CHAPTER VIII

CONCLUSION AND SUGGESTIONS

The idea of human rights is as old as human civilization. Traditionally, they were known as natural rights and now they are regarded as human rights.

These are foundations of human existence and co-existence. Human rights are universal, indivisible and interdependent. Human rights are what make us human. They are the principles by which we create the sacred home for human dignity. It is the universality of human rights that gives them their strength. It endows them with the power to cross any border, climb any wall, defy any force.

Since human rights are concerned with the dignity of the individual, the criminal justice system ensures that people are protected and their fundamental freedoms are not violated. Every modern society has a criminal law without which it cannot live. There are certain institutions which see that the criminal laws are enforced without brutality or any violation of the dignity of the individual.

An offender does not stop to be a human being just because of the reason that he has committed an offence. He still remains a human being of flesh and blood like his other fellow beings.

There is a conflict between the interests of the accused and the society. Therefore a balance has to be made to save these interests. Judiciary has been able to harmonies these two interests. Most of the human rights have been evolved by the judiciary through interpretation.

The foregoing study reveals that the quality of justice determines the quality of society and governess. Just as pollution poisons the atmosphere, the poor justice delivery system poisons the social atmosphere. Equal and fair justice is the hallmark of the society. The quality of criminal justice system in civilized society largely depends on the quality of investigation, investigation agency, judges, magistrate and lawyers. Unfortunately, the justice delivery system in India seems to be almost completely dominated by lawyers and their vested interests in total exclusion of other wings of administration of justice system. Most of the people who are arrested even for serious offences are not tried promptly and are released at the first appearance, by on the spot decision or on the basis of arguments submitted by the defense lawyers.
In every civilized society, the primary role of criminal justice system is to protect the members of that society. Justice system in this respect is a formal instrumentality authorized by the people of the nation to protect their collective and individual rights. Another duty of any system of 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 undergone 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 sometimes viewed in a very broad way as the violation of any important group standard of the equivalent of anti-social, immoral and sinful behavior. Much of the 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 anti-social, or are so regarded only by a small portion of the population. No matter how immoral, disgusting or 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.

The criminal justice system exists because society has deemed it appropriate to enforce the standards of human conduct so necessary to protect 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 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, courts and correctional machinery. The police are responsible for controlling crime, maintaining law and order and act as an investigating agency. The courts are the prosecuting and punishing 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.

Justice is an old wish of human being. It is the spirit of an ideal criminal justice system. A society without sense of justice cannot be peaceful and secure and a society without peace and security cannot be called a “society”.

The criminal justice system is the society’s considered answer to the “crime problem”, it is a kind of formalized social control. The purpose of criminal justice system in any society is administration of justice.

Indeed the criminal justice system operates through certain criminal law, rules and regulations, which are meant to administer criminal justice in the country through its criminal justice system.

Although there is not a universally accepted meaning for justice and it varies in accordance with systems of values, but there are certain basic norms, which have global acceptance. Two pillars of justice are equality and fairness.

Equality before law and equal protection of law is fundamental right of each individual. The principle of fairness in criminal proceeding endorses and supports the fundamental rights of accused. Indeed life and personal liberty are precious things for every individual and every effort is necessary to protect them till one is before a court according to the procedure established by law; because the rights of the accused is part of the human rights which must necessarily be recognized by the constitution and the law of every country. It is for this reason, that right against deprivation of life and personal liberty, except according to the procedure established by law, has been guaranteed under Article 21 and other articles of the constitution of India. This is mostly based on human dignity and the principle that every person is to be presumed innocent until proved to be guilty beyond reasonable doubt by the court.

In fact principle of fair criminal trial plays a pivotal role both in constitutional law and criminal law and criminal procedure. A few rights which are mentioned in the Constitution of India, e.g. (a) protection against ex-post facto laws, (b) protection against double jeopardy, (c) privilege against self-incrimination
(d) production of the accused before the magistrate within 24 hours of his arrest, (e) obligation on the police to inform as soon as possible an arrested person the grounds of his arrest, and (f) the right of an arrested person to take the help of a lawyer for his defense, specifically deal with criminal justice and enjoy the fair criminal procedure. They all emphasis on the rule of law and individual liberty. A fair criminal trial not only deals with the rights of accused, but also ensures the social security, social values, human dignity and personal liberty which are enshrined in the constitution of India and other international documents, like, Universal Declaration of Human Rights 1948 which says:

“Everyone is entitled in full equality to a fair and public hearing by any independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.”

In broad terms the fairness in criminal case must be applied in all stages of a criminal proceeding, from commencement of investigation by police up to end of implementation of judgments.

The criminal procedure code of 1973 and the police act, 1861 conferred various powers to the police these includes the registration of FIR, 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 then 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 of the 2nd 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. Art. 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 2nd appeal. Art. 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 reversed an order of acquittal of an accused and sentenced him to death. An appeal may lie to the Supreme Court in criminal case if the high court certifies that the case is fit one for appeal to the Supreme Court.

The Criminal Procedure Code 1973 also provides for detailed provisions for the grant of bail and submission and acceptance of bonds. The High Court and the court of Session is 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 The Court of Session may think it fit, direct in the event of such arrest, person shall be released on bail. In all the trials under the Criminal Procedure Code accused is to be informed of the accusation in the form of charge, then the charge is to be read and explained 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 described 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 the notice of the matter with which he is charged.

Separate provision has been made for the offences of serious nature and the Court of Session is conferred with the powers to try these offences. Offences which are less serious in the nature are triable by the Magistrate of different categories. Judicial Magistrate of first class is also empowered to try petty offences as summary trial. After considering the offences put forth by the prosecution and the defence, the judgment is to be delivered by the courts. In case an accused person is juvenile than he is to be prosecuted and punished under the Juvenile Justice(Care and Protection) Act, 2000 and almost in all the cases he is to be sent to various types of correctional institutions under the act for their further rehabilitation and re-socialization.

The National Human Rights Commission has played very important role to protect the human rights in India. The number and nature of complaints received by the National Human Right Commission as indicated in their annual reports
relate to failure of criminal justice. Most gruesome violations of human rights results from custodial torture and deaths in police lockups and jails. Their are other violations such as illegal detentions, false implication in criminal cases and excess of the police, indignant treatment of women and children and atrocities on scheduled casts and scheduled tribes and minorities. Such violations casts serious reflections on the quality of justice system in India, suggesting revaluation of the role played by the police, the public prosecutor, the defense counsel, the judge and the jail authorities and the attitude of the public at large towards development of a sound justice system whereby such violations can be minimized. The imperatives of social justice need continuing judicial and legal reforms so that quality and rule of law prevails in the society. Nothing rankles more in human heart than brooding sense of injustice. Political rights without social rights, justice under law without social justice and political democracy without democratic democracy no longer have any true meaning.

**NHRC Takes Note Of Inhuman Conditions In Prisons on 17th July, 2003**

According to a survey conducted by the National Human Rights Commission (NHRC) the prisons of Delhi, Chhattisgarh and Jharkhand are the most crowded ones while Rajasthan and Jammu and Kashmir have fewer prisoners.

Delhi's jails are brimming with 217 per cent "overcrowding" most of the inmates being under trials. The survey revealed that Arunachal Pradesh has no prison while the Union territory of Lakshadweep offers an ideal situation where only 16 prisoners, the exact permitted numbers, have been lodged.

The Chairman of the National Human Rights Commission (NHRC) Justice A.S. Anand stated, "Overcrowding throws every system out of gear and is found to be the root cause of the deplorable conditions in our jails." Justice Anand has written letters to the chief justices of all high courts suggesting regular holding of special courts in jails and their monitoring by either the chief justices themselves or a senior judge.

Asking the Judiciary to address this problem, Justice Anand has proposed fast track courts to be held inside the prisons for the benefit of the under trials, which alone will help decongest the prisons.

---

1 [www.indlaw.com](http://www.indlaw.com) visited on July 5, 2011 at 2pm.
Indian prisons, according to the Commission, have about 31.2 per cent overcrowding with the prison population in states like Delhi, Jharkhand, Chhattisgarh, Gujarat, Haryana and Bihar exceeding by two to three times its total capacity.

The survey reveals that out of the three lakh prisoners in India about 75 per cent are under trials, an area of concern for the Commission. According to Mr. Anand, despite repeated directions from the Apex court there has been no improvement in the situation. He mentions that: "Slow progress of the cases and operation of the bail system to the disadvantage of the poor and illiterate is responsible for the plight of others who continue to suffer all the hardships of incarceration although their guilt is yet to be established."

The Commission chairman has proposed a four-track strategy to deal with the situation. Besides special courts to be held inside jails, the commission also wants the Courts to release under trials on personal surety bonds, in case of self-confessed first timers and petty offenders.

Justice Anand has also proposed that all district and session judges must visit the jails regularly to monitor the cases of the under trials.

In our constitutional scheme, Indian Judiciary has been assigned the role of ensuring social justice as envisaged in the preamble, fundamental rights and the directive principles of the state policy. Indian Judiciary led by the hon’ble 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. Realizing such misconceptions the honorable Supreme Court in the State of Punjab v. Jagir Singh observed:

A criminal trial is not like a fairy tale wherein one is free to give flight to ones 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 person 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 conjectures.

Again in *State of H.P v. Lekh Raj and Sons* 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 charged. In arriving at a conclusion about the truth, the courts are required to adopt rational approach and judge the evidence by its intrinsic worth and the animus of the witnesses.

In *Hussainara Khatoon v. Home Secretary, Bihar* P.N. Bhagwanti, J. held that When an under trial 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 to the under trial prisoner that he is entitled to be released on bail. If there are adequate grounds, the Magistrate may extend the period – not exceeding 60 or 90 days, for detention of an accused in the judicial custody. On the expiry of the said period person should be released on bail.

The Supreme Court in *Joginder Kumar v. state of U.P. and others* held that:

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 conducted or performed better.

---

2 See, AIR 1973 SC p.2407
3 See, Judgment Today, 1999(9) SC p.43
4 See, AIR 1979 SC p.1377
In Babulal Das v. State of West Bengal Krishna Iyer, J. however struck a discordant note and adapted the observations made by the Calcutta high court and observed:

It is fair that persons kept in incarcerated and embittered without trial should be given some chance to reform themselves by reasonable recourse to the parole power under Section 15. Calculated risks by release for short periods may perhaps, be social gain, the beneficial jurisdiction being wisely exercised.

A) Suggestions

The preceding study and enumerated findings lead us to make certain suggestions to effect reforms in legal framework at different levels with the view to better achieve protection of human rights under the criminal justice administration in India.

i) Suggestion regarding investigation-

i. The investigating agency should be separated from the law and order protecting wing. Heinous and sensational crimes having interstate and transnational ramifications should be investigated by a team of most senior officers and not by a single investigating officer.

ii. Investigation should be divided according to crime. For example the cases triable by magistrate to be investigated by junior officer and the cases triable by the session judge must be investigated by the senior most police officer posted at the police station. The redressal forum should be established at the district police range and state level for hearing the public grievances.

iii. Police establishment boards should be set up at the police headquarters for posting, transfer and promotion etc. The provision of punishment should be made for false registration of cases and false complaints.

iv. With the coming of high technique in the information technology the old investigation techniques have become ineffective so a penal of experts be set up from various disciplines such as auditing, computer science, banking, engineering and revenue matters etc. at the state

---

level from whom assistance can be taken by the investigating officers.

v. Law should be amended to the effect that the literate witness signs the statement and illiterate one puts his thumb impression there on during the process of investigation. A copy of the statement must invariably be provided to the witness under appropriate receipt.

vi. A Universal Indian Police Act for the whole country must be enacted.

vii. Refusal to entertain complaints by the police regarding any offence should be made punishable.

viii. A human right protection officer should be appointed at the district police headquarters to prevent violation of human rights by the police

ix. All prosecutors should work in close cooperation with the police department and assist in speedy and efficient prosecution of criminal cases and render advice and assistance from time to time for efficient performance of their duties.

x. Since, the accused have a right to be defended by lawyer of his choice or through the legal aid system, he should be informed of his right immediately on arrest and his counsel should be permitted to advice him during investigation. This would also act as a restraint on the use of third degree methods and violation of human rights of under trials.

ii) Suggestions regarding judicial proceedings:-

i. In the case of all India Judges Association v. Union of India \(^7\) the directions were issued by the Supreme Court to the government to create Indian Judicial Services to recruit young and talented men in judiciary. The direction should be implemented in order to make the justice delivery system more efficient and smooth. Number of courts and judges should be proportionate to the litigation. Change in the work style of the criminal justice system will result only when professional and specialized skills are included to meet the demands of the modern society.

\(^7\) See, AIR 1993 SC 2493
ii. Qualification prescribed for appointment of judges at different levels should be reviewed to ensure that only highly competent persons are inducted as judges at different levels.

iii. Special attention should be paid to inquire in to the background and antecedents of the persons appointed to the judicial office to ensure that persons of proven integrity and character are appointed.

iv. In the subordinate courts where there are more judges of the same cadre at the same place, as far as possible assigning of civil and criminal cases to the same judge should be avoided.

v. In view of the large pendency and mounting arrears of criminal cases the long vacations for the High Courts and the Supreme Court must be reduced and in the larger public interest the vacancies must be filled in time.

vi. **Supervisions by High Courts**: The high Courts are responsible for the administration of justice in the states of their jurisdiction and have unbridled power to supervise and ensure the quality of justice in the subordinate courts. However, in actual practice beyond routine inspection seldom anything spectacular is done in this direction. If in High Courts a judge is earmarked by rotation and entrusted with the sole responsibility of carrying out intensive monthly inspection of subordinate courts without any prior notice, at least 50 per cent of delay in disposal of cases by subordinate/lower courts can be curbed by picking up case files at random, analyzing them for the speedy disposal and communicating the results to the judges concerned. Good results are bound to ensure if such inspection are backed with ruthless administrative action to shake the subordinate judiciary out of the smugness.

vii. **Time limitation clause**: judges act with unfettered discretions while granting adjournments. Adjournments may be granted in exceptional circumstances. There must be determination that all cases must be decided within a specified time limit. There has to be statutory mandate for disposal of all cases within the stipulated time limit. Consequently judges will be quite strict in granting adjournment. Members of bars, as responsible officers of the courts, should desist
from seeking frequent adjournments on frivolous grounds and extend all the support needed for speedy disposal of cases.

viii. **Introducing management practices**: The present practice of posting a number of cases on a particular day must be avoided. For this, the judicial officers are needed to be trained in management practices. As number of cases is posted on a particular day, the effort must be made to list only that much number of cases which can be productively heard on that particular day.

ix. **Use of emerging technologies**: It is not enough to provide computers; the persons using them must also know how to use the computer effectively and efficiently. There is urgent need for systematic training of court staff and also the judges in the use of computers.

x. **Plea bargaining**: Malimath committee has given its recommendations for introducing the concept of “Plea Bargaining” as one of the measures in the criminal justice system which would go a long way for early settlement of criminal cases and reduce the pendency substantially. The Law Commission of India in its 154 report has come out with this concept to lessen the burden of piling arrears.

To reduce the delay in the disposal of criminal trials and appeals as also to alleviate the suffering of under trial prisoners, as recommended by the Law Commission and Malimath committee, the concept of Plea Bargaining was introduced with the Criminal Law (Amendment) Act, 2005(no. 2 of 2006) and new chapter 21(A) was added to the Code of Criminal Procedure. Now, the concept of “Plea bargaining” has become a reality and part of our Criminal Jurisprudence. But there is need to give proper advice to the accused about the benefit of Plea Bargaining to implement the concept at large.

xi. **Selective prosecution**: Today the prosecutors in India are overburdened with too many cases of widely varying degree of seriousness with too few assistance and inadequate financial resources. The result however has been the long delay in courts with
individual misery and serious hardships. With slight improvement in the management of prosecution, the prosecutors can play a significant role in the administration of criminal justice by prosecuting only those who should be prosecuted and against whom convincing evidence is available and releasing or directing the use of non-punitive methods of treatment of those against whom legally admissible evidence is wanting.

xii. **Commissions:** In civil cases advocates are often appointed as commissioners to examine witnesses. The same practice may be tried with trial of criminal cases also. Junior advocates may be appointed as commissioner to examine the under trials and witnesses at the jail itself. This is beneficial in many ways. The costs involved in bringing the under trail prisoners to the courts which are quite phenomenal could be curtailed. The practice of seeking adjournments on the ground of inadequacy of police personnel to bring the under trials from prison to the court for trial could be put to an end. Working hours of the police personnel who have to bring the under trials to the courts could be saved. As a result, trial could be expedited.

xiii. **Other measures:** Complicated procedural laws and the legal system which permits too many appeals and revisions has in no less measure contributed to the congestion in the court calendar and the consequent delays. Lot of improvements have been suggested by Law commissions. There should be screening of the outdated laws, which should be scrapped. Detailed exercise should be done for modification of provisions of law, which delays and cause abuse of process of law. Courts must be computerized for expeditious disposal of cases. Arguments can be heard by teleconference or videoconferencing method to avoid delay and expense when technology is so advanced.

xiv. 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 a matter of right under article 39-A of the constitution and should not be reduced to a mere formality by providing an inexperienced and incompetent
advocate. So in sensitive matters where highly reputed or senior lawyers represent the defense, it may be advisable to engage reasonably competent lawyers as special public prosecutor to present the prosecution case.

xv. The present system of bail is highly unsatisfactory and most implausible in practice. It plays a pivotal role in the deprivation of personal liberty pending trial and thus the bail must be assured as a constitutional right. Also the category of bailable offences should be expanded and in such cases there must not be any need for any surety other than personal bonds of the accused.

xvi. Speedy trial has both structural and other critical problems. It means both constitution and structure of judicial system must be amended. Indeed fundamental right of a speedy trial must be incorporated into procedure without violating Human Rights.

xvii. Unfortunately the witnesses are treated very shabbily by the system. There is no facility for the witnesses when they come to the Court and have to wait for long periods, often their cross-examination is unreasonable and occasionally rude.

xviii. Witness who comes to assist the court should be treated with dignity and shown due courtesy. An official should be assigned to provide assistance to him.

xix. Separate place should be provided with proper facilities such as seating, resting, toilets, drinking water etc for the convenience of the witnesses in the court premises.

xx. A law should be enacted for giving protection to the witnesses and their family members on the lines of the laws in USA and other countries.

xxi. Courts should list the cases in such a manner as to avoid the witnesses being required to come again and again for giving evidence. The trial should proceed on a day to day basis and granting of adjournments should be avoided. The judge should be held accountable for any lapse on this count. The high courts should ensure due compliance through training and supervision.
iii) Suggestion regarding jail and correctional institution

There is need

i. Of basic uniformity in laws, rules and regulations governing the administration of prisons and the management of prisoners all over the country.

ii. To lay down the framework for both sound custody and treatment of prisoners.

iii. Of rationalization of prison practices to cater effectively the various categories of prisoners.

iv. To spell out minimum standard of institutional services for the care, protection, treatment, education, training and re-socialization of incarcerated.

v. To devise a procedure for the protection of human rights of the prisoners, as they are entitled to, within the limitations imposed by the due process of imprisonment.

vi. For categorization to be made of institutional treatment of prisoners in keeping with their personal characteristics, behavioral patterns and correctional requirements.

vii. For scientific basis of the treatment of special categories of prisoners such as women, adolescents and high security prisoners.

viii. For creation of an organization or the department of prisons and correctional services which can conduct and meet its declared objectives and to oversee duties and functions of staff at various levels.

ix. For development of coordination among the department of prisons, correctional services and other components of the criminal justice system.

x. To ensure availability of the necessary service inputs from other public departments for an efficient functioning of prisons.

xi. For constructive linkage to be provided between prison programmes and communities based welfare institutions in achieving the objective of the reformation and rehabilitation of the prisoners.

xii. For providing legal aid to prisoners. The vast majority of the prisoners in jail are poor and have no resources to protect their rights.
They have no access to legal aid and equal legal representation and access to the resources and protection of the legal system is more or less unavailable for them in both prisons as well as juvenile homes. Law officers for advising prison authorities on the protection of human rights of prisoners within the limitation of due process of imprisonment should be appointed.

xiii. For special facilities for woman. Women need gender specific facilities for heath care, to help them in child birth, to care for their children in prison, to receive counseling to guard against the possibility of rape and sexual assault and to maintain contact with their relatives outside the prison so there is a requirement of serious consideration towards this issue.

xiv. For improving infrastructure, constructing more prisons and improvement of securities system etc; and improving human resources (prison inmates through correctional and training programme). The prison structure should be designed to provide all the necessary facilities for prisoners to be treated as human beings and to subject them to an environment conducive for their reformative treatment.

xv. To create a suitable environment in jails to provide opportunities to the prisoners to reform themselves and change their mindset so that after their discharge from prison, they are prevented from venturing again towards the world of crime, out of force or under compulsive circumstances or lack of choice. Adequate sanitation into prisons, all-round entertainment facilities and better health checkup facilities are the bare minimum requirements if prisons are truly to be a place for reforming and rehabilitating of prisoners.

xvi. For liberally using the provisions of probation. Releasing on the probation, with or without supervision, is the most important and the most practical of the alternatives to imprisonment. This has been conclusive demonstrated by the benefits that have accrued to the affected subjects and to the communities at large, during the past few decades, when the probation system has been in vogue in our country. It is also considerably cheaper to the state then 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 termed prisoners. The Probation of Offenders Act, 1958, is the comprehensive measure and provides ample scope for utilizing admonition, probation and compensation in lieu of imprisonment.

iv) **Suggestion Regarding NHRC**

The National Human Rights Commission should be authorized to take action against the persons who are found guilty of making false complaint against security personnel, armed forces, Para military forces and other law enforcement agencies. Due to false complaints sometime they have to face humiliations which are violation of their human rights.

v) **Finally it is suggested** that knowledge and awareness of human rights is most important for a democratic country. Accused should be made aware of the human rights available to them under the international human rights instruments as well as under the national laws. Government should take necessary steps in this direction by giving wide publicity especially through vernacular languages besides English and Hindi.

Both the print and electronic media owe the responsibility and the duty towards the society, in controlling the crime effectively. The various political parties, activists, human rights organizations etc. should come forward to make accused aware of human rights.

Like the National Human Rights Commissions at the national level, Human Rights Commissions are also required to be created in all the States as envisaged in the Protection of Human Right Act, 1993.

Lawyers should also play a constructive role in bringing justice to the individuals. Lastly, the society must change its attitude towards the accused as it will help in the reformation of the accused and thereby making them responsible citizen.

Hence a collective effort is required to justify the existence of human rights. Human rights like fundamental rights are paramount, sacrosanct, eternal and transcendental in nature and ought to be treated as inalienable and inviolable for preserving the dignity of the people.