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**Law or the mob?**

The storming of the chambers and courtroom of the Islamabad High Court’s chief justice by lawyers this past Monday is the latest in a series of acts of violence perpetrated by those entrusted to uphold the law.

The mob, enraged after the Capital Development Authority (CDA) and the local police’s anti-encroachment drive the previous night had razed the lawyers’ illegally-constructed offices, laid siege to the chief justice’s chamber for hours on end, damaged property and hurled abuses at the judges.

The thuggery followed the civic body’s actions on a long-pending suo-motu notice pertaining to the lawyers’ encroachment on a football ground, where they had steadily been expanding their chambers since 2013 on the basis of a judicial order obtained from a civil judge. Former office bearers of the District Bar Association Islamabad had divided the public land into five blocks and named them after themselves. Emboldened by their initial infringement, the lawyers gradually began to construct chambers on footpaths, inside the parent-children meeting hall and at virtually every open space available in front of the courtrooms as well as in the surrounding of the district courts.

In its December 2017 report on the issue, the CDA had declared the lawyers’ actions as ‘completely unlawful and in violation of the CDA Ordinance 1960’. After some of the chambers were demolished by the authority last year, the lawyers staged a protest and detained almost two dozen judges inside their courtrooms. They not only reconstructed the torn-down chambers but, in an act of defiance, went on to increase them.

The vandalism and hooliganism on Monday once again sheds light on how certain members of the legal community have brought dishonour to their profession over the past few years, especially following the triumphant highs of the lawyers’ movement. The movement, which was at the vanguard of dislodging a military dictator at the peak of his powers, should have heralded a new dawn of justice, propriety and civility. Instead, it unleashed the worst impulses in the fraternity, characterised by extreme hubris and a degeneration into mobocracy.

In any civilised society, one would expect the legal community to be the standard-bearer in maintaining decorum and respecting the law of the land. What we have witnessed over the past few years is a tragic fall from grace and a descent into brutal repression. In instances that have become too frequent to enumerate, lawyers have abused, threatened and humiliated judges in courts when faced with the prospect of an adverse ruling. The appalling attack on the Punjab Institute of Cardiology in December 2019 left the populace shaken by its brazenness.

Far from being remorseful though, the lawyers defended the indefensible, and ever since have continued to act with impunity on every occasion where they have conceived their interests to be impeded, regardless of the legality of those interests. The fact that bar councils and associations have condoned this growing trend of lawlessness has given lawyers an air of invincibility and fuelled their defiance.

Even following the pillaging of the IHC, the Punjab Bar Council, the Lahore High Court Bar Association and the Supreme Court Bar Association expressed solidarity with the rampaging lawyers and have announced a strike call. Labelling this response as a disappointment would be an under-statement. Far from protecting and upholding the law, councils and associations are giving recalcitrant lawyers a license to operate with a carte blanche.

Writing on these pages a couple of years ago, the honourable Babar Sattar explained this tribal instinct succinctly. Stating that bar councils “are in a state of regulatory capture”, he outlined that lawyers consider “bar associations and councils as sources of patronage. Bar councils don’t exist to discipline lawyers or enforce legal ethics but to offer us [lawyers] support and protection. We as constituents are unable to distinguish between our regulator and our representative. And that is why there is no enforcement of legal ethics and canons of professional conduct, and lawyers hardly ever lose licenses for misconduct”.

The perpetrators of Monday’s assault deserve more than simply condemnation and must be met with the full might of the law. Those who were part of the mob that undermined the sanctity of the court cannot go unpunished. The registration of FIRs against 21 members of the group by the police and the IHC’s statement to initiate contempt of court proceedings against them is a start. It must not be sacrificed at the altar of expediency.

Here, the role of bar associations and councils once again becomes vital. It is high time that they rise above their tribal considerations and stand for the rule of law. For the senior members of the legal community, it is also a time for introspection. Their silence in the aftermath of this incident is deafening and echoes of their complicity in sympathising with the violators.

The state too must ensure that it lends rightful support in the dispensation of justice and not be a bystander to this incursion. Its might has been witnessed on countless occasions when it comes to subjugating students, teachers, young doctors, farmers or political dissidents peacefully protesting to attain their rights. For a change, it must also take on the powerful.

Mob mentality and use of force in a polity already weak in rule enforcement will only result in a descending spiral of greater violence. If those entrusted to uphold the law are among its most flagrant flouters, what can we expect from the rest of the country? An example must be set to not just prevent such incidents from occurring in the future, but also to deter all powerful groups from encroaching beyond their domain and acting unlawfully.

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