**The lawless brigade**

BY Z A H I D H U S S A I N 2021-02-17

THE much-hyped black coat revolution that shook Musharraf`s military regime has gone sour.

What we have been witnessing over the years are scenes of black coats on the rampage. The storming of the Islamabad High Court (IHC) by a group of lawyers who virtually held Chief Justice Athar Minallah hostage for several hours last week was the worst example of hooliganism perpetrated by the `guardians of the legal order`.

It was indeed a most shameful act of vandalism challenging the sanctity of the court. The rioters barged into the court offices and damaged property. `When I was made hostage, I was ready for the worst,` Justice Minallah said.

Most appalling, however, was the fact that the lawyers were protesting against the demolition by the city`s civic authorities of their illegally built of fices on a football ground. It was a planned attack to browbeat the judges who were hearing this case of encroachment.

Instead of condemning the rioters, the lawyers` bodies gave a strike call to demand the restoration of the razed chambers on the encroached area. It speaks volumes about the so-called defenders of the rule of law. Regrettably, even the Supreme Court Bar Association defended the illegal constructions. The IHC incident was a new low in what can be described as a growing culture of impunity that rationalises unlawful actions.

It was an attack on the judiciary and that too by elements belonging to the legal fraternity. It is commendable that the assault didn`t deter the court f rom ordering the removal of allillegal chambers from state land. The court is right in demanding exemplary punishment for those who kept the judges hostage. `It is a serious incident and those involved should be punished,` Justice Minallah reportedly remarked during the hearing on the encroachment case.

But many will ask if the culprits will be brought to justice for the crime or will manage to escape punishment because of the powerful bar associations. It has often been pointed out that pressure has protected lawyers involved in attacks on the judiciary.Ironically, it was the historic lawyers` movement thatstartedin2007fortherestoradonofthejudges removed by former military ruler Gen Musharraf that gave rise to the lawyers` power. The movement did indeed lead to the restoration of democracy in the country. But it also witnessed an unprecedented rise of populist judicial activism under former Supreme Court chief justice Iftikhar Chaudhry. That period was aptly described as a `judicial dictatorship`.

For some elements in the legal fraternity, the breaking of the law became the norm. One such demonstration of lawlessness was witnessed some years ago when a group of lawyers demanding the transfer of a sessions court judge attacked the chambers of the then chief justice of the Lahore High Court (L HC). No action was taken against the lawbreakers.

But the worst came in July 2017 when a group of lawyers led by the then president of the Multan chapter of the Lahore High Court Bar Association allegedly attacked a judge. After the incident, the then LHC chief justice withdrew the judges from the Multan bench. Despite the notices the accused refused to appear before the court. Lawyers ran amok af ter a bench issued non-bailable arrest warrants for the LHC bar president and other coaccused on contempt charges. They vandalised the high court building and laid siege to the courtroom of the then chief justice Mansoor Ali Shah raising slogans against the judges. They violently clashed with the law-enforcement agencies.

It turned into a direct conflict between the bar and the bench, one of the worst incidents in Pakistan`s judicial history. Unfortunately, some bar associations rallied in support of the accused encouraging the use of violence to intimidate the judiciary.

It was commendable of the L HC to decide to take action against those involved in the attack on a brother judge. But unfortunately, the accused got away scot-free after the then SC chief justice Saqib Nisar succumbed to the bar`s pressure. He seemed more interested in placating the powerful lawyers` lobby than ensuring the sanctity of the judiciaryand upholding the rule of law. The incident certainly weakened the judiciary and subsequently encouraged the lawless brigade.

Perhaps one of the most controversial chief justices in Pakistan`s recent judicial history, Saqib Nisar dealt a huge blow to the image of the judiciary. His populist judicial activism was self-serving.

His reluctance to take real action against those responsible for the attack on a high court judge and vandalism was not surprising. The inaction gave impunity to the group of lawyers engaged in violence and intimidation.

In another incident in 2019, a group of lawyers led by some local bar association leaders raided a hospitalin Lahore and beat up doctors and other medical staff. They also clashed with the police and destroyed public property. The spectacle of lawyers armed with sticks and iron rods rampaging through hospital corridors and chasing doctors was horrifying.

Unfortunately, that incident of hooliganism too was condoned by some lawyers` bodies. Some of those involved in the attack were arrested but later set free. Breaking the law seems to have become a habit with lawyers.

The construction of lawyers` offices on encroached public property around Islamabad`s court complex has been going on for years with the authorities looking the other way instead of clamping down on the illegal activity probably because of the lawyers` clout. Nothing would happen about the petition filed by citizens. But finally the authorities found some courage to act against the lawbreakers.

The IHC`s landmark ruling ordering the demolition of the illegal construction is indeed commendable. It may have drawn the wrath of the lawless brigade, but it will go a long way in boosting ef forts to establish the rule of law. The judiciary is now f aced with a test regarding the punishment of those involved in last week`s attack on the court.  The writer is an author and journalist.

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