

***“The first thing we do, let’s kill all the lawyers”***

***By Nazar Akbar***

Pakistan Bar Council Chairman Hafiz Ansari, while addressing a function on the eve of retirement of Mr. Justice Nazim Hussain Siddique, gave his verdict about the superior courts, declaring that the superior judiciary had "protected usurpers", and their approval of military rulers' unconstitutional actions had "irreparably damaged" their credibility. And in reply both the outgoing and the Chief Justice designate candidly admitted that there is a serious crisis of confidence between the people and the judiciary. Chief Justice designate Iftikhar Mohammed Chaudhry said, "let there be candid admission that the man in the street is disillusioned with the judiciary's role," and the outgoing Chief Justice Nazim Hussain Siddiqui agreed and warned that "societies without justice were bound to vanish".

But almost four hundred years before this verdict on the superior judiciary given by the Chairman Pakistan Bar Council, Shakespeare, who was neither a judge nor a lawyer, gave his own verdict on lawyers in Henry VI, writing *“The first thing we do, let’s kill all the lawyers”*. Whether this verdict was true or not at the time is disputed, and historians can debate either way with equally sound reasoning. But after almost twenty years at the bar I have a strong feeling that Shakespeare’s view was for the lawyers of Pakistan, collectively known as the Pakistan Bar Council. And the time is ripe for seriously implementing Shakespeare’s verdict, before it is too late and the common litigants take unto themselves the onerous duty of executing the verdict.

A dispute amongst the impatient leader-lawyers on the petty question of holding an office of the lawyers association for a mere year set the infamous “law of necessity” into motion. The judgment of the Pakistan Bar Council in the case of the election dispute between Munir Malik and Raja Haq Nawaz for

the office of President of the Supreme Court Bar Association has been approved by the general council only on the grounds that re-polling is the most suitable way to keep the legal community united. What a contradiction? As if polling or re-polling is not indicative of polarization amongst the voters. The verdict given by the poor voters on 31st October has been torn apart by this handful of self-styled custodians of the unity of lawyers, and now these voters are being asked to vote again, in the name of unity, not only for the office in which the counting of votes by election commission was disputed but also for those seats in which there was no complaint of mistakes in vote count.

Elections of SCBA are not the first in which candidates have refused to accept the verdict of the lawyers as voters. In December 2005, it was reported that hooligans, purportedly acting on the behest of losing candidates, derailed the polling process in the election of the Karachi Bar Association. Chief Election Commissioner of KBA polls, Munawwar Malik sent in his resignation a little after noon and told Dawn that it was “the most disturbed election” of the KBA.

The funniest part of the decision of the PBC Executive Committee is that it has set a new precedent in the history of quasi-judicial tribunals; that such a Tribunal need not confine itself to the issues before it. Rather, it is all-powerful to unseat even undisputed candidates who have been returned elected with clear margins, without even putting them on notice before doing so. Admittedly the dispute in question was only regarding the election of President of the SCBA, which was not liked by the PBC Executive Committee. But in their wisdom of uniting the divided community, it has been ordered that the re-polling shall be for all office bearers of the SCBA. It appears the PBC Executive Committee was aware and sure of the division in the community at every level and for the guilt of not reporting the dispute by the contesting parties, these innocent candidates cannot be let off. All of them have thus been asked to go through the pain of begging for votes again, and all the voters have been taken to the task of once again proving their loyalty to the candidates they have just voted for 45 days ago. I doubt any of the 75 voters who voted for Barrister Chaudhry Jamil would stick to their position. The PBC Executive Committee seems to have unanimously opined in its decision that regardless of whether or not there were disputes or divisions in the community over other seats, let us check it. A test is necessary. One may not find a fault in the decision, but one has to do a lot of hard work to digest it.

In the decision of PBC for re-polling on 18<sup>th</sup> December 2006, whether the lawyers' community will be united or not was a question of little relevance to members of the Supreme Court Bar Association. Since 31st October, all the members of the SCBA have lost their name and reputation as respectable members of the SCBA. The SCBA has lost its credibility, and the PBC in turn, by unseating undisputed elected members and invoking the infamous "doctrine of necessity" in the name of unity, has lost its reputation as a fair arbiter in deciding the issues of its members. The reputation of the institution has been lowered in the eyes of common man, and therefore, "the first thing we do, let's kill all the lawyers" is the most apt verdict. The precise reason is that we as a community have failed to defend our name and reputation. And for those who cannot defend their reputation, the advice from Shakespeare is, "defend your reputation, or bid farewell to your good life forever."

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