

“Is Indian legal system too timid to hand Punishment”

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It is said Criminals dwell on the weakness of the legal system and the punishment given. This finds its place in the Indian Legal system, the recent cases does support this view Right from the Kasutari Lal V/s State of UP , Union Carbide case in Bhopal (sub judice) Reliance Infocomm , Upphar cinema (sub judice) .Let us review some of them in UCC the local authorities had not enough faith in their own legal system and went to America in hoping to get a big compensation were redirected to India .The court did came on heavily on the UCC and imposed a heavy penalty on them , but later it was revised . Justice Bhagawati says “We Indians do not put a heavy price on our lives”

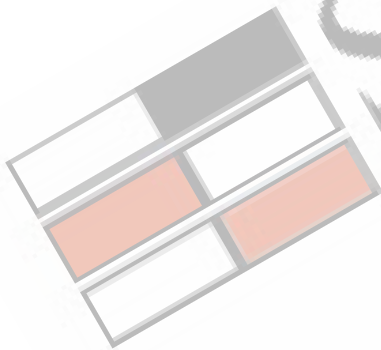
In the famous Enron case the DA’s office worked overtime to ensure not only to put Company execs behind bars but to permantly wind up Enron and its auditors Aruther Andersen and that too in Record time the case is close.

Compare it with India in Reliance Infocomm case where the defendants had made their own gateway to Send/Receive international calls without paying the usage fees to the Government, defendants had to pay a mere sum of fine and were send Scot free, the judicial authorities and not even taken into account the threat this caused to the National Security (Cyber Crime) as the calls were not being tracked.

There is a lesson to learn from all this That our Judgments create a new record in how low we can souped.The procedure of precedent in our country prevents in giving harsh penalties the need for landmark cases which can give much needed teeth to Legal system .Agreed that the landmark cases are not the only thing needed, but our Judges do not give harsh penalties because they fear it might be struck down by divisional bench in a higher court.

The Upphar cinema case (Sub judice) where even after 7 years of incident the case is stuck in lower courts. Where it is well known that the non-maintenance of the cinema hall led to the fire and all proprietor, MCD, Electricity board were all responsible but the great irony is that they are not at the receiving end but the families of the ones lost their lives.

It is known that the punishment given should take into account the financial health of the defendant but when a great loss to human lives, whether financial or death has taken place, there should be justice in giving harsh punishment so that it may serve as an example to others in the right way as intended Evil is Evil <>GOOD is GOOD.



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