CONCLUSION & SUGGESTIONS

It is clear that from the discussion in forgoing chapters that the conviction rate of accused is low in India. Victims are not getting fair trial and people have lost faith on the law enforcement machinery to bring offenders to justice.

This study also analyzed various statutory provisions of criminal law and constitutional provisions.

The constitution of India guarantees social, economic and political justice to all, citizens under article 14, of the constitution. Article 21 provides right to life and personal liberty thus, the right to life and liberty is an integral and essential part of fundamental right.

There are various causes of low conviction rate of accused which have been identified by the various studies done by expert committee reports in India. Several factors such as family system illiteracy, poverty, dependency, lack of knowledge law, unpleasant relation between police and public, lack of co-ordination between agencies, delay trial, reluctant of witnesses, political pressure and other factors.

The police is an important component of criminal justice system and most visible organization vested with the enormous power and responsibilities relating to prevention and control of crimes. Police has to play big role insuring order and peace.

The police is often of practices, attitudes and perceptions and greatly diminish. The likelihood of the successful implementation of the
law and charges are police reaching at the scene too late, distorting in recording the first information report.

Most of the victims do not come to forward to report the crime against them due to fear, even if they muster the courage and approach the police, their complaints are not registered and if they registered, they are not properly recorded, the investigation objects must be properly trained and supervised, to solve this problem and scientific and logistic support is necessary to them.

For improving quality of investigation, investigating agency must separate from the law and order. The work load on an investigation officer (IO’s) should not exceed 10 cases per year. Heinous offences or particular type of cases should be investigated by the senior most police officer this exercise has obvious advantage and will able to better job because of their superior, intelligence and experience. For fair & impartial investigation it is must that the investigating machinery should be immune from political and other extra influences. Investigation is conducted in an honest and transparent manner. If any fault is omitted by writing complaints, it is written afresh at the bottom and if anything scored out, it is done neatly with initials and Days or dates and in such a manner that it could be read.

Close supervision by the superior is also essential to check the cancer of corruption. Oral complaint should be made plan and simple language by senior officer without omitting of an important and relevant details. Supervision ensures proper direction co-ordination and control and reduces miss-use of powers wasted on the officers.

New Police act is already under consideration of the government of India. This exercise should be completed without loss of any tend.
For prevention and collection of Evidence scientific ads are optimally utilized and expert is taken to the spot in specified crimes. The medico legal reports are play very important role to reach a fair and just conclusion thus the state government must prepare a penal of qualified doctors who trained in medico legal work in proper manner and post them in the district and other hospitals for attending such work.

The witnesses coming to the Police station are not made to wait for long hours and they are disposed of as promptly as possible. Case-diary is properly maintained as per law and entries in the journal diary.

All complaint registered should be promptly falling with appropriate action should be taken. This would necessitate change in the mindset of the political executive and the senior officer.

Police should tape recording or videos recording of statement of witnesses, dying-declaration and confession would be a meaningful and purposive stapes in this direction. Identification of similar features noticed and other cases reported elsewhere and co-ordinate direction of investigation of all such cases.

The prosecutor and judges are very important component of criminal justice system. For the purpose of fair justice prosecutors and judges should need good knowledge of the substantive and procedure laws for this; it requires experience of man and matter intelligence as well as logical and analytical mind thus it is very necessary to special attention in the matter of prescribing qualifications for recruitment of Judges and all labels and to improve the methodology for selecting the most competent person.
Judges, who were selected and promoted and great need to improve the quality of training that is being imparted in different judicial academy.

In the legal profession, many leading lawyers specialize in one field of law or the other, it is also a great need for the judges to specialize in these emerging field to give best possible service in this field. It would be possible with deep knowledge and experience. The future is of specialization disposal of cases by specialized judges on be better and faster. Undoubtedly judiciary is independent but it does not mean that give it license to function arbitrary. But there is a need for greater vigilance and effective exercise of this power.

Some Judges do not deliver Judgment for years, it there is delay Judge may forget important aspect there why contributing to failure of Justice court must realize that it is their responsibility to take the initiative to eliminate delay it can be curtailed by adopting imaginative court management technique unfortunately little alternative has been paid to this. Adjournment contribute to delay in the disposal of cases, they also contribute to hardship, incontinence and expense of the parties as well as witnesses. If the case is adjourn they are required to go to the court reapedately and they feel very unhappy frustrated and gives an opportunity to be opposite party to threaten andantes them not to speak the truth.

Adjournment should be granted only when the course finds if necessary and gives discretion to the court to grant adjournment subject to payment of court. Judges must realize that the arbiter exercise of discretion cause delay or harms innocent person like the witnesses. Indiscriminate pasting of a large number of cases should be avoided.
There is need of practical hearing the court and the parties should take full advantage of it to resolve all outstanding issues as to the conduct of the trial and to deal with any preliminary issues of law for fact that will assist that resolution.

Suggestions

In spite of the fact that many laws have been enacted and changes have been introduced in the Indian penal code. Criminal procedure code and Indian evidence act to curb such crimes but laws alone can not bring desired changes in the society, unless such laws are properly implemented. It is also obvious that for the proper implementation of the laws, there must be effective implementing agency accompanied with active public participation and co-operation.

The following suggestions here in after to improve the machinery of criminal justice system. Suggestions are divided into two parts part-A and part-B.

- **Now we are discussing part-A**

1 For victim

The object of the criminal justice system is to ensure justice to victims, they have no right to participate in the criminal proceeding, the system must focus on justice to victims and we are giving following suggestions to right of victims to participate in cases involving serious crimes.

1. The victim and if he is dead, his legal representative shall have the right to be impleaded in criminal proceeding as a party.
2. The victim has a right to be represented by an advocate of his choice and if victim is not in position to effort then it shall be provided at the cost of state.

3. The victim's right to participate in criminal trial, shall produce evidence, oral or documentary, ask questions to the witnesses or suggest to the court questions which may be put to witnesses.

4. To be heard in respect of the grand or cancellation of bail.

5. To be heard, whenever prosecution seeks to withdraw and to offer to continue the prosecution.

6. He shall have a right to prefer an appeal against any order relate to acquitting the accused convicting for a lesser offences, inadequate sentence, granting improper compensation.

   It is our view that criminal justice administrations will assume a new direction towards better and quicker justice if the rights of victims are organized by law.

2. For investigation- procedure & investigating agencies

   A prompt and quality investigation is the foundation of the effective criminal justice system. Police perform multifarious duties so a separate wing of investigation and it is accountable only to rule of law, it is a need of the day.

   Criminality has undergone a tremendous change qualitatively as well as quantitatively and investigation agency is under staff, ill equipped inadequacies in basic facilities and infrastructure also, there is a need to attention on priority.