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## Legal eagles upset over Indira Jaisingh remark

**BHADRA SINHA**

NEW DELHI, JUNE 13: Eminent lawyer Indira Jaisingh's remark against the Indian police machinery in a London court during the extradition proceedings of Bollywood music director Nadeem has sparked of a controversy, with the legal fraternity here condemning it.

``Torture and police brutality are endemic in India," Jaisingh is reported to have said in the London court while defending Nadeem, prime accused in the Gulshan Kumar murder case. The statement prompted the London court to call a retired judge of the Mumbai High Court to explain the remark. Experts maintain Jaisingh has crossed her brief by making a ``sweeping statement".

When contacted, Indira Jaisingh refused to comment. ``It is a matter of my profession and I do not want to justify my professional statement." On being informed about the criticism, invoked by her statement, she said: ``I do not want to say anything related to my profession." Director General (Investigation) of the National Human Rights Commission, D.R. Karthikeyan hit out at Jaisingh's assertion. ``If one believes her, then custodial deaths should be reported daily. If it becomes `endemic' who will approach the police stations to report offences," he retorted.

According to Karthikeyan, such a statement, without

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having solid facts to support it, was highly prejudiced. "Even among complaints on police brutality that the NHRC receives, a majority turn out to be baseless. The criminals are known to resort to filing complaints on trifling issues just to avoid sustained investigations," he said.

Former Additional Solicitor General, Abhishek Manu Singhvi, holds that though Singh is entitled to be an expert witness in any proceeding, her conclusions are untenable. "I do not dispute her right as a witness," he says. "But contending that police brutality is endemic in India is wrong." Lawyer P.N. Lekhi echoes his views, saying it was not right on the court's part to ask for a certificate on India's judicial system or its law enforcement agencies.

"Such sweeping remarks hurt emotionally, apart from unfairly projecting our country in a bad light. Her remarks came as a big shock," he said. In his opinion, while defending an accused, a lawyer should base his arguments on solid facts alone.

The experts have also taken exception to the way the retired judge, Justice Pendse, promptly complied to the London court's directions to explain Jaisingh's "nasty" statement. The judge, in his explanation, reportedly said: "Though there are sporadic cases of police excesses in India, just as anywhere else in the world, it is not the case in the present context."

Lekhi holds it was wrong on the judge's part to make oneself available to the London court. "Should a person, who has functioned at a high constitutional position like him, appear as a witness in a foreign court?" he asks.

Lekhi, in fact, says the Indian judicial system here is tolerating. Quoting from the autobiography of Justice M.C. Jhakla, he says: "When your facts are strong, a lawyer bangs at the facts. If the law is strong, the lawyer bangs at the law and if both are weak, he bangs at the system." Which is precisely what Indira Jaisingh has done, the lawyers say. According to lawyer Ashish Bhagat: "In the interest of his client, an Indian lawyer can do anything. Apparently the lawyer in this case wants to internationalise the issue and avail asylum protection

for her client."

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