



MULTIDISCIPLINARY RESEARCH

Prof. Rajani Shikhare

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INDEX

Sr.No	Title	Page. No
01.	विनय मिश्र की गज़लों में राजनीतिक चेतना - प्रो.रजनी शिखरे	07-09
02.	संत साहित्य में विवस्था का विरोध - राजाराम बाबासाहेब जाधव	10-12
03.	स्वातंत्र्योत्तर भारत की विसंगतियों का महत्वपूर्ण दस्तावेज : 'पूरब खिले पलाश'-संतोष नागरे	13-17
04.	होय ! लेखक घडवता येऊ शकतो - डॉ. समाधान इंगळे	18-21
05.	अण्णाभाऊ यांची लोकनाट्ये - डॉ.संदीप अ.बनसोडे	22-26
06.	“आधुनिक कुटूंब व्यवस्थेतील नाते संबंधातील द्वंद्वावर भाष्य करणारे नाटक - नथिंग टु से” - डॉ. संदिप बनसोडे	27-29
07.	Realism In R.K.Narayan's Novel 'The GUIDE' - Dr.V.S.Bandal	30-38
08.	Absurd Elements in Harold Pinter's 'The Birthday Party', The Caretaker and The Homecoming. - Jadhav Arun Malhari	39-41
09.	Global and International Evidence-Based Library Activities and Demand of Health Librarians - R.B. Pagore	42-52
10.	Study of Second ARCs view on Police Reforms. - Hanmant B.Helambe	53-57
11.	Capital Formation In Agricultural Sector - Mr B. S Jogdand	58-61
12.	'Farmer suicide a social problem' - Mr. R. B. Kale	62-66
13.	The Role of Opposition Party In Indian Democracy. - Dr. S.N. Satale	67-71
14.	Impact of E-Commerce in Rural India - Dr. Waykar Vivek	72-77
15.	A Study of Commercial Agriculture: Issues and Challenges before ancestor agriculture in India. - Sandip B. Vanjari	78-82
16.	Synthesis, Characterization and Antimicrobial Analysis of Some New Pyrimidines Containing Pyrazole Moiety. - Amol J. Shirsat*, Balaji D. Rupnar, Sunil S. Bhagat	83-88



Study of Second ARCs view on Police Reforms.

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Abstract:

Just as it is important to protect the nation from external aggression or to preserve the unity and integrity of the country, maintaining public order and the rule of law is an important sovereign function of government. Large-scale violence and disruption disrupts the country's social fabric, threatens national unity and disrupts economic growth and development so public order is important. Law and order is the role of the police force in maintaining public order. Understanding our social practices collective anti-national actions, and indifference to the rule of law or the prestige of breaking the law raises the question of public order. The Commission has emphasized the importance of establishing friendly relations between the police and the citizens, making the Police Thane Shakti Kendra a service center instead, creating a just society, inculcating the concept of rule of law in the minds of every person from childhood.

Keywords: Public Order, Reform and Police Reform

Introduction:

The Commission has acknowledged that there is an inseparable link between maintaining public order and resolving disputes /conflicts. For this, if the dispute/ conflict is resolved in a proper manner, public order will not be disturbed. Public order is largely the result of efficient administration, effective policing and an effective criminal justice system.

Objective:

The aim of this paper is to highlight the second ARCs fifth report on Public Order: Justice for each.... Peace for All and study various aspects Police reform.

Research Methods:

The present research paper has been prepared with the help of descriptive and analysis research methods and secondary data (ARCs Report). This paper is based on a comprehensive review of the literature.

Public Order:

Public order is a harmonious state of society in which all events are governed by established law and are governed by peace, equality and the rule of law. The meaning of public disorder depends on the nature of the state. In most liberal democracies, public order is considered a breach when a serious crisis affects human life. Protests and demonstrations against the state in an authoritarian society are considered a violation of public order. There are many reasons for the disruption of public order. In a multi-party democracy, political polarization, illegal demonstrations, caste-religion disputes, ethnicity, region, regionality, language, inconsistencies/failures in service delivery, terrorism and Naxalite activities lead to public unrest.

'The biggest threat to public order arises through foreign-sponsored separatist terrorist organized criminal networks'.¹ Lack of good governance and unsatisfactory implementation of law is a major cause of public unrest. To this end, public order is created if every government adopts the principle of effective good governance and works in the implementation of the law, emphasizing that social justice is equal before the law. Public order means the absence of any dissatisfaction. This requires strengthening the public order by preserving the freedom and respect of citizens and maintaining social change.

Justice *Hidayatullah's* observation is important in explaining the difference between law and order, public order and public order affecting the security of the state. 'Just as there is less serious disorder in public order affecting state security, there is less serious disorder affecting public order under law and order. There are three main factors to consider in this regard. The biggest component is law and order, which represents public order. An action affects law and order, not public order, just as an action affects public order and does not affect the security of the state.'²

The Commission has made recommendations in the context of law and order, current police system, police reform theory, judiciary theory, legislation, role of civil society and media groups in public order, political parties.

Reform:

Reform is a change in the structure of an organization or a system that brings about a change that is free from the guilt of the past. Reform is a symbol of eliminating the flaws in the current system.³

According to Montgomery:

“Administrative reform is a political process that seeks to reconcile bureaucracy and other elements of society or the various principles of public service in the bureaucracy, which will transform public service practices.”⁴

Priority is given to make the administrative system more responsive by increasing administrative efficiency, efficiency as well as eliminating the shortcomings in the existing administration system.

Police Reforms:

The need for police reform is clear in line with the needs of a modern democratic state. Therefore, it would be useful to mention the key principles of reform in the police and criminal justice system, and the Commission is of the view that once these principles are adopted, an integrated reform package can be formulated. The Commission has decided that the reform of the police and criminal justice system should be based on the eight principles. ‘Responsibility of the Elected Government, Authority, Autonomy, Accountability to police, Disaggregation and Deconcentration, Independence of Crime Investigation, Self-esteem of Policeman, Professionalization, Expertise and Infrastructure, Attendant Criminal Law Reform and Police to be a Service’. The above principle should be followed while reforming the police administration. Through this, the emerging threats of the constitutional system and the growing challenges of civilization can be met.

Professional efficiency, responsibility in the police force must be determined. For this, the Commission has recommended to make provision in the Police Act. ‘It will be the responsibility of the state government to ensure effective, accountable, efficiency and functioning for the entire police force’.⁵ For this purpose, the state government has the power to supervise/ supervise the police service and will exercise it in accordance with the provisions of the Act.

The Commission has clarified that police work can be classified into three types of prevention, investigation and service arrangements. Separate criminal investigation from other police functions and establish a criminal investigation mechanism in each state. Its administrative control will be chaired by a retired judge and the members will include eminent lawyers, distinguished citizens, retired police officers and chartered officers each, Home Secretary, Inspector General of Police.⁶

The head of the criminal investigation agency should have full autonomy regarding investigations. By separating the crime investigation/investigation from law and order and other functions, the police will be specially formed in this function and they will be able to investigate immediately and also communicate with the people.

The police need guidance and supervision to maintain law and order in the state. For this, priority has been given to set up a State Police Efficiency and Accountability Commission under the chairmanship of the Home Minister. The task of the Commission will be to formulate general guidelines for the promotion of an efficient, effective, accountable police system and to assess the functioning of the police service.

All work related to transport system should be hand over to urban local bodies. In this context, the Commission recommend look into 'what tasks can be delegated to these local self-governing bodies, establish a Municipal Police Service and a Metropolitan Police Authority in a city with a population of over one million'.⁷

Good governance is expected to have an independent grievance redressal mechanism as it creates accountability and transparency. Accordingly, the Commission should set up a Police Complaints Authority / Redressal System at the district and state level and give this authority the same powers as a civil court.⁸

Improvements in police efficiency are closely related to police morale, working environment and conditions of service. Welfare measures such as adherence to working hours, improvement of working conditions, educational facilities for children, promotion opportunities, social security, accommodation are important for the police to boost their morale, reduce depression and enhance their professionalism.

Reforms are needed in police training institutes and training. This is because training is not only important for capacity building but also for practical change.

Community policing, the task of crime investigation should be entrusted to an independent, autonomous and professional investigation mechanism in each state. The work of Establishment of Independent Prosecution Department, Police Thane, Local Police has been clarified for coordination with these criminal investigation agencies.

In short, the recommendations made by the Commission to control riots and other acts of disturbing the peace are important for maintaining public order bycomprehensively reforming the police and criminal justice system.

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