

## **Chapter- IX**

### **CONCLUSIONS AND RECOMMENDATIONS**

There is an imminent need to curb the growing menace of acquittals by effective investigation of crimes on professional line. This can be tackled by adopting the measures discussed in this chapter. Based on the importance and priority, the measures are divided in to primary and peripheral. However, these measures are interdependent and complementary to one another. Therefore, a holistic approach is recommended to address the problem of the large scale acquittals due to ineffective investigation of crimes on poor professional footing. Since the scenario of crimes, process of investigation, ineffective investigation due to lack of professionalism and resultant large scale acquittals are in Karnataka, as revealed by empirical study, is same as that of in other States in India, the measures recommended in this chapter will holds good for other States of India also.

#### **A. Primary Measures**

##### **1. Need for Specialization in Investigating Police**

Specialization is the hallmark of a successful profession and it is befittingly true of the police profession. In academics it is a practice that each discipline is divided and sub-divided into different branches for the sake of specialization, expertise, efficiency and productivity. In an organization where too many jobs are expected to be performed by a single person, it would result in poor performance and productivity which is a case that prevails with the police and its work culture.

Durkhiem, in his memorable work, "*The Division of Labour in Society*" has observed that "multi-nature of duties of a worker is very anti-thesis of professionalism and specialization as it diminishes the rate of work efficiency and dilute the work quantum." Today's advancements in the field of science and technology, especially in cybernetics is mainly due to the focus on specialization and professional approach to the development of the field which has paid rich dividends to the society and the State.

The Indian police have been over-pressed with multiple of duties of varied nature. There is a chaos and confusion with regard to the prioritization about the duties to be performed by the police. There is no scope what so ever for being selective in the nature of job for the police. Further, the changing vicissitude of time and situation has complicated their work pattern. They are expected to perform their duties in a professional manner bearing in mind the roles and goals set by the State. Thus, the concept of specialization has remained a distant dream and foreign to the police.

The India police are expected to perform various duties ranging from law and order, maintenance of internal safety and security, VVIP security, traffic regulations, court duty to the prevention and detection of crimes These vast and varied nature of duties are virtually hampering the very process of efficient and effective investigation on professional line. As a result, the paramount duty of prevention and detection of crime has been relegated to peripheral position.

This type of varied nature of work culture of the day police appears anti-thetical to the very idea of professionalism and specialization which are to be the hallmarks of police system. This mish-mesh in the role and responsibility of the investigating police has negated the principle of mastery and specialization in specified area of operation. Today the police conform to the idea of jack of all and master of none, accomplishing nothing in terms of perfection, promptitude and productivity. This manner and method of work pattern by the Indian police has resulted in inefficiency and ineffectiveness in their work and

wastage of time, men, money and materials. Its impact is so powerful that solemn task of investigation has been relegated to a state of concoction and padding of cases; inordinate delay and poor quality of investigation resulting in the rise of acquittal rate. This has further added and aggravated the incidence of crime and criminal activities challenging the strength and spirit of the Indian police and makes them to accept a tough battle.

It is interesting to note that non-crime duties have been consuming 60 to 70 percent of the working time of the Indian police. As a result, the work efficiency in investigation of crimes has reached its lowest nadir. This fact has been substantiated by the responses elicited from cross-samples of empirical study. This is due to over crowded and clouded nature of duties expected to be performed by the investigating police over and above their skills and capability.

Various Commissions and Committees such as 14<sup>th</sup> and 154<sup>th</sup> Law Commissions of India, National Police Commission, Justice (Dr.) V.S. Malimath Committee on 'Reforms of Criminal Justice System', have observed that the lack of professional attitude and aptitude amongst the investigating police is one of the prime reasons for inefficiency and ineffective investigation and resultant rise in acquittal rate. Time and again, observations of the Supreme Court and High Courts during hearing on appeals contribute to such an opinion. The Supreme Court in *Prakash Singh and Others v. Union of India and Others*, (2006) has specifically lamented the way the investigations are being conducted without professional outlook and approach. Opinion of various samples of the empirical study is also akin to this view and they express strong reservations about the present system of performing of various duties by the investigating police and have unequivocally expressed that myriad and multiple duties assigned to the police form a great hurdle in the professional way of investigation of crimes. They have strongly suggested for specialization in work pattern and separation of the police force in to law and order and crime as a panacea for the problems that have corroded the efficiency and effectiveness in the process of investigation on professional footing.

Though in States like Karnataka specialized wing Corps of Detectives (COD) at State level and Central Crime Branches at District and Police Commissionerate level for investigation of serious crimes do exist, yet it is not enough if COD investigate hardly 100 to 200 cases with a limited officers and staff in a year when more than 1, 43, 783 cases are reported in a year. The State cannot deny justice to this large number of victims.

Even in COD the officers who investigate the crimes are posted on transfer from other wings of police department without any qualification of law, experience and expertise to investigate the cases on professional footing. Hence the investigating officers cannot perform the investigation duties on professional line consequently the efficiency and effectiveness in investigation of crimes suffers a set back.

The investigating police needs special skills, knowledge, qualifications, experience and aptitude to perform their investigative duty efficiently and effectively to curb and contain the growing rate of acquittals. This can be done better only when the police are professionally specialized to discharge their paramount duty of prevention and detection of crimes. Specialization has a special attribute of harnessing various resources judiciously and ability to manage the affairs of an organization with lot of vision and wisdom. It improves both quality and quantity of investigation of crimes. It enhances efficiency and effectiveness amongst the investigating police in their investigative work culture. It is a great fillip for the investigating police to work with interest, spirit and dose of commitment as they are not perturbed and disturbed from other kinds of varied duties.

## **2. Need for Separation of the Police Force into Law and Order and Crime with separate Command and Control**

Ever since the British brought in a system of formal police by enacting the Police Act in 1861 for policing the society, the police are required to perform various duties ranging from law and order, traffic, VIIP, court to crime

prevention and detection. These various over pressed duties of the police have sown the seeds of inefficiency and ineffectiveness which incidentally have resulted in poor quality of output in work. As a result, the police's solemn duty of investigation has been relegated to peripheral one leading to unaccountable wastage of man power, money and material causing financial burden to the State exchequer.

The paramount task of investigation has received a set back because of multiple tasks and as a result efficiency has come down and ineffectiveness in investigation has crept in. Padding, concoction and table investigation have become order of the day. The police officers who are on the job of investigation are hell bent to complete cases without collecting proper and sufficient evidence to reach the target and to satisfy their department superiors. This has ultimately resulted in the rise of acquittal rate causing grave concern for the people and the State. The real victims are deceived and denied justice. This vicious phenomenon has vitiated the whole social mechanism in the society, disturbing its peace and order, safety and security.

The recommendation of various Commissions and Committees such as 14<sup>th</sup> and 154<sup>th</sup> Law Commissions of India, National Police Commission, Justice (Dr.) V.S. Malimath Committee on 'Reforms of Criminal Justice System' to separate the police force into law and order and crime wings is not yet taken serious note of by the Central and State Governments in India. The Supreme Court in *Prakash Singh and Others v. Union of India and Others*, (2006) has strictly instructed to the Centre and States to separate the police force into law and order and crime. Many States including Karnataka filed affidavits before the Supreme Court that they have complied the directions, but in reality the same old system of police performing manifold duties has been continuing without any change.

Therefore, unless the present system of multi-nature work pattern of police is done away with, there will be no hope of adopting professional approach for effective investigation. The only panacea for all the maladies that the Police Department is infected with is the separation of the police force into law and order and crime wings with separate command and control. Separate command and control would facilitate supervision of investigation of crimes and the investigating police by a separate set of officers. This will help to boost the efficiency and effectiveness in investigation of crimes as these supervisory officers will be exclusively doing the job of supervision and controlling of the investigation police without any distortions from other duties. Thereby the time, energy, skills and knowledge can be best used for investigation alone. The supervisory rank officers may be of the rank of Deputy Superintendent of Police, Superintendent of Police, Deputy Inspector General of Police, Inspector general of police and Director General of Police. This will eliminate the evils of generalist work pattern and strengthen specialization in work pattern amongst the police. All the attributes and advantages of professionalism can be best availed and exploited for efficient and effective investigation by the investigating police.

Empirical study has clearly and categorically vindicated the need for separation of the police force into law and order and crime with separate command and control.

The successful working of this scheme would also depend upon other apparent and latent factors and variables such as nature and number of cases to be investigated by an investigating officer, availability of time, man power and other infrastructure, work environs, service conditions, interest and aptitude of the investigating police., training inputs for updated skills and knowledge on various issues and aspects of effective investigation. This issue has to be borne in mind while planning the strategies for separation of police into law and order and crime wings.

### 3. Need for Special Skills and Knowledge of Laws and Codes

A Professional must possess sufficient amount of skills and copious knowledge on the issues that directly and indirectly influence his work. The axiom says: 'Knowledge is power' and it is immensely required in the field of policing, especially in the field of effective investigation of crimes. Investigation being an art and a science, the police who are on the job of investigation should invariably possess special skills and copious knowledge of laws and procedures involved in collection, collation and analysis of evidence during the course of effective investigation.

Knowledge of laws and codes is *sin qua non* for the investigating police. Never would a police officer be successful without fundamental knowledge on the Criminal Procedure Code, the Indian Evidence Act, the Indian Penal Code and such other laws and rules. Investigation is a continuous process which starts from registration of FIR to filing of final report to the court. During this process and path of investigation, the investigating police must follow and apply the rules and procedures set out for the purpose lest the cases end up in acquittals. Men, money, material and time spent on an investigative assignment will remain a criminal waste if the officer follows his whims and fancies.

The investigative police should have the knowledge of CrPC for the simple reason that at the time of registration of FIR they would be able to clearly distinguish whether the FIR lodged contains cognizable offence or not. The pertinent and important queries that he should grapple with are: How to record dying declaration? Whether to register an FIR or not? What are the prompt entries required to be made in the station house diary? How to handle the scene of crime? How to effect search & seizure? How to examine witnesses to the crime? How to arrest the accused to the crime? How to hold inquest on the dead body? How to hold Test Identification Parade? How to file charge-sheet? How to write a case diary? Such issues are completely procedural in

nature and violation of which would circumvent the course of investigation and vitiate the whole process of trial as well. In so far as the Indian Evidence Act is concerned, the investigating police must know as to how to collect evidence during the investigation, keeping in the mind the lane and limitations of the Act. The pertinent questions in this regard are: What constitutes fact and circumstances and corresponding evidentiary value? How to hold Test Identification Parade within in the provisions of the Indian Evidence Act? What makes admission and confession? Whether or not can the investigating officer allowed to record the statement of admission or confession? To what extent confession of an accused made before the investigating officer is admissible under section 27 of Indian Evidence Act? What ingredients should contain dying declaration under section 32 (1) of the Act? What and how documentary evidence is to be collected without transgressing into the domain of the Evidence Act? The investigation police are also expected to have the knowledge of penal laws such as Indian Penal Code and such other Special and Local Laws to select right sections for offences under law.

All the samples in the empirical study have clearly opined that there is a paucity of working knowledge of laws, procedures and skills amongst the police investigators in effective investigation. Therefore, there is a need to impart skills and knowledge necessary for efficient and effective investigation of crimes through proper and effective training at the entry and in-service level, refresher courses, provisioning for upto date books on laws, codes, journals and revising of police manuals based on latest studies and court judgments to the changing needs of investigations.

#### **4. Need for Qualification of Law for the Investigating Officers**

Qualification of law is a concomitant attribute that the investigating police must possess as a professional to understand and appreciate laws and codes relevant to investigation. If the recruitment for the posts of investigating officers such as police sub-inspectors, Deputy superintendents of police are

based on law qualification their working interest and efficiency will be high and makes a lot of difference when compared to the non-law graduate recruits in the understanding of range and dimension of knowledge of laws and codes. This would significantly improve the effectiveness in investigation of crimes and contains the rise of acquittals rate. Qualification of law for the investigating officers is very essential today as the laws and legislations are very strict and stringent to protect the accused to crimes from misuses and abuses of their fundamental human rights and dignity. It is also equally essential for the investigating officer to handle the issues of arrest, interrogation etc, of suspects and accused of different age, sex, social and economic backgrounds professionally.

Under the scheme of CrPC there is no express provision for the investigating police to seek guidance during investigation and this may go against principle of fair justice as the prosecutors prosecute the cases for the police and the State in courts. When only qualified law graduates are assigned with the task of investigation seeking the prosecutors help during investigation may not arise and aping the opinion of prosecutor by the investigating officer can be avoided and also the wrath of courts. The Supreme Court has deprecated this practice while disposing off several writs filed in the case of *M. C. Mehta (Taj Corridor Scam) v. Union of India and Others* in the year 2007, has censured a CBI officer who had submitted the 'C' final report annexing the opinion of the prosecutor as it was violation of procedure laid down under CrPC and lamented on the investigating officer's poor knowledge of laws on crimes. An attempt was made in Corps of Detectives (COD) in Karnataka State by appointing a few law graduates as Inspectors to investigate the case in COD in late 1999's. But this scheme is not pursued properly.

Therefore, qualification of law and up-to-date training and refreshing on topics of laws and codes is perforce necessary for the investigation police. The present system of recruiting the investigating police with general qualification

of any degree should be dispensed with and recruitment for the said posts should be with a degree of law. Allowing Assistant sub-inspectors and sub-inspectors to investigate serious cases should be done away with. However, this alone may not work well until other factors such as frequent and indiscriminate transfers and postings to different wings of police department such as traffic, VVIP, Law & Order, Intelligence etc. are to be dispensed with as these factors and forces dilute and diminish working skills and knowledge of laws and codes already acquired by the investigating police. This can be taken care of well by separating the police force into law & order and crime.

##### **5. Planned allocation of Nature and Number of Cases for Investigation**

Nature and amount of work a person can perform is of paramount importance in most of the professional field. The same rhyme and reason rightly applies for the police in the field of investigation. If the quality of investigation is to be of very vital and important to cut down the scale of acquittals and to ensure orderly and safe life for every individual in the society then the State should have to have a proper plan to allot right kind and number of cases for the right kind of investigating police officers. This is quite evident from opinion expressed by various samples of the empirical study.

The State may have to do away with the existing system of assigning investigation of all kinds of criminal cases that are registered at the police station irrespective of expertise and experience. Assigning the task of investigating all cases registered at a police station from to time may diminish the interest and efficiency, and destroy and dilute the quality of investigation. Such work culture may compel the investigating officers to resort to unprofessional and unethical methods of table investigation, concoction, and padding. Superfluous investigation may also prompt the police to criminally implicate the innocent persons to the crime to satisfy the superior officers, courts and pretend to be very prompt in investigation and disposal of cases. But this kind of evil diplomacy does not bear real fruits; rather, it vitiates the

whole process and purpose of investigation. The real victims will suffer a lot without justice being delivered to them. The whole drama of criminal justice administration will remain a mockery and eye-wash if serious attempts are not made to bring in professionalism in the criminal investigation process.

Therefore, there is an urgent need for replacing the existing system of investigation by rationally fixing the nature and number of cases to be investigated annually by the investigating officers in a year. This requires an extensive survey and accurate estimate of nature and number of cases reported annually. This would bring certain pertinent questions: How many cases can an investigating officer investigate within the available working time and infrastructure? Who should investigate what kind cases (murder, rape, robbery, dacoity)? Whether the investigating officers possess professional kind of expertise and experience? What are the other constraints being faced by the investigating police and how they are to be removed?

In this direction it is suggested that there is need for bifurcation of the nature of cases to be investigated by the investigating officers on the basis of term of punishment that an offender has to undergo for the offence committed under various penal laws. The offences that are simple in nature and that do not call for any special knowledge and skills to investigate and where the punishment ranges up to 7 years may be given for investigation by a police officer of the rank of sub inspector. The offences of serious nature but do not involve any special skills and knowledge such as robbery, dacoity, murder, rape, attempt to murder etc., and which attract a punishment 7 years and above may be ordered to be investigated by police inspector/ Deputy Superintendent of Police. The offences that are sophisticated in nature such as organized crimes, trafficking in women, children, labour and drugs, money laundering, white collar frauds, cyber crimes, terrorism etc., where, inter alia, special skills and knowledge are invariably required; latest logistics and gadgets, and networks are profusely expected to be employed to commit such offences and

invite punishment 7 years and above may be ordered to be investigated by an officer of the rank of Superintendent of Police and above. By this classification it will be easy and helpful for the State to chalk out a plan- both at the micro-level and macro-level- to select, train and deploy the investigating officers in accordance with the investigative requirements and conduct investigation of such offences in a professional way. It is also suggested to assign the investigation of offences against women by the women investigating officers, of course, who possess necessary professional skills and expertise.

It is further suggested that for the State to have crime databank- district-wise, state-wise and at national-level- with classification of cases according to nature and seriousness. There is a need and necessity of statistics of total strength of the police force available on hand, from constabulary to the chief of the police force and details regarding what are the strength of the civil police and the armed police. Further the data should encase the information about the strength of Police Constables, Head Constables, Assistant Sub- Inspectors, Sub- Inspectors, Inspectors, Deputy Superintendents of Police and Superintendents of Police in civil police force. From among the civil police, the State should have a thorough databank about the number of officers exclusively available for the task of law and order, traffic, VVIP, Intelligence, crime investigation with their experience, qualification, age, sex, and health backgrounds. These bifurcated and streamlined figures will help the State administrative machinery to come out with specific information for deploying them for investigation work and to find out the lapses and requirements to set them right on professional line of investigation.

## **6. Need for Check List for Investigating Police**

To perform the given task of investigation in a right perspective with professional outlook and attitude, the investigation officers must have a **Check List** to be prepared and provided by the Police Department. This helps them to negotiate the hurdles that they come across in the path of investigation.

The following check list must be possessed and guidelines and instructions given in it should be complied with by investigating police at every stage of investigation:

1. When an officer in charge of a police station receives a complaint he has to verify it whether it contains a cognizable offence or not. If a complaint is recorded on the oral statement of informant at the police station by an officer in charge of a police station or some other officer at his behest
2. If the complaint is cognizable in nature, he has to register case noting a correct crime number and appropriate section (s) of law with an endorsement of date and time of registration on it.
3. The officer-in-charge of the police station should also make entry of a gist of complaint in the station house diary maintained at the police station.
4. If a complaint happens to be a dying declaration of a injured person under section 32(1) of the Indian Evidence Act, the police should ensure that such a statement of dying declaration of the injured is arranged to be recorded by a Magistrate, in the absence the doctor who is attending on the injured and in the absence the police before public witnesses.
5. A copy of FIR should be given to the complainant forthwith free of cost.
6. Original FIR copy must immediately be dispatched to the Jurisdictional Judicial Magistrate and copies of it to his Superior officers.
7. The police officer who has registered, the complaint should know whether he is empowered under law to investigate the case registered. If he is empowered, he should continue with investigation. Otherwise, he has to handover the case file to concerned investigating officer along with a case diary for investigation.
8. Once the case is registered the investigating officer along with his supporting staff has to visit the scene of crime expeditiously and cordon and secure the scene to prevent damage and destruction of clues to the crime.
9. He must invariably carry well equipped 'Investigator's . Kit Box' and should know as to how to handle and use it for investigation.

10. He should make prompt use of scientific aids to investigation; summon photographer, videographer, dog-squad, finger print expert, forensic experts and such other technical experts, to the crime scene, as the case may be, to avail their services as per requirement and procedure.
11. He should have interim plan regarding the task to be performed at the scene of crime and make a note of every thing seen and found relevant to the investigation.
12. He should ensure that the staff on hand is properly deployed for the jobs at the scene of crime. He should ensure the arrival of the forensic and other technical units at the scene. He should follow one of the search patterns such as the Spiral, the Strip, the Grid, the Zone or Pie (Wheel) search pattern, instead of proceeding in haste and haphazard way.
13. He should ensure that he seeks the services of his staff, experts and public witnesses before conducting the search for crime articles and clues in and around the scene of crime, under panchanama proceedings as laid down under sections 100 and 165 of CrPC.
14. He should reconfirm the proper sealing and packing of the seized articles and samples to be handed over for forensic examination and the same is brought it to the notice of the jurisdictional judicial court.
15. He should ensure that the crime articles seized at the spot are promptly and procedurally sent across, without any damage, to forensic laboratory for examination and experts opinion.
16. He should not forget to get sketch of the scene of the crime drawn by the civil- draft-man or engineer.
17. He should, as far as possible, summon, examine and record the statements of the witnesses to the crime at the scene itself without undue delay as per the provisions of sections 160, 161 and 162 of CrPC. If the investigating officer has reason to think that the statement of a witness is recorded before a magistrate, the same can be got done as per the provisions of section 164(5)CrPC.
18. He should ensure that the real accused to the crime are apprehended and arrested immediately without undue delay. The arrest formalities must be completed bearing in mind the sex and age of the accused as per the provisions sections 46 to 58, 165 , 436 and 437 of CrPC.

19. He should arrange for the test identification parade through the magistrate as per section 54A of CrPC. for the accused if it is necessary.
20. If the accused intends to make confession truly and voluntarily, the investigating officer, should arrange to get confessional statement of the accused recorded by a Magistrate as per the provisions and procedures of section 164 of CrPC.
21. If the confessional part of information of the accused would lead to discovery of facts to the crime, then the investigating officer must to discover such facts to the crime as per the provisions of section 27 of the Indian Evidence Act.
22. In case of homicide, the investigating officer should perform hold inquest of the dead body as per section 174 CrPC or such inquest is required to be held by a Magistrate the same should be arranged accordingly.
23. In case of rape the necessary medical examination of the victim and the accused has to be arranged as per the procedures laid down under section 53A and 164A of CrPC.
24. Wherever, extra-judicial confession is forthcoming the same should be recorded by the investigating officer as it adds to the value of evidence already gathered by him.
25. Investigating officer should ensure that he writes the case diaries of the case under investigation as per the provisions of 172 of CrPC.
26. Once the investigation is completed, the investigation officer should prepare charge sheet/ final report by enclosing all the required documents and statements and get it scrutinized by public prosecutor and clear it through the superior officer before filing it promptly to the court as per section 173 of CrPC bearing in mind all legal consequences of section 167 of CrPC.

## **7. Training Needs of Investigating Police.**

Training forms one of the most important segments of professionalism to boost efficiency and effectiveness in handling the issues that crop up day-to-day basis in an organization. This is equally true in case of the police organization. Though the police are expected to perform several jobs, the job of

prevention and detection of crime remains on top of all. This solemn duty invariably calls and craves for proper and persistent training for the investigating police, both at the entry and post-entry level of service. The efficiency and effectiveness of investigation in the fast changing environs of the world can be carried out only when sophisticated training based professional approach is opted and adopted.

The concept of Investigation being complex and complicated one, up to date training needs of the investigating police are to be catered to ensure efficiency and effectiveness in investigation of crimes. Training boosts the quantity and quality of investigation with judicious use of man power and infrastructure.

Undoubtedly, there is an underlining need and necessity to impart training for the investigating police on various aspects of investigation. Generally, the investigating police can be classified into three cadres depending on the roles and responsibilities they are supposed to undertake in the process of investigation. Accordingly, their training needs should be streamlined, planned and organized. These cadres of investigating police can be conveniently classified into:

- A. Investigating Officers,
- B. Supporting Staff and
- C. Supervisory Officers

The term and theme of training for these three cadres needs to be long-term, medium-term and short-term, depending upon the date of entry in to service, qualification, experience, exposure to the nature of investigation and availability of infrastructure and such other variables. Training should also be in the form of refresher courses, special lectures, seminars, workshops, group discussions by drawing training experts from various fields of knowledge and skills.

### **A. Training for Investigating Officers.**

The training programme for the investigating officers should be on the following aspects:

- Updating the skills and knowledge on the Criminal Procedure Code, the India Evidence Act, the Indian Penal Code and such other Special and Local Laws and scientific methods of investigation.
- Taking case studies to examine successful investigation as well as unsuccessful investigations.
- Prescribing lessons for the investigating officers.
- Training the fresher and in-service investigating officers as to the process and procedures of investigation. This may range from prompt registration of FIR; careful handling of Investigator's Kit Box; immediate visit to the crime scene; scientific method of search and seizure; examination of witnesses; apprehension and arrest of the accused; promptitude and perfectness in writing of case diaries to filing of charge- sheet/ final report.
- Use of scientific methods and aids in collection, collating and analysis of evidence.
- Procedure of sending up of seized crime articles to Forensic Science laboratory for examination and opinion.
- Skills to choose staff for the investigation job and their proper deployment and supervision.
- Prompt and proper use of different technical and forensic experts during investigation.
- Knack of seeking help and co-operation of the public, the media, NGOs and other agencies.
- Co-ordination with other departments for investigation.
- Managerial skills in optimum and economical use and utilization of man power, time and infrastructure.
- Inculcating professional ethics of sincerity, promptitude, honesty, integrity, accountability and so on.

- Fair and impartial attitude in investigation.
- Training investigating officers for hard work and risk bearing.
- Respect for and upholding of 'Rule of Law' enshrined in our Constitution during the task of investigation.
- Attaching values for self-respect and human dignity; and respect for human rights of the accused, suspects and other innocent persons. Abrogation of third degree methods during interrogation of suspects and the accused.
- To be more sympathetic and cordial towards children, the aged, women, and other weaker and minority sections in the society.
- Training the investigating officers for work-appraisal against the set goals and objectives of the job.
- Imbibe and improve decision making powers in investigating officers during their job performance.
- To impart oral and writing skills in State language and in English to be effective and professional in the task of investigation.
- To train for proper and efficient use of cybernetics, gadgets, computers, internet, telephone calls monitoring and call analysis and other scientific equipments in the area of investigation and other peripheral jobs.
- Collection, collation and analysis of criminal intelligence and counter-intelligence of criminal underworld activities and their wide spread networking and ramifications.
- To impart special training skills and knowledge of investigation in area of fast growing sophisticated crimes such as white collar frauds, cyber crimes, organized crimes, trafficking in children, women and drug, terrorist and naxalite activities etc.

For the purpose of training the investigating officers, Experts from different disciplines are to be drawn including criminologists, sociologists, psychologists, managerial experts, forensic scientists and spiritual leaders. This would help the investigating officers assimilate and use knowledge and skills gathered from different sources.

## **B. Training for Supporting Staff**

Training of supporting staff of investigation may appear to be on par with training of the investigating officers, yet in real sense and requirement it suffices if the training embraces simply a few important issues and aspects of professional way of effective investigation of crime. The main thrust of their training should be on the following lines:

- To emphasize and reinforce their basic and fundamental roles and responsibilities.
- To assist and extend full co-operation to the investigating officers in the task of investigation.
- How to conduct themselves at the scene of crime in search and seizure, apprehending of accused and handling of other given tasks.
- How to behave with witnesses, accused, the media and general public.
- To impart oral and writing skills in state language and in English.
- To impart the knowledge of computer typing, internet access, cell phone calls analysis.
- Collection of criminal intelligence and counter intelligence.
- Documentation of case files.
- To impart professional ethics of sincerity, honesty, hard working, risk bearing, patient, accountability, integrity, confidentiality, fairness and impartiality.

## **C. Training for Supervisory Officers.**

Supervisory officers play a pertinent role in effective investigation of crimes on professional line and lane. Since they are station house officers for all practical purpose under section 36 of CrPC, they should be taught and trained to facilitate their roles and responsibilities for professional investigation of crimes. Their training programme should mainly be concentrated on the following lines:

- Review of complaints.
- Compulsory visit to the scene of crime.
- Issue of necessary advice and guidance to the investigating officers for effective investigation of crime on professional footing.
- Review of case diaries and pass on suitable instructions to the investing officers for strict compliance.
- Review of case files during investigation and issue necessary instructions to refine the cases before they are charge sheeted.
- To inter-act with witnesses, accused and the public at random to ensure that the human rights of persons with whom the police interacted interrogated are not abused and misused. The superior officers themselves should not encourage and support the investigating officers and staff to resort for third degree methods and abuse of human rights.
- To train them as to how to manage man power and other infrastructure.
- To train them for better leadership and supervision.

**Evaluation:-** After completion of a term of training for the investigating officers, staff and supervisory officers, as the case may be, there should be compulsory performance evaluation tests to evaluate the extent of learning and understanding in their training on the touch stone of inputs provided, expenditure incurred and results expected. Based on the trainees' performance in the tests, they should be cheered and censured with rewards and punishments to make them realize that they have responsibility to learn and use the skills and knowledge gained during training. This process of evaluation helps, the Police Head to depute the right man for the right job by mercilessly removing loathsome and inefficient dead wood from the profession in order that the professionalism is not lost sight of.

**Qualification and Qualities of Trainers:-** The present way of posting of trainers amongst the police officers without enough experience, qualification and interest should be done away with. Casual way of posting officers as trainees who do not find place for posting and remain undeployed for various

known and unknown reasons should be stopped. The officers and persons who have interest, inclination, expertise, experience, qualification and aptitude should be selected and posted. Their salaries and service conditions should be on par with teaching faculty of education department but not as per the post in their parent department.

‘Trainers training’ should also become a part and parcel of training programme so that the trainers themselves may have to learn a lot in day to day changing time and situations. They should to up date themselves with the skills and knowledge direly and immensely required for the job.

There should be training centers at the district, state and national levels to cater the needs of training and trainees. The training centers should be well equipped with staff, infrastructure, library, transport, boarding and lodging facilities etc.

#### **8. Need for Professionalism for apt and optimum use of Scientific Methods and Aids of Investigation**

To keep the growing menace of crime and criminal activities under hold, it is a paramount duty of the police to be professionally vigil at and capable to prevent, probe and prosecute the real perpetrators of crimes. There has been growing change in application and appreciation of evidence laws by courts on scientific footing by placing less reliance on testimony of witnesses as the latter class of evidence is being buried, borrowed and brushed off by the defence counsel to get acquittal for the criminal-client. Thus, there is a dire need for the investigating police to adopt professional attributes to carry out investigation very efficiently and effectively to check the real criminals being acquitted. The investigating police must be as the proverbial saying- ‘man of multi –faceted personality’ with skills of different disciplines to foster and promote their job on professional line.

The investigating police have to have professional skills and capabilities to gather, document and evaluate facts about the crime. This would be possible

if they learn to understand and apply necessary skills, techniques and knowledge of scientific methods and aids of investigation. The nuts and bolts of computer portrait parle, finger prints, foot impressions, ballistics, questioned documents, forensic medicine, serology, voice-analysis, DNA profiling, polygraph, brain-printing, truth-serum or narco-analysis, photography, mobile laboratory, flying squads, sniffer dogs etc., would serve and support the investigating police in the path of efficient and effective investigation. These professional skills and knowledge help the investigating police to identify, collect, mark, preserve the evidence collected during investigation; crime scene sketching, photography and videography; note taking and report preparation. The investigating officer would be able to appreciate the potential contributions made to the field of investigation by criminologists, psychologists, forensic scientists; interrogation and collect the evidence required to prove specific crimes committed as per the rules under which evidence will be admitted in the court and testify the evidence effectively and professionally.

Professional out look and attitude in adopting scientific methods and aids of investigation by the investigating police will curb the rise in acquittals rate.

The skills and knowledge of scientific methods and aids of investigation must invariably be imparted to the investigating officers at the entry level of service and during in-service consistently and continuously to sustain professional attitude and outlook. Training centers must play a vital role in this direction and dimension. There must be feasible plans to orient the investigating police by providing need based training at different levels and of different durations with refresher courses, lectures from persons of varied branches of knowledge and disciplines, seminars and work shops. There should also be mute demonstrations of selection, collection, marking, preserving and use of evidence to develop perfection and proficiency necessary for professional investigation.

Provision of scientific methods and aids of investigation is of paramount importance besides the ability to use such facilities and infrastructure sufficiently in accordance with the investigative needs and necessities. Further it can be observed that Forensic Laboratories are unevenly located in different parts of India. Some centers are deficient with regard to services of experts and staff. Where as some centers do not have facilities of scientific tests. Sometimes for narco-analysis, DNA fingerprinting, voice analysis the investigating police have to go out of their State to get these services even in these advanced times. There is a need for decentralization of forensic centers to be set up at district or range level. There is an imminent need for mobile laboratories, flying squads and sniffer dog squads at district level to ensure promptitude and effectiveness in investigation of crimes.

There appears to be an imminent need to conduct a survey and study to the requirements and facilities necessary for effective investigation. Requirements and modalities including an estimate needed to be worked out. Requirements must include, *inter alia*, Forensic labs, experts, skilled staff and physical infrastructure which can be utilized optimally for effective investigation by the police.

#### **9. An Estimate of Nature and Number of Cases to be investigated by Investigating Officers and Cost involved to investigate the Cases**

It is surprising to note that in spite of one and half a century history of formal policing in India, the successive governments have failed to recognize the need and necessity to classify and compute the crimes on the basis of their nature and number for effective investigation in a professional manner. There seems to be a serious necessity to calculate the cost involved investigating per case and whereof estimation of the total cost necessary for investigation of all category of cases in a year.

In the year 2005 there were 50,26,337 crimes reported in India when compared to 6,96,155 crimes in the year 1961. One can witness a steep and

alarming rise in incidence of crimes and criminal activities over the years. More than 61, 10, 436 persons are being arrested every year, of them 1,54,641 consist of women folk. In the year 2005 under IPC offences alone of 26,22,547 crimes were reported, where as 23,65,658 cases were investigated and 13,67,268 cases were charge-sheeted. Out of 10,13,240 cases tried there were 6, 83, 149 cases which resulted in acquittal. To speak in terms of percentage it amounts 62% acquittals rate and the percentage of acquittals in heinous crimes such as murder and rape was very high at 91% and 89% respectively. Investigation of various kinds of crimes requires different amount of time, man power and infrastructure and similarly the investigating officers and staff require different and distinct kind of skills and knowledge to conduct investigation efficiently and effectively.

However, the present pattern of investigation is not based on professional line. The investigating officers-generally police-sub-inspectors, police inspectors and deputy superintendents of police-are being entrusted with the task of investigation without verifying their qualification, experience, expertise, efficiency and other professional capabilities. No rational yard stick is yet employed to allocate cases for investigation. All these factors and forces have severally and collectively spoiled the quality and effectiveness in investigation resulting in higher rate of acquittals.

In order to stop the irrational way of spending money on men, money and materials for investigation, there is a need for proper survey and estimate of total number of crimes committed in a year, nature and class of crimes committed, necessary time, manpower and infrastructure required to investigate each class of crime and total cost involved to investigate all classes of crimes in a year. This will help decision makers to prepare an appropriate plan and allocate sufficient budget for economical and efficient use. Such a step would facilitate the investigating police to continue the task of investigation in a professional way bearing in mind the time, men, money and infrastructure available at their disposal and a sense of accountability and promptitude.

## **10. Need for Developing Expertise in investigation of Highly Organized and Sophisticated Crimes**

New advances in science and technology and consequential urbanization and industrialization at a great pace have simultaneously brought both boons and banes to the people and the State. New crimes and criminal activities are fast increasing without check and control. Now, it has become an enigma and headache for the police to prevent and detect professionally organized crimes of terrorists, naxalites, hijacking, *supari* kidnapping and killings; cyber crimes, Copy right crimes, intellectual property rights crimes, white collar crimes of money laundering, trafficking in women, drugs, children with international ramifications and operating with highly sophisticated communications skills and net workings with latest logistics and sophisticated weaponry. The investigating police are lagging behind by many decades in terms of knowledge and networking in cracking down these crimes and criminal activities. As a result, scores of innocent people are losing their lives and immeasurable worth of property is getting destroyed and damaged.

Investigation of this type of highly sophisticated crimes undoubtedly demands high level of professional skills and expertise from the investigating police. The existing style and system of investigation by police sub- inspectors, police inspectors, Deputy Superintendent of Police cannot cope with the criminal activities perpetrated by highly organized and sophisticated criminals. Half-hearted attempts and mere cosmetic changes to the police system. do not bear any fruit rather they boost menacing activities by criminals.

Therefore, there is a need for selection and posting of police officers who are specially qualified, experienced, trained for expertise, young and healthy police officers and staff who can really deliver the goods. Such officers and staff should be exclusively spared for investigation of this type of sophisticated and highly organized crimes. Policy-makers should ensure that

only police officers of and above the rank of Superintendent of Police are entrusted with the investigation of such crimes as it would not only help the investigation efficiently and effectively but also facilitate seeking cooperation from different quarters and departments within and across the country. The rational yardstick of nature and number of cases to be investigated per investigating officer has to be borne in mind by providing adequate staff and logistic support. The strength of investigating officers should be in consonance with the nature and number of cases to be investigated in a year.

### **B. Peripheral Measures**

Efficient and Effective functioning of investigating police on professional line will not only depends upon the adoption of the primary measures suggested above but also depend on peripheral measures enumerated hereunder. These measures are complimentary and interdependent on each other. Absence of any one of these measures would weaken the edifice of investigation on professional footing resulting in large scale acquittals.

Positive and proper service conditions; sufficient manpower and infrastructure, effective leadership and supervision; decentralized decision making powers; accountability and professional ethics, community leadership, cordial relations with the public, the media, law fraternity and non-governmental agencies, well regulated investigating police force and modernization and computerization of crime work together collectively embrace the secondary measures to enhance and improve work culture of the investigating police.

#### **1. Need for adequate Man power and Infrastructure**

The process of investigation is not a cake walk. It is a complex and cumbersome task, *inter alia*, demanding sufficient skilled manpower and adequate infrastructure and logistics support to meet the needs and objectives of professional way of investigation. It is a team task wherein the

investigating officer, supporting staff and supervisory officers must have to work to shoulder the responsibility of investigating by sharing their special skills and knowledge and extending their unstinted mutual support in an onerous voyage for effective investigation. Such an opinion has been suggested by various samples across the board through the empirical study.

**A. Adequate Manpower:-** Skilled and sufficient manpower is an essential requirement in the investigation of crimes to support and strengthen the hands of the investigating officer. The investigating officer alone cannot perform all the tasks that are required to be done in investigation. The investigative work has to be divided and distributed amongst the staff depending up on their experience and expertise, otherwise the task of investigation will remain cumbersome. Efficient and effective investigation will remain an unfulfilled dream and as such the investigating police will lose interest and spirit in the job. Ultimately the cases will suffer a set back with poor and perfunctory investigation enabling the accused to have an easy way to escape from the clutches of law.

An investigating officer direly requires crime staff consisting of 1 Assistant sub-inspector, 2 HCs, 3PCs, 1WPC and 1writer cum typist to assist him in the task of investigation. Crime staff is necessary to assist investigating officer at the scene of crime; draw mahazar; to effect search and seizure; to identify, summon and examine the witnesses; to apprehend and arrest the accused; collect and collate evidence; prepare report and maintain dockets and documents.

In the first phase there is a need to estimate total number of investigating officers required to investigate total number of cases in a year and total supporting staff required for investigation purpose. This estimate can possible be made by taking total stock of cases being reported in a year in India and total backlog of cases of the previous years being investigated. The sum total of these, i.e. total number of cases to be investigated in a year including the

previous year backlog and must be divided by the total by number of cases expected to be investigated to find out number of total investigating officers required to investigate the cases in a year. The short formula may be:

$$N = \frac{x}{y}$$

‘n’ represents total number of investigating officers.

‘x’ represents total number of cases to be investigated in a year.

‘y’ represents total number of cases required to be investigated by single investigating officer in a year.

In the second phase an estimate has to be made to find out total staff requirement in the rank ratio of 1 ASI, 2 HCs, 3PCs, IWPC and 1 writer-cum-typist per investigating officer. This can be estimated with a simple formula:

$$n = x \text{ multiplied by } a+b+c+d+e$$

‘n’ represents total crime staff requirement.

‘x’ represents total number of Investigating Officers.

‘a’ represents total number of Assistant Sub-Inspectors

‘b’ represents total number of Head Constables

‘c’ represents total number of Police Constables

‘d’ represents total number of women Police Constables and

‘e’ represents total number of writer-cum-typist

When the estimates are calculated with regard to the requirements of officers and staff the policy makers may go ahead with the recruitment of qualified officers and staff for investigation bearing in mind concomitant professional attributes and other eligibility criteria.

Once recruitment and selection process is completed, the selected officers and staff should be properly posted and placed under rigorous training at the entry level and post-entry level of service. The training should include

different courses , refresher courses, classes, seminars and workshops. This includes imparting special skills and knowledge on the procedures laid down under various laws and codes, collection intelligence, counter intelligence, handling of various processes and phases of investigation. Proper training in human skills like interacting with witnesses, public, suspects, the accused, the media, the judiciary, the prosecution, advocate fraternity and other agencies of criminal justice administration must be included.

**B. Adequate Infrastructure and Logistics support:-** Adequate Infrastructure and logistics support also become a very crucial aspect of efficient and effective investigation. The investigating police cannot embark upon investigation without sufficient and required infrastructural facilities. Even if they attempt they may not achieve success in conducting prompt and proper investigation. As an old adage goes 'beggars wish to rid race horses,' so too in case of professional investigators who wish to investigate efficiently and effectively, but they need all the necessary support in terms of skills, infrastructure, skilled staff and logistics.

The basic and essential infrastructure and logistics support which is gravely needed for effective investigation has to be worked out and estimated. The following requirements of infrastructure and logistics are to be ensured to meet the real objectives of effective investigation in a professional manner.

1. Adequate transportation facilities
2. Adequate supply of communication gadgets.
3. Adequate supply of arms and ammunitions.
4. Sufficient Stationary and other documentation materials.
5. Adequate supply of printed forms.
6. Well equipped 'Investigator Kit Box.'
7. Mechanical aids such as typewriters, tape-recorders, Computers and internet facilities.

8. Library and reading room facilities.
9. Interrogation room with video camera fitted.
10. Clean, independent and secured lockups.
11. Interrogation centres.
12. Forensic Science Laboratories in close proximity with sufficient experts and staff and other facilities.
13. Modern aids of investigation such as mobile laboratories, photography, dogs squads, flying squads etc.
14. Documentation centers to maintain crime records, MOB files, case files etc.
15. Special funds to meet feeding charges for the detainees in police custody, collection of intelligence, TA and DA of the investigating police.

**Computerization of Crime Records:-** Computerization of crimes records at the police station will be very useful for the investigating police to work on professional line. It helps in fast and prompt registration of FIR without delay and manipulation and interpolations of date and time, names of witnesses, accused etc. It is very useful in recording of case dairies, preparation of crime data and documents. Computerization will help the investigating force to consolidate all crime records of the offenders and their criminal profiles and will provide an easy access to the crime data as and when they are required. . Through computerization with centralized server facility an officer in charge of a police station can dispatch FIRs to the court and other departmental seniors. It will provide an easy access to all the crime record which are of other police stations in a state and country. It saves on human resource, material and money otherwise required for maintenance of crime data. Even the space needed for warehousing the crime data and records can be saved by computerization. Internet facilities will help investigating force to have fast and easy access to crime intelligence, crimes and criminals of state, national and international ramifications. Under the scheme of computerization, facility for provision of

laptops and mobile phones can be brought in as they help the investigating police wherever they go for investigation and crime related duties.

## **2. Adequate Service Conditions for the Investigating Police**

It is obvious that no professional can contribute honest services to for his organization with complete devotion and dedication when he is underpaid and offered poor service conditions. One has to sustain oneself and family with minimum means of livelihood. High flown slogans of 'Work is Worship,' 'Service to Society is Service to God' will practically not work when the personnel is under paid and under fed. This situation is no exception to the investigating police. If their salaries are poor, allowances are meager, promotional prospects are remote and grim and are not adequately provided with housing, educational and health facilities, naturally, they will not evince interest in their job. Rather, they display inefficiency and resort to all sorts of unethical, dishonest means and methods to make money to meet family requirements. Such a situation will work against professional way of doing work. It is relevant to quote an instance where V. P. Menon had told Lord Mountbatten that "he started life with Rs. 30/- per month. He said, now I have a position under your Excellency and get the pay of an under-Secretary. I have no possible reason for corruption and dishonesty until inflation comes. Without a commensurate salary rise, the temptation would be to adopt any means to maintain the standard of office!" All the samples during research study have categorically expressed their dissatisfaction over poor and pathetic service conditions catered to the police and strongly suggested for improvement of services conditions of the investigating police. They opine that improved conditions are necessary to prevent them from resorting to any unethical and dishonest means to mobilize money at the cost of efficiency and honesty.

The salaries and allowances of the investigating police are to be fixed in accordance with the nature of their work, work load and risks and responsibility that they undertake. All other service conditions are to be met and improved reasonably by applying a rational yardstick.

The following suggestions in this regard may help to motivate the investigating police to work enthusiastically with efficiency and honesty.

1. Make a separate and total estimate of budget required to meet salaries and other service conditions necessary for the investigating police.
2. Fix up salaries and allowances in commensuration with the nature of work, risks and responsibilities involved.
3. Provide special pay and allowance wherever it is demanding and required.
4. Provide Traveling allowance and Dearness allowance, LTC facilities in accordance with changing cost of living.
5. Introduce rewards and awards to encourage the hard working and the efficient.
6. Ensure prompt and time-bound promotions, without introducing in-service quota based- out of turn promotions- on the basis of caste and class.
7. Provision for adequate facilities for live-worthy housing accommodation and other peripheral requirements such as potable water, electricity, conveyance etc.
8. Provide adequate educational facilities such free residential schools, scholarships and loans for the children of the investigating police.
9. Make adequate provision for medical facilities for the investigating police and their families.

### **3. Need for Leadership and Supervision**

A demoralized and undemocratic leadership lacking professional expertise is bad for the police and therefore bad for stability in society. The police work round the clock, needs highly devoted and capable leadership in order to ensure its renders to people the service that is the people due.”

Leadership and supervision constitutes an important attribute of professionalism in any organization to excel. The same is true for police

organization. Effective leadership and supervision amongst the investigating officers and supervisory officers is necessary concomitant that prompts and strengthens efficiency and effectiveness in investigation of crimes.

The leadership and supervision in effective investigation are essentially required at two levels. One is at the level of investigating officers and another is at the level of supervising officers. Leadership and supervision at the level of investigating officer is clearly laid down under sections 157 and 168 CrPC wherein an officer in charge of a police station, though entrusts simple investigations to his subordinates, is required to lead and supervise the investigation, conduct scrutiny and certify the cases before they are filed to courts. Leadership and supervision of supervisory officers is laid down under sections 36, 158 and 173(3) CrPC.

The officers who lead and supervise at these two levels must possess inevitable qualities of communication, co-operation and purpose to be accomplished for efficient and effective investigation in professional fashion. It is always preferable that these leaders who lead and supervise the task of investigation should have a democratic approach in order that they can share fairly and freely through group discussions, adduce reasons for decisions and devote enough time for planning. This type of democratic leadership and supervision prompts and propels enthusiasm, confidence and security amongst the subordinate officers and staff to the highest level. The police leaders and supervisors must be able to identify the problems that crop up during investigation, collectively think and act through interactions and meetings to meet the performance standards required for efficient and effective investigation on professional footing.

These leaders and supervising police officers at these two levels must have qualities and tendencies to respect the subordinate officers and men. So also their subordinate officers and men mutually reciprocate with their leaders by respecting them and following their orders and instructions without

questioning them. Such a situation will boost the morale of all officers and result in positive attitude.

The police leaders and supervisors must base their actions on the following five fundamental principles:

1. fair evaluation of work;
2. sufficient delegation of authority;
3. fair treatment for all;
4. availability and accessibility of officers and men; and
5. have a passion and responsibility to discuss the problems of the investigating officers and staff freely and patiently;

The effective leaders and supervising police officers should avoid the following practices:

1. dependency on superiority;
2. simulation of knowledge;
3. interference with work;
4. favoritism and discrimination;
5. public reprimands;
6. pettiness;
7. conflicting orders ; and
8. superfluous orders

Effective supervision of an investigation by supervisory officers would call for-

1. a test visit to the scene of crime;
2. a cross check with the complainant and a few important witnesses to ensure that Correct information is brought on to police record and that whatever clues they had in the view have be pursued by the police;
3. a periodic discussions with investigating officers to ensure continuity of attention to the case;

4. identification of similar features noticed in other cases, reported elsewhere besides coordinated direction for investigation of such cases;
5. issue of day to day written advises and instructions in the interest of efficient and effective investigation; and
6. effective scrutiny of charge sheets and other 'B' and 'C' final reports before they are submitted to courts.

#### **4. Need for Decision- making Powers to the Investigating Police**

Professional excellence in any organization invariably depends upon the extent of power enjoined by executives in taking right and prompt decisions on the issues before them. Decision making power is equally important for the investigating officers and their Supervisory officers to avoid confusion and chaos and to facilitate fast and uninterrupted investigation.

Decision making powers are very essential for the investigating officers to identify the problems that crop up in investigation; to understand them fully and properly; and to select right course of action by taking right decisions to meet the real objectives of investigation i.e., effective investigation of crimes. They need the ability to find out the truth in allegations made against persons and fix up liability on the real culprits and absolve the innocent persons from false accusations.

There is a need for decentralized decision making powers as many a times investigating officers and crime crew working on investigation will have to wait long times with out rhyme and reason to receive orders and advises from their superiors to proceed with investigation which would in turn result in loss and destruction of clues and evidences to the crime. This would defeat the very purpose of effective investigation. Ultimately, the genuine victims of the crime will not get justice under the very nose of law and criminals continue to hold sway over the people and situations.

Decisions are expected to be taken by the investigating officers at different facets and phases of investigation ranging from registration of complaints; visit to the scene of crime; search and seizure; selection and examination witnesses; apprehension and arrest of accused; to filing of charge sheets/ final report etc. There is a need for decentralization of decision making powers to investigating officers in the process and course of investigation by insulating unnecessary interference and influence from higher ups and outsiders with out rhyme and reason and more so to misuse and abuse the powers by vested interests.

Decision making powers to supervisory officers are also necessary to ensure that the investigation starts with right reason and moves in right direction without any inhibitions and hurdles. There is a need for certain amount of powers to reign in the investigating officers and staff to hold investigations under well laid down procedures to meet the real objectives of investigation.

##### **5. Need for Professional Autonomy in Investigation.**

Professional autonomy amongst the investigating police is very essential for efficient and effective investigation of crimes. It keeps away all internal and external distorting forces from the scope and ambit of investigation. Political and non-political influences and interferences can be best checked and contained when professional autonomy exists in the investigating police. Fake registration of complaints, false and fake arrest of innocent persons, misuse and abuse of human rights of various cross-sections of people can be prevented when the investigating police have to answer the rule of law and not to the vested interests. Even fear of transfers and punishments can be brought under control. The solemn task of investigation can be freely and fairly performed without any fear and favour. Naturally the conviction rate will increase and acquittals will come down. The real victims and their dependents get deserved justice as the cases investigated would be fair and just.

## **6. Need for Accountability of the Investigating Police to their job**

Accountability means answerability for the proper execution of assignment of the assigned task to the best satisfaction. Accountability presupposes two parties- one under obligation to send for the proper performance of the task and other having a right for and receives such an account. Unlike the other executive wings of the government, the police have maximum visibility. Visibility by itself waters down anonymity. The accountability of the police has to be viewed in this light.

The Investigating police have three fold accountabilities i.e. to the people, to the law and to the organization. Inspections are instrumentalities in the introduction of direct accountability to the people. Officers, therefore, have to take inspections seriously and make them more meaningful by constant and conscious interaction with the people.

Accountability to law by the investigating is concerned, the investigating police are exclusively governed by the laws substantive and procedural in the area of investigation. They are not subject to the directions of any authority not recognized by the law. They have professional independence whereby they are to be entirely governed by the provisions of the law. No authority except the supervisory ranks of the police themselves are authorized to issue an executive order to the police official to investigate or not to investigate a criminal offence, arrest or not to arrest an alleged offender or decide a case under investigation in a particular way. An executive instruction issued in this regard would be contrary to the law.

Organizational accountability of the investigating police rests on the detection of crimes. The yardsticks to be used to asses the efficiency and accountability of the investigating police should be as follows:

1. Recovery of stolen property during the period of review as compared to previous years.

2. Success in investigation of offences determined by the percentage of charge-sheeted cases to those registered by the police during the period of review.
3. Success in criminal cases in the courts of law determined by the percentage of cases successfully convicted to those decided, etc.
4. Prompt and thorough investigation of cases in a year.

However, a bit of caution and care has to be taken to ensure that these parameters used to measure police efficiency are not achieved through illegal means by adapting questionable means of recording and controlling of crimes. While determining these yardsticks the following two considerations should be taken into cognizance.

1. That these should help the authorities to have an objective evaluation of police performance.
2. These yardsticks should not encourage the police to resort to extra-legal methods.

As far as investigation of crimes is concerned the following determinants are to be adopted by the police organization to assess the efficiency of the investigating police

- Correct registration of crime
- Prompt visit to the scene of occurrence
- Speedy investigation
- Honesty and impartiality in investigation

With regard to the accountability of the investigating police to assess their work efficiency there should not be the practice of finding unreasonable or impossible targets which cannot be achieved except through irregular or illegal means. Examples of these categories would be fixing of number of cases to be investigated without a rational yardstick of time, men and infrastructure.

The accountability of the investigating police to their work can be ensured only by active supervision. Accountability also depends upon the awareness of the people of their rights and their willingness to exercise the same in a responsible manner.

#### **7. Need for fostering Professional Ethics.**

Professional ethics nourish and cherish the morale and conscience of the investigating police and help mould their personality to improve efficiency and effectiveness in assigned job. Sincerity, honesty, hardworking, interest, firm conviction, promptitude are some of the important professional values that incessantly contribute a lot in this direction. It is very difficult to foster professional ethics when the investigating police are performed myriad of duties without specialization in investigation of crimes. Thus, the attributes of professional ethics can work better in harmony when the investigating police exclusively recruited and meant for investigation of crimes.

Sincerity is one of the vital attributes that makes the investigating police more and more perfect in terms of quality of being free from pretence, deceit, or hypocrisy by proceeding with genuine feelings to do the duty to the best of their expectation and ability.

Honesty is another moral attribute that always guides the investigating police with good intentions to work for a job unmindful of success or failure. Even misguided acts of others will not perturb the mind of an honest professional investigator who is always mindful of fair earnings through hard work.

Hard work is yet another quality of the investigating police which always fetches better results in terms quality and quantity of work. It is anti-thesis of laziness and idle. Thamos Alva Edison aptly said that 99% of hard work and 1% of luck determine the success of a person.

Interest is another important trait that makes the investigating police to be ever vigilant and enthusiastic in their work by shearing of lazy and loathsome attitude. An instinctive urge amongst them to know, learn and work for genuine cause will ease and relieve off from distortions that appear in the path and process of investigation.

Firm conviction is also equally important ethical virtue that the investigating police must inculcate and cherish to be successful professionals in the field of effective investigation. For them a strong sense of conviction is essential as they have to be convinced firmly as to what they believe or say or do should be in consonance with well set out procedures with a chunk of justice. To negotiate problems that the investigating police come across during investigation and respect the rule of law they must have stone strong conviction to determine and say what is right and what is wrong as per the laws and procedures. Here, respect for 'Rule of law' by investigating police may be the best example as they need to have strong sense of conviction and conscience to ensure that no abuses and misuses of human rights of people of different walks of life are writ at large during their investigative task.

Promptitude in fulfilling the given task in a given time is yet another important attribute that the investigating police must imbibe in to their personality to deliver timely results by completing investigation of cases entrusted to them. It is as good as saying that a stitch in time saves nine. It avoids undue delay in disposal of cases under investigation and prompt the courts to hold trials without delay when the cases laden with fresh and compelling evidence. This will also help the courts to try the cases without giving room for inducement, duress and tampering of evidence by defence counsel.

Patience is another inevitable trait badly needed by the investigating police who are always hard pressed with too many jobs madly running for time and infrastructure. Patience always pays. The investigating police must have good temperament and not temper. If the investigating police lose cool and

calmness in their job the whole process of investigation will be surrounded with confusion and chaos. They have to grope in a cloud of confusion resulting in inefficiency and ineffectiveness in investigation.

In this direction a constant and consistent effort has to be made through training, orientation courses, refresher courses, spiritual, yoga, meditation and moral classes and workshops for the investigating police to forge and reinforce their train of thoughts and actions by amicably synchronizing goals expectation and goals realization in the ambit of effective investigation on professional pride and footing.

#### **8. Need for Regulations of Conduct of the Investigating Police and the Media**

The investigating police should maintain professional secrecy to ensure fair and just investigation of crimes. For the last several years especially after the invasion of electronic media in to the ambit of journalism and increased professional business competition amongst the media, the media reporters to try to collect confidential information pertaining to the crimes under investigation from the police for the purpose of printing and presenting audio-visual information for the readers and viewers of news papers and TV channels respectively. They come out with crime stories, meddling with investigation at the scene of crime, parallel investigation, audio-video-interviews of retired or in service senior police corps with their opinions and comments, holding press conferences, directly interviewing the investigating officers and often accused in police custody etc. This has been adversely affecting the path and process of investigation and consequently the trials. This has created scare and fear amongst the investing officers and the courts as to how to investigate and try cases when the media has created so much confusion and commotion. The victims and suspects are harassed and defamed by the media for want of wide coverage of news before an authorized investigation agency such as the police or CBI determines them so. This is nothing but invasion of the media, in close connivance with the vested and media craze police, into right to privacy and

liberty of the victims and innocent- suspects to the crimes. Rizwanur Rahman case of Kolkata, Noida double murder case ( Aarushi and Hemaraj) and Padmapriya case in Karanataka are the best and latest living examples of the media blowing news out of proportion. In fact in Rizwanur Rehman case the media with its own parallel investigation and enquiries has conclusively said that he was murdered. Later, in the investigation by CBI it is proved that it is a case of suicide. In fact the Government of West Bengal had to withdraw the judicial probe instituted in this incidence. Obviously the aversion of the media haunts our consciousness and attention. And how do the police who had furnished false and frivolous information account for it? This is a grave violation of fundamental rights of persons guaranteed by the Constitution. Now the issue has risen to the level of debate amongst the elites whether right to liberty, privacy and decent living is superior to right to freedom of press or otherwise.

Therefore, it is suggested that there should be a regulation to curtail the police to go before the media or to furnish information stealthily when the cases are under investigation, violation of which should be made a cognizable offence with fine and punishment. On the same footing there should be regulation on the media and the public. The victims and innocent suspects to crime should be allowed under new law to proceed against the media, the police or the public or whom so ever for invasion of their right of privacy, decent and peaceful living and for defamation as well.

#### **9. Need for Legislations to foster Professionalism amongst the Investigating Police**

The investigating police can work efficiently and effectively on professional line when some procedures and provisions are incorporated by a legislative enactment to CrPC and the Indian Evidence Act. Even to this day, though the investigating police are availing scientific methods of investigation such as polygraph, brain printing, truth-serum or narco-analysis, yet these methods have not been given legal status as far as procedures to be followed to

subject a person for these tests and admissibility of evidence gathered by these tests under the Indian Evidence Act. Though in several cases the suspects/accused are subjected for these tests, the courts are yet to recognize their evidentiary value as the defence counsels are insisting for express provisions for these tests. For instance, a narco-analysis test has to be done to a suspect by the expert without the presence of the investigation officer or the police. If the suspects reveals some facts to the crime and a statement of him is prepared by the expert is given to the investigating officer for discovery of such facts it will be hit section by section 27 of the Evidence Act as the information to discovery facts to the crime is not revealed to the investigating officer in his custody but to the expert. Naturally the trial court will be in weak position to consider such evidence as admissible under the Indian Evidence Act. So also the procedures that are to be followed for these tests are laid down under CrPC. Unless the enactment to this effect is not made however good professional an investigating officer is the purpose will not be served. Therefore there is a need for enactment of procedures and provisions in to CrPC and the Indian Evidence Act to this effect to prompt the investigating police to work on professional line.

As far as interrogation of property offenders, organized criminals and other terrorists there is no provision under CrPC to detain them for interrogation except for a day. But these criminals who have no fixed abode of their own or want to escape from the police or residing in distant places or have international ramifications who cannot be interrogated continuously for want of provision under law. In such circumstances even if the police have strong suspicion and proof that these offenders/ suspects are the real perpetrators of crimes, the police cannot detain them for considerable period. This will make the cases end up in closer as 'C' final reports as the cases could not be charge-sheeted for want of evidence. Therefore, a specific provision has to be made under CrPC to detain such habitual offenders/ suspects for at least for a period

of 15 days in remand homes so that the police can continuously interrogate and can find break through in the cases under investigation. These remand homes must be under the direct supervision of judiciary, they are neither prisons nor lock-ups nor interrogation centers. So that the human rights of the persons to be interrogated will not be violated and at the same time justice will be given to the victims through proper investigation of cases. However, necessary pool-proof arrangement should also be made to ensure that the fundamental rights of the accused are not abused and misused by the police. At the same time necessary amendment to the Indian Evidence Act may be made by making specific provision to record the confessional statement of the accused by a police officer of the rank of deputy superintendent of police and above in all IPC and special & local laws offences subject to judicial scrutiny similar to that of the provisions made in this regard in Evidence Act of United Kingdom. This will prompt the efficiency and effectiveness in investigation of crimes on professional line and boost the morale and increases the responsibility and accountability of the investigating officer to his job of investigation.

Like in America there is need for legislation to protect witnesses from accused and their defence counsels so that the witnesses will not remain absent during trials or turn hostile for various considerations and coercion. The people who are cited as witnesses in the cases should be protected by not furnishing their correct names and addresses to accused and their defence counsels and maintaining secrecy and anonymity in charge-sheets, securing them during investigation and trials and making specific penal provisions for those who promise, influence, force, duress or threatens the witnesses during investigation and trials. Otherwise, however professional the investigating police are, they will have to lose cases for want of witnesses or hostility of witnesses during the trial. Because there is no specific provision in IPC to prosecute the persons who promise, induce or intimidate the witnesses to crime, mahazer witnesses etc. during investigation and trial.

## **10. Need for Community Leadership amongst the Investigating Police**

The investigating police can professionally be successful only when they win the heart and soul of the public, the media, non-governmental organizations, legal fraternity etc. They should shun false ego and pride and should realize that they are the servants of society and are part and parcel of it. Path of investigation will not be smooth and comfortable unless the investigating police get help and co-operation of the public, the media, non-governmental organizations and other legal fraternity. Basically, it is a team work wherein these agencies play a crucial role in deciding the facts of investigation and trial of cases. Their co-operation is required at the stage of registration of complaints, scene of crime, search and seizure, examination of witnesses, apprehension and arrest of the accused and during the trials and not to remain absent for trials or turn hostile at trials.

Therefore, the investigating police must be taught and trained on this aspect of developing community leadership qualities to extend help and seek co-operation of these class and category of people in the society. Inter-action sessions and meetings and other programs may have to be organized in this direction.