

JUDGES FOR LAWYERS: ON CLASH WITH POLICE

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The siege of the Delhi police headquarters by its personnel on Tuesday and the disruption of courts on Wednesday constituted a spectacular breakdown of governance in the national capital. The police headquarters were being guarded by the CRPF on Wednesday, apparently from the ranks. The personnel were outraged over attacks on them by lawyers at two city courts on Saturday and Monday, and the intervention by the Delhi High Court that appeared to be shielding the lawyers while being harsh on the police. Overworked and often used as tools by political masters, police forces are far from professional in any part of India. The outburst of the constables in Delhi is also the result of their accumulated resentment against senior officers. Last year, a Delhi IPS officer slapped a constable for stopping his private vehicle that was on the wrong carriageway. Under the direct supervision of the Home Ministry, the Delhi police is often caught in the crossfire of many political battles, and junior personnel are often made the scapegoats. Commanding respect from the lower ranks by creating an environment for them to act lawfully and without fear or favour is the paramount job of the leadership in any force. On that count, the senior police officers are wanting.

At a broader and deeper level, the ugly scuffle between the police and lawyers in the capital is an alarming sign of an increasingly debilitating governance deficit and collapse of the rule of law. This takes many forms, such as police support for mobs and legal processes that victimises victims of crimes further. In 2016, JNU students and journalists were attacked in a Delhi court by a group of lawyers who got off scot-free — a severe transgression by the lawyers and a failure of the police. Lawyers and the police are critical to law enforcement, and their unfailing fealty to the law and the legal process is an essential attribute that a society counts on. Far from adhering to the principles of their respective professions, when they take the law into their own hands, it is a case of the fence eating the crop; it is the sign of a dysfunctional society turning on itself. The higher judiciary has often been a beacon of hope for the rule of law, but that confidence is not as strong as before. The judicial intervention in the clash between lawyers and the police must not only be impartial and fair but also be seen as such. To restore public confidence in policing and judicial process, strict action must be taken against those who indulged in violence — an example must be made of them. That is essential also to restore the majesty of the law and its enforcement.

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