exercise of his constitutional and inherent powers under the Constitution of Pakistan and all other power enabling him in that behalf, direct that as a

reference would be pending against the learned judge before the Council it would be neither in the public interest nor in consonance with the norms of judicial propriety that he continues to perform the functions of his office as a judge of the Supreme Court or as the Chief Justice of Pakistan. This would be in consonance with past practices as well. For these reasons, till such time that the reference has been disposed off by the Council and final orders in the matter have been passed, the most senior of the other judges of the Supreme Court shall act as the Acting Chief Justice. The President has been pleased to pass orders accordingly.

VI. It is requested that this reference may please be taken up as soon as it may be convenient, an inquiry into the matter be commenced and the reference be disposed off as expeditiously as may be possible for the Council.

General Pervez Musharraf President, Islamic Republic of Pakistan Through Mr Justice (Retd) Mansoor Ahmed Secretary, Ministry of Law, Justice and Parliamentary affairs Islamabad Date: 9th March 2007

10:



LAHORE: Senior lawyer and PPP senator Latif Khan Khosa who suffered injuries in the head during the baton-charge by police is being carried by colleagues.—Photo by Tariq Mahmood

