CONCLUSIONS AND SUGGESTIONS

"Every case of preventive detention must be authorised by law. It cannot be at the will of executive."

- DR. B.R. AMBEDKAR

In the study and observations of foregoing chapters regarding the present situation of the society, the role of police, their duties, power and responsibilities, I come to the conclusion that there shall be a vital change in the provisions of law, modus operendi of police and relation with the community. The rate of increase in crime is higher than that of increase in population. Speedy Urbanisation in Maharashtra 40:60 in the proportion of Urban and Rural population, therefore Urban crimes are far more than the village crimes. Police staff is so less and they are always engaged in the crime investigation and bandobast for law and order for VIP's and during festivals. Police force have no time nor they bother about the crime prevention activities. They do not have primary knowledge about their primary duty of crime prevention. It is the main grievance of public that police are always come after the cessation of crime. They are not having any anticipation and precautionary measures. No accident-No speed breakers, if accident, then speed

breaker is the policy which is increasing in different fields. It is apparent that only police are not responsible for all these acts. But if there is re-orientation is made in the police department and if they seek the co-operation of public, it will certainly change the picture.

The primary duty of police is prevention and detection of crime. Therefore, prevention branch of police duty is to be separated by a special wing from top to bottom. The Local crime Branch and Local intelligence Branch (L.C.B. & L.I.B.), Home guards etc, are to be covered under it. Police shall work with public in committees lawfully enacted and formulated at different localities for implemention of different schemes. Victims of crime are much more than the criminal cases and the criminals in the society, therefore crime prevention activities is the only media to decrease the number of victims of crime. Rights of victims should come first than the right of criminals. The most important aspect of the police is to improve their image in the society by proving themselves as they are friends, and protectors of public safety and property. Woman police can perform a better role in these actions. Prevention of crime is a executive function and not a judicial function. It is the duty of police and Magistrate to control and prevent crime in their local jurisdiction by taking assistance of public. Without co-operation, help and faith of public it is unable for the police and executives to implement any activity. Their active and whole hearted participation can only promote these activities from grass root level.
From these conclusions I am recommending the following suggestions which may spell out the role of police in prevention of crime.

I.- SUGGESTIONS:-

1) A new branch of police under the name "Crime-Prevention Bureau" should be formed at the state level and it should have separate independent wing from the level of police station. There should be one special P.S.I. for crime prevention branch with his staff to each police station.

2) Village defence parties, should be enforced actively in every village in the state of Maharashtara with the amendment that educated unemployed youths within the Taluka should be appointed in it and their rewardable work should consider during the recruitment of police force.

3) There should be an amendment in the Bombay police Act 1951 on the basis of S. 58 of The Delhi Police Act and thereby empower the Commissioner of police and Superintendent of Police to form voluntary organisations in different localities in city or villages as "Nagrik Raksha Samities", "Public Defence Parties" or Crime Prevention Committees".

4) The "Crime Prevention Committees" should have Executives, police and prominent public representatives; at Police Station
level, taluka level, district level and State Level like "M.S. Legal Aid & Advice Scheme 1979". They should meet once in a month, hear the complaints of the society and the individuals and aid and advice them.

5) Executive Magistrate should be the Chairman and police prosecutor be the Vice-chairman of the Crime Prevention Committee. This committee should have a force to law to recommend the names of persons to be sent to "Crime prevention Home" or in the "Externment-Proceeding". Police station officer should be the secretary of committee and beat Head constables, Revenue inspectors, Zilla-parishad and panchayat samiti members, sitting or former MLA/MLC should be the Honourary members, other members may be from potential persons from different caste leaders, Ex-Serviceman, teachers, Doctors, Advocates, Businessman and reformed criminal. Out of the total members 1/3rd member should be from matured women and 1/3rd youths to be taken. Crime prevention committee (C.P.C) should submit its monthly report to the S.P. for supervision of D.M. and quarterly be sent to the State-Bureau.

6) There should be a institution of, "Crime-Prevention- Home" based on the scheme of "Observation Homes" for juveniles or "Open Jail" to keep the persons likely to commit offence out of the society for some period. It will help them and their followers that it is not a stigma to their character or reputation and there will have no serious gravity like sending them to jail or police custody.
At the same time purpose of executives and police will be served requiring Preventive activity to keep that person away from the society. There should be no impact on the detinue that he has not committed any offence till then he is punished. Most care is to be taken that he will not come in contact with hardened criminals and segregated from them.

7) S-151 (i) of Cr. P.C. should be amended and Executive Magistrate is to be empowered to send the arrested person in Crime Prevention Home not exceeding 15 days at once on production by the police and it cannot be exceeding 3 months in aggregate.

8) Image of the police should be improved by implementing the schemes in co-operation of public, by increasing salary, facilities, and eradication of corruption effectively.

Corruption is the major complaint against police and their adament and arrogant behaviour with public comes next to defame them. Corruption could be lay down by giving sufficient salary, facilities and hard disciplinary action is taken against them from higher level to lower level. But their behaviour with public could be improved by concious supervision by their higher authorities, proper educational training and the lawful public organisations through which they have to work. It is observed that if any one do his work in coalition with public at large, has less chances of corruption. Therefore central Govt. has started sending cheques directly in the name of Sarpanch of the village.
9) Proper Training and examinations of police:- Physical and mental fitness of police is the major requirement today. There should be physical fitness training regularly to them and their record is to be maintained by giving standards to them regarding weight, chest, belly, high-Jump, Long-jump etc. They should be send for training of Judo, karate, lathi, shooting etc. There should be a initial training on recruitment and there after for teaching them how to prepare Panchanama, investigation, and its evidentiary values with legal concepts. There should be a training of norms of behaviour, public relations and how to tackle the sensitive situations and circumstances.

10) Enforce the police community programme to bring police and members of community together in a continuous relationship in order to reduce suspicion, misunderstanding, hostility and to discover mutual interest and responsibilities. It also helps to introduced the citizens at large with the problem of police, the law enforcement agencies and the total community responsibility for law enforcement.

11) Crime Prevention Education :- There should be a lesson in the High School level in every standard from 5th to 12th & college level gradually regarding: The role of different
organs of crime prevention regarding traffic rules, rule of law, role of police, role of executive, role of judiciary, public administration, self-defence, athletics, first aid programme, rules of games and sports, addiction of drugs & alcohol, causes of crimes, and how to prevent ourselves & our society from it. Importance of licence & permits and how to become a law abiding citizen. How to assist police and how to take assistance of the police etc.

This education should also be implemented through the adult education in the Saksharata Mission, amongst the illiterate peoples. There should be seminars, literacy Camps, for the people be arranged by "Crime-Prevention-Committee" to enlightened the peoples regarding law and rules. People should know that laws are made for their protection and it is essential to follow, if we want a rule of law in our city or village.

12) Police should encourage the public to form "Voluntary Crime-Prevention Organisations" at town or village level. It will create an awareness among the people on crime prevention besides promoting a better relationship with police.

13) Prevention of offence is the statutory responsibility of the executives and not that of judiciary. Therefore, there should be a proper understanding co-operation and co-ordination between police machinery and the executives.
14) There should be patrolling and surveillance actively and keep proper record of bond of good behaviours, habitual offenders, and externed persons and strict supervision over them. If there is breach of any condition he must be put for action.

15) Good intelligence is the best preventive activity. It alerts the police prior to commission of offence. It is necessary for the police to show his ability with necessary co-ordination of public by making him as "Friend of Public".

16) Every case of preventive activity should be prepared and verified by the police prosecutors and along with all necessary documents it should be submitted before the Magistrate.

17) Police should create and maintain a feeling of security in the community, by their active and punctual duties to the public.

18) Use of Discretion:- Police should with the help of senior persons in the society resolve the simple disputes or conflicts and counsel to promote amity.

19) Police must help the individual who is in danger of physical harm complainant and his witnesses be protected from the danger of the accused.

20) In the case of Externee, the police should know and maintain his record of future activities to have a control over it and also communicate the same to the externing authority if found
otherwise. Externs may be kept in crime Prevention Homes.

21) There should be a District Crime Prevention Committee under the Chairmanship of D.M., Vice-Chairman (S.P.), Secretary (special additional S.P. for Crime Prevention Branch). The other ex-officio members should be M.P., M.L.A., Senior Police Prosecutor, District Govt. Pleader, President District Bar Association; Chairman and secretary of each Police station Committee, and other member are prominent district level leaders of different caste and professions. They should meet monthly or quarterly to observe the work of subordinate committees and take the decisions regarding their aids, complaints, actions and expenditure of funds.

22) The police must be the public service oriented with a specific goal of their duty to achieve public confidence. The Police organisation should function as a consumer service, where the consumer's satisfaction is the primary concern.

23) Police should implement the schemes in public like Neighbourhood Watch Scheme (NWS); Reconciliation cells, public group patrol scheme, crop protection scheme etc. through crime prevention committees or village defence parties.

24) Police should implement the removal of encroachments on the side of the road, install speed breakers near school, market etc. for smooth traffic and to prevent accidents with the help of local authorities and public. They should encourage the people
to take driving licences after due training, insurance of vehicle, cleanliness and for pollution free vehicle, good health and nature.

25) Juveniles and women which are found in the delinquency or in immoral activities should be handled by the women police very carefully and counsel them to rehabilitate in society or by keeping them in observtion home or in Mahila-Sudhar-Gruha.

26) Compensation to the victims of crime should be paid by the State Government in the cases of violent crimes on necessary enquiry by the Executive Magistrate. S-357 of Cr. P.C. should be amended and allow the Judiciary to consider separately about the point of determination regarding compensation in the event of aquittal of the accused on benefit of doubt. There should be a strong legislation for the protection of rights of victims of crime. Interim compensation should be granted to the victim till the disposal of case. As the prevention of crime is sole responsibility of the Govt. and the crime is committed by the accused therefore the Govt. and accused both are to be held liable for compensation to the victim. Driver should also be held responsible for compensation to some extent in the cases of his negligence in traffic offences in addition to vicarious liability.

27) There should be Police Exercises Center or Police Vyayam Kendra in cities and villages and they should be run under the
supervision of the senior police officer, thereby police and youth will be interested in their physical fitness. Special time also be provided for the women and public.

28) With the help of health department & local bodies police should implement the social activities like town & village cleaning programme, Blood-Donation camp, Eye Donation, Organ Donation, Insurance of crops- valuables and life; arrange games, sports, athletics, drama, cultural heritage, communal harmony activities etc. It will support the police to increase faith and confidence of the public in police department.

29) Special "Crime prevention Department" should be created. It should be empowered with all the activities and duties which police can do till the commission of offence. Once offence is committed then it will be the work of regular police (Crime-Detention-Department) from F.I.R.to filing of chargesheet and execution of sentence. Therefore this department is the division of prevention from the detection work of police. Crime prevention department is to be allotted with liabilities of maintaining law and order. Preventive measure are traffic control, preventive control over juveniles & women delinquents, patrolling, intelligence, bandobast etc., with the help of other police force, home guards, village defence parties, crime prevention committees and public.
30) Arrested woman in preventive activities should be kept in Mahila Sudhar Gruha which may renamed as, "Crime-Prevention-Home-For-women". The D.M., S.D.M., and Executive Magistrate should be empowered to remand them in these C.P.Homes for the period not exceeding 15 days but it could be extended maximum up to 3 months in the special circumstances.

31) In the college education and in Technical education institutes the certificate courses of driving and mechnaical Education of four wheeler may be undertaken, simulteniously with other subject. It will help in avoiding accidents and preventing traffic crimes.

32) Crime prevention department should also cover the department of probation of offenders, in case of breach of admonition or otherwise. The object of probation of offenders Act-1950 is to prevent the conversion of youthfull offenders into obdurate criminals as a result of their association with hardened criminals.

33) Jurisdiction of revision on the order of detention by Executive Magistrate should be made before D.M. and final revision before state Govt. Department of Home. 34) There should be some provision in law regarding release of detenue with his bond of good behavior to the satisfaction of the Magistrate with condition and undertaking to reside in any taluka place of different region. The detenue shall give attendance to police station daily till his period of detention. Detenue may be at liberty to reside privately within the range of that police station.
The above suggestions may be sufficient to the maximum extent to reorient the police in their duties, powers and responsibilities. The most important duty of police is the public service oriented police. Hence, police should perform their effective role in prevention of crimes only when they receive the effective support and assistance of the public at large. Crime prevention is the only way remain today with the police to perform their role in reduction of crime rate in the state of Maharashtra.

* * * *

***