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Efficacy of Police Investigation

JAWABNAVIS JAYANTH NAGA SAI¹

ABSTRACT

Crimes in India have escalated exponentially in the present times which have a negative impact on the society. The Police have a greater role in mitigating these crimes and protecting the citizens of the country.

Police is a state governed subject in the List II of the seventh schedule of the Constitution of India and the State Police is governed by the Police Act, 1861. Each state has an authority to establish its own police force for the safeguarding of its citizens. The state is the guardian which aids in providing an impartial and effective policing to the public. In India, the State police deal with the investigation and maintenance of Law and Order within the State, whereas, the Central forces are appointed for the special purposes such as serious internal security threats.

The new criminal law of Bharatiya Nyaya Suraksha Sanhitha (BNSS) have also expanded the role of the police where the police has to inform the informant about the advancement in the case along with filing an investigation report to the Magistrate fortnightly.

The major role of the Police in any state is to uphold the law, prevention and investigation of the crimes. Since India is a country which has a wide threat due to its credibility in the world and as an emerging competitor to the enemy countries, it is compulsory that the country should be well equipped with good weapons, forensics and transportation in order to protect the citizens against crimes and threats.

The investigation procedure is the predominant duty of the Police since it helps in the restoring of the peace and tranquility among the citizens. The police carry out various procedures in order to conduct an investigation in a very successful manner, which basically includes filing of First Information Report to submission of the charge sheet through the public prosecutor in the Court of Law. The evidence against the Accused will be procured by the police in the due course of the investigation to prove his guilt which is the cornerstone to try any criminal matter in the Court.

The Hon'ble Supreme Court has rendered many guidelines for the police to discharge a better investigation. The guidelines are adhered by the Police since then to deliver justice to the victims and their families.

Keywords: *Crimes, Police, Police Act 1861, Bharatiya Nayaya Suraksha Sanhita, Fortnightly, Uphold the law, Prevention, Investigation, First Information Report, Supreme Court Guildlines.*

¹ Author is a student at ICFAI Law School, Hyderabad, India.

I. INTRODUCTION

The Investigation plays an important role in a Trial. It is the base on which the whole case gets revolved and decided. The rights of both the accused and aggrieved persons are to be protected from the beginning stage of the criminal investigation as it has an effect on the Trial procedure which usually takes place in criminal matters.

In order to deliver a fair trial, it is mandatory to follow strict procedural safeguards which are compiled in the Constitution of India, criminal procedural code and the latest Bharatiya Nagarik Suraksha Sanhitha from the minute the police receive information about an offence it is the responsibility of the police to conduct a criminal investigation. Non-compliance of the relevant procedural norms would lead to the unfair trial which largely can jeopardize the whole criminal proceedings in the Court of Law.

The manner in which a crime is being investigated by the police has an effect on the Trial as many of the rights of an individual are provided under Article 21² of the Constitution which refers to “No person shall be deprived of his life or personal liberty except according to the procedure established by law”.

If it is a case of cognizable offence and the information is given to the officer in charge of a police station orally then the officer should reduce the recital into writing and read over the same to the informant and must obtain a signature on it. In case of a written complaint, the person who is filing the complaint should attest his signature and thereon it will be entered in a book prescribed for the said purpose according to the Section- 154³ of the Cr.P.C.

II. COMPONENTS INVOLVED IN POLICE INVESTIGATION

1. Resources and Training Resources: Police investigations require resources comprising personnel, funding, vehicles, forensic laboratories and specialized equipment like scene kits, surveillance tools and communication devices. The accessibility to these resources impacts an investigation’s caliber for its efficient progress. Sometimes unavailability of critical tools, or reliance outdated methods would lead to not solving the crimes. To combat this, the police get updated with the new techniques which help in solving the crimes.

i) Training: Effective investigation relies on the skilled and expert officers. Relentless professional development through training in streams such as forensic science,

² Article 21 of the Indian Constitution deals with Right to Life and Liberty

³ Section- 154 of Criminal Procedure Code deals with FIR

cybercrime, cultural competency and investigative ethics are vital. Specialized training programs about heinous crimes like homicide, domestic violence and rape help the officers to deal with the complex cases effectively and efficiently.

2. Crime Scene Management

- i) **Securing the Scene:** The first response to a crime scene is very important. The officers should ensure that the scene should be prevented from the contamination or tampering of the evidence. This comprises establishing a perimeter, controlling access and preserving the scene's integrity until the police arrive.
- ii) **Collection of Evidence:** Appropriate collection, labeling and preservation of physical evidence such as fingerprints, DNA, ballistic evidence and blood spatter are critical to maintain its originality. Negligence at this stage would lead to contamination or loss of evidence which directly impacts the investigation and can also lead to a dead end.
- iii) **Documentation:** Complete documentation of the crime scene, including the photographs, notes and sketches are necessary for reconstruction of the events and most important to prove the admissibility of the evidence in the Court. Adopting this also helps in maintaining a chain of custody for all the evidence that is collected.

3. Investigative Techniques

- i) **Interviews and Interrogation:** Conducting eminent interviews and skillful interrogations are the key for high success rate in solving the crimes. Having this art helps the Accused accepting his commission of the crime. On the other hand, it involves understanding psychological principles, being able to detect deception and building acquaintance with the witnesses and suspects. Lack of appropriate steps herein can lead to false confessions which might lead to convictions of an innocent people in some cases.
- ii) **Surveillance:** Surveillance techniques incorporating electronic surveillance, undercover operations and stakeouts can muster valuable evidence. Effective use of surveillance requires proper and careful planning and execution, besides, adhering to legal standards to prevent the evidence being deemed to be unfit and inadmissible.
- iii) **Forensic Analysis:** Forensic science such as DNA analysis, toxicology and

digital forensics act a significant role in modern age investigations which fits in the current scenarios. The efficiency to apply forensic resources can break a case especially in cases involving technology and serious crime scenes.

4. Interagency Cooperation

- i) **Cooperativeness between the Agencies:** Successful investigations should always require coordination between local, state and central law enforcement agencies. Sharing intelligence, resources and expertise will enhance the ability in breaking the crimes, especially cross jurisdictional boundaries like organized crime, cybercrime and human trafficking.
- ii) **Coordination with other entities:** Beyond law enforcement, coordination with the forensic laboratories, mental health professionals, social services and community organization can give additional support and resources in helping with the different stages of crimes.

5. Community Engagement

- i) **Building Trust:** Building trust and faith with the community will lead to a greater co-operation and willingness to act as witnesses which gives them a social responsibility to be a part of solving a crime directly or indirectly. Community engagement initiatives such as neighborhood watch programs and foster relationships can be crucial during investigations.
- ii) **Transparency and Communication:** Fair communication regarding the investigative progress whenever is relevant, can help manage community expectations and constructs trust. Although, balancing the confidentiality criteria are a delicate procedure.

6. Legal Framework and Oversight

- i) **Adherence to Legal Standards:** Police investigations must adhere to constitutional rights and legal standards, such as obtaining warrants, following procedures for arrests and interrogations, and respecting suspects' rights. Violations of these standards can lead to evidence being dismissed in court and cases being overturned. On the other hand, the police is not entitled to curtail the rights given by the Indian Constitution.
- ii) **Oversight Mechanisms:** Internal and external oversight bodies, such as internal affairs departments or civilian review boards, play a role in ensuring

investigations are conducted fairly and lawfully. Effective oversight can prevent misconduct, ensure accountability, and build friendly approach with the law enforcement agencies by public.

7. Performance Metrics

- i) **Case Clearance Rates:** One of the primary metrics used to measure investigative efficacy is the clearance rate, or the percentage of cases solved compared to the number of cases reported. High clearance rates typically indicate effective investigative practices, though they can also be influenced by external factors such as the nature of the crimes or community cooperation. Speedy disposal of the cases is also having a heavy weight in the contemporary situation.
- ii) **Time to Resolution:** The time taken to solve a case is another critical metric. While quicker resolutions are often seen as a sign of efficiency, the complexity of the case and the quality of the investigation are also important factors to consider. Rushed investigations may lead to errors or wrongful convictions. Contrary to justice delayed is justice denied, justice hurried is justice buried, in order to solve any case rapidly it should not forfeit the basic principles of natural justice and single innocent should be punished.
- iii) **Successful Prosecutions:** The ultimate test of an investigation's effectiveness is often the ability to achieve a successful prosecution. This involves building a solid case that can stand up to scrutiny in court, demonstrating the investigation's thoroughness and adherence to legal standards. Public Prosecutor being representing the State plays a major role in court proceedings beginning from the Trial to delivery of the Judgment.

8. Technological Advancements

- i) **Data Analysis Tools:** Modern investigations increasingly rely on data analysis tools to identify patterns, predict criminal behavior, and link suspects to crimes. Technologies such as geographic information systems (GIS), crime mapping, and social network analysis help law enforcement agencies anticipate and prevent crimes more effectively. Lately, open source intelligent tools are emerging which practices gathering, analyzing and disseminating the sources from publicly available resources to answer particular intelligence requirements that are necessary to the investigation.

- ii) **Digital Forensics:** With the rise of cybercrime, digital forensics has become a vital aspect of investigations. This involves extracting and analyzing data from computers, smartphones, and other digital devices to uncover evidence. Expertise in digital forensics is essential in cases involving online fraud, identity theft, and other cybercrimes.
- iii) **AI and Machine Learning:** Artificial intelligence and machine learning technologies are being used to analyze large volumes of data, recognize patterns, and even predict future criminal activity. These technologies can automate routine tasks, freeing up officers to focus on more complex aspects of investigations.

9. Cultural and Organizational Factors

- i) **Accountability and Transparency:** A culture of accountability and transparency within police departments is essential for appropriate and important investigations. This involves clear reporting structures, regular audits, and a commitment to ethical behavior. When officers and investigators are held accountable for their actions, it enhances the overall quality and credibility of investigations.
- ii) **Continuous Improvement:** Encouraging a culture of continuous improvement and learning can lead to better investigative practices. This might involve regular training updates, lessons learned from previous cases, or incorporating feedback from oversight bodies. Departments that focus on improving their methods and learning from mistakes tend to have higher investigation efficacy.

By understanding and addressing these factors, law enforcement agencies can improve their investigative processes, leading to better outcomes in terms of crime resolution, community trust, and overall public safety.

III. SAFEGUARDS TO BE ADHERED BY THE INVESTIGATING OFFICER WHILE CONDUCTING AN INVESTIGATION

1. The officer in charge of a police station has every power to investigate any cognizable offence without the permission of any Magistrate within the limits of such station according to the Section 156 of the Code of Criminal Procedure⁴. As far as non-cognizable offence is concerned, the investigating officer should take an order from the

⁴ Section 156 of Criminal Procedure Code deals with the Police Officer's power to investigate cognisable case.

Magistrate having power to Trial such case.

2. Section 157 of the Code of Criminal Procedure⁵ specifies the procedure for investigation which states if the police officer has any reason to doubt commission of a cognizable offence he shall forthwith send a report to the Magistrate and proceed to the scene where the offence was taken place and investigate the same in person or authorize any subordinate to investigate the facts and circumstances of the case to establish the truth and punish the wrongdoer.
3. During the course of investigation and examination of the witnesses by the police as per the Section 161 of the Code of Criminal Procedure⁶. The Magistrate has wide powers to orally examine any person who are aware of the facts and circumstances of the case and that person is liable to answer honestly the questions pertaining to the case other than the questions.
4. According to the Article 20 (3) of the Indian Constitution which provides that “No person Accused of an offence shall be compelled to be a witness against himself.” According to the Criminal Jurisprudence, the Accused must be considered as innocent until proven guilty. Hence, the burden of proof lies on the prosecution to prove the guilty of an Accused. As per Section 161(2) of the Code of Criminal Procedure the Accused need not give any answer which would have a chance to expose him to a criminal charge or to a penalty to forfeiture.
5. The statements of a woman against whom the offence was committed or attempted under Sections 354, 354 A to D, 376, 376 A(2) (e) and 506 of the Indian Penal Code, shall be recorded by a women police officer and whenever it is necessary the statements maybe also recorded in electronic means.
6. The Investigating Officer has to discharge his duties with the only object to investigate the allegations that are put forth. The Investigating Officer should consider relevant substantial material which is in favor or against the accused in due course of the investigation. The investigation officer makes the investigation thoroughly after prompt recording of the First Information Report and sending the same to the court. In case of non-compliance of provisions of the Criminal Procedure Code would lead to ineffective means of trial. Therefore, it is mandatory for the police to comply with the relevant criminal acts.

⁵ Section 157 of Criminal Procedure Code deals with the procedure of investigation

⁶ Section 161 of the Criminal Procedure Code deals with Examination of witnesses by police

The Hon'ble Supreme Court decisions where it pronounced the effective Police Investigation

In the case of **State of MP Vs. Mubarak Ali**⁷, the Respondent was accused of cheating under Section 420 of IPC (Indian Penal Code). There was a contract between the parties regarding the sale of rice. The Supreme Court in this case explained the five stages of investigation:-

1. The first stage is that the police must immediately go to the crime scene after the registration of FIR.
2. The second stage is that the police must ascertain all the facts and circumstances of the offence committed at the crime scene.
3. The third stage was to find the accused and arrest after ascertaining the facts and circumstances of the case.
4. The fourth step was considered as the heart and soul of investigation as it included the collection of evidence. It was decided into two ways one being Section 161 and then records the statement of the witnesses while the second way is conducting of search of various places.
5. The last and the fifth step are to analyze and interpret the evidence collected.

The Court in this found the Accused guilty as he had committed the crime in India.

In the landmark judgment of **Nandini Satpathy Vs. Dhani (P.L.) AND ANR**,⁸ the former Chief Minister of Odisha was framed for misuse of her power by holding incumbency. This case is a landmark case in the history of India as the Supreme Court gave few guidelines against self-incrimination. The Supreme Court guidelines are:

- 1) The suspect must be allowed to have his/her advocate during the examination.
- 2) The suspect must be observed by a doctor/ lawyer or magistrate prior to the examination.
- 3) The police must apprise the Rights of the Accused mainly rights to remain silent, right against self-incrimination or testimonial compulsion.

⁷ State of MP Vs. Mubarak Ali AIR 1959 SC 707

⁸ Nandini Satpathy Vs. Dhani (P.L.) AND ANR AIR 1978 SC 1025

- 4) The lawyer/ doctor or the magistrate must record a brief conversation with the Accused which shall be sent to the concerned magistrate to record their impression.

The Court also discussed the Article 20(3) of the Constitution as the Right of the Accused. He may voluntarily accept any crime committed but he should not be forced or in a manner to force them to confess their crime. Such force or compulsion amounts to violation of their right against self-incrimination.

In a concurring decision of **Lalita Kumari Vs. Government of Uttar Pradesh & Ors⁹**, a minor had been kidnapped and the father of the victim had filled a case at the police station. The officer in charge of the station had taken no steps for investigating the case. The father had then approached the Superintendent of police but even there were no steps taken to apprehend the accused and recovery of the minor girl.

The Supreme Court had given specific guidelines for the police with regard to registering of FIR:

- 1) The registration of FIR is mandatory in case of cognizable offence even without a preliminary inquiry. In case the information provided by the informant does not reveal a cognizable offence but requires investigation then a formal investigation shall be conducted.
- 2) In case the information is not clear on it being a cognizable case then preliminary investigation is to be done to ascertain the case. In case it is not a cognizable offence then the copy closure is to be sent to the informant within one week.
- 3) The preliminary inquiry shall be completed with seven days and all the documents related shall be reported in the General diary kept in the police station.

Thus the Court specified that if the information given by the informant reveals it to be a cognizable offence then the police can register an FIR without any preliminary investigation.

IV. RECOMMENDATIONS

1. The lodging of FIR at the right time will escalate the rate of conviction.
2. Strict laws should be introduced negating the false implications.
3. Delay in visiting the crime scene should be avoided. Reconstruction of the crime scene should take place immediately after registering the FIR.
4. Genuine and proper entries should be made in General Diaries which are maintained

⁹ Lalita Kumari Vs. Government of Uttar Pradesh & Ors AIR 2012 SUPREME COURT 1515

during the investigation under Section 172 of the Criminal Procedure Code.

5. The number of scientific experts should be increased in the Clues Team for best and rapid investigation procedure.
6. Rigorous and practical training needs to be timely inculcated on Police Officers in accordance to the law.
7. Enhancement of the infrastructure and updating the technology in Police Stations is necessary and must be implemented in all Police Stations.
8. Section 154 of Code of Criminal Procedure speaks about procedure of recording confessions and statements. The Police execute their best efforts to discover the truth and make it admissible in the Court of law.
9. The interference of media should be limited as it has an impact on the deviation of the investigation.
10. Separating other duties of Police from investigation will lead to the reduction in the burden of many works on a limited number of Police.
11. Police accountability should be made strict and stringent.
12. A law officer must be appointed to aid the Police during investigation procedure. This helps the Police to learn about the complications of the Law of Evidence.

V. CONCLUSION

The crime in India has largely increased contemporarily. The Police play an important role in safeguarding the citizens of the state and maintenance of law and order. The Indian police force ranks second globally in terms of the number of personnel in the force. They work with determination and dedication towards their duty. They play a very important role in investigating the crimes to catch the accused so that the crime rate in the society reduces.

However, there are many problems that the police face during the process of investigation. The main problem is that the police force lack proper training and resources that are essential for efficient investigation. The political influence upon the Police during the course of investigation also affects the credibility of the Police investigation. The low morale of Police due to poor working conditions and low salaries also affects the effectiveness of the Police officers.

The other major problem is the community relations between the police and the citizens. Although, Police in the present times are trying their best to develop trust and communicate with the citizens. It is important as many people fear the Police and do not address their

complaints in the Police stations which have an impact on the crime rates in the state.

The work environment for the Police might be challenging and difficult but they get motivated and satisfied as they make a change towards the betterment of the society.

The new criminal laws namely Bharatiya Nagrika Sanhita and Bharatiya Nayaya Suraksha Sanhita have also given an increased and more responsible role to the police during the investigation process. Hence, the Police are very important in the society that secures and protects the lives of the citizens.
