CHAPTER 3

DESCRIPTION OF VIOLENCE IN THE MEDIA

Violence in the media is portrayed as glamorous and manly. … The media often portray violence as the only solution to any kind of conflict. … The worst thing caused by apathy to violence in the media, is that it stuns our conscience. (Jesudasan 2000)

With the development of technology an increasing number of media formats are reaching with unlimited access to numerous cable TV channels, video games and to a great number of Internet sites; thus violence has become a much discussed issue in the media.

Media has a significant influence on views and beliefs. Opinions on the correlation between media violence and violence in the real life differ. A lot of studies on media influence have found that there exists interactivity between violence in the media and real violence. (Huesmann & Taylor 2006)

The images of violence form favorite displays for all the formats of media, especially TV and cinema. The UNESCO conducted a Global Media Violence Survey in the 1990s and found out that the children are adversely affected by the violence communicated by the media. (UNESCO 1997)

Many governments have tried to regulate this aspect of media functioning, though admittedly with little success.

The analysis showed that most television violence is glamorized and sanitized. Nearly 40 percent of the violent interactions on television were initiated by "good" characters who are likely to be perceived as attractive role models. Nearly three quarters of violent scenes contained no remorse, criticism, or penalty for violence. "Bad" characters went unpunished in 40 percent of violent programs. The long-term negative consequences of violence were portrayed in only 15 percent of violent programs. Programs that employed a strong anti-violence theme remained extremely rare, averaging 4 percent of all violent shows. The researchers conclude that these patterns teach children that violence is desirable, necessary, and painless. (Feilitzen 2001. p. 110)

Actually, this study also examined portrayals of violence that posed a high risk of contributing to aggression. A high-risk portrayal is what includes all the following elements: 1) a perpetrator who is attractive; 2) violence that seems justified; 3) violence that goes unpunished; 4) minimal consequences to the victim; and 5) violence that seems realistic to the viewer. The researchers stress that many factors are contributing to aggression and violence but the conclusion from this analysis was that the way TV violence was portrayed continued to pose a serious risk of harm to children.

3.1 PORTRAYAL OF VIOLENCE IN THE ELECTRONIC MEDIA

Obviously the media command a domineering influence in transformation and orientation of culture everywhere. The media present cultural performances, review them, criticize them, suggest improvements to them, appreciate them, and give awards to the achievers. The media are the cultural trend-setters, whether one likes it or not. The credit for having
morphed violence into entertainment in spite of its dastardly effects on the people in general and children in particular, entirely goes to the modern media and its commercial management. The audio-visual media should own major share for this crime against the humanity.

The Introduction given to *An operational framework for media and peace-building* begins with a brief description of the role of the media in conflict-resolution:

The media is a double-edged sword. It can be a frightful weapon of violence when it propagates messages of intolerance or disinformation that manipulate public sentiment. Radio Mille Collines in Rwanda is one of the most appalling contemporary examples. Using a blend of popular entertainment and proselytizing by announcers, the government-supported broadcasts demonized one group of people and built resentment and fear among the other group. The messages implanted and legitimized the belief that genocide was an appropriate self-defense initiative, and hundreds of thousands of people were slaughtered in that country. (IMPACS 2001)

However, the introduction also points out another aspect to the media, namely, that of an instrument of conflict resolution. This aspect becomes manifest when the information is reliable, respects human rights, and represents diverse views. The media that upholds accountability and exposes malfeasance enables a society to make well-informed choices, which is the precursor of democratic governance. It is a media that reduces conflict and fosters human security.

Violence in all the formats of the media definitely leads to violent behavior among the people. There has been mounting evidence to substantiate this statement. The impact of the mass media on the value systems and behavioral patterns is obvious. One needs only to look at the crime page in any newspaper to become convinced about this. The vulnerability of the
youth to the crime and violence communicated through electronic media is beyond doubt. The traditional family and social links, which used to shield the youth from the scope of violence also give way to the spreading influence of the modern media.

These globe-spanning electronic communication media have not really introduced new psychological threats to our children, but they have made it much harder to protect youth from the threats and have exposed many more of them to threats that only a few might have experienced before. It is now not just kids in bad neighborhoods or with bad friends who are likely to be exposed to bad things when they go out on the street. (Huesmann, cited in ‘Violence in media bigger threat than smoking’. 2007)

If what is presented in the media nourishing violence in the society is objectionable, it is reprehensible when it comes to how it is presented. The growth of technology has placed many dangerous options in the hands of film-producers and directors. There was a time when violence used to be watered down to some extent by a mixture of comedy and affection. Well-planned time-gaps were used to reduce the impact of violence. Some indirectness and subtlety were also used to spare the viewers from the ghastly impact of violent scenes. Nowadays mostly it is all pure, raw, direct and naked violence that is preferred by the media. This type of desensitization by the media is clearly a contributing factor to the growth of conflicts among the people.

Therefore, media-makers must take a certain amount of responsibility for the way in which they show violence - and, some say, responsibility for its subsequent effects. Karina Wilson discusses the representation of violence in the media. According to her the following technical codes have been detrimental in accessing violence in television. Music, sound effects, camera angles, editing, and slo-mo used to create
powerful effects of realism and violence are some of the key components of
the visual medium which aggravate the violent behavior of the audience.
(Wilson n.d.)

Onscreen violence can be criticized for being represented unrealistically. It can also be criticized for being too realistic. With advances
in technology, the realism present in computer games and films is always
increasing with deleterious effects on viewers.

3.2 PORTRAYAL OF VIOLENCE IN THE PRINT MEDIA

It is true that the mass media is helping the peoples of the world to
become more informed. Now they are able to analyze a problem from several
angles. The modern media is truly in a position to control and regulate the
courses of all types of conflict.

Conflict reporting aggravates with frequent and furious claims of
bias from both sides. Policy makers, journalists and social scientists all point
to the important role of the press in covering conflicts in Iraq, Kashmir,
Afghanistan and the Israel-Palestine. (Patel 2003)

Besides political, ideological and other reasons, war reporting is
often sensationalized for the sake of boosting circulations and ratings.
Lee et al. refer to Knightley’s views that war journalism is characterized by
an identification with one or the home side of the conflict; military
triumphalist language; an action-oriented focus; and a superficial narrative
with little context, background or historical perspective. (Lee et al. 2004)

Dissection of the conflicts is only one part of constructive
journalism. The Peace Journalism should move on to throw adequate light on
the physical and abstract reasons of the conflict; and the plain and hidden agendas of the conflict leaders.

Peace journalism aims … to frame conflicts as consisting of many parties, pursuing many goals, rather than a simple dichotomy. An explicit aim of peace journalism is to promote peace initiatives from whatever quarter, and to allow the reader to distinguish between stated positions and real goals. (Wikipedia, cited in Kovarik, n.d.)

The widespread idea formed by reading the newspapers is, however, that crimes are increasing and worsening. The gruesome violence getting executed with exceptional efficiency on a daily basis would instill fear in the minds of even most courageous, law-abiding citizens anywhere in the world.


The FCC found that research indicated exposure to violence in the media could increase aggressive behavior in children, at least in the short term. Given this finding, the FCC recommends that action should be taken to address violent programming.

The report responds to a request from the US House of Representatives Committee on Energy and Commerce that the FCC undertake an inquiry on television violence. Specifically, Congress asked the Commission to consider the harm that excessively violent programming has upon children; whether it would be in the public interest for the Commission to formulate a definition of “excessively violent programming that is harmful to children” and to regulate such programming: and if so, what would be the
definition and measures for limiting excessively violent programming most likely to be sustained in court.

The TV violence gives rise to frequent public agitations especially in urban areas of India. There are debates accusing and defending the media, just like those on obscenity. The plaintive fact is that these lead to nowhere. Through the 1990s the popular press Gitanjali Mishra and Radhika Chandiramani quote Krishna Kumar, a noted educationist stated:

Cinema and television have made a substantial contribution to the creation of an unkind, volatile ethos. Bombay films have glamorized certain kinds of violence; certain other kinds of violence have been trivialized. Television has enabled cinema to reach our living spaces, making horror and brutality a homely affair. Watching scenes of cold-blooded murder and rape since an early age allows children to develop a kind of derangement which lets them cope with the deep anxieties they carry. (Gitanjali & Radhika 2005)

The development of science and technology has introduced many new types of entertainment in India, as anywhere else. Cinema has been pushed to a defensive position. There is rich variety in everything. Computer graphics, satellite transmission, videography, 3D hologram meetings etc., have revolutionized education and entertainment.

The newspapers are flooded with countless stories of violence. The women and children are bearing the brunt of it. This is the position, in spite of the fact that in India many crimes go unreported.

However, the visual media cannot be assailed for the blame of sensitizing human minds to violence. By seeing violent scenes repeatedly in films, the initial shock and revulsion slowly get dulled! The mind no longer recoils from such violence and soon violence becomes commonplace. (Srivastva & Agarwal 2004)
The violence in media has become very pertinent question now. The news spread very fast through various methods of communication like television and internet. Various studies and surveys, including a monitoring study of the television programs for UNESCO conducted by Akhila Sivadas of the Centre for Advocacy and Research and media critic Shailaja Bajpai, have confirmed that all over the world the domination of violence on the screens has resulted in the entrenchment of violent scenes in the minds of the viewers, especially the youth; and poisoned their thinking patterns by strong personalization of thoughts of violence.

In 1998, Akhila Sivadas of the Centre for Advocacy and Research and media critic Shailaja Bajpai conducted a monitoring study of television programs for UNESCO. The study looked at a variety of widely viewed programs on major TV channels in India. Ms. Bajpai wrote a background paper on the theme, and together the two documents formed the basis of a Public Hearing in New Delhi which brought together - as suggested by The UNESCO Global Study on Media Violence - TV producers, TV channel executives, politicians, parents, teachers, psychiatrists and the public. (UNESCO 1999)

3.3 THE POLICE-LAWYER CONFLICT IN THE PREMISES OF MADRAS HIGH COURT

To facilitate comprehensive understanding of the conflict, the researcher furnishes a connected account of the episode mainly based on:

1. The report of retired Supreme Court Judge Mr. B N Srikrishna; (Srikrishna 2009)

2. Common order in W.P. Nos.3335, 3703, 3704, 3705 and 3910 of 2009 and connected M.Ps. and M.P.S.Rs. & Crl. O.P. No. 4085, 4287 and 4434 of 2009 of the Honorable High Court of
3. The coverage of the conflict by the ten newspapers chosen for the purpose of this research; and

4. Experts’ interview.

Some of the lawyers practicing in the Madras High Court and the subordinate Courts throughout Tamil Nadu who owed allegiance to and sympathized with the cause of the Liberation Tigers of Tamil Eelam (LTTE) used to organize meetings and demonstrations frequently from November 2008 onwards in support of LTTE and condemning the action taken by the Sri Lankan Government against the Tamils in Sri Lanka. They also organized a meeting to celebrate the 54th birthday of the LTTE leader Vellupillai Prabhakaran, who had been declared as an absconding accused in the Rajiv Gandhi assassination case. Such meetings were allowed to be held inside the premises of the Madras High Court without any strict action being taken by the administration of Court to stop them.

On January 29, 2009, an emergency meeting was held by the Madras High Court Advocates’ Association, in connection with the Eelam Tamils issue in its office within the High Court premises. Advocates had decided to boycott the Court work indefinitely to press the Government to take steps to stop the genocide of Tamils in Sri Lanka. Some of the advocates staged a demonstration and went in a procession to KMC hospital to pay homage to Mr. Muthukumar, who had allegedly died by self-immolation in support of Eelam Tamils. A fracas ensued between the police trying to control the mob of lawyers, for which cases under Section 143, 294(b), 353 and 506 of IPC were registered in the G-3 Kilpauk Police Station Crime No.76/2009. On the same day, about 150 advocates led by Mr. Jaykumar staged a
demonstration near the Aavin entrance at the High Court premises. Some advocates went to the Bank of Ceylon premises in E. V. Periyar Salai, Kilpauk and damaged the building and the cars parked there by pelting stones. Two advocates Messrs. Amarnath and Keshavan were arrested in this connection. On January 30, 2009, the advocates organized a procession inside the High Court premises condemning the President of the All India Congress; and also burnt issues of a newspaper for publishing news items allegedly in favor of the Sri Lankan Government. About 40 advocates forcibly boarded an MTC bus and forced the driver to take the bus to Kolathur to pay homage to the late Muthukumar. Same day, at about 10.40 a.m., the agitating advocates entered the Court of the Acting Chief Justice and shouted at the advocates sitting there to come out and join them. Senior Advocate Mr. Chellappa and his wife Mrs. Vasanti, who were conducting their case, were pulled out and humiliated. The lawyers also disrupted the proceedings in the Court Room No. V, presided over by Justice Mr. J. Manikumar, and scolded the Government Advocate who was conducting his case and banged on the court doors and windows. Afterwards almost every day some unwanted incidents took place. The police have registered about 110 criminal cases against the lawyers during the period of agitation. The lawyers continued their boycott of court proceedings purportedly in sympathy for the Sri Lankan Tamilians, which was purely a political issue that had nothing to do with the work of the courts. On February 5, 2009, some advocates practicing in Chennai courts addressed a memorandum to the Chief Minister of Tamil Nadu pointing out that a group of lawyers owing allegiance to LTTE were indulging in disruptive and unlawful activities within and outside the High Court premises and requested the Chief Minister to take appropriate measures to ensure the safety and security of the lawyers and litigant public so that the court proceedings could be carried on smoothly. A copy of the said Memorandum was also addressed to the Principal Secretary of the Home Department, which was ultimately forwarded to the Commissioner of Police, Chennai.
On February 12, 2009, The Commissioner of Police, Chennai wrote to the Registrar, Madras High Court, stating that the grievance of the practicing lawyers was justified and that the activities of the pro-LTTE lawyers were disrupting the work in the courts and requested the Registrar of Madras High Court to "kindly apprise the development that has taken place in and around the High Court campus to the Hon’ble Acting Chief Justice, High Court of Madras, for kind information and necessary action." It seems that no specific follow-up action was taken on this.

On February 17, 2009, Writ Appeals against a single Judge order dismissing a petition filed by Podhu Dikshitars challenging the state government’s appointment of an Executive Officer for the Sabanayagar temple at Chidambaram, popularly known as the Nataraja temple were listed for hearing in the Court of Messrs. P.K. Mishra and K. Chandru, in Court Room No.3. Dr. Subramanian Swamy, former Union Minister for Law and Commerce, who was given Z category protection by the Government, came to the said Court and appeared as party-in-person before the Bench to get himself impleaded in the ongoing said pending writ appeals. Some of the police officers and security personnel accompanying him stayed outside the Court room while Dr. Subramanian Swamy waited inside the court room. At about 11.50 a.m., about twenty advocates, who were agitating in support of the Sri Lankan Tamils led by advocates Messrs. Vijendra, Rajnikanth, Gini Leo Immanuel and Pugazhendhi, came to the court shouting slogans condemning the central and state governments and the police. They entered the court room shouting slogans and pushed out the police personnel who were posted at the entrance. In the meanwhile, some of the advocates hurled rotten eggs at Dr. Subramanian Swamy, shouted slogans against him and demanded that the police should go out. They also assaulted the police constables standing behind him and a policeman who was in the visitors’ gallery. They abused Dr. Swamy and shouted anti-Brahmin and abusive
slogans including “Rajiv Gandhi killer go away.” Such behavior of the advocates continued despite warnings from the Judges and the functioning of the court came to a standstill for nearly 15 minutes. After the attack on Dr. Swamy the Division Bench of Justices Messrs. P.K. Misra and K. Chandru recorded the incident in a report to be sent to the Acting Chief Justice of the Madras High Court for appropriate action. The Bench also directed that a copy of the report be forwarded to the Chief Justice of India. Dr. Swamy made a request to the Judges that his security be allowed to come inside the hall, to which the Judges agreed. About fifty police personnel, led by a Joint Commissioner of Police, were deployed on the court premises. The advocates broke the police cordon and barged into the court hall. Eggs were hurled at the police officers who tried to intervene. Mr. Radhakrishnan, Commissioner of Police, Chennai, said that the Assistant Commissioner of Police Mr. Khader Mohideen was dragged out by the advocates. When the situation went out of control, the police pushed the advocates out of the court hall. Dr. Subramanian Swamy asked for an adjournment as it was felt unsafe to argue the matter on the same day. Accordingly, the hearing of the writ appeals was adjourned to February 19, 2009. The police managed to escort Dr. Subramanian Swamy to his vehicle and took him away with his pilot and escort. After the court proceedings, Dr. Swamy said the incident showed that there was total breakdown of law and order in the State.

On February 18, 2009, Advocate Mr. Gini Leo Immanuel, who was an accused in connection with assault on Mr. Subramanian Swamy on February 17, 2009, was arrested. He was produced before the George Town Criminal Court and remanded to judicial custody.

According to the Commissioner of Police, there was a specific intelligence input from the intelligence section of the City Police and the State Special Branch CID that the advocates who were involved in the incident on
February 17, 2009 would create serious problems when Dr. Subramanian Swamy was scheduled to visit the High Court on February 19, 2009. So, the Commissioner of Police arranged for a heavy police guard in the High Court campus in order to ensure that no untoward incident takes place at the time of the visit of Dr. Subramanian Swamy.

On February 19, 2009 at about 14:20 hrs. in the afternoon, about fifty advocates including the fourteen advocates who were named as accused in the assault case dt.17.02.2009 on Dr. Subramanian Swamy, led by an advocate Mr. Rajnikanth approached the B-4 High Court Police Station (established within the premises of the High Court for the security of the High Court) and informed the officer in charge that the accused had come to surrender themselves, but they also wanted to file an FIR against Dr. Subramanian Swamy for having allegedly uttered caste based abuses during the incident on February 17, 2009. They wanted that action should be taken against Dr. Subramanian Swamy under the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Their complaint was registered and a copy of the FIR was given to them. The accused advocates, who claimed to have come there to surrender, refused to surrender and entered into an argument with the police officers demanding that Dr. Subramanian Swamy should be arrested first and then they would allow themselves to be taken into custody. This led to a wordy dual between the police and the accused advocates. The police, who were present in large numbers apprehending some untoward incident, slowly started encircling the accused advocates for preventing their escape.

At about 15:45 hrs. when the police started pushing the so called accused advocates into the waiting police van for being taken into custody, the mob of lawyers swelled, becoming restive. The lawyers in the mob started shouting derogatory and provocative slogans and making aggressive gestures
at the police. Suddenly at about 15:50 hrs. some lawyers in the mob started throwing stones at the police. Even with this, the police merely retreated near the B-4 Police Station within the High Court complex. The taunting, jeering, gesticulating and hurling of stones by the advocates continued unabated till about 16:10 hrs. The police officers present at the spot kept restraining the police constables from advancing further or taking any action. By about 16:11 hrs. the stone throwing became intense and advocates started throwing big stones at the police both from ground level and also from the first floor corridor of the High Court premises. Some of the advocates throwing stones and shouting slogans were even wearing gowns and bands. Some of the stones fell on the vehicles parked inside the compound and damaged them. Some policemen picked up the stones and hurled them back at the lawyers, despite attempts by their seniors to restrain them. This continued for about 15 minutes. Finally, the stone throwing became intense and at 16:26 hrs. the policemen started to chase the mob of lawyers by waving lathis. Although, some representations and affidavits given by the lawyers named Director General of Police Mr. Jain, Commissioner of Police Mr. Radhakrishnan, Joint Commissioner of Police Mr. Ramasubranaian, and Deputy Commissioner of Police Mr. Sarangan as having ordered the lathi charge, it is not clear as to who ordered the lathi charge.

From the information given by the Home Secretary and the Police Commissioner, it would appear that only up to 17:14 hrs. the Additional Commissioner of Police K Vishwanathan was in charge and the Police Commissioner arrived on the scene at about 17:14 hrs. upon receiving the information that the situation was going out of hand. The police had merely gathered in front of the B-4 Police Station. At about 17:30 hrs. the mob of lawyers marched towards the police station. Lawyers kept provoking the police and challenging them to arrest them. One of them was picked at about 17:34 hrs. The mob of lawyers in the meanwhile upturned a motorbike and
threw waste paper and other materials near it in a heap. They also set fire to the petrol spilt out from the motorbike and started a fire. At about 17:38 hrs., the mob broke open the police station and brought out a steel cupboard and threw it along with a chair and a CPU like object into the big fire. Though a fire engine arrived at 17:40 hrs. the firemen had to retreat in the face of stone throwing by the advocates. Police started running towards the mob and the police station was set on fire by the mob at about 17:46 hrs. At this time there appears to have been an order for lathi charge and the policemen chased the mob with their lathis and charged at them. Once the policemen were given the order to lathi charge the mob of lawyers to quell them, it would appear that the police interpreted it as a license to unleash mayhem at will. They chased the lawyers on the ground floor, along the corridors on the first floor and beat them up mercilessly.

The exchange of stones between the lawyers and the policemen continued unabated. The policemen who undoubtedly had lawful authority to use minimum required force to bring the situation under control, used force disproportionate to the occasion and even after some of the stone-throwing lawyers had been overpowered and apprehended. They continued to lash out lathi blows on the lawyers apprehended by them. They threw stones at the lawyers, at the window panes of the court premises, and also indulged in wanton destruction and damage to the vehicles parked in the High Court premises. They chased the lawyers into the court premises along the corridors and also on the first floor of the court premises hitting them blindly with lathis. Despite instructions that during a lathi charge the lathi blow should be aimed at parts of the body other than the head, the police freely rained lathi blows on the heads of the lawyers, causing head injuries to a number of lawyers. There was plenty of bloodshed in the quadrangle, along the corridors and also inside the office premises where the police appeared to have entered apparently to look for the rioters. The police barged into the court rooms of
the Judges of the Small Causes Court and Family Court within the High Court premises and indulged in deliberate destruction of the tables, chairs, fans, computers and other articles within the court premises. The court staffs were unanimous that all the damage was inflicted by the policemen. The police did not spare the children’s crèche also from the hail of stones. Luckily, however, no child was injured though it did traumatize some of the children in the crèche and the ayahs attending to them.

Not satisfied with beating up the lawyers within the court premises, the rampaging police systematically ran through the chambers of lawyers within the High Court premises causing wanton damage to the premises, pulled out suspected lawyers and beat them. They also went to the lawyers chambers situated on the Lingi Chetty Street, Thambu Chetty Street, Armenian Street, Sungurama Chetty Street, Kondichetty Street and Baker Street in the vicinity of the High Court, systematically opened and barged into the lawyers chambers and caused damage and beat up some of the lawyers. Even lady lawyers were not spared. There is no doubt that the violence was started by the lawyers, some of whom were even dressed in robes and bands, but once the police got into action, there was no stopping them. It was as if the police force, as a body, went berserk. The lathi charge continued irrespective of whether a lawyer was a miscreant or not. The overzealousness of the police resulted in their beating up a dispatch peon, some other court staff and a canteen boy. It is understood that Mr. Justice Arumuga Perumal Adithyan, who was somewhat unduly brave in going to the forefront of the clash spot, tried to appeal to both sides to maintain calm and behave with the dignity befitting the High Court. Neither side seems to have paid heed to him. In this melee, Justice Arumuga Perumal Adithyan suffered a head injury. While being carried to the ambulance, the Hon’ble Judge was appealing not to the police, but to the lawyers, and said, "Don't throw stones at the police; they
are our protectors." Even media persons who were covering the clash were also injured.

When the incident became serious, some of the lawyers rushed to the chamber of the Acting Chief Justice to apprise him of the developments. The Court summoned the Chief Secretary, Home Secretary, Director General of Police, Commissioner of Police and some other officers. The Chief Secretary, Home Secretary, Director General of Police and the Commissioner of Police gave their statements with the following undertakings:

(i) The Commissioner of Police, Chennai, stated that some of the injured lawyers have been taken for treatment, but no arrest had been made.

(ii) The Home Secretary stated that no lawyer would be taken to custody in connection with that day’s incidents. After proper police investigation and after informing the matter to the Chief Justice, if necessary in future, they may proceed in accordance with law. Further undertaking was given that if any person, including the lawyers, staff of the High Court or Subordinate Court or any officer of the Court or the litigant, whoever were present inside the court or outside N.S.C. Bose Road, Thambu Chetty Street, Armenian Street and nearby roads, if had been taken to custody, they would be released immediately. It was further undertaken that those who had been arrested that day or had to surrender before the police in connection with the earlier FIR on that day would be released on personal bond to ensure that normalcy returned in the High Court.
(iii) So far as the question of enquiry and lodging of FIR and investigation of that day’s incidents was concerned, on behalf of the State, the Chief Secretary to Government assured that the matter would be referred to the central government for enquiry and investigation by the Central Bureau of Investigation.

(iv) The Chief Secretary and Home Secretary undertook to treat all the persons injured in connection with that day’s incident free of cost at the expense of the State.

Three teams were constituted consisting of officers of the Registry, Government Pleader and advocates to inspect the whole campus and take video that day itself to record the damages caused to the building, vehicles and other properties. The Chief Secretary, Home Secretary, Director General of Police and the Commissioner of Police were directed to inform the content of the order to all concerned without waiting for a copy through electronic media and print media. Since the court was seized of the issue, it was stated that the members of the various lawyers association were asked to restore normalcy within the court campus.

Lawyers across Tamil Nadu staged protests condemning ‘police excesses’ during the above clash and burnt a car parked on the Nagercoil district court premises and three State-owned buses were damaged in a fire in Madurai on the same day of the clash and on the next day they set ablaze a bus belonging to Tamil Nadu State Transport Corporation in Thirunelveli and a jeep belonging to the Tamil Nadu Fire and Rescue Services Department in Chennai.

The Chennai Police registered a case of attempt to murder against 150 lawyers in connection with the violence on the High Court campus.
While no arrest was made till late on February 20, 2009, Tamil Nadu Director General of Police K.P. Jain said the case had been transferred to the Central Bureau of Investigation. The advocates were booked under various sections of IPC and Section 3 (1) of the Tamil Nadu Public Property Damage and Loss Act.

According to police sources, tension prevailed on the High Court campus on February 20, 2009, even though holiday had been declared on that day. A group of lawyers set ablaze the High Court police station again and fire fighters were prevented from entering the premises. Commissioner of Police K. Radhakrishnan said some lawyers attempted to stage a stay-in protest, but were pacified and asked to vacate the court complex. Over 100 advocates, who tried to take out a procession from the High Court to the Secretariat, were intercepted at the War Memorial and taken into custody and released later. Some lawyers forced the closure of shops around the court premises. Mr. Radhakrishnan said about 122 police personnel, including women, were injured in stone-throwing. The condition of one head constable was stated to be serious. Explaining the circumstances that led to the clash on February 19, 2009, he said, “Advocates started attacking the police without any provocation. We only exercised the right of private defense under extreme provocation and added that if the police had not acted in time, there could have been more damage and loss of life.” He also told a newspaper that police had information that some lawyers were planning to set on fire some other buildings in the High Court.

The IAS Officers’ Association said: “It is established that the events originated in acts of lawlessness and violence perpetrated by a section of lawyers; some lawyers resisted lawful arrest and disobeyed lawful orders of public servants who were performing their duties and that there is irrefutable evidence that a group of persons who are, or appear to be lawyers
formed an unlawful assembly on February 19th afternoon inside the court complex and engaged in serious acts of rioting and mob violence against the police, including throwing of brickbats, stones and other missiles apart from the most vulgar kind of verbal abuse.”

Police personnel at the grassroots threatened to go on an agitation if action is taken against members of the force in connection with the clash. A reliable source in the police department said that policemen throughout the state of Tamil Nadu had been instructed not to take remand prisoners or convicts to Magistrate Courts for court appearance. Policemen deployed on court or prison duty were upset at the clash on February 19, 2009. Many police personnel pleaded with their superiors not to give them court duty. The Chief Justice of India ordered to remove the police station from the Madras High Court premises. The Supreme Court of India mentioned this clash as an unfortunate incident.

The clash was probed by a retired Supreme Court Judge Mr B.N. Srikrishna. His finding was that unruly lawyers started violence; police exceeded limits; soft-pedalling policy of Madras High Court Judges led to such situation. He also said, “The lawyers appear to have been encouraged by the wrong signals sent out and seemed to think that they could do anything within the court premises and get away. Regrettably, far from being the upholders of the rule of law, the lawyers seem to have behaved as hooligans and miscreants. The incidents that transpired over the last month or so make it clear that the lawyers seemed to be under the impression that, because they are officers of the court, they are immune from the process of law and that they could get away with any unlawful act without being answerable to the law enforcing agency. It is most unfortunate that the soft policy adopted by the Acting Chief Justice of the Madras High Court and its administration sent
out clearly a wrong message that encouraged and emboldened the lawyers into becoming lawbreakers.”

The All India Lawyers Union on Saturday said that lawyers viewed with extreme anguish Justice Srikrishna’s report on the incidents of February 19, 2009 in the High Court premises not because it was “against the lawyers, but because no action has even been suggested against the police, despite several findings against them.”

The Madras High Court Advocates Association on March 9, 2009 prayed the High Court to initiate criminal contempt proceedings in a summary manner against the Tamil Nadu Chief Secretary, the Home Secretary, and senior police officers in connection with the clash.

Human chain agitations and many other forms of agitations including boycott of courts were resorted to by the advocates to demand action against the police for their role during the clash.

Acting tough with the agitating advocates, the Madras High Court issued a notification on March 15, 2009 that its judges would take up matters listed before them and decide them on merit from March 16. The High Court further notified that in criminal matters, if advocates are not available at the time of hearing, either advocates from the panel of *amicus curiae* would be requested to appear for the accused or notice sent to the accused, who were on bail or in jail, informing them that they should make alternative arrangements.

The court had issued a similar instruction to Principal District Judges on Friday. (March 13, 2009) The notification evoked sharp reaction from advocates, who were not at all satisfied with the court order on the incidents on the High Court campus on February 19, 2009.
President of the Tamil Nadu Advocates Association S. Prabakaran told reporters that advocates would not attend courts till their demand for immediate suspension of senior police officers responsible for the attack on lawyers was met. The joint action committee of advocates resolved to withdraw their vakkalats/memo of appearance in all courts. The committee said the notification should be withdrawn immediately.

At a meeting of the lawyers, it resolved to abstain from courts/tribunals till the demands were met. It requested advocates not to address judges as “My Lord/Your Honor,” and, instead, address them as “Mr. Judge or Sir.” Another resolution requested advocates to desist from attending functions of the Supreme Court, High Court and district judges, or those organized by courts and tribunals. The committee said legal aid panel lawyers should not accept any brief referred by any court or any assignment as amicus curiae.

In a communication dated March 16, 2009, the Madras High Court Bench permitted Dr Subramanian Swamy to take his security guards into the court premises whenever he comes to argue a case and make the gunmen wait outside the court hall during his appearance.

The Madras High Court three member Bench comprising Justices S.J. Mukhopadhaya, V. Dhanapalan and K. Chandru on March 18, 2009 said Mr. A.K. Viswanathan, Additional Commissioner of Police (Law and Order), Chennai, and Mr. M. Ramasubramani, the then Joint Commissioner of Police, Chennai (North), should be placed under suspension, as they were the persons who were at the helm of affairs and under whose direct supervision the (police) operation was carried out on February 19, 2009.

The Bench also made it clear that lawyers had no right to abstain from courts. It was below the dignity, honor and status of lawyers to organize
and participate in strike, though it was open to them to adopt some other modes to protest without interrupting court proceeding or adversely affecting the litigants’ interest and asked the associations and the Tamil Nadu Bar Council to recall their strike forthwith and resume work.

The Supreme Court had already directed that the then Joint Commissioner of Police, Mr. Sandeep Rai Rathore, and Deputy Commissioners, Mr. M.C. Sarangan, Prem Anand Sinha and Mr. Panneerselvam, be transferred from Chennai.

The High Court Bench recalled that in its February 21, 2009 order, it had observed that action might call for initiation of suo motu criminal contempt proceedings and directed the Chennai Police Commissioner and the Joint Commissioner (North) to file a report stating under whose authority the police entered the court premises to arrest certain accused and at whose instance the lathi charge was ordered. They were asked to give specific names with the officers’ designation and the names of constables at whose instance such an action was taken. On receipt of the report, the court was to decide whether suo motu criminal contempt was to be initiated against the persons concerned.

The state government had also undertaken before the Supreme Court that the suggestion by the High Court or by the commission appointed for that purpose would be complied with fully by the government at the earliest.

Hundreds of advocates from different parts of Tamil Nadu took out a procession in Chennai to condemn the police on April 19, 2009. They held black flags and raised slogans protesting the attack on advocates by police in the Madras High Court campus on February 19.
Even though the Madras High Court had issued instructions for the suspension of two senior police officials in connection with the clash, the advocates went ahead with their procession as planned and demanded the transfer of the Director General of Police and suspension of the Chennai Police Commissioner.

According to police sources, portraits of Congress president Sonia Gandhi and Chief Minister M. Karunanidhi were burnt by some advocates who condemned the government for supporting the Sri Lankan armed forces. They urged the Center to take immediate steps to stop the ongoing war in the island nation. The Triplicane police registered cases against a few advocates in connection with the incident.

A section of the agitators raised slogans against a leading newspaper and criticized its editorial on the clash between advocates and police. A demand was made to withdraw the report of Justice B.N. Srikrishna Committee constituted by the Supreme Court. The ‘victory procession’ as a majority of them described it, started at Munroe Statue and culminated at Chepauk where the advocates held a meeting, the sources added.

Lorries decorated with digital banners containing photographs of police attacking advocates were used in the procession. A drama was enacted on some lorries in which some persons dressed like policemen attacked others wearing black robes. Women advocates wearing ‘blood-stained’ bandages were seen lying on beds put up on the lorries.

Elaborate security arrangements were made though police personnel were not to be seen along the procession route. Large numbers of policemen were deployed strategically at vantage points.
At the culmination of the procession, speakers of advocates’ associations strongly criticized the police attack on advocates on the High Court premises. They said the police operation on February 19 not only amounted to assault on advocates, but on the entire judiciary. They demanded the arrest of senior police officers besides disciplinary action against all the other personnel involved in the attack. President of the Madras High Court Advocates Association Mr. R.C. Paul Kanagaraj said the police committed various offences during the clash and they should be prosecuted for the same.

Vice-president of the Supreme Court Bar Association Mr. Adish Agarwala, Chairman of the Bar Federation of Tamil Nadu and Puducherry Mr. Paramasivam, President of the Tamil Nadu Advocates Association, Messrs. S. Prabakaran, R. Vaigai and R. Karuppan were among those who addressed the advocates.

Two senior Tamil Nadu IPS officers, whose suspension was suggested by the Madras High Court in connection with the lathi charge on lawyers on February 19, moved the Supreme Court seeking to quash the order.

The special leave petition (SLP) filed by Mr A.K. Viswanathan, Additional Commissioner of Police, Law and Order, Chennai, and Mr M. Ramasubramani, Deputy Inspector General of Police, Coimbatore Range (he was the Joint Commissioner of police (North), Chennai on the day of the incident), also sought interim stay of operation of the order.

The SLP stated that the order had been passed in violation of natural justice and in a manner so as to placate the striking High Court lawyers. The High Court finding about the petitioners being at the helm of affairs was without factual basis since no inquiry had been held and no material placed before it to come to such a conclusion.
The officers stated that they had been ordered to be suspended, thereby punishing them without affording an opportunity of hearing. They were not parties to the suo motu writ petition. “Moreover, it is surprising how the High Court came to the conclusion on a prima facie basis that the petitioners were at the helm of affairs, under whose direct supervision the operation was carried out, when the Justice Srikrishna’s Report (submitted pursuant to the orders passed by the Supreme Court) had clearly held that unless a detailed enquiry was held, it would be difficult to pinpoint the responsibility of each individual.”

The SLP stated that when the prayer for suspension had been declined by the Supreme Court, there was no occasion for the High Court to act on the same list of officers given by the lawyers and without notice to the petitioners.

It stated, “The petitioners are apprehensive of even entering the High Court premises since a large number of lawyers are always present in the court room and are in an agitated mood. They have a threat to their lives and no advocate will be willing to appear for them in the High Court, and hence they were constrained to move the Supreme Court.”

The SLP raised substantive questions of law including whether a High Court could *suo motu* take cognizance and order suspension of persons who were not parties before it. The High Court had failed to appreciate that the direction passed by it would cause grave prejudice since their service record would be marred and leave a stigma for all times to come. “This will be entered into the service records of the petitioners and will affect their future growth in their service which, hitherto, is unblemished,” the SLP said.

Advocates resumed work on March 23, 2009 ending their boycott of courts, which lasted more than a month, bringing relief to the litigant
public, following an order of a Full Bench suggesting that the Chennai Additional Commissioner of Police and the then Joint Commissioner of Police be suspended.

The boycott affected the litigant public greatly, particularly those whose cases were pending in lower courts. After the Madras High Court issued a notification that it would take up matters and decide them on merits from March 16, 2009, parties argued their cases in person and some of them obtained orders.

On March 23, 2009, uniformed police personnel, who had manned the High Court gates in the past to regulate entry, were conspicuous by their absence.

The State-level joint action committee of lawyers, after due deliberations, unanimously decided not to participate in the inquiry by Mr Sundaradevan, according to committee convener Mr R.C. Paul Kanagaraj.

Tamil Nadu Advocates Association’s president S. Prabakaran also said advocates would not appear before the Sundaradevan Committee, appointed by the state government, to inquire into the police action and fix responsibility for the alleged excesses committed during the incident in the High Court premises on 19.02.2009. Mr Prabakaran said the inquiry would be ‘eyewash.’ Also, the High Court was seized of the matter and the CBI was probing the incident.

The news of the conflict and its consequences like court case proceedings, lawyers’ agitations, statements from different quarters regularly appeared in the media till December 19, 2009.