**Above the law?**

B Y OME R IM R AN MA LIK | 1/6/2020 12:00:00 AM

|  |
| --- |
| UNFORTUNATELY, even weeks after the attacl( on the Punjab Institute of Cardiology (PIC) by a miscreant crowd of rioting lawyers, our bar councils the statutory regulators of the legal profession have not been able to decisively deal with the perpetrators.In fact, the day after the PIC riot, rather than have the perpetrating lawyers being called in to explain why their licence to practice law should not be cancelled, the bar councils gave mandatory strike calls for all lawyers across Pakistan to observe.Admittedly, the heavy handedness and brutality of the police and the role of certain members of the medical community in this tragedy warrant criticism and investigation, but it was expected from bar councils to first set their own house in order before they proceeded to hold others accountable.Furthermore, in a truly depressing and absurd turn of events, days after the PIC riot, rather than rioting lawyers (who can be clearly seen in videos destroying public property) being punished and shamed by the legal community, professional and conscientious lawyers in Islamabad (whose only crime was to appear in a court of law during a strike call) had their names struck off membership registers and had references moved against them for cancellation of their licences. While the concerned bar association has now rescinded the said notincation, these events have left a very bad taste in the mouth of not only the general public but also young professional lawyers, who are increasingly fatigued by this evergrowing `strike` culture. This is because not only is the bar councils` capability to call strikes and the bar associations` ability to enforce them questionable legally as well as practically but also because strikes are simply a very useless form of protest.Strikes are generally used by workers to shut down the factories of their employers to have their demands met. It works because the employer, who is directly affected by the strike, is the one withholding their rights.When lawyers go on strike, unless it`s a situation paralleling the crisis of 2007, it makes no sense. The only people who suffer harm and are affected are the litigant public, ie our clients people who are desperate, vulnerable and entrust us to represent them by paying for our professional services so that they can get justice. All strikes accomplish is to make them hate the lawyer community.If we must protest, why not do it in a manner that doesn`t harm our clients? If the aim is to have our voice heard, we can even have our protest recorded in the order sheet and then allow the court to continue hearing cases.Moreover, why must strike calls beenforced on all lawyers? Let those who care protest. I am sure that the participation will still be very high because as a member of this community I can proudly say that, among other professions and groups in Pakistan, the legal community is still one of the most conscientious and public-minded communities, which holds fast to the idea of solidarity.While we are not perfect, one must not forget the role of lawyers here. In a country where students are fighting for unions, local governments are now being headed by civil servants and labourers have been crushed, our bar associations` are one of the last grass-roots-level communities left that haven`t been patronised by some big political or institutional sponsor. This is why the deep state fears us. We speak truth to power.And even the courts in Pakistan know that, when push comes to shove, it is the legal community that will ensure the enforcement of the constitutional order.Having said that, the legal communitymust ask itself: `Who watches the watchmen?` We must be our own biggest critics. We cannot stand or support members of our community when they break the law or commit acts unbecoming of a lawyer. Our bar councils should strictlyadhere to their regulatory duties and remove such members. Because, if they do not, the public will continue to despise us and our profession will fall into disrepute.And without the support of the general public we will no longer be able to act as the final guardians of the constitutional order and then, all will truly be lost.It is time for our bar councils to introspect. Why were hundreds of lawyers in Punjab rioting outside a hospital? What is the root problem? Is it because most young lawyers in Pakistan are criminally underpaid (way below even the minimum wage for unskilled labour) by their seniors? Is it because our law colleges are not training law students correctly? Should entry into the profession be restricted further? One hopes our har councils starts asking these questions and regulating the profession seriously before some other institution, with vested interests and with the public`s blessing, begins to do it for us. The writer is a human rights lawyer working in Islamabad.omerimranmalik@gmail.com Twitter: @OmerlmranMalik [[TOP]](https://epaper.dawn.com/DetailImage.php?StoryImage=06_01_2020_007_001#top) |