

EXPERT TALK WITH MR. P SURESH KUMAR

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I had the opportunity to interact with Mr. P Suresh Kumar, honourable special judge, POCSO (Protection of Children from Sexual Offences) special court, Hosdurg, Kasaragod, Kerala. Sir has completed his Legum Baccalaureus (LLB) from Seshadripuram Law College, Bangalore, and has been working in the field since 2005. I am extremely honoured to have had the opportunity to interview sir and learn about his experience being a special judge.

1. What, according to you, is the main reason for the piling up of so many cases in the courts, and why do people take laws so lightly?

The main reason behind the huge pendency of cases in the courts in India is the huge disparity in the judge-citizen ratio. The number of judges is highly disproportionate to the population. The number of judges is 12 -13 per million population as against an estimated requirement of 50 judges per million population. The judge-population ratio in India is the lowest in the world. Moreover, 25-30% of the posts out of the existing sanctioned strength of judges are normally lying vacant at any point in time. A judge in India handles 4 to 5 times more cases every day than the maximum a judge can normally handle a day. This results in liberal adjournments and delays in the disposal.

Another reason is that the institution of cases in the courts far exceeds their disposal. More cases are filed every year than the number of cases disposed of. This amounts to adding up more and more cases to the existing pendency. Even if the judges struggle hard to dispose of matters proportionate to the pendency, there would not be any result. The pendency will remain the same or even higher, depending on the number of institutions of cases.

Yet another reason is the poor infrastructure of courts. The courts in India still lag in computerization and adapting information technology.

People take laws lightly not because the punishment for offences are inadequate. The people in India are very poor followers of our civic duties and have very poor civic sense. They are too reluctant to abide by laws, respect their fellow men, and maintain decorum in public places. This is the reason why people take laws so lightly.

2. Do you think the Indian society even now views domestic violence and mistreatment of women to be natural or as part of the society even if stringent laws have been imposed in the country?

The main reasons for domestic violence against women are the patriarchal mindset of people, lack of education, dowry system, traditional and cultural practices like Sati and Devadasi systems which once existed, financial dependency, insensitivity of law enforcement agencies, etc. It is true that different communities in India, once and for long, had a notion that women were inferior to, and they should obey, men. But, at present, Indian society at large does not treat violence against women to be natural or part of the society. Still, there are men and certain communities and groups who retain the same patriarchal mindset and gender-based authority and treat or believe men have the right to rule or overpower women. It is a paradox that despite constitutional provisions and laws to protect women from gender discrimination and violence, the cases of gender discrimination and violence against women increase day by day. It is not the lack of law or punishment that matters, but the mindset of men, which could be changed only by education, sensitization, and spreading awareness.

3. Is the Indian judiciary slow? In situations where other nations would have given stringent punishments, why is the Indian legal system taking too much time? Isn't it a reason for people losing trust in it?

It is not correct to say that the Indian judiciary is slow in disposing of cases. The judges in India strive hard to expedite trials of each individual case, but the huge pendency of cases in courts makes their efforts insignificant. The reasons for piling up cases and delay in disposal have already been discussed in response to the first question. It is true that people will lose faith in the system

when the courts take a long time for trial and disposal of cases. There should be expeditious trial and disposal of cases. As it is often said, justice delayed is justice denied. In order to reduce pendency and to render effective justice, we need more judges, the infrastructure of courts has to be increased, and the judiciary has to be equipped with advanced technology.