Strict Laws or Better Implementation

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Abstract

Laws regarding women safety are very strict in our country but we lack in its implementation as recently, a 20 year girl Santhal tribal women was raped by 12 men in West Bengal on the orders of kangaroo court called a Salishi Sabha. Her crime was to have fallen in love with a man outside her community. Through this research the researcher will try to find out that whether there is a need of new strict laws or better implementation of existing laws in the country.

“The world will not be destroyed by those who do evil, but by those who watch & do nothing.”

- Albert Einstein

Introduction

The term strict means something which is stringent, extremely defined, conservative strict laws means when the laws are of very direct when there is no other interpretation of that law. There are many laws which are implemented in its strict sense but there are certain laws which are made to be implemented in its strict sense but due to some reasons they fail to be implemented in the same sense as it was made. Strict laws and better implementation are not two different things but they are the two wheels of the same chariot they go hand in hand when there will be strict laws then only the implementation of that law will be done in the same manner as the law was made and vice versa when there will not be the correct implementation of the laws which are made then there will not be the use of making such laws because in both the case justice will not be served. Basically, law means rules and regulations which are made by the legislature to control each and every illegal act or activities or any offence by taking action accordingly and the person who committed the offence of any illegal act or activities shall be punishable as per the provision provided under the acts made by the legislature accordingly. The term strict means which is not be avoided or ignored. Therefore, strict laws are those laws which include all the acts or activities of any person which is illegal in nature or causing harm to any person or property etc., shall be liable to be punished by these strict laws made by the legislature.

Strict laws as well as better implementation are two wheels of one chariot means both are interrelated and they go side by side. The reason is that if there are strict laws but there is bad implementation of the strict laws then what is objective of making strict laws. Similarly, if the laws are very lenient in nature but there is good implementation then what is the fun of having good implementation, then the people saves them even after committing the offence because the laws are very lenient in nature.
Laws in India which need to be implemented in a better way

In India procedure as provided under Cr.P.C. or C.P.C. is very lengthy and also very time consuming. Due to which our legal system is very slow as it is bound by the laws made by the legislature. Once the case has been filed whether it is criminal case or civil case, it takes minimum 7 to 8 years to be decided even though “Justice delayed is Justice denied” as quoted words of William Goldstone.

Laws are being made and in India for a motive just to provide justice but now it is not same anymore, looking at the current situation in India the crime rate is increasing day by day as today we are in 2019 as so many amendments in certain laws then also we stand at the same place even today the condition is worst than before even criminals are now not afraid of the legal system because they are also aware that laws are there but the implementation of that laws are not being done in proper way so even they know that legal system in India is very slow so they are relaxed even if they commit any crime so the case will take atleast 8-9 years or even more even the end result will provide justice to victim but it is well said the “Justice delayed is justice denied.”

The famous case named Mukesh&Anr. v. State for NCT of Delhi &Ors¹, is the perfect example which will justify this topic as after this incident everyone was shocked as this was the rare of the rarest case ever happened in India so after this case many amendments were made in Indian Penal Code regarding rape laws section 375 - 376D and even after knowing the gravity of the offence then also till date the accused of Nirbhaya case are alive even after giving death penalty as punishment.

My main contention over here is that justice has been provided in this case as this was the best decision which our judicial system could ever give but somewhere we all know that this should have came earlier although our judicial system has been overburdened but for cases which are so brutal in nature should be decided in a speedy manner of different courts should be made for that purpose just to provide justice and to maintain a fear of legal system as in the minds of the criminals.

Everyone has their basic human rights and India has well maintain this legacy of providing the human rights to every person even who has committed the rare of the rare case or even to them who have killed the humanity.

Md. Ajmal Md. Amir Kasab v. State of Maharashtra², as this was a landmark case where a person named Kasab who was a terrorist attacked the Taj hotel in Mumbai on 26/11 and killed many people this incident shocked everyone across the world but here also when he was caught then he was given VIP treatment but after so many years later the court decided and he was hanged till death, justice was provided but it was delayed.

The main contention here is that India spend more than 31.40 crore just for protection of Kasab, a person who killed humanity and even after that he was proud of the act which he did he even said he did it for jihad he became a hero for his people by just killing number of innocent people our political system has spends lot of money on a terrorist but in our country only thousands of people are dying just because they are not having single time meal in 24 hours if that 31.40 crore was giving for development of our country or even given to farmers etc. that would helped in a better way today.

¹(2017) 6 SCC 1.
Strictness of Laws in India

In India the laws are not very strict in nature as compare to other countries such as Saudi Arabia, Iran, Syria and North Korea etc. In Saudi Arabia, to punish any person who is guilty of any offence, there is a concept of an “Eye for an Eye retaliatory punishment” which means a person who has injured another person shall be penalized to a similar degree and the person who inflicts such punishment should be the injured party. Even if a person who is committing the offence of theft, the punishment for the same will be the cutoff of right hand from the wrist but it is the discretion of the court means if the court directed. So, in Saudi Arabia there is fear in each and every person so, the person thinks twice before committing any offence because he/she know that if he/she caught while committing the offense then the punishment given to him should be very harsh.

But in India if any person who is committed the offence of theft under Section 378 of the Indian Penal Code, which provides “Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person’s consent, moves that property in order to such taking, is said to commit theft” shall be punished only with imprisonment for a term which may extend to 3 years or with fine or with both. Also if any person stabs another person and such person is died then also the court will classified whether the act committed is culpable homicide or murder and punished the accused accordingly as provided under Indian Penal Code, 1860 i.e., if there is culpable homicide not amounting to murder then the punishment shall be imprisonment which may extend to 10 years or life imprisonment and liable to pay fine. So, the person before committing the offence thinks that if he/she will be caught then he/she tried to prove his case as culpable homicide not amounting to murder, so that he/she get less punishment. Also, if any person who is liable for the offence of murder shall be punished with death penalty or life imprisonment and liable to pay fine but the death penalty is given in the rarest of the rare cases. So, there is very less fear in each and every person residing in India due to which in India the crime rate is also very high and the another reason of increasing crime rate is

that a person who had committed the offence such as murder one time, thinks that if he murdered one person or more than one the punishment will be same. Therefore, the laws should be made stricter (mainly provisions related to the punishment of offences as provided in Indian Penal Code or in other acts) by the legislature as compare to the prevailing laws so that person who is committing the offence thinks twice before committing any of the offence.

“Justice delayed is justice denied”
Strict laws should be implemented in the manner as prescribed but every law should have a period in which it should be decided and the punishment should be also granted for example if there is a rape case so as soon as case has been established so within a year or two it should be decided and punishment should also be given, this will create a fear in the minds of criminals as well as justice will be provided to the victim as today's scenario in our country is that if a crime has been committed in our country then the final verdict will come after 10-12 years after case is established so this is considered as an advantage for the criminals there is a lack of fear and if there will be a speedy trail then it will not only create fear but also crime rate will increase and as other countries have strict laws against certain brutal, inhuman acts so even India should also act in the same manner as to control the crime rate the best thing is to create fear even in the matters of false cases in which the victim is taking advantage of laws being made to protect them.

Country with Strict Laws
Discipline and strict enforcement of the policies and the laws of the land may be seen as harsh implementations by many but viewed as a necessary tool by others, the following nations are the champions of strict governance and implementation of their laws:-

1. North Korea: -In this country print, television and radio are censored and even in their country omens are not allowed to wear pants and men must cut their hair every two weeks and internet is given to elite section and they are also monitored.
2. Iran: -In this country the laws are much more based on philosophical theories and the laws are strict for the women as they have to wear hijab every time to cover the head and even wearing tunic and skinny jeans are strictly prohibited.
3. Syria: -In this country government has banned the technology and even cell phones and computers are rare to be in the country all publications should be approved from the government then published and no one can speak ill about the Syria government as it is an offence and imprisonment is there for the same.
4. Eritrea: -In this country the government has full control over news and media everything which is broadcasted or is air should be approved and everything which is to be published should be approved by the president office and no one is allowed to practice their religion in public as public worship is prohibited.
5. Equatorial Guinea: -In this country the law is that government has the control over the country and does not promote writing and reading and also there is no newspaper stands in the country and no tourist is allowed.
6. Saudi Arabia: -In this country laws are much more like Iran.
7. Cuba: -In this country no one can speak ill about government there is imprisonment for the same.
8. China: In this country it is a crime to put western idea in the minds of Chinese youth.

9. Japan: In this country it is a crime for damaging the money for one year and this country has the harshest laws for drugs in the world.

10. Singapore: In this country chewing gum, spitting and smoking can make you go to jail as they have strict laws for the same.

These are the countries which are having strict laws and even they implement them in the same manner to provide justice in these countries is any person commits any crime then that person is been punished for that offence any there the procedure is so strict that there is no delay in that process of giving punishments and if a person is has committed any heinous crime then there is a system of eye for an eye which means that for instance a person has committed a crime of murder or rape than that person is hanged till death or in some countries much more ill treatment is given to them.

Better Implementation of Laws in Women Safety

Laws regarding women safety are very strict in our country but we lack in its implementation as recently, a 20 year girl Santhal tribal women was raped by 12 men in West Bengal on the orders of kangaroo court called a Salishi Sabha. Her crime was to have fallen in love with a man outside her community. They were asked to pay Rs.25000 the man was able to pay the amount but the female failed to pay the amount so she was asked to rape.

In India women are considered as the property of males specially husbands and even considered as burden everyday more than 100 rapes are being committed but only 1-2 are being registered as people think that if they go to police station to report the matter so it will be against their reputation and everywhere they will be highlighted so just for the sake of their reputation they do not allow the girl to file case or even in some remote area the girl is killed but the rapist they are free.

Recommendation

According to me I would like to recommend that “strict laws or better implementation” these are two different things which should go hand in hand and to make the legal system work in more progressive way so there should be a time boundation for the case to be decided after the case has been brought in the court of law and the other thing which can be done is that for the cases of a very brutal nature or for the rare of the rare cases a speedy trial should be made so it could provide fast justice to the victim as Nirbhaya Case is still pending even after the verdict of the Hon’ble Supreme Court as they have not been hanged till now and they have committed such a brutal case which is amongst the rare of the rare case if our judicial system overcomes this delay than the crime rate can also be reduced as for now the person who commits crime also knows that there are many things to save our self and also they know that the delay or a case runs for years and years so the best solution is for these brutal of other offences is that there should be more fast track court to deal with different matters as a special courts and also limitation period for a particular cases should also be fixed as if the case is of murder so the maximum time period within which that case should be decided should be for instance say 2 years and even that should be tried with a special court so it will also divide the burden of court as in the present time the courts are overburdened and in one court room one judge is there and he has to hear all the cases related to
different subject matters so this solution can remove the burden and the division of the workload and special court will also decide the cases fast and the cases which are pending for 10 - 20 years will also be decided fast and also justice will be served which will be much more appreciate as the justice delayed is justice denied.

**Conclusion**

At last I would like to conclude by saying that if a country has a strict law and with this if the implementation of that law is done correctly then that will lead to better development and it will also reduce the crime rate in the country and when the cases will be decided early so it will also create a fear in the mind of criminals, a good law is a law which is implemented in the manner it was made. And also it is further concluded that there should be more strict laws as compare to prevailing laws and there must be better implementation for the same also. Because the currently, the laws are less strict and the implementation of laws is also bad whatever the reason behind the same either due to its lengthy procedure provided by the law or something else. As I have mentioned above that both are two wheels of one chariot means both are interrelated and they go side by side. The reason is that if there are strict laws but there is bad implementation of the strict laws then what is objective of making strict laws. Similarly, if the laws are very lenient in nature but there is good implementation then what is the fun of having good implementation, then the people saves them even after committing the offence because the laws are very lenient in nature.