

Of Onus

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Abstract

Onus is most important in the court. It gets its highest application in each and every step of law. Every word has to prove by the concerned party. In any civil matter paper speaks. Through papers all the claims have to prove without any ambiguity. Here arguments must be crystal clear supporting by sufficient documents. In the criminal judgement onus is more important and serious in nature since it involves life imprisonment or capital punishment. Here arguments have to establish through papers and evidence as well. Here lies the uniqueness of onus rather than unique onus.

Keywords: Obligation, duty, responsibility, difficult task, unpleasant task, burden of proof, disagreeable necessity, stigma

Introduction

Creative writing is based more on manifestation rather than on expression. It does not inform, rather it reveals. So it bears no reference. The best creative writing is critical, and the best critical writing is creative. This article is an outcome of thinking about creative writing meant for a general readership. As such, I have adopted a free style methodology so that everyone can enjoy the pleasure of reading. As you might know, Francis Bacon (1561-1626), the immortal essayist, wrote many essays namely 'Of Love', 'Of Friendship', 'Of Ambition', 'Of Studies', and so on. The multiple-minded genius correctly pointed out that all the words of the dictionary can be used as themes for essays. But little has been done since his death to continue or finish his monumental task. Bacon's unique individual style of presentation ignited my imagination and encouraged me to write creative essays as a method of relieving a wide range of emotions through catharsis.

Article

Onus is something that is one's duty or responsibility to do something. For example: The onus is on you to show that you have suffered loss. The onus is on the landlord to ensure that the property is habitable. If you ordered something, then the onus is on you to pay for it.

It is a difficult or unpleasant task, duty, etc. It is responsibility for a wrong. It is blame. It is burden of proof. It is burden entry. It is a disagreeable necessity. It implies obligation. It is stigma.

Onus is a serious matter. It is the gentle man's contract. As such a casual person is unfit for this job. To implement it high intellect is

a must. Intellect is the chief ingredient of any argument. It is based on logic not magic. The fallacy should not be baseless.

The burden of proof may be upon the accuser or accused as per situation or law of that society or concerned nation. There is or should not be any hard and fast rule in this regard to overcome complicity rather for its smooth implementation.

If someone cannot prove the allegation brought by him then he becomes a laughing stock. Sometimes he is penalised as per the gravity of the concerned matter. So blame should not be for the sake of blame only. It should not be baseless. A fool blames without any proof. An intelligent person blames with proof. A wise blames never in spite of being damn sure who the real culprit is. If an honest person alleges and if he is asked to prove its genuineness then it causes his anger. He discloses his displeasure openly. He argues that his honesty is beyond question. Then why will he prove it further? A dishonest person does not show his anger so openly. He suppresses his displeasure with a smiling face and wins the game tactfully. He is a finished scoundrel. Even god can do any mistake but such an evil soul seldom takes any wrong step. He is so alert.

Someone has weight. It means the person is respectable and reliable as well. Thus he is genuine. As such everybody believes him. But none believes a habitual liar. Rome was not built in a day. Similar is the status. It takes too time to acquire and takes too little time to lose it. It just vanishes in the twinkle of an eye for any unethical or illegal deed. Fame is very difficult to gain and more difficult to hold it for long. It is easy to lose the good will. Its regain is very difficult. As such ill-fame reigns the world. It lasts long.

Onus is like a check valve of a machine for smooth flow. If this check valve is not kept then every person will be harassed unnecessarily to serve and satisfy the vested interest. This restriction is a tool to protect the chastity of person or place.

If a person alleges but cannot prove then he becomes a laughing stock in the society. He is punished if the authority and its administration are very strict. As such a wise alleges being fully confirmed. In contrast a fool alleges without any proof. A lay man alleges with wrong assumption. Yet sometimes baseless allegation is considered as true and an innocent person is punished. As such a shrewd person uses it tactfully to serve his purpose.

Generally, onus is imposed upon the accuser. Yet the accused has to state, at least verbally, that he is not liable. He is not bound to prove but his honest statement suffices the fact. Obviously it wastes time of a busy man. So he does not care it rather simply ignores. He may file civil suit. Here tact of omission is very important.

It is important which matter is to pay attention. More important which one is to ignore. It depends on the intellect of the concerned person. It is really an art. All is not artist. All cannot be artist. All are not destined to be artist. This answers why successful persons are numbered.

A sly culprit deletes the traces or keeps no clue of involvement. Then it is difficult to prove the crime thus committed. In any judiciary system crime is a punishable offence. Similarly more punishable is to remove the evidence. Further, it causes anger if the investigator is misled intentionally by the culprit through cooked story thus fabricating the fact coupled with manufacturing a new one.

Justice takes indefinite period of time. So it is delayed thereby denied. That's why they say judgement is merely a farce, because, it is difficult to fight against the rich or the stronger opponent who enjoys it spending money. The poor simply suffers. If state or any other powerful and influential person helps only then the have-nots may get justice.

It is alleged that law is nothing but cost, delay and last of all glorious uncertainty. Further, delay means denial justice. Now for this delay who is responsible: The law or the lawyer or the system itself is a million dollar question? To find the locus standi of onus is very difficult. None is ready to accept liability but very busy to transfer it to others by any means fair or foul.

Onus becomes difficult if it is false. Only a sly person can convert false into true or true into false through his gift of the gab and innovative mechanism. It is quite rare individual style. A fool is caught red handed for wrong steps. Criminal whatever intelligent may be leaves clue quite unaware.

False statement causes tension. Only a finished scoundrel does not suffer from tension. His nerve is so strong. He makes other nervous

through his cool brain. Common people are nervous. They cannot control their emotion. As such they are cool now and become hot in the very next moment. They have no base. Also they have no brake at all. They lack in stamina. As such they cannot or do not do crime. To them honesty is the best policy. It is the easiest way to survive. Also they adopt this innocent way quite their unaware.

Uncommon people adopt the avenue of dishonesty. They feel bored to lead a stereotype style. They like short cut method that cut shorts their lives. They prove this doctrine giving up their lives untimely.

Onus is a matter of an honest person. A timid person cannot do it. To do it courage is required. An honest person has the courage. Honesty is that very courage. A timid is deprived from this natural blessing. The honest soul gets this trait by default like a computer. Obviously, a dishonest person can take the responsibility of onus. A dishonest person maintains dishonesty through courage. He misuses courage for dishonesty i.e., evil purpose. Thus courage can either be used or misused for both the purposes as are faced with.

Onus needs not or should not be imposed upon an honest person. His word is beyond question. An unknown person has to face onus. He needs to face acid test to prove his genuineness. None believes a liar. As such question of onus is highly applicable to such an evil soul. Thus, onus is the yard stick to judge the status of any concerned person for a particular period of time.

If a person takes loan of money then onus is upon him to repay it timely. How will he pay back his loan that is his headache? Here failure to repay in time closes the opportunity of further loan in future. None gives loan to a sincere defaulter. A serious loanee repays the loan sincerely. He remembers the onus always. He needs not third party's reminder. He seldom blames others. He imposes onus upon him with much courage. He is mentally so solvent.

To keep relation alive both the lovers must communicate with each other regularly. The onus is upon the both to maintain it. Otherwise out of sight, out of mind factor will close the relation. It is a bi-partite issue seldom a one-sided event.

In mutual relation adamant has no room. If both the lovers hail from equal socio-economic status then relation tends to mature in future. In case of unequal status the relation does not last long. Here romance is just like cloudlet of autumn that goes away with the arrival of mild wind even.

A married person is responsible to support his wife. He is also liable to spend for the livelihood of his children. Thus onus is upon him to maintain his family. It is the example of common onus. It is quite normal. Onus becomes uncommon when a person takes the responsibility of an unknown person without any intention, return or reciprocation. It is quite abnormal. A Good Samaritan dedicates his life to serve the ailing humanity. He is super normal like Superman. That's why he is great. Here lies his greatness.

Conclusion

Onus is most important in the court. It gets its highest application in each and every step of law. Every word has to prove by the concerned party. In any civil matter paper speaks. Through papers all the claims have to prove without any ambiguity. Here arguments must be crystal clear supporting by sufficient documents. In the criminal judgement onus is more important and serious in nature

since it involves life imprisonment or capital punishment. Here arguments have to establish through papers and evidence as well. Here lies the uniqueness of onus rather than unique onus.

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No reference, since the present article is an outcome of Creative Nonfiction Writing.

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