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# Challenges in Criminal Investigations: Public Cooperation, Institutional Barriers, and the Need for Scientific Techniques

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## ABSTRACT

*This research emphasizes the pronounced obstacles encountered by investigating officers in carrying out efficient inquiries within the criminal justice system. Several elements contribute to the complexity of the investigating process, such as protocol obligations, insufficient public collaboration, and pervasive distrust of the police. The allocation of protocol duties involving political leaders and VIPs sometimes diverts officers from their main responsibilities, therefore diminishing their ability to concentrate on investigations. Moreover, the unwillingness of the people to act as witnesses, along with a widespread lack of confidence in law enforcement due to perceived instances of corruption, obstructs the progress of investigations. The procedure of obtaining custody of the accused for questioning is complex, since judges are reluctant to depend on statements presented during custodial interrogations, which might provide crucial evidence. The presence of political affiliations among offenders poses additional obstacles to investigations, as their influence and power might impede the adherence to justice. Exacerbating the problem of witness intimidation, the absence of sufficient protection sometimes results in witnesses withdrawing their testimony, therefore weakening the prosecution's case. Furthermore, unethical procedures used within the investigative process, such as manipulating evidence, abuse of authority, and the employment of third-degree techniques, further undermine the integrity of investigations. To overcome these difficulties, a more open and systematic approach, using techniques like as narcoanalysis, brain mapping, and polygraph examinations, is recommended to enhance the investigation process. An adoption of evidence-based procedures, along with enhanced legal protections, may contribute to the restoration of public confidence and the establishment of a more efficient and equitable criminal justice system.*

**Keywords:** Investigation, Justice, Protocol, Cooperation, Mistrust, Interrogation, Influence, Witnesses, Corruption, Techniques.

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## I. INTRODUCTION

Crime is an inevitable aspect of society, and the idea of a crimeless society is a myth. As sociologists A. Prins and Emile Durkheim observed, "Criminality proceeds from the very nature of humanity itself" (Sen, 1992). The origins of crime trace back to the earliest human civilizations, and crime remains a complex socio-legal problem that evolves over time. The story of Adam and Eve in the Garden of Eden, where Eve was punished for eating the forbidden fruit, highlights early recognition of crime and punishment (Mehraj-ud-din, 1984). As society has evolved, the nature and complexity of crime have also changed. Initially, societies were simple, and crimes were few due to the limited resources and contentment of individuals. However, with the passage of time and advancements in science, technology, and socioeconomic development, crime has taken on new dimensions. Today, crime is fueled by changing moral values, urbanization, and the pursuit of financial and social status. These pressures have expanded the scope of criminal activities, and technological developments have facilitated new forms of crime, such as cybercrime and identity theft (Ramaswamy, 1992). The state plays a vital role in controlling crime and maintaining law and order. With the formation of organized societies, the need for criminal law arose, and today, it is the responsibility of state agencies, particularly the police, to prevent and detect crime. Effective scientific investigation is essential to ensuring justice, as it helps in building strong cases against offenders. However, India's low conviction rates and increasing crime rates highlight shortcomings in crime detection and investigation. Many accused individuals are acquitted, not due to innocence, but because of flawed investigations, insufficient evidence, and delays in trials, which undermine the criminal justice system (Srivastava, 1997).

One major challenge in criminal investigations is the reliance on outdated and unscientific methods. In light of modern crime trends, there is a pressing need for advanced investigative tools, such as narcoanalysis, brain mapping, and polygraph tests. These techniques have sparked significant debate, with proponents arguing that they are essential for addressing complex crimes, while critics raise legal, ethical, and medical concerns. The Supreme Court of India, in *Smt. Selvi and others v. State of Karnataka* (2010), ruled that these tests cannot be conducted without the informed consent of the accused, as the results are considered "personal testimony" (Selvi, 2010).

## II. CONCEPT OF CRIME

Defining crime is a complex task, as it is shaped by numerous social forces and evolves over time. The concept of crime is not static; rather, it changes alongside societal developments and

government policies. As societies progress, laws adapt, adding new crimes and altering or repealing existing ones (Sirohi, 1983). An action that is considered a crime at one point in time may not be seen as such in another, as crime is often a product of the governing powers and their policies. These powers create rules that forbid certain behaviors, thus criminalizing them, while others may remain in the realm of civil wrongs (Cecil Turner, 2017).

Historically, the distinction between criminal offenses and civil wrongs was not clear. In the early days of common law, there was little differentiation between crimes and civil wrongs (torts). The distinction was primarily emotional rather than based on any scientific classification. By the fourteenth century, the term "crime" began to be associated with acts considered disreputable, wicked, or base. Crimes were viewed as offenses that threatened the interests of powerful sections of society, such as their safety or stability, and these acts were met with severe punishments (Cecil Turner, 2017).

**The modern concept of crime can be broadly described through three main characteristics:**

1. Crime involves harm caused by human conduct, which the state seeks to prevent.
2. Punishment is the chosen method for preventing such conduct.
3. A legal process determines whether the accused is responsible for the harm and, if so, whether they should be legally punished (Sirohi, 1983).

Despite attempts to categorize crime, the nature of what constitutes a crime remains elusive due to the dynamic nature of law and governance. This shifting definition underscores the influence of political and social factors on the classification of criminal behavior.

### **III. DEFINE THE TERM "CRIME"**

Crime, in its general sense, refers to an "act or omission which the law deems fit to render liable to punishment" (Sethna, 1980). According to standard dictionaries, crime is "an act punishable by law as being forbidden by statute" (Sen, 1992). Although the term "crime" is not explicitly defined in the Indian Penal Code (IPC) of 1860, the code defines an "offence" under Section 40 as "a thing made punishable by the code" (IPC, 1860). Sociologist Edwin H. Sutherland suggests that crime is characterized by behavior prohibited by the state, as it is injurious to society, and requires state intervention, at least by means of punishment (Sen, 1992). A crime involves a person intentionally violating another's legal rights in a way that goes against morality and ethics, and such behavior is punishable under the law. Hall Jerome defines crime as a "legally forbidden and intentional action, which has a harmful impact on social interests,

which has a criminal intent, and which has legally prescribed punishment" (Ahuja, 2017). Hence, crime can be said to have five essential characteristics: (1) it is legally forbidden, (2) it is intentional, (3) it harms society, (4) it involves criminal intent, and (5) there is a prescribed penalty for it.

Experts have also defined crime in social terms. Mowrer (1959) described crime as "an anti-social act," while Caldwell (1956) defined it as acts or failures to act that are detrimental to society's well-being, necessitating state action (Ahuja, 2017). Thorsten Sellin (1970) added that crime involves violating conduct norms established by societal groups (Ahuja, 2017). Some moralists view crime as an abnormal act, diverging from human nature (Sethna, 1980). Halsbury defines crime as an "unlawful act or default, which is an offence against the public and which renders the perpetrator liable to legal punishment" (Sethna, 1980). Similarly, Austin differentiated between civil injuries and crimes, with crimes being those wrongs pursued by the sovereign (Qadri, 2013). Goodhart defined crime simply as "any act penalized by the state" (Qadri, 2013), while Blackstone noted that crime involves an act violating public law (Qadri, 2013).

Socially, crime is defined as "an act which the group regards as sufficiently menacing to its fundamental interests, to justify formal reaction to restrain the violator" (Qadri, 2013). Raffaele Garofalo, an Italian criminologist, furthered this by proposing the theory of "natural crime," defining it as acts offending moral sentiments like pity and probity (Qadri, 2013).

Given the various definitions, it is evident that crime is difficult to pin down due to its evolving nature, influenced by societal norms, values, and laws. Crime is thus a social construct, changing across different societies and time periods, with criminal law reflecting these shifts.

Legal definitions of crime are more concrete. According to Paul W. Tappan, crime is "an intentional act or omission in violation of criminal law, committed without defence or justification, and sanctioned by the laws as felony or misdemeanour" (Qadri, 2013). Hence, any act violating the criminal law at a given time is regarded as a crime.

#### **IV. CAUSES OF CRIME**

Crime is a multifaceted phenomenon, influenced by various factors that make it difficult to attribute its occurrence to a single cause. As discussed earlier, since the definition and concept of crime evolve with societal changes, so do its causes (Kumar, 2015). The primary causes of crime can be categorized as economic, social, and psychological, each playing a significant role in influencing criminal behavior.

**(A) Economic Causes**

**1. Overpopulation:** Overpopulation often leads to frustration, aggression, and resentment within society. Individuals experiencing these emotions, without appropriate outlets, may turn to criminal behavior as a means of expressing their dissatisfaction (Kumar, 2015).

**2. Poverty:** Poverty remains one of the most significant determinants of crime. As population growth outpaces resources, individuals struggle to meet their basic needs. Poverty is closely associated with illiteracy and unemployment, both of which exacerbate the likelihood of criminal behavior (Kumar, 2015).

**3. Unemployment:** Unemployment, particularly in overpopulated areas, leads to desperation. The lack of job opportunities fosters frustration and aggression, pushing individuals towards crime as a way to cope with their economic hardship (Qadri, 2013).

**(B) Social Causes**

1. **Family Background:** Family plays a crucial role in shaping an individual's values and moral compass. Dysfunctional family dynamics, lack of respect among family members, and weak value systems can contribute to the development of criminal tendencies in individuals (Kumar, 2015).

2. **Illiteracy:** Illiteracy often correlates with a lower quality of life, lack of awareness, and susceptibility to superstitions. These factors increase the likelihood of individuals committing crimes, as they lack the knowledge and resources to pursue lawful alternatives (Kumar, 2015).

3. **Law Enforcement:** Corruption or negligence within law enforcement agencies can embolden criminals. When authorities are complicit in criminal activities or fail to take action, it encourages further unlawful behavior (Kumar, 2015).

4. **Media Exposure:** Research has shown that exposure to violent media, particularly at a young age, can lead to aggressive behavior and desensitization to violence. This can result in individuals imitating violent behavior seen on television or social media (Qadri, 2013).

5. **Low Conviction Rates:** Low conviction rates contribute to an increase in crime, as offenders believe they can escape punishment. This perception reduces the deterrent effect of the legal system, leading to repeated offenses (Kumar, 2015).

### (C) Psychological Factors

1. **Psychodynamic Theory:** Freud's psychodynamic theory suggests that human personality is divided into three parts: the id (pleasure principle), the ego (reality principle), and the superego (moral conscience). According to this theory, unresolved internal conflicts between these parts can manifest as criminal behavior (ScienceDirect, 2022).
2. **Behavior Theory:** Behavioral theory posits that criminal tendencies are learned through experiences with family, media, and society. Individuals are not born with a predisposition to crime but acquire criminal behavior through their environment (Oxford Research Encyclopedia, 2022).
3. **Cognitive Theory:** Cognitive theory emphasizes the mental processes involved in criminal behavior. Individuals who fail to progress to higher levels of moral development or misinterpret social situations due to faulty information processing may engage in criminal acts (Study.com, 2022).

In modern society, other factors like peer pressure, substance abuse, and religious extremism also contribute to criminal behavior. Deprivation of basic rights can lead individuals to lose faith in the justice system and resort to illegal activities. Hate crimes, motivated by prejudice against race, religion, or sexual orientation, are also on the rise (Mahawar, 2023). With the advent of technology, the nature of crime has evolved, making detection and prevention more challenging. The ease with which crimes can be committed in today's digital age adds a new dimension to the causes of crime, further complicating efforts to reduce criminal activity (Mahawar, 2023).

### (D) The categorization of criminal acts

In the contemporary Criminal Justice System, not all crimes are treated equally. Only those acts that are considered offenses under the law qualify as crimes. The Indian Penal Code (IPC) classifies crimes based on categories such as offenses against the body, property, and the state, which date back to the colonial era (NCRB, 2022). However, as crime trends have evolved, the legislative framework has adapted by enacting special laws to address emerging criminal activities. Laws such as the *Narcotic Drugs and Psychotropic Substances Act, 1985*, the *Dowry Prohibition Act, 1961*, the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989*, and the *National Security Act, 1980* have been introduced to tackle specific types of offenses (Government of India, 2003).

The traditional classification of crimes is no longer suitable for today's changing crime

landscape. Crimes vary in their severity and impact, and it is inappropriate to treat all offenses on the same footing. The Mallimath Committee rightly recommended reclassifying crimes based on various factors, such as the nature of the offense, degree of violence, extent of injury to the victim, and societal impact (Mallimath, 2003). These factors influence decisions about whether the accused should be fined or imprisoned, whether an arrest should be made with or without a court order, whether the offense should be bailable, and whether it should be compoundable with or without a court's order (Mallimath, 2003). The outdated classification of crimes does not address the complexities of modern offenses. A more relevant classification system would consider the societal impact of crimes. While all crimes are theoretically considered offenses against the state, there is a clear distinction between individual crimes like murder, kidnapping, or theft and more severe crimes that threaten national security, such as terrorism or sedition. Similarly, socio-economic crimes like corruption, fraud, tax evasion, white-collar crime, and cybercrime pose unique challenges to law enforcement.

The investigation of modern crimes is increasingly complex. For instance, a simple theft may be resolved with basic interrogation, but serious crimes involving habitual offenders or organized crime require more advanced investigative techniques. In India, where third-degree methods and custodial torture are condemned, scientific methods such as narcoanalysis, brain mapping, and polygraph tests provide an alternative approach to interrogation. It is the responsibility of the state to ensure that criminals are punished, and this requires continuous improvement in investigative techniques. The investigation methods must be adapted to the facts and circumstances of each case, and should vary based on the nature of the crime.

### **(E) Principal Justifications for the Application of Scientific Methods in Research**

#### **a. Rising Crimes in India**

The increasing crime rate is one of the most pressing challenges facing modern society. A review of crime statistics in India reveals the alarming growth in criminal activities. In 2020, metropolitan cities in India reported 924,016 crimes, compared to 859,117 in 2019, representing a 7.6% increase in the crime rate (NCRB, 2022). In states and union territories (UTs), a total of 6,601,285 crimes were reported in 2020, compared to 5,156,158 cases in 2019, reflecting a significant 28% rise (NCRB, 2022). In 2021, metropolitan cities experienced a further 3.1% increase in crime, although IPC crime rates in states/UTs saw a slight decline. However, the category of Special and Local Laws showed a 3.7% increase compared to 2020 (NCRB, 2023). These crime statistics, while alarming, may not fully capture the scale of the problem, as many crimes go unreported. Technology has made it easier to commit crimes, and the nature of crime



has evolved, further complicating crime detection and investigation. Scientific methods provide valuable tools for conducting timely and effective investigations under such conditions.

### **b. Statistics on Conviction and Acquittal Rates in India**

The rising acquittal rates in India's criminal justice system are a reflection of investigative deficiencies, including the use of outdated and unscientific methods. Prosecution often fails to provide reliable evidence, allowing offenders to evade justice. As Bentham aptly noted, "Every precondition not necessary for the protection of innocence affords a dangerous lurking place for crime. The security of innocence is incomplete without a full effort to prevent impunity for crime" (Deb, 1992). In 2021, a total of 4,418,024 people were charged with IPC offenses in states and UTs, but only 885,842 were convicted, while 730,778 were acquitted. Similarly, 2,791,827 people were charged under Special and Local Laws, but only 1,328,465 were convicted, and 316,578 were acquitted (NCRB, 2023). These figures highlight the urgent need for improved investigation techniques to secure convictions.

### **c. Evolving Patterns of Criminal Behavior**

Crimes today are marked by technological sophistication and economic complexity. Traditional crimes like theft and murder are now accompanied by more complex offenses such as cybercrime, terrorism, and white-collar crimes. Terrorism, in particular, has taken new forms, including letter bombs, hijackings, and indiscriminate killings (Merriam-Webster, 2022). Moreover, the concentration of wealth, technological advancement, and media proliferation have created fertile ground for economic crimes such as fraud, tax evasion, and smuggling (Qadri, 2013). These so-called "white-collar crimes" represent a new wave of criminal activity motivated by greed and the pursuit of wealth. Individuals involved in such crimes often manipulate accounts and misuse government permits to secure illegal gains. The financial losses from white-collar crimes far exceed those caused by traditional offenses like theft. This type of criminal activity also inflicts long-term damage on public morals and social trust (Qadri, 2013). The Santhanam Committee's 1964 report on the prevention of corruption noted that technological and scientific advancements contribute to the rise of monopolies and an managerial class, encouraging white-collar crimes. The Committee emphasized the need for strict ethical standards to prevent the growth of these offenses (Government of India, 1964).

### **d. Analysis of Conventional Crimes vs Developing Crimes**

The traditional concept of crime, which includes offenses such as murder, robbery, and theft, is evolving to encompass modern crimes like cybercrime, black marketing, and white-collar offenses. The *Indian Penal Code* (IPC) was not designed to address these emerging forms of

crime, and new laws are needed to tackle the challenges posed by the changing nature of criminal activity. Unlike traditional crimes, which involve direct aggression, white-collar crimes are often subtle and difficult to detect but have a profound impact on society (Qadri, 2013). Economic and social offenses, which harm the entire community, require harsher penalties and advanced investigative techniques. In many cases, the traditional methods of investigation are inadequate, especially when dealing with complex crimes like terrorism, human trafficking, or economic offenses. Investigators must adopt sophisticated techniques to collect reliable evidence in these cases (Penko, 2022). Crimes like organized crime, corruption, and cybercrime often leave little physical evidence, making them difficult to investigate. These crimes demand advanced forensic techniques and a modern approach to law enforcement. As the nature of crime changes, so too must the tools used to investigate and prosecute offenders.

## **V. INVESTIGATION FROM PAST TO PRESENT**

The investigation of crimes has evolved significantly over time. In ancient periods, there was no specialized investigative machinery, and the methods of crime investigation have changed with societal developments.

### **(A) Ancient Period**

- a. **Pre-Historic and Proto-Historic Periods:** During the pre-historic era, people lacked an understanding of law and order. Crime was considered a personal offense, and the victim had the authority to punish the criminal at their discretion. The approach to justice was retributive, following the principle of "an eye for an eye and a tooth for a tooth." There was no separate investigation system, and victims themselves determined the guilt and punishment of the accused (Bhatnagar, 1990). In the proto-historic period, powerful individuals administered justice, and punishment was based on the laissez-faire theory, with minimal governmental interference (Britannica, 2022).
- b. **Period of the Vedic Samhitas and Brahmanas (Upanishads):** During the Vedic period, society was dominated by the Aryans and Dravidians, and justice was administered at the family level. The patriarchal system prevailed, where the father was the head of the family and had the final say in disputes. Over time, justice was administered through a hierarchical system, from the village (grama) to the country (rastra), with the king as the supreme authority. The king was responsible for maintaining peace and order and was assisted by a council that included priests, law officers, and administrators. The punishment varied based

on the race, class, or community of the accused, with Aryans considered superior to others, such as the *Dasyuvarna* (slaves) (Bhatnagar, 1990).

- c. **Epic Era:** The Epic Era, covering the *Ramayana* and *Mahabharata*, saw the systematic classification of crimes. The king, aided by a ministry (*Mantriparishad*), presided over criminal cases. The *Mahabharata* mentions that the *Mantriparishad* consisted of a diverse group of representatives from different castes, including Brahmins, Kshatriyas, and Vaisyas. The *Adhipati* and other subordinate officials were responsible for identifying crimes and maintaining law and order at the village level. Religious texts like *Dharmashastra* guided the judicial process during this period (Bhatnagar, 1990).
- d. **Buddhism and Jainism Period:** In the Buddhist and Jain periods, justice was rooted in religious and philosophical principles, particularly *Ahimsa* (non-violence). Jainism advocated for non-injury, non-stealing, and truthfulness, while Buddhism emphasized ethical conduct and justice. Crimes during this period were rare, and magistrates were appointed to administer justice based on violations of moral codes (Bhatnagar, 1990).
- e. **Mauryan Period:** Under the Mauryan Empire, justice was centralized under the king, who had both judicial and military authority. Courts were established, and the king presided over one, while subordinate officers managed others. Punishments were severe, and methods like public whipping were used to deter crime and extract information from suspects (Bhatnagar, 1990).
- f. **Gupta Period:** During the Gupta period, the criminal justice system became more organized. Crimes were punished according to their nature, with severe penalties such as cutting off limbs for social or moral offenses. The administration of justice was well-structured, and punishment was aimed at deterring crime (Bhatnagar, 1990).

- **Medieval Period**

With the establishment of Muslim rule, the Sultan took on the role of supreme justice, hearing cases personally. When the Sultan was unavailable, the chief *Qazi* acted as judge, assisted by the *Mufti* in interpreting Islamic law. Punishments during this period were harsh, though over time, inhumane methods were abolished (Bhatnagar, 1990).

- **Modern Period**

The modern era of criminal investigation began with British rule in India. The enactment of the *Indian Penal Code* (IPC) and the *Criminal Procedure Code* (CrPC) formalized the concept of crime and streamlined investigative procedures. These codes defined both crimes and the investigative methods required to address them (Bhatnagar, 1990).

- **Present Day**

Today, the police are empowered to investigate criminal cases, and courts are established to conduct trials. Modern laws are enacted to address the evolving needs of society. The role of the police in investigation has expanded, incorporating scientific methods to keep pace with the complexity of contemporary crime (Bhatnagar, 1990).

## **VI. EXPOSURE TO PAIN AS EVIDENCE OF RIGHT OR WRONG**

In ancient legal systems, there were no specific rules or laws regarding the methods of proving guilt or innocence. Instead, ordeals were commonly used as a divine means of determining the truth. The accused was subjected to extreme physical trials, with survival or recovery taken as proof of innocence. From 1000 to 1200 A.D., ordeals by fire or water were widely practiced to establish guilt or innocence. In the ordeal by fire, the accused would carry a red-hot iron over a certain distance, and the condition of their hands after three days determined their fate. If the wounds healed, the person was considered innocent. In the ordeal by water, the accused was submerged in a pool. If they sank a certain distance, they were deemed innocent; if they floated, they were considered guilty (Paranjape, 2003).

These ordeals were deeply rooted in religious beliefs and superstition, reflecting the dominant influence of religion during that era. In Indian legal history, ordeal practices were followed according to *Dharmashastra* rules, which were considered authoritative. Yajnavalkya, an ancient Indian sage, referred to five types of ordeals: Balance, Fire, Water, Poison, and *Kosa* (Paranjape, 2003). However, these methods gradually disappeared as kings took on the responsibility of administering justice, reducing the reliance on divine trials.

### **(A) Criminological inquiries**

In ancient times, there were no standardized methods to determine the guilt of an accused person. Often, the victim decided the outcome. As societies developed, the state assumed responsibility for protecting its people from crime and maintaining order. This shift gave rise to the concept of crime investigation, where state-appointed officers took on the role of investigating, gathering evidence, and bringing offenders to justice (Bhatnagar, 1990). The

transition from informal systems to formalized crime investigation empowered the police to investigate crimes, maintain peace, and ensure justice. Laws were established to define procedures for investigating crimes, collecting evidence, conducting trials, and punishing offenders. This development was a significant step toward modernizing the criminal justice system.

Both the accusatorial and inquisitorial systems of criminal justice share a common focus on the investigation of crime. In the accusatorial system, the police conduct the investigation, while in the inquisitorial system, judges, such as the *Judge d'Instruction* in France, assist in the investigative process (Bennett & Hess, 2001). The term "investigation" is derived from the Latin word "vestigare," meaning "to track or trace" (Bennett & Hess, 2001). Under Section 2(h) of the *Code of Criminal Procedure, 1973*, investigation is defined as including all proceedings undertaken by a police officer or an authorized individual for the purpose of collecting evidence (CrPC, 1973). This definition is broad and includes various processes such as the arrest and detention of suspects, examination of witnesses, raids, searches, seizures, interrogation, and medical examination of the accused (*Baldev Singh v. State of Punjab, 1975*). Given that investigation is central to evidence collection, modern scientific techniques like narcoanalysis, brain mapping, and polygraph tests should also be considered part of the investigation process, as they aid in gathering critical evidence.

### **(B) The Object of Investigation**

The primary objective of criminal investigation is to gather legal evidence concerning a crime. This process is essential for establishing whether a crime has been committed and identifying the offender. The *Supreme Court of India* has held that the goal of a criminal investigation is to determine whether the alleged crime occurred and, if so, to identify the perpetrator (*Kari Chaudhary v. Sita Devi, 2002*). Investigation techniques vary depending on the case, and the ultimate goal is to uncover the truth while ensuring justice for the victim. Investigating officers are granted significant powers, but these should not be abused. It is their duty to prevent miscarriages of justice, and any error in the investigation could result in the acquittal of a guilty person, as noted in *State of U.P. v. Sant Prakash (1976)*.

### **(C) Importance of Investigation**

Investigation is critical to the success of criminal trials. The police are responsible for maintaining law and order, and their primary duty in a criminal investigation is to uncover the truth, not merely to bolster the prosecution's case. The *Supreme Court* in *State of Bihar v. P.P. Sharma (1992)* emphasized that police investigations are the foundation of the criminal trial

process. Errors in the investigation could lead to the acquittal of criminals, undermining justice. Although courts are often cautious about relying solely on the statements made during an investigation, the evidence gathered through thorough investigation is vital for establishing the guilt of the accused. The *Supreme Court* in *Kaptan Singh v. State of Madhya Pradesh* (2002) ruled that the final report of the investigation serves as a basis for trial but cannot be the sole basis for conviction. The evidence must be proved beyond a reasonable doubt to ensure justice is served.

#### **(D) Provisions pertaining to investigation in the Criminal Procedure Code, 1973**

Sections 154 to 176 of Chapter XII of the *Code of Criminal Procedure, 1973* (CrPC) deal with the information provided to the police and their powers to investigate crimes. The police officer's authority to investigate depends on the nature of the offense, which is categorized under the CrPC as either a "Cognizable Offense" or a "Non-Cognizable Offense" (CrPC, 1973). In cases of cognizable offenses, police officers can investigate without prior permission from a magistrate (CrPC, Sec. 156), while for non-cognizable offenses, they must obtain a magistrate's order before proceeding with the investigation (CrPC, Sec. 155). In *S.N. Sharma v. Bipen Kumar Tiwari* (1970), the Supreme Court held that the police have unrestricted authority to investigate cognizable offenses and that magistrates may intervene only when the police decide not to investigate.

The procedure for investigation is outlined in Section 157 of the CrPC, which requires the investigating officer to visit the crime scene, gather facts and circumstances, and take appropriate measures to apprehend the accused (CrPC, Sec. 157). The police have several powers during an investigation, including arresting suspects, interrogating witnesses, searching premises, seizing property, and conducting medical examinations of the accused. In *State of Madhya Pradesh v. Mubarak Ali* (1959), the court elaborated on the steps of investigation, which include:

1. Proceeding to the crime scene.
2. Ascertaining the facts and circumstances of the case.
3. Discovering and arresting the suspected person.
4. Collecting evidence related to the commission of the offense, such as:
  - Examining individuals acquainted with the facts and reducing their statements to writing.
  - Conducting searches and seizures.

Based on the evidence collected, the investigating officer must form an opinion regarding the existence of a prima facie case and, if so, proceed by filing a charge sheet in court.

### **1. Police Authority to Conduct Examinations**

The police are empowered to examine any person acquainted with the facts of the case under Section 161 of the CrPC. This includes the accused, who is required to answer questions truthfully. The person being examined is not obliged to answer questions that may incriminate them, in line with the constitutional right against self-incrimination (CrPC, Sec. 161). The accused's statement is not required to be signed, protecting them from potential misuse of such statements. While the statements recorded under Section 161 have limited evidentiary value, they are used for corroboration and contradiction purposes as outlined in Sections 157 and 145 of the Indian Evidence Act, 1872.

### **2. Authority of the Police to Initiate Medical Examinations**

Medical examinations play a crucial role in criminal investigations, often yielding evidence such as blood samples, hair, or nail clippings. In the earlier *Criminal Procedure Code, 1898*, there were no provisions authorizing the medical examination of the accused without their consent. Courts, therefore, ruled that medical examinations could not be conducted without the accused's permission (*Bhondar v. Emperor, 1931*). However, the *Criminal Procedure Code, 1973*, through Section 53, provides statutory authorization for medical examinations without the accused's consent when such examinations are deemed necessary for gathering evidence (CrPC, Sec. 53). In *State (N.C.T. of Delhi) v. Navjot Sandhu (2005)*, the Supreme Court held that medical examinations under Section 53 are permissible and do not violate the constitutional protection against self-incrimination under Article 20(3) of the Indian Constitution.

### **3. Interpretation of "Such Other Tests" under Section 53**

In *Smt. Selvi v. State of Karnataka (2010)*, the Supreme Court applied the rule of *ejusdem generis* to interpret the phrase "such other tests" in Section 53 of the CrPC. The Court held that this phrase does not include narcoanalysis, brain mapping, or polygraph tests because these are testimonial in nature, unlike physical evidence such as blood samples or fingerprints, which fall under the category of physical evidence.

### **4. Rule of Ejusdem Generis**

The *ejusdem generis* rule dictates that when general words follow specific words, they are interpreted to include only items of the same category as the specific words. In the context of Section 53, the rule was applied to limit the scope of "such other tests" to physical examinations.

However, it has been argued that narcoanalysis, brain mapping, and polygraph tests could be considered within the broader category of medical examinations, as these tests assist in gathering evidence.

### 5. The Necessity of Modern Scientific Techniques

While traditional interpretations of Section 53 exclude narcoanalysis and similar tests, modern crime investigation increasingly relies on advanced scientific techniques. Given the changing nature of crime and advancements in technology, there is a growing call for the inclusion of such techniques within the scope of the CrPC to enhance the efficacy of investigations.

**Table1:** Exposition of Proposed Scientific Methods for Augmenting Criminal Investigations

Scientific Technique	Description	Advantages	Challenges/Concerns
<b>Narcoanalysis</b>	A medicine that puts the person in a semi-conscious condition, making lying harder.	Bypassing cognitive barriers may provide valuable leads.	Informed permission essential, court admissibility uncertain, ethical and legal issues.
<b>Brain Mapping (P300)</b>	Neurophysiological test that assesses brain activity to crime-related stimuli.	Provides objective evidence of criminal recognition.	Consent required; results are personal testimony and may not be admissible in all courts.
<b>Polygraph Test (Lie Detector)</b>	Measures heart rate, blood pressure, and breathing to establish honesty.	Non-invasive, can cross-check assertions or find contradictions.	Inadmissible as solo court evidence, physiological reactions might be affected by worry or terror.
<b>DNA Profiling</b>	Genographic matching in crime scene DNA samples identify or eliminate suspects.	Court-accepted accuracy may clearly identify suspects.	Needs adequate sample handling, processing delays, privacy issues.
<b>Forensic Odontology</b>	Criminal case dental evidence analysis (bite	Helps identify culprits and	Inconclusive, needs professional interpretation,



	marks).	victims,	may be contested in court.
		particularly in violent crimes.	
<b>Digital Forensics</b>	Data extraction and analysis from computers, phones, and social media accounts for proof.	Highly useful for cybercrimes, fraud, and digital evidence situations.	Chain of custody, data tampering risk, specific skill, admissibility.
<b>Forensic Psychology</b>	Psychological evaluation of a suspect's competence, criminal intent, and reoffending risk.	Helps determine suspects' motives and mental health.	Opposing specialists may argue subjective, non-conclusive outcomes.
<b>Ballistics Analysis</b>	Investigating guns, ammo, and bullet trajectories to connect crimes.	Can prove a suspect committed a crime with a particular weapon.	Required exact evidence matching, not always accessible, may be affected by handling mistakes.

### (E) Constraints of Administrative Intervention in the Investigative Procedure

The process of investigation lies within the exclusive domain of the police, and courts generally do not have the authority to interfere. In *State of West Bengal v. Sampath Lal* (1985), the Supreme Court held that the judiciary should not intervene in police investigations unless there is misuse of power. Similarly, the Privy Council in *King Emperor v. Khwaja Nazir Ahmad* (1944) asserted that the judiciary cannot interfere in the investigative powers of the police. Investigative authority is constitutionally vested in the police, and they are responsible for conducting thorough investigations without interference.

There are exceptions to this general rule. When there is evidence that a police officer has misused their powers, the judiciary can step in to prevent abuses. Article 226 of the Constitution of India provides an aggrieved individual the right to seek remedies in cases of police misconduct. The investigative process demands dedication, intelligence, and an objective

assessment of facts. Under Section 173(8) of the *Code of Criminal Procedure* (CrPC), police officers are empowered to conduct further investigations if new facts emerge after the initial investigation. This provision ensures that investigations remain dynamic and adapt to new evidence as it becomes available (CrPC, Sec. 173(8)). In *State of Haryana v. Bhajan Lal* (1992), the Supreme Court explained that the judiciary can interfere if a police officer misuses their investigatory powers in violation of statutory provisions, causing harm to the personal liberty or property of a citizen. The court held, "If a police officer transgresses the circumscribed results and improperly and illegally exercises his investigatory powers... the court must intervene to redress the grievance" (AIR 1992 SC 604). The *Police Act, 1861* also safeguards police autonomy in investigations, stating in Section 3 that neither the judiciary nor the executive can interfere with police powers unless there is a violation of human rights. In cases of defective investigations or police inaction, as in *Zahira Habibulla H. Sheik v. State of Gujarat* (2004), the courts can step in to ensure proper investigation (AIR 2004 SC 158). Importantly, courts have condemned the use of third-degree methods during interrogation, as highlighted in *Podda Narayana v. State of Andhra Pradesh* (1975), where the Supreme Court ruled that statements obtained through police coercion are inadmissible in court (AIR 1975 SC 1252).

#### **(F) Maluse of investigative authority by law enforcement agencies**

Human rights, enjoyed by every individual, including the accused, are fundamental and cannot be violated during an investigation. However, police officers in India have historically resorted to torture—both mental and physical—to extract information, often violating human rights. The judiciary has consistently condemned such practices. The *Criminal Procedure Code* grants police wide powers to investigate crimes, but limitations are imposed to prevent abuses. To curtail police atrocities, the Supreme Court, in *D.K. Basu v. State of West Bengal* (1997), established eleven guidelines to be followed during and after the arrest of a person, ensuring that the accused's human rights are protected while they are in custody (AIR 1997 SC 610). These guidelines include requiring police officers to wear identification tags, preparing a memo of arrest, and ensuring that a relative or friend of the arrested person is informed of their detention. Despite these legal protections, police abuse of power remains rampant, often manifesting in custodial torture, encounters, and deaths in police lockups. Such practices have led to a deterioration of public confidence in law enforcement. *Article 21* of the Constitution guarantees the right to life and personal liberty, and the Supreme Court in *Kishore Singh v. State of Rajasthan* (1981) condemned police brutality, emphasizing that such acts violate constitutional protections (AIR 1981 SC 625).

Sections 330 and 331 of the *Indian Penal Code* (IPC) provide for the punishment of police

officers who engage in torture, but convictions remain low due to the lack of direct evidence and the tendency of police officers to cover for each other out of professional solidarity (IPC, Sec. 330-331). The *Supreme Court* has expressed concern about the prevalence of custodial violence, noting in *D.K. Basu* that "increasing incidents of torture and death in custody have assumed alarming proportions" (AIR 1997 SC 610). The growing emphasis on human rights is often seen as being in conflict with the need for effective law enforcement. The Supreme Court in *Joginder Kumar v. State of U.P.* (1994) observed the difficulty in balancing the expanding horizons of human rights with the need to combat rising crime rates (AIR 1994 SC 1349). The Court recommended adopting scientific methods such as narcoanalysis, brain mapping, and polygraph tests to gather evidence without violating human rights. Police face a dilemma: if they use excessive force, they are criticized for violating human rights, but if they fail to maintain law and order, they are accused of leniency. To resolve this conflict, scientific methods of investigation offer a humane alternative to coercive practices. From the above discussion, it is evident that the worst violations of human rights often occur during investigations. Police officers must avoid third-degree methods and adhere to legal and ethical standards. Law enforcement officers are entrusted with protecting individuals' rights, and any deviation from these standards undermines public trust in the justice system.

### **(G) Problematic Procedures in the Investigation**

Multiple undesirable behaviors have been detected throughout the investigating process, which significantly undermine the integrity of criminal investigations. These factors include failures in promptly documenting the First Information Report (FIR), thus enabling the accused to evade capture or manipulate evidence, as well as interpolations or modifications in official papers, so obscuring the veracity of the matter. Engaging in the deliberate avoidance or transformation of cognizable crimes into non-cognizable offenses is an additional kind of misconduct that hinders the thorough inquiry. Additional unethical behaviors include the deliberate underreporting of crimes to enhance law enforcement statistics, the fabrication or exaggeration of evidence to bolster weak cases, and instances of abnormalities in the compilation of search and seizure lists, which have the potential to influence results. Furthermore, the intentional apprehension of innocent individuals, unlawful confinement, and falsification of evidence are serious infringements of justice, while the imposition of third-degree techniques for coercing confessions by torture is both unlawful and morally wrong. The use of middlemen disseminating inaccurate information, intimidation of witnesses, receipt of bribes, and submission of fabricated cases for personal or political motives further undermine public confidence and hinder the functioning of the legal system (Supra note 3, at 48).

### **(H) Impediments Encountered by the Investigating Officer**

Investigating officers encounter a multitude of obstacles that impede their capacity to carry out efficient investigations. According to Bruce Smith, who remarked that police are commonly utilized for public occasions (Tannenbaum, 1963), officers are often sidetracked from their main responsibilities by protocol chores such as attending to political leaders and VIPs. Investigative processes are further complicated by a lack of public participation, as people are generally hesitant to provide testimony, therefore undermining the prosecution (State of U.P. v. Lalla Singh, AIR 1978 SC 368). This difficulty is increased by the pervasive public distrust of the police, since many see officers as corrupt or unreliable. Interrogating the accused in jail poses an additional challenge, as although custodial questioning might provide crucial information, courts are frequently reluctant to accept comments made during such inquiries. Moreover, offenders who have political affiliations provide substantial challenges, since their impact may distort investigations. The prosecution's arguments are further undermined by witnesses who become hostile during trials and the insufficient provision of witness protection, since intimidation and fear sometimes result in the retraction of crucial testimonies.

## **VII. CONCLUSION**

The current criminal environment is both complicated and constantly evolving, which presents considerable challenges for the investigating officers who are responsible for locating and prosecuting offenders. For the purpose of evading detection, modern criminals use sophisticated methods, which may include the use of technology. Previously, there was no specifically designated apparatus for conducting investigations; nevertheless, the CrPC now provides law enforcement officers with a large amount of jurisdiction to conduct investigations. At the same time, constraints are imposed in order to prevent the misuse of these powers. This is done in order to ensure that the norms of legal governance are upheld in a democratic organization. Investigators working for law enforcement agencies face a variety of obstacles, including defective investigations, influence from political figures, suspicion from the general public, and the increasing complexity of illegal activity. Because of these variables, the high proportion of acquittals is even higher, which highlights the need of using research methods that are more effective. As a consequence of this, there is a growing need for the use of scientific approaches, such as narcoanalysis, brain mapping, and polygraph tests, in order to ensure that the investigation process is both fair and efficient. The legal framework that is created in Sections 161 and 53 of the Criminal Procedure Code governs the execution of tests of this sort. It is possible to claim, in light of these restrictions, that narcoanalysis, brain mapping, and polygraph

exams fall within the authority of the police for the purposes of inquiry, and that the assent of the accused is not required. Nevertheless, constitutional rights must be adhered to by any and all investigating methods. It is the job of the police in a democratic society to properly combine the rights of individuals with the need of maintaining justice. This is a laudable obligation at the same time. When it comes to achieving justice for victims and preserving public faith in the criminal justice system, conducting investigations that are both thorough and fair is very necessary.

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