CHAPTER VI

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The foregoing study reveals that the quality of justice determines the quality of society and governance. Just as pollution poison the atmosphere, the poor justice system poisons the social atmosphere. Equal and fair justice is the hallmark of the society. The quality of justice in civilized society largely depends on a quality of investigation, investigation agency, judges, magistrate and lawyers. Unfortunately, the justice in India seems to be almost completely dominated by lawyers and their vested interests. In total exclusion of other wings of administration justice system. Most of the people who are arrested even for serious offences are not tried promptly and were release at the first appearance by on the spot decision by unscrupulous argument submitted by the defence lawyers.

In every civilized society, the primary role of criminal justice system is to protect the member of that society. Justice system in this respect is a formal instrumentally authorized by the people of the nation to protect both their collective and individual rights. Another duty of any administration of criminal justice is the maintenance of law and order. Since crime and disorder disrupt stability in the society. Therefore, we have vested the criminal justice system with the authority to act as means by which the existing order is maintained.

Criminal justice dispensation is as old as the mankind. It is oftenly, said that the crime and man were born together. With the development of the society the criminal law, like other law has
under gone tremendous change. The concept of crime therefore, involves the idea of a public as opposed to a private wrong with the consequent intervention between the criminal and the injured party by an agency representing the community or public as a whole. In this view the crime is the intentional commission of an act or omission deemed socially harmful or dangerous and specifically defined, prohibited and punishable under the criminal law, which shall be in force for the time being.

In the modern civilized society only the violation of rules, regulations proclaimed and enforced by agencies of the government technically are crime. Although crime is sometime viewed in a very broad way as the violation of any important group standard of as the equivalent of anti social, immoral and sinful behaviour, much immoral behavior is not covered by the criminal law and violation of some laws included in the criminal code are not regarded as immoral or even anti social, or are so regarded only by a small portion of the population. No matter how immoral, disgusting of harmful an act may be it is not legally a crime unless it is covered by a law which prohibits it and prescribes punishment for it.1

The criminal justice system exists because society has deemed it appropriate to enforce the standards of human conduct so necessary to protecting Individuals and the community. It seeks to fulfill the goal of protection through enforcement by reducing the risk of crime and apprehending, prosecuting, convicting and sentencing those individuals who violate the rules and laws proclaimed by the society. The offender finds that the criminal justice administration shall punish him for his violation

1 For more details see Chapter 1 of the study.
by removing him from society and simultaneously will try to dissuade him from repeating a social act through rehabilitation.

The criminal justice administration is comprised of police, court and correctional machinery. The police is responsible for controlling crime, maintaining law and order and act as an investigating agency. The courts are prosecuting agencies in criminal justice system. Finally, the aim of the correction is institutionalizing the activity of the offender and rehabilitating into full and useful participation in the society

The *Dharamshastras* are the earlier literature of Sanskrit in which some detail of the law in the modern sense is available. During this period it is interesting to observe that for the habitant the crime principally meant an evil act done with certain degree of violent attitude. The criminal was said to be a persons who without minding the spiritual efforts of his acts was promoted by the absolute spirit of violence and openly engaged himself in causing suffering to others. All such acts were punished with fine and imprisonment. The punishment varied according to whether the offence was against the king or ruling authority or against a person.

Kautilya also dealt with crime in his *Arthashastra*. Robbery has been defined by Kautilya as sudden and direct seizure of person or property. Kautilya specify a very sound theory that each complaint must be judged by the proper consideration of the evident authority available. Fine were to be imposed even for doing mischief to plants and trees. The views of Kautilya in all these matters of criminal intent were very scientific and up to date.

The *Manu Smriti* contains twelve chapters, in which he has attempted to bring out a codinated growth of society, religion and
polity. During this period King have to simply execute the law and he himself was bound by it and if he goes against it he becomes adharmic (he should be disobeyed). Puranas are full of instances where the kings were de-thrown and be-headed when they went against the established principles of laws at that time. According to this divine theory, the State is created by God. The king was given the power to control and governs people by divine authority and power.

Yajnavalkya’s Smiriti is more systematic than Manu. He divided his work in three parts i.e. Achara (conduct), Vyavhara (law), Prayaschitta (expiration). During this period the king was primarily responsible for the administration of justice with the help of learned and virtuous assessors. He further said that the king should inflict punishment for those who deserve the same after ascertaining and taking note of the nature of the offence, the strength, age, a vocation and the wealth of the culprit.

Criminal justice administration during the Medieval period witnessed a sea change. Muslim they invade and some of them finally settled in India, as a result of this, they imposed an Islamic justice system in India. Muslims rulers who ruled during 16th and 17th century showed a remarkable tolerance, to the Hindu religion. They did not accept the Hindu law for themselves.

During the Muslim rule only the criminal laws was largely common to Muslim with the exception of application of oath and ordeal. Crime under the Islamic law was considered to be an offence against God or the ruler or a private citizen, and as such it was a private affair between the offender and his God.

The king, the representative of God on earth was consider as “fountain of justice”. He was supposed to exercised general
supervision over all the courts with in his territory. Qazi was most important person in the criminal justice system. Muslim rulers were very particular in appointing persons to these offices. The ruler alone had a power to appoint a person as a Qazi and he was invested with both civil and criminal power.2

In the course of time, Muslim society was confronted with new problems and the existing laws were inadequate to solve them. This gave a birth to the principal of Ijma and Qias. Ijma (universal consent) was accepted as a right solution. The Qias and Haddis were the analogous inferences based on the Quran. The punishment during this period was broadly classified as Hadd, Quisa, Diya and Tazir.

The administration of justice established by Muslim rulers was inherited by the Britishers during the East India Company period. The charter of 1633 issued by James-I in order to strengthen the hands of the company, in enforcing its laws and punishing the persons, subject to a jury trial. The Charter of 1661 conferred very wide powers on the company to administer justice in its settlement. This charter has two main features. Firstly, the judicial powers were granted to the governor and council of a company and secondly, justice was required to be administered according to English law.

The Charter of 1726 established for the first time three mayor’s court in three presidency towns on uniform basis. The mayor’s court had no criminal jurisdiction. The governor and five senior members of the council were appointed as a justice of peace in each presidency for the administration of criminal justice. They were empowered to arrest and punish for petty criminal offences.

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2 For more details see, Chapter II of the study
The charter of 1753, put mayor's court under the governor and council. These courts could try civil suits between European and natives.

In 1772, a new judicial plan was introduced by Warran Hastings. A court of criminal judicature called the Faujdari Adalat was established in each district for the trial of murder, robbery, theft, forgery, felonies, assault, quarrels, adultery etc. These Faujdari Adalats placed under the Sadar Nizamat Adalat. Sadar Nizamat Adalat was presided over by Daroga appointed by Nizam and assisted by chief Qazi. The chief Mufti and three Moluis supervise the proceeding of the provincial Faujdari Adalat.

The Regulating act of 1773 established the Supreme Court of Calcutta. The Supreme Court of Calcutta consisted of Chief Justice and three puisne judges. Chief Justice and other judges were appointed by His Majesty. The Indian High Courts Act of 1861 makes one of the most important changes of the development in the judicial system of India. This Act empowers the Crown to establish the High Court in the North-West region. These High Courts have both the original and appellate jurisdiction in all civil and criminal matters.

The Charter Act of 1833 played an important role in shaping and moulding the criminal system in Modern India. Lord Macaulay was appointed the member of the council under the Charter. Sec. 53 of the Act made provisions for the establishment of the law commission for the purpose of the codification of the Indian laws. The first law commission was appointed in 1834 and Lord Macaulay was appointed as its chairman. The first Law Commission made a very comprehensive proposal that an Act should be passed making the substantive law of England as the
law of the land. The Second Law Commission made a recommendation for the amalgamation of the Supreme Court and Sadar Court. As a result of these recommendations the Civil Procedure Code in 1859, Indian Penal Code in 1860 and Criminal Procedure Code in 1861 were enacted.

The Government of India Act, 1935 conferred a dignified position to the High Courts. This Act changed the structure of Indian government from Unitary Government to Federal. This necessitated the creation of federal court, as an independent court to decide the future dispute between the units. The Federal Court was set up in the Delhi in 1937. It consists of chief justice and six other judges. It had the original jurisdiction in the matters involving the interpretations of the Act of 1935 or of the federal laws or the determination of rights and obligations arising there under. The Federal Court was not a court of criminal appeal. The appeal can be brought only if the court concern gives a certificate. Otherwise, the Privy Council remained the highest court to which appeals from High Courts in criminal cases can be taken.


The Criminal Procedure Code of 1973 and the Police Act, 1861 conferred various powers to the police these include the registration of First Information Report, conduction of investigation, arrest of person, grant of a bail, seek police custody, submit a formal charge sheet, maintain police diary, produce a person before a magistrate and maintain law and order in the society.
The Criminal Procedure Code also provides a provision for the constitution of criminal courts and other offices. Code further makes a provision that besides the High Courts and courts constituted under any law other than this Code, there shall be, in every State the following classes of criminal courts namely Court of Session, Judicial Magistrate of the first class and, in any metropolitan area, Metropolitan Magistrate, Judicial Magistrate second class, and Executive Magistrate. The Criminal Procedure Code gives to the High Court various powers including those relating to reference, appeal, revision and transfer of cases. The Code also recognizes the inherent powers of the High Court to prevent the abuse of the process of any court, or to secure the ends of justice.

The Supreme Court is primarily a court of appeal and an extensive appellate jurisdiction has been conferred. Articles 132 and 136 of the constitution deal with the appellate jurisdiction of the Supreme Court in constitutional, civil and criminal matters. In criminal matters the Constitution of India for the first time set up a court of criminal appeal over the high court and creates a right of second appeal. Article 134 of the Constitution for the first time, provide for an appeal to the Supreme Court from any judgment, final order and sentence in the criminal proceeding of a High Court as of right where the High Court has on an appeal reverse an order of an accused and sentence him to death. An appeal may lie to the Supreme Court in the criminal case if the High Court certifies that the case is fit one for appeal to the Supreme Court.3

The Criminal Procedure Code, 1973 also provides a detail provisions for the grant of bail and bond. High Court and the Court

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3 For more details see Chapter III of the study.
of Session also empowered to grant anticipatory bail when any person has a reason to believe that he may be arrested on an accusation of having committed a non-bailable offence and if the High Court and Court of Session may think it fit, direct that in the event of such arrest, person shall be released on bail. In all the trial under the Criminal Procedure Code the accused is to be informed to the accusation in the form of charge, then the charge to be read and explain to the accused person. Every charge shall state the offence with which the accused is charged. If the law which created the offence gives it any specific name the offence may be describe in the charge by that name only and if the law does not give only specific name so much of the definition of the offence must be stated as to give the accused notice of the matter with he is charged.

Separate provision has been made for the offences of serious nature and the Court of Session conferred with the powers to try these offences. Offences less serious in the nature are triable by the Magistrates of different categories. Judicial Magistrate of first class is also empowered to try petty offences as summery trial. After considering the offences put forth by the prosecution and the defence, the judgement to be deliver by the courts. In case of sentence, person sent to the prison. During his stay in the prison, prison administration to take care of him.

The accused person may be release on parole and probation. This release from prison is a conditional subject to his conduct and behaviour in the society and his acceptance to live under the guidance and supervision of parole and probation officer. In case a accused person is juvenile than he is to be prosecuted and punished under Juvenile Justice (Care and Protection) Act, 2000
and almost in all the cases he is to be send to various type of correctional institution under the Act for his further rehabilitation and re-socialization.

In our constitutional scheme, Indian judiciary has been assigned the role of insuring social justice and envisaged in the Preamble, Fundamental Rights and the Directive Principles of the State Policy. Indian judiciary led by the Supreme Court has exhibited a judicial activism in clearing the misconceptions about the concept of the criminal trial under the procedure prescribed in the country which has resulted in the weakening of the criminal justice system.\textsuperscript{4} Realising such misconception, the Hon'ble Supreme Court in the \textbf{State of Punjab v. Jagir Singh}\textsuperscript{5} observed:

\begin{quote}

a criminal trial is not like a fairy tale where in one is free to give flight to one's imagination and fantasy. It concerns itself with the question as to whether the accused assigned at the trial is guilty of the crime with which he is charged. Crime is an event in real life and is the product of interplay of different human emotions. In arriving at the conclusion about the guilt of the accused charged with the commission of a crime, the court has to judge the evidence by the yardstick of probabilities, its intrinsic birth and animus of witness. Every case in the final analysis would have to depend upon its own facts. Although the benefit of every reasonable doubt should be given to the accused, the court should not at the same time reject evidence which is ex facie trustworthy on the grounds which are fanciful of in the nature of the conjectures.
\end{quote}

Again in \textbf{State of H P v. Lekh Raj and Sons}\textsuperscript{6} the Supreme Court observed that, criminal trial cannot be equated with a mock scene from a stunt film. The trial is conducted to ascertain the guilt or innocence of the accused arraigned. In arriving at a

\textsuperscript{4} For more details see Chapter IV of the study
\textsuperscript{5} AIR1973SC2407
\textsuperscript{6} Judgment Today, 1999(9)SC 43.
conclusion about the truth, the courts are required to adopt a rational approach and judge the evidence by its intrinsic worth and the animus of the witnesses.

Justice P. N. Bhagwati in *Hussainara Khatoon v. Home Secretary, Bihar* emphasized that:

When an undertrial prisoner is produced before a Magistrate and he has been in detention for 90 days or 60 days, as the case may be, the Magistrate must, before making an order of further remand to judicial custody, point out the under-trial prisoner that he is entitled to be released on bail. If there are adequate grounds to Magistrate may extend the period - not excluding 60 days, for detention of an accused in the police custody. On the expiry of the period person should be released on the bail.

In the cases of arrest the Supreme Court in *Joginder Kumar v. State of U.P. and others* held that:

No arrest can be made because it is lawful for the Police Officer to do so. The existence of the power to arrest is one thing. The justification for the exercise of it is quite another. The Police Officer must be able to justify the arrest apart from his power to do so. Arrest and detention in police lock-up of a person can cause incalculable harm to the reputation and self-esteem of a person. No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person.

After all, function of criminal court is administration of criminal justice and not to count errors committed by the parties or to find out and declare who among the parties performed better.

In *Babulal Das v. State of West Bengal*, Krishna Iyer, J. however struck a discordant note and adopted the observations made by the Calcutta High Court and observed:

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7 AIR 1979 SC 1377.
8 AIR 1994 SC 1349; 1994 CrLJ 1981
It is fair that persons kept incarcerated and embittered without trial should be given some chance to reform themselves by reasonable recourse to the parole power under S. 15. Calculated risks by release for short periods may, perhaps, be a social gain, the beneficent jurisdiction being wisely exercised.

The term police is derived from the Greek word ‘polis’ of its Latin equivalent ‘politia’. The Latin word ‘politia’ stand for State and administration. Ernest Pround defined the police power as, "the power of promoting public welfare by restraining and regulating the use of property and liberty." In every state there are number of laws, rules and regulations clearly lay down the power of the police. These powers have been given to the law enforcement agencies so that society can be saved and safeguarded from the forces of lawlessness and disorder. In enforcing law, police can exercise discretion in the several fields i.e., in making arrest, search, detention, submission of charge-sheet etc.

The history of police administration is as old as the history of organized human society. When the groups were small, it was possible for each person to do all that was needed for the existence. He could hunt, roast meat, draw water, cut trees, lit the fire etc. But, when it came a controlling force of nature, more specialized skill was necessary and people had to be kept at particular jobs to develop special skills. Then it became necessary to develop codes and conventions of conduct in the society. The ability of society to tackle successfully, the innumerable challenges every day from nature and from internal and the external sources entirely dependent on its power to maintain its internal order, in this way police performed its functions.

Police system was also available during the ancient period in the form of spies. During the Medieval India Muslim put all the
provinces under the control of Subedar. They were responsible for the criminal justice system and keeping law and order within their respect jurisdiction. As Mughal Empire declined this system begin to disappear. The Britishers took over the charge and control of province after province. In 1816 Madras Regulation XI was passed. It established uniform pattern of village police throughout the presidency. This regulation also created the office of Superintendent of Police.¹⁰

Madras Government appointed the Torture Commission in 1858 to examine the existing organization of Madras Police. The Commission recommended that the Superintendent of Police should be appointed in each district and appointment of Commissioner of Police Operation through a centralized administrative agency. Another Police Commission was appointed in 1860 and recommendations of this. Commission were incorporated into the Police Act, 1861. This Act is still in operation throughout India. Act made a numerous provisions for police powers, duties, responsibilities and functions.

The police organisation in the state of Himachal Pradesh is primarily governed by the Police Act, 1861 and Punjab Police Manual. The whole State is divided into three range i.e. Southern range, Central range and Northern range. The headquarters of all these ranges remains at Shimla. The twelve district of Himachal Pradesh further divided into 84 police stations, 99 permanent police posts, 27 temporary police posts and five external permanent posts in railway traffic.

The study reveals that law and order situation in Himachal Pradesh is comparatively better than other states. Police in State is

¹⁰ For more details see Chapter V of the study.
performing its duty with dedication and discipline. Analysis of the Annual Administrative Reports of the police from 1999 to 2005, clearly indicates that police role in Himachal Pradesh is praise worthy.

Suggestions

Therefore, in view of the above observations, the following suggestions deserve for the consideration:

For implementing speedy criminal justice large number of courts are to be established in those areas where large number of the cases are instituted, for early disposal of cases this is necessary because it will be an extra ordinarily work load on the part of judicial magistrate to dispose large number of criminal cases, where more courts are necessary. Retired judges, jurists, law teachers, eminent lawyers, shall be invited to deliver lectures on special skills, tactics for speedy disposal of the criminal cases. This will be of enough help to the learned judicial magistrate expediting the criminal trial.

For effecting speedy criminal justice in respect of trial of summons and warrant procedure cases, a time limit must be fixed for conclusion of trial with a condition that all sorts of dilatory and notorious tricks by either side for defeating the purpose of the fair trial by adjournment petitions or other petitions for hampering the progress of the trial shall be severely dealt with by inflicting heavy cost and in such circumstances the trial period shall be expended.

A separate independent authority, by what ever name called fully insulated from political interference comprising a chairman and at least two members (with the Director General of police of the concerned State or Union Territory as ex-officio member),
should be created in each State or Union Territory to supervise the progress of investigation and regulate the flow of cases to court by examining if the case is *prima facie* strong enough to be put up for trial before the report under Sec. 173 of the Criminal Procedure Code, 1973 is submitted. The appointment of the Chairperson and members should be made with the concurrence of the Chief Justice of the State. This will also reduce the number of under trial prisoners and avoid their association with hardened criminals. This will help to reduce the volume of weak cases being carried to court.

An independent investigation agency should be established, under the exclusive control of the authority contemplated in the previous paragraph, which should impart intensive and extensive training in scientific investigation that would eschew partiality, bias and third degree practices and be answerable for posting, promotions and the transfer of said authority only. Such agency should have facility at all the major police station in the city for providing immediate finger print, forensic and pathological assistance to the investigation officer, while awaiting the official report to arrive from the established laboratory and figure print bureau.

The concern government should work out a time table for equipping the investigation machinery with the skills and tools needed for the scientific investigation.

The sections 13 and 18 of the Criminal Procedure Code provide for the appointment of special judicial magistrate and special metropolitan magistrate respectively, upon receipt of a request from the concern government. The person to be appointed should be one "who holds or has held any post under the
government” provided he or she possesses such qualification or experience in relation to legal affairs as the High Court may, by rules, specify. The empowerment may depend on the experience of each person so appointed. Researcher is of the view that the traffic cases and such of the cases falling within the table under sec. 320(1) of the Code of Criminal Procedure, 1973 can be dealt with by such appointees. The procedure is that they would follow would be outlined by the High Court, depending on the extent of power conferred on them. This would lessen the burden of the regular Magistrates. If the experiment is successful, powers can be enlarged from time to time.

In the scheme of the trial of the criminal case, the appearance of the accused is the first stage, the second stage is the framing of the charge, the third stage is the recording of the evidence, fourth stage is the examination of the accused under Sec. 313 of the Code of Criminal Procedure, 1973, fifth stage is the hearing of the argument, and last stage is the judgement. It is necessary that short adjournments are given till the case reaches the stage of the framing of the charge. After framing the charge, there is no point in recycling the case in calling once in a month or two.

The categorization of majority of offences as non-bailable appears to be for name sake only. The content and text of the provisions of the section 437 of Criminal Procedure Code, 1973, on a careful reading makes almost all offences bailable. If the offence is punishable with the imprisonment for more than seven years a discretion is endowed in the court to grant bail on conditions, which by converse implication could be interpreted to mean that rest of the offences are bailable with out any condition. To
categorises majority of offences as non-bailable in the present context of the court is very irrational. Keeping in view the public and social interest, only grave and select offences have to be categorised as non-bailable and rest of the offences to be identified and made bailable as a matter of right.

The provision of the anticipatory bail gives a very confusing projection of the objective of the law. Before the Incorporation of Sec. 438 of the Criminal Procedure Code, 1973, the absconding of an accused was a serious negative point for obtaining bail. However, sec. 438 in its practical use encourages the accused to abscond and keep him away from the process of investigation. The guidelines and the test applicable in the grant of the bail should be made invariably applicable for the grant of bail under sec. 438 also. The system on the subject on bails by and large functions by the precedent. There are divergent conflicting precedents projecting confusing picture to the trial judiciary in exercise of discretion. Therefore, to obviate the confusions, a legislative exercise is very much necessary in this behalf as suggested above.

Bail should normally be the rule and the jail an exception and the legislature should not restrict the discretion of the court in the matter of the grant of bail by imposing difficult and impossible conditions to be met, as in case of POTA and MACOCA.

In most of the courts of Judicial Magistrates (particularly in the Metropolitan cities) large number of criminal cases is pending for execution of warrant and proclamation against the accused persons. These cases hamper the progress of new cases in the criminal courts. After a considerable period of time, these criminal cases must be "filed for the present", otherwise these cases will create an obstacle in the speedy disposal of cases.
A more liberal (pro-active) role should be allowed to the Magistrate and the presiding judge than enjoyed at present, to get to the truth by putting question through court.

If and only if, all the existing safeguards provided by the Criminal Procedure Code and the Evidence Act in favour of the suspect or the accused continue and are not diluted through adverse presumption and exceptions built into the law, the degree of proof required could be “preponderance of probabilities”. However, the presumption of innocence should apply and the onus of proof should, throughout the trial, rest on the prosecution.

Since the accused has a right to be defended by lawyer of his choice or through the legal aid system, he should be informed his right immediately on arrest and his counsel should be permitted to advise him during investigation. This would also act as a restraint on the use of third degree method.

Legal aid to be provided to the accused should be of a high order, particularly in cases where the sentence provided is of five years or above. It must be remembered that the legal aid is the matter of right under Article 39-A of the constitution and should not be reduced to a mere formality by providing an inexperienced or incompetent advocate. So also, in sensitive matters, where highly reputed or senior lawyer represent the defence, it may be advisable to engage a reasonable competent lawyers as special public prosecutor to present the prosecution case.

The term of the employment of the public prosecutor should be liberalized and their emoluments should be revised upward to attract the good talent to match competent defence lawyers, and similarly, the lawyers of reasonably good talents should be engaged
to defend the accused under the legal aid scheme or as required under Sec. 304 of the Criminal Procedure Code 1973.

It is necessary that very strong measures should be taken to stop the growing tendency of lawyer's strike. The subordinate courts shall not take cognizance of any resolution passed by Bar Association to strike, and to stop judicial work. The presiding judge concerned should not entertain or circulate any such resolutions amongst the judicial officers in his judgesship. The Judges/Magistrates should sit in court during court hours and should pass orders in cases listed before them, whether the lawyers are present or not. The judicial officers must strictly adhere to court hours and perform the entire judicial work on the dais, and should not accept any request to rise, or to stop judicial work on the request of lawyers or litigants. In case lawyers do not attend to work the judicial officer should proceed to work, heard the parties personally and pass necessary orders in cases requiring no further evidence.

It is also suggested to separate the investigation agency from the law and order police, such separation can be made in the urban area in all State as beginning. In the State of Uttar Pradesh this separation has already been put in to effect. The investigation officer of the crime police should be at least of the rank of ASI and must be graduate, preferable with the Law degree and having five year experience in the police work

In most of the prison today, one third are remand prisoners and under trials, one third are short terms and only the remaining one third are long term prisoners, cases alone the correctional process has some meaning. One of the earliest and most compelling needs of the prison reforms, therefore will surely be to
convert this distressing heterogeneity in the prison population to some reasonable measure of homogeneity facilitating appropriate treatment.

Releasing on the probation, with or without supervision, is the most important and about the most practical of the alternatives to imprisonments. This has been conclusive demonstrative by the benefits that have accrued to the effected subjects and to the community at large, during the past few decades when the probation system has been vague in our country. It is also considerably cheaper to the state than maintaining the prisoners in the custody. It is thus not for nothing that the probation has been universally acclaimed as the trusted remedy for the problem of short term prisoners. The Probation of Offender Act, 1958, is a comprehensive measure and provides ample scope for utilizing admonition, probation and compensation in lieu of imprisonment.

The purposeful administration of criminal justice can not be effectively implemented without proper orientation at all levels and the coordinated functioning of all three agencies involved in this process i.e., the police, the criminal courts and the correctional administration consisting of the prison service, the probation service and the correctional agencies only when this vital coordination is secured at all stages and all levels will it be possible to achieve the real purpose of the crime prevention by the reformation and the rehabilitation of the criminal.

In order to make people aware of court procedure regarding the posting of the case for evidence or other stages, wide visual media publicity should be given, so that people also aware of the
significance of the posting of the cases and the importance of attending the proceeding at the relevant stages.

The administration of justice is already heading towards a paralyzed coma stage and if urgent steps are not taken in the above lines it will collapse totally and forever on its own weight of delay.

Finally, it is suggested that every State government should enact their own Police Act because the Police Act 1861 is already 145 years old and it also required amendments or new look. Where as the State of Himachal Pradesh is concern the unfilled vacancy in the police department (almost 20%) be filled and budget to police department must enhance proportionally.