

## Law



**T**he glory of justice and the majesty of law are created not just by the Constitution - nor by the courts - nor by the officers of the law - nor by the lawyers - but by the men and women who constitute our society - who are the protectors of the law as they are themselves protected by the law”. - Robert Kennedy

When man became civilized, he started living together in a society; he made certain rules of human behaviours for social unity, peace, safety and progress of the society. It was to prevent any one to behave in a way which can cause trouble to him and to the society. Later human life became more complex. The types of transactions changed and laws were made accordingly. Rules and punishments for those who go against the law, came into existence. We all want a lawful state and the emergence of a lawful state is the dream of every society. In the picture of goddess of justice, eyes are blind folded and with a balance in the hand. The strip on the eyes is a symbol of giving justice impartially, equal justice to all,

separating milk and water. It shows everybody is equal in front of law. Law does not discriminate. It is practical and logical. It is not prejudiced. These are the principles of law.

Today we see there are many laws for the welfare of the society. There are courts to give justice from local level to supreme level. There are many systems to keep law and order in place. Still there is dissatisfaction regarding law and order. People generally believe that there is discrepancy in the implementation of the law. There is a saying in English which state that justice delayed is justice denied. There is no Justice for common and poor people. Due to the delay and complexity, people are not ready to go to courts. They believe that one should never step in the court of law. They prefer to tolerate the injustice than going to the court. The question arises, “have we really established a lawful state, although we have rules and the institutions giving justice and protecting the law?”

Since childhood, I have been listening to a principle regarding law that, “100 criminals may be released, to prevent an innocent person being punished.” The culprit should be punished and should not be released. It is the duty of the Government to punish the culprit. We see that people found guilty and try to find out the loop holes of the law process to get away from the punishment. It creates a picture that people are no more afraid of the law. Today we see that there is delay in giving justice, the number of pending court cases are increasing by leaps and bounds. Hence, I would like to say, “100 innocents can be punished, but one guilty should not be released.”

There is recent example before us. In Chechnya province of Russia, some terrorists took hold of a theatre and kept – hundreds of people hostage and put pressure on

the Government to get their demands fulfilled. The Government took the decision of not accepting their demands and took a stern action against them. Many innocent people lost their lives, but the all terrorists were killed. Russia's President Putin was criticized a lot for this. But at the same time, he was praised for teaching a lesson to the terrorists. The guilty person always uses the innocent people as shield. One is ready to play some tactics, to keep one away from law and justice for the protection. Due to such things, justice is always doubted.

It is said that justice delayed is justice denied. Today the number of pending cases, from local courts to the Supreme Court is more than many lakhs. This may keep all the courts to continue work for the next 25 years, even if no new case arrives. The condition is such that we common people are denied justice if so many cases are pending.

Can we not suggest for increasing the strength of judges drastically and also there should be greater use of digitalisation in the court proceeding? The courts are today following British legacy in their day to day working. Can we not attempt Business Process Re-engineering exercise (this Re-engineering exercise envisages that one can have a fresh look at the systems and procedures followed and the areas of duplication are identified, areas which are redundant can be eliminated etc.) in the Court's working. E.g. (1) today, there is some introduction of the computerization in the Court's working. The judgements are dictated on the computers directly. When the judgments are given only a copy is spared to the parties to the suit and the case papers are sent to the Registrars for storage. When the aggrieved party wants a certified copy of the judgment for approaching the higher court in appeal,

it requires a certified copy of it. If while giving the judgement if the concerned advocates are inquired by the Court about the required certified copies of the judgment, it can be given simultaneously without requiring any separate request, obtaining approval of the court, and quoting cost and finding from the records. All these efforts can be saved and lot of time can be saved in the process. There are number of issues where re-engineering exercise will be able to identify it and suggest an improvement.

(2) When the cases are transferred to other courts, the case records are not transferred along with the case and it takes unduly long time and the case gets prolonged.

In this context, after discussing with others, I suggest, “The law should be changed as to 100 innocents can be punished but one guilty should not be set free.” The process of giving justice is delayed when recurrently dates are given in the court cases. The lawyers ask for extending the dates as they are overloaded. So, rules should be made, as to how many cases should a lawyer have for a particular period, the number of times can a lawyer ask for dates. This will decrease in the number of dates as demanded by the lawyers. They will give stress on quality rather than quantity and getting justice will become easy. At the same time, the number of courts and judges should be increased. This will reduce the number of pending court cases.

We have many types of laws. New laws are made. New changes are made in the provisions of law. Appeals are made on the interpretation of the provisions. Cases are put in the court asking for the explanation. This is a part of the process and it can't be avoided. According to me, justice-giving should be considered as an emergency service. The courts should be available for 24 hours like

other emergency services, as hospitals, fire-brigade and police. The courts should be run in different shifts and the lawyers also should be ready to work in shifts. This will also save on the infrastructure costs to a great extent. Even holidays given to the courts need to be reviewed. If the system is planned properly, the number of pending court cases will be less and the delay in justice will be reduced.

Another important thing is appeal on the court's decision. If either of the parties are not satisfied, they can go in the higher court against the decision. This is called an appeal. The appeals are also pending in the courts. It is possible to make the number of appeals less? The cases should be handled with discussions and using the provisions of law, in the lower courts. If the number of appeals with lawful points from the lower court is less and if the points are less, the decisions should be Law taken early. The higher courts should decide if a case deserves appeals. Then the number of appeals will be less.

Many times, the provisions of appeals are used to avoid the implementation of the punishment from the lower court or to postpone a case. The guilty person can remain free as long as the appeal goes on. This is a reason why nobody is afraid of the law. If the courts take immediate step while getting the appeals admitted, then this malpractice may stop. People will have fear of law and the crimes will reduce. Today it so happens that a crime takes place during a certain period. Many years are taken for the court's decision. If a person is found guilty, he makes an appeal; again, many years are taken for the decision. Because of this the common people think of court and Administration of justice a farce. Is it proper, for the weak appeal from the lower court, to get admitted in the higher court and gives dates for the hearing?

The point is, complexity in giving justice. If a case stands in the court, it should be disposed of at the earliest avoiding the time taken and exploitation of the persons involved. The work should go on for 5 hours with proper dates and the case should be disposed. People will trust court, if everyone related to the court case has such mentality. The cases are pending for the concerned Government department delaying the submission of the required information to the court. Therefore, it should be made compulsory for the head of the department to give answer in a particular period. The responsibilities of the witness, lawyer, police officer etc. also should be binding by law.

One important point is that the punishable provisions in the process should be flexible. Such provisions should be more or less like the dearness allowance of the employees. A criminal can get bail for a crime on a petty amount. According to the seriousness of the crime, the amount of bail should be more or less, so that a criminal in a serious crime should not get bail easily.

## **Laws relating to Taxation and Levies**

Generally, the rules about income tax, excise duty change every year. The rates of income tax are changed on the annual budget.

Concessions given are taken off. Such changes are beneficial to some and burdensome to others. Then cases are filed in the court, different legal questions are put forth. As a result, the number of cases in the courts increases, till the hearings are done. This persists till the time of new budget. The stress on the system can be reduced, if long term policies regarding different taxes are planned and

changes in the law are made accordingly. It is true that a lot of time is taken in getting justice, but after the decision is given by the court, implementation in proper time is important. If the implementation takes a long time, it gives wrong messages to the society. For delayed justice, people feel that the decisions of the court are not given with due importance. Meanwhile in China, when there was adulteration in milk powder, the persons responsible for this were brought in court. The case was filed and they were given the punishment of hanging till death. It was implemented within six months. In India, the House of Parliament was attacked, in Mumbai, many innocents were killed and the cases ran for many days. The guilty lived long, enjoying the life. The implementation of their punishment was postponed. During the British period, Raja Rammohan Roy appealed to stop the tradition of 'Sati'. The British governor 'Lord Benting' took the immediate decision and stopped this system in respective caste, religion and politics. Today laws are made but not implemented; then what is the use of law?

One good thing the present Modi Government has undertaken is that the numbers of Acts which were redundant and have lost their relevance today are being scrapped. These were in force since British regime and in the process over 1000 Acts have been scrapped. I strongly feel that this should be an on-going process so that only laws which are relevant to the current situation will remain in force and misuse of laws can also be abandoned.

Now a day, financial crimes are rising. In such crimes, all the people don't have the knowledge and flaws in it. Many times, persons find some loopholes and escape. Apart from this, the punishments for crimes are of less duration. The provisions of such punishments should be

increased. (Off late the Modi Govt. has increased the punishments and introduced fast track courts also) In Maharashtra in Vidarbha – Marathwada regions, many farmers have committed suicides for financial reasons. On this background, is it proper that people acquiring money by wrong ways are not punished or given a very mild punishment? Our system Law can never reach the place, where the corrupt money changes hands and finally reaches the kingpin. The fish in the upper level of waters are caught and punished mildly whereas the main culprits are free. The person looting the hard-earned money of the common people should be harshly punished. Every rupee looted should be brought back. Then only we can say that there is law in this country.

The different systems of the govt. like economic system; education system etc. should have a law, deciding the responsibility of each official. If there are adverse effects of any mistakes, then who is responsible? According to the management principles the authority and responsibility should go hand in hand and where this principle has been followed the Government should establish accountability of the concerned person who is responsible for failure/ lapse and if found guilty he should be severely punished so that it will be a lesson for the others.

There may be laws which will make the Government responsible, also laws making the people responsible. They should be aware of their duties like their rights. Every citizen should be responsible for the society and the country. Taking bribe is an offence, so is giving bribe. If any citizen is trying to bribe the officers of the concerned system to suppress the mistake or offence, should be regarded guilty, a case should be filed and should be



punished. Any citizen giving fake witness, due to which other person suffers, should be punished. There are provisions in the law but are not implemented. Those who make the public places dirty or cause trouble to the people should be strictly punished to discipline the people. Now with the introduction of Unique Identity Cards – Aadhar Card and PAN cards this tendency of opening number of accounts in different bank has been arrested. It will be possible to check his accounts. Today people open accounts in different banks, do transactions under the names of wife and children. They try to hide their wealth to evade the income tax. Such tax-evasion will be curbed if we follow this rule. Similarly, many financial crimes can be curbed.

There should be a certain law for a person's accumulation of money and wealth. This is being taken care of by imposing higher taxes through Annual Budget for those who have income beyond certain cut off points. The reason for inequality in the society is the accumulation of money and wealth. The wealth collected gets transferred to the heirs. It is of no use to the society. I am of the opinion that the govt. should not put any restrictions on the income of a person or how he uses it. But a law should be made, according to which, half of his wealth and property will go to the govt. and the remaining half part will go to his heirs. If a person has Rs. 5 lakhs at the time of his death, 2.5 lakhs will go to the govt. and the rest 2.5 lakh rupees will go to his heirs. For this it should be made compulsory for the person to make a will. The govt. will make use of such money for the welfare of the poor. If a person has 100 acres of land, after his death, the govt. will get 50 acres of it and it will be available to the poor and needy farmers.

Many times, a person does the collection of property for his greed but use only 25 acres. The remaining 75 acres

is left barren, which is no good for a developing economy like ours. Therefore, keeping the wealth and property idle should be regarded as an offence. Today many vacant plots are seen in the city. After some days, they are converted into garbage dumping place. If a plot is kept vacant, then trees should be planted on four sides. A garden should be made in the space. Children should be allowed to play there. We see many old, rusted cars, trucks are dumped on the roads, which rather be scrapped. There should be a law to transfer such vehicles to the govt. The govt. should repair the vehicles and handover the repaired one to the needy people. The rest should be recycled. I feel that such collected things should be made useful to the society.

Today we see that the percentage of divorce has been increasing. By law, divorce is allowed. But I feel that it should not be made so easy. It is not good for family and social health. The conditions of alimony are put while allowing the person to get a divorce. But many times, the woman does not get alimony on time. She has to take the help of the court. A law should be made to collect the money of alimony to the court in advance. A provision should be made, if a woman doesn't get alimony from her ex-husband, she will get it from the court. The courts also should be made financially capable. The root cause of the increased divorces lies in financial security obtained by the women and the current life style and dynamism on which no one has control. When you are in the stream you should flow with the stream else survival will be in danger.

I also feel that the importance of a court should be imbibed on the minds of students when they are young. For this, visits of children should be arranged to the courts.

There is one more problem of late marriages and the present lifestyle of the urban youths and eating of junk food has given rise to a problem of reduction in the age of menopause. This has been the finding of a research in Bangalore which will have long repercussions on the society.

The working of the court should be explained to them. They should get the training of morality as the future citizens. The laws regarding environment also should be strict. Today there is degradation of the environment.

Climate changes are taking place. Perhaps there can be shortage of food-grains in future. Taking this in mind, we should re-think of our ways of working. Rules should be made and they should be strictly followed. Man power should be made available for the nourishment of the environment. For this, the school and college going boys and girls should be encouraged by rules. If such young people spend a few years of their life for the country, it is really a great benefit to the nation.

In China, the criminals are shot dead on the road. In Arabian countries, a person is whipped on the road. I don't think the punishments should be so cruel. But those who harm the society for example the 'corrupt, rapist' should be kept in a cage on the road? The people passing will see the culprit and he will be ashamed of himself. He will repent on what he has done. He may try to change himself. I feel that the people will see the punishment then nobody would follow the wrong path. There should be laws, giving opportunity to the guilty to improve. We know that Valya fisherman became sage Valmiki. It is believed that values like sincerity, dedication, sacrifice seep from upward to

downward. The laws and punishments should be such that the virtues are spread.

I have a great respect for law and the system of justice. But we see that the rules are not followed, which leads to uncivilized behaviours creating insecurity. For whom the laws have been made? Obviously for human beings. This means a person is important than the law. The administrative machinery implementing the law should see that the maximum benefit of the law should reach the people. People also should be made literate about the laws. The value like obeying the law needs to be imbibed right from the child hood and greater awareness need to be created as the child grows. Children should be explained the law, right from the 5<sup>th</sup> standard through the subject of civics. The important provisions of the law should be taught to the people. Then the society will become law-literate. Conscience will increase. Wrong use of law will become less. I also feel, 'even if law is equal for all, the highly educated person should be punished more strictly for breaking the law, than the illiterate or less literate person, because highly educated person has the ability to know law. He knows, it is wrong to break the law. He should behave responsibly in the society. He is not expected to behave wrongly.' We say that lawful state means Ram-Rajya. When will such state come into existence? When there is Ram. Who is Ram? The one praising a squirrel and the one punishing Ravana, these are the two aspects of Ram. This is an ideal system. If we want to have such system, then the law must be perfect.

