CONCLUSION

MAJOR FINDING, SUGGESTION

Conclusion

To conclude all the chapters contain in the thesis as ‘Concept of Human Rights- A study with special Reference To Amendments Made Into Indian Criminal Law which clear the Human Right position in ancient period, era of Islamic caliphate, position of Magna carta. Movement of the Human Right in modern period evens the philosophy behind the Concept of Human Right, classification of Human Right.

If the position of Human Right in Indian the concept of natural Law and rule of Law was in existence the detailed study of ancient Indian history which reveals the position. The detailed study of ancient Indian history which reveals that Indians and the kings in India was not in harsh in nature to give imprisonment to the accused though there was the concept of human right which was already exists in Indian culture and scriptures.

Amongst the whole world if we see Indian peoples the culture to give good treatment not only to Indian but also the foreigners. They always donate Food to the beggar or any poor people in society. The harsh punishment likes to cut limb of an accused theory not applied in those days.

The Manu who define as the King to uphold the laws & much subjected to law as other person. The king Asoka tenure the torture and in human treatment were prohibited. In ancient days king personally administer their Kingdom.

Even the same condition was exist in medieval and modern period now in Indian Constitution which guarantees privileges in all spheres-social, economic and political to women of India. The Constitution of Indian which guarantees the rights of the citizen and the article like 20 which also protect the right of accused person.

It may be stated that the crime ratio cannot be eradicated completely but if the state department of Family planning be assigned the additional responsibility of warning the public about the evil consequences & consequences of illicit sex-indulgence of mobilizes public opinion against the menace propaganda.

In this the role of law enforcement agencies such as police, the lawyers the magistracy, the rehabilitation centre’s as also the voluntary social organization in combating criminality hardly needs to be emphasized.

The law in only the instrument through which crime can be prevented provided the law enforcement machinery implements the provisions of law efficiently. This is possible only with the active co-operation support of concerned agencies. Unfortunately, general lack of understanding and co-ordination among the police, the prosecutor and other agencies and a tendency to criticize each other’s performance is hampering the suppression of the crimes and conviction of offenders.

The emerging human right jurisprudence at home and abroad requires all public authorities to act not merely corruptible with the global perception of the right to live with human dignity but resort to all possible
means and strategies to strengthen and ensure the Fundamental right to life and liberty of a woman who is victim of crime.

In the case state of Maharashtra vs. Madhukar Narayan. The supreme court, without referring to Article 21, has held that even a woman of easy virtue is entitled to privacy and no one can invade her privacy means no person shall disturb her peace as and when likes.

From above it is clear that this study of human right from the point of view the rights of victims, prisoners, juvenile and its effect and protection given under Indian criminal law and the necessity for the amendment has defined which is very important for progressive society and Amendment as per article 368 of the Indian Constitutional Law is needed for the progressive society.

**Major Findings**

There is a pressing need to have a well-structured scheme of intervention and assistant in case of criminal law amendment as per human right concept. The study also present a case substantial over haul in the policies and practice in favor of crime victims.

1. Human rights still remain as a deprived lot/right of society. Their rights are observed more in violation than in adherence.
2. Discriminatory practice range exclusion of human right such as rights of accused, rights of woman rights juvenile (conflict with laws) from development programmers to economic disparities in Indian laws failed to define the need of this section of society.
3. As regards to protect human right and general welfare there are laws manifest clear and open bias against their condition.
4. Some concrete reforms are needed in favor of accused, women juvenile to ameliorate their condition.

The content and ambit of human right laws must be comprehensive covering areas of marriage, divorce, inheritance, guardianship rights.
In many cases human have acquired confidence and manage to make some noticeable effect in society. Most of the general public specifically accused, women and juvenile not aware of their basic human right thinking is that this is also for us.

The findings of the study supported all the hypothesis prescribed for verification the present study. In many cases human have acquired confidence and manage to make some noticeable effect in society.

Though human rights in sphere of Indian criminal laws amended as per the need of the society and consider the victims right women prisoners right, juvenile right even the rights of accused are considered as basic right.

There is some awareness among the accused due to amendment made in the law. But there is need for appropriate training and education related to ‘human right’ of the functioning justice system.

There is big lacuna in our Criminal justice system as there are no stronger laws/Acts or statute to protect person from different types crime. The Criminal justice that is police, prosecutor and judiciary if we see position becomes for more serious in rural areas where the women police is almost non-existent and the cases are invariable handed by uncaring and unconcerned staff of police.

The judicial response in this context is very poor, as most of the accused person was released due to lack of evidence or due to taking advantage of the lacunas in the present laws.

The legislative provisions are also not sufficient enough; to curb the menace of the crime Punishment prescribed is also not deterrent enough to deter the wrong doer Despite all progressive judgment by the higher judiciary on these subjects the victims of sexual violence continue to suffer.

**Pending cases:-**

In Indian courts there are several criminal cases pending in the courts. The Court are heavy burdened with cases, The judiciary which is the important organ of State but there are no sufficient fund to improve standards, strength not only to officers but also staff of the court in administration of Criminal justice.

Due to lack of funds, staff, courts etc. several criminals are put in the prison without inquiry. If the strict punishment is imposed on them that will become very less quantity than actual imprisonment.

**Drawbacks in Criminal justice :-**

In Indian Criminal justice there are several defects criminologist, sociologist jurisprudents and psycho-analyst eminent experts in crime felt that the justice system should punish the convicts from retribution to correction.

Now a day’s court in sentencing process follow the principle that they do not pay attention on the gravity of offences, but on the offender who habitual offender court impose more severe punishments and if the offender commits rape or sex related offence against woman offender should strictly give enhance punishment more severe in nature. Convicting an accused is not an end in itself the above are defects in Criminal justice system.

The major causes of crime are social, economical and psychological causes to increase more crime rate in society.
Lack of education and legal knowledge:-

Education is considered as the means for development of personal and awareness. But in India the rate of literary is not more a compare to other developed countries.

If we talk about legal knowledge the Courts follow rigid rules and procedures there are some officer like police even the other officers are lack of legal knowledge, rules and procedure. If the officers having knowledge but the failure to apply and implement in procedure they do not file the case property due to the technical grounds and proper sources, this is the reason the criminals are acquitted &once a criminal acquitted, he take the court easy and lenient and continues to do an illegal act.

Corruption :-

Now a day’s India has been polluted with high rate corruption. Each an every field is polluted with this corruption the failure of administering Criminal justice system is because of corruption. It is hopeful to note that our courts have taken initiative steps to our Courts to curb corruption in all the department of the country including politicians.

Suggestion
After collection of data researcher has come with the following suggestion in order to improve the functioning of law enforcing mechanism to control and prevent. The researcher has given the following suggestion on the basis of above study the right of women and child, refugees, victims, accused person, prisoners etc. and there rights should be opened to civil society organization as this would help in ensuring transparency and accountability in the administration. Existing laws and arrangement should be reviewed so that could exercise their right to vote.

- Laws especially criminal laws should be amended from the indeed need of the society.
- There should be the strict and enhanced punishment to the offences against women.
- The government should have to support the non-governmental organization and research institutions which conduct the studies on human right as compares to Indian Constitution.
- Scientific work should be undertaken to find out root causes-
  - It is desirable that some scientific work should be undertaken in criminology to find out the root causes of the rape. Human behavior has changed and so the latest technique and invention in the field of human behavior. Some empirical work is suggested in the field. The Central and the State governments must allot enough funds for researches.
- Reformative attitude- since, crime which is evil in the society the crime against woman are partly the result of social system and partly the outcome of individual pathologies, reformatory attitude towards female victims may be helpful achieving the desired results. The rehabilitation has to be four-fold viz, physical, mental, psychological and social physical rehabilitation involves creating proper living and working conditions to the victimized female. Mentally, she needs help to restore her lost esteem. Psychologically she needs help to overcome her depression and insecurity; and socially, she need to be accepted back in the social fold.

Rehabilitation of victims- the victims of rape need to be rehabilitated by one society, and the stigma attached to the rape victim ought to be erased completely. The individuals, the women’s organizations and cells, and the family members of the victim can help the violated women in order to overcome her trauma and humiliation and, simultaneously, should initiate prosecution against the rapist.

Empowerment of women – As a vast democracy with many region variations, India has commitments to fulfill to all its citizens, including women. Although recognizing its intentional commitment towards right woman, the government for woman.

It is also suggest that the research should be made regarding to the concept of human right and Indian criminal laws and amendments as a means of track for societal progress the media can play a very important role to encourage the amendments in to the laws in India.

Co-operation among lawyers, doctors, and magistrate and rescue homes:-

There are five main agencies of professionals which are required to deal with the crime, sex crime victims are the police, doctor the lawyers the magistracy and the rescue home official. They must actively co-operate with each other.
The role of law – enforcement agencies such as the police, the lawyers the magistrate the rehabilitation centers as also the voluntary social organization in combating criminality hardly needs to be emphasized.

Law is only an instrument through which crimes can be prevented provided the law enforcement machinery implements the provisions of law efficiently. This is possible only with the active co-operation and support of concerned agencies.

Unfortunately, general lack of understand and co-ordination among the police, the prosecutors and other agencies and tendency to criticize each other’s perform an hampering the suppression of crimes which violates the rights and also suppression of crime and conviction of offenders.