

Chapter VII

CHALLENGES BEFORE THE INVESTIGATING POLICE IN EFFECTIVE INVESTIGATION OF CRIMES - AN EMPIRICAL STUDY

The investigating police have been constantly facing innumerable challenges during investigation of crimes. If these challenges are not promptly and effectively met on professional footing, the rate of acquittals will increase and the menacing incidence of crimes and criminal activities will rule the roost. The whole criminal justice administration will suffer a set back, posing severe law and order and security problems to the citizens and the State. Ultimately, the spine of social defense mechanism will rip into pieces. The challenges before the investigating police are varied and daunting. The challenges that cry for immediate attention are:

- Vast and varied nature of duties.
- Shortage of time.
- Investigation of too many cases without any rational yardstick.
- Lack of working knowledge of laws, rules and procedures pertaining to investigation.
- Lack of law qualification amongst the investigating officers.
- Lack of enough professional skills, experience and expertise to handle the investigation of serious and sophisticated crimes efficiently and effectively.
- Lack of separate Crime Police Wing to investigate crimes.
- Lack of separate Command and Control over the crime investigation police.

- Unreasonable interference of several forces in effective investigation of crimes.
- Prevalence of prejudice and bias in investigation of crimes.
- Poor service conditions of the investigating police.
- Inadequate infrastructure and logistic support to the investigating police.
- Lack of regular training to the investigating police.
- Lack of co-operation from the public, the media, non-governmental agencies and others.
- Lack of professional ethics amongst the investigating police and the like.

A. Varied Nature of Duties of the Investigating Police and their Adverse effects on Professional way of Investigation

Ever since the formal police system came into existence in India the police have been persistently performing various natures of duties ranging from beat patrolling, law and order, night rounds, special duties, traffic regulation and court duty to investigation of crimes. This kind work expectation and performance by the investigating police has neglected the concept of specialization and diluted the efficiency and effectiveness in investigation of crimes on professional line as result the rate of acquittals has increased. This scenario is also same with the police in Karnataka State as is else where in India. This is, *inter alia*, due to shortage of time available, due to manifold duties, for the investigating police to perform the task of investigation with perfection and promptitude. Hardly about 30% of working time is available with the police for the detection of crimes which is again very meager when compared to the growing incidence of crimes in India in general and Karnataka State in particular.

It is quite evident from Table 1 that all the 25 Dy.SPs and 50 PIs who responded to the questionnaires during the study have unanimously, with 100% response, have opined that they are expected to perform several duties ranging from beat patrolling, law and order, night rounds, special duties and court duty to investigation of crimes. 19 Dy.SPs and 45 PIs have opined with 76% and 90% response respectively that traffic regulation also forms a part of their

duties. This opinion may be due to in cities and district head quarters there is a provision for separate police officers and staff to perform traffic duty, whereas in other parts of the Karnataka State traffic regulation is also part of law & order police duty. The same has been brought out in chart form as below. This kind of vast and varied nature of duties has been hampering the very process of effective investigation.

Further Table 2 shows that 96% of Dy. SPs, 98% of PIs, 100% of senior police officers, judicial officers and prosecutors, 80% of criminal advocates and 87% of Journalists have expressed their opinion that the present system of policing with manifold duties is a great hurdle in a professional way of investigation of crimes. The same has been brought out in chart form as below. The respondent-samples in one voice demand the immediate attention and action to separate the existing the police force into law and order and crime wings so that the solemn task of investigation is given its due importance.

Table 1

Duties of Dy. SPs and PIs in Sub-Divisions/ Circles /Police Stations

Note- No. in the tables indicates number of respondents

Nature of Duties	Dy.SP's		PIs	
	No.	%	No.	%
Beat patrol	25	100	50	100
Law&Order	25	100	50	100
Night Rounds	25	100	50	100
Special Duties	25	100	50	100
Traffic Regulation	19	76	45	90
Court Duty	25	100	50	100
Crimes Investigation	25	100	50	100

Chart for Table 1

Duties of Dy. SPs and PIs in Sub-Divisions/ Circles /Police Stations

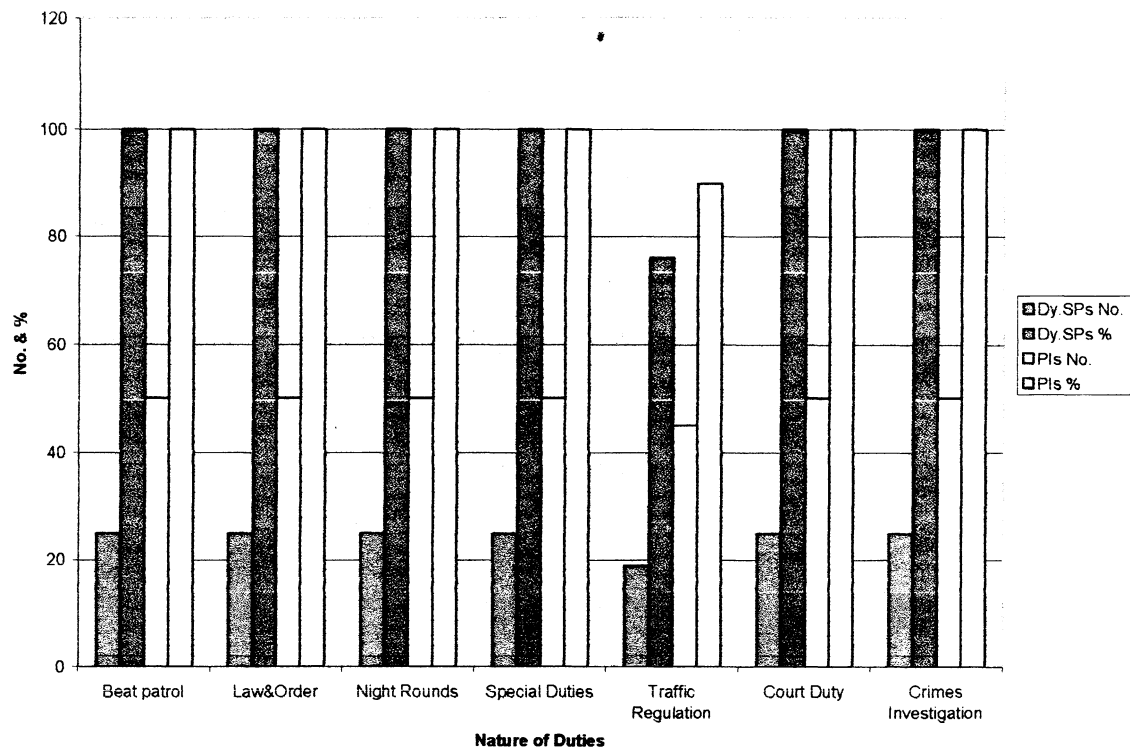


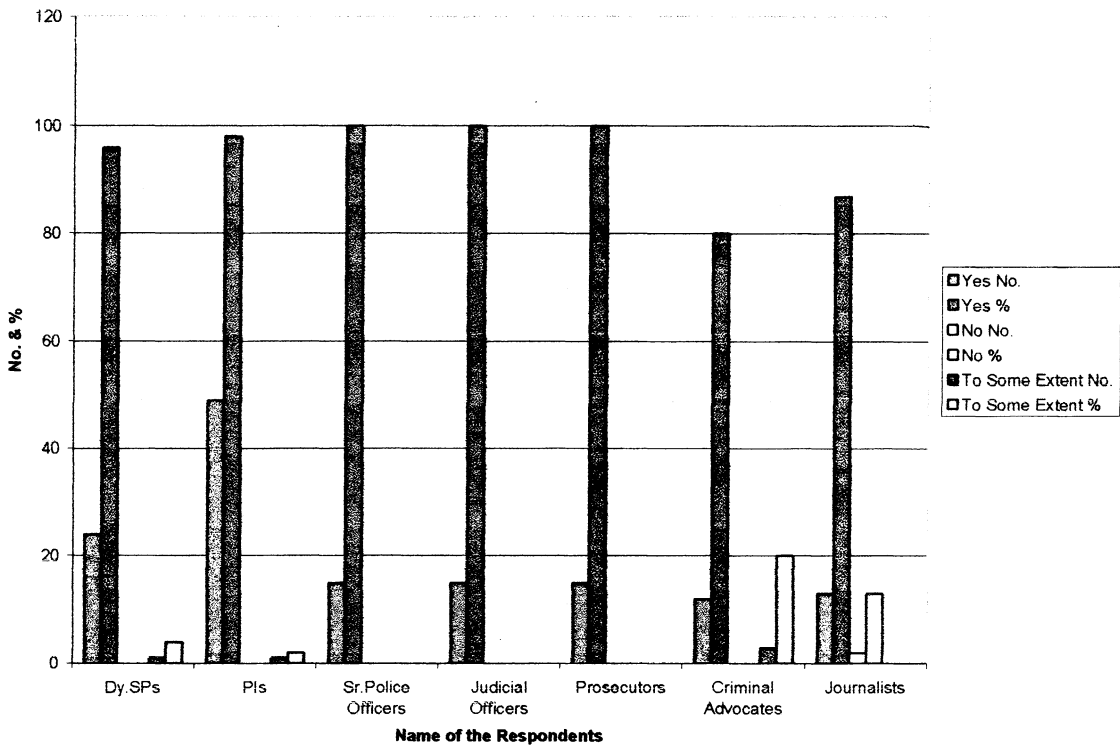
Table 2

Various Duties of the Police Investigators are a Great Hurdle in Professional Way of Investigation

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	24	96			1	4
PIs	49	98			1	2
Sr.Police Officers	15	100				
Judicial Officers	15	100				
Prosecutors	15	100				
Criminal Advocates	12	80			3	20
Journalists	13	87	2	13		

Chart for Table 2

Various Duties of the Police Investigators are a Great Hurdle in Professional Way of Investigation



B. Shortage of Time is a great hurdle in Professional Way of Investigation

Due to the prevailing system of manifold functions of the police, the investigating police are unable to perform job of the investigation with efficiency and effectiveness on professional footing. About 70% of working hours is being used for other duties such as beat patrolling, law and order, traffic regulation, VVIP security etc. Hardly 30% of the working hours is available for the investigation which is too meager for such a gigantic task. As a result, the interest, efficiency and effectiveness in investigation of crimes on the decline. Unethical methods of concoction, padding, table investigation and superfluous elements are creeping into the ambit of investigation. In the state of Orissa on an average 143 cases are reported to be investigated by an investigating officer in a year. In Karnataka State on an average 60 cases are being investigated by an investigating officer in a year along with other duties which is too high a number in terms of availability of time, efficiency and effectiveness.

It is quite conspicuous from Table 3 that all the 25 Dy.SPs, 50 PIs and 15 senior police officers, 15 judicial officers, 15 prosecutors, 15 criminal advocates with 100% response and 10 out of 15 journalists with 67% response have opined that the police investigators are experiencing shortage of time for investigation due to other over pressed duties. Only 3 journalists with 20% response have opined that the police investigators are not experiencing shortage of time for investigation due to other over pressed duties. Only 2 journalists with 13% response have opined that to some extent the police investigators are experiencing shortage of time for investigation due to other over pressed duties. The same has been brought out in chart form as blow.

It is clear from Table 4 that 84% of Dy.SPs have said that they investigate 20-30 cases, 16% of Dy.SPs have said that they investigate 30-40 cases in a year, which is overwhelming. 20 % of PIs have revealed that they investigate 30-40 cases, 56% of PIs have revealed that they investigate 40-50 cases and 24% of PIs have revealed that they investigate 50 & above cases in a year, which they have opine is too much. None of the respondents is satisfied with the quantum of work load of investigation as they are already saddled with too many other over pressed duties. However, there is a difference of opinion between Sample Dy.SPs and PIs with regard to the number of cases to be investigated by them in a year which is due to difference in their job charts. From this it is quite clear that the police investigators are performing their task of investigation over and above their clutch and capacity along with other duties, which is too burdensome and will have an eroding and corroding effect on efficiency and effectiveness in investigation of crimes. The same facts have been revealed in review of murder and rape cases in the forthcoming chapter-VIII.

It is very clear from the data found in Table 5 that 80% of Dy. SPs express their satisfaction over comfortable investigation of 10 -20 cases in a year; 76% of PIs express their satisfaction and are comfortable over the investigation of 20-30 cases in a year, along with other duties. Again there is a difference of opinion between the two samples over the number of cases could

be investigated, which is again due to difference in their job charts. This opinion of the respondent-samples would beckon the policy makers to come out with a specific plan to scale down the load of cases to be investigated by the police investigators.

Table 3

Shortage of time for Investigation of Crimes due to Various Duties of the Police Investigators

Names of the Respondents	Yes		No		To Some	
	No.	%	No.	%	No.	%
Dy.SPs	25	100				
PIs	50	100				
Sr. Police Officers	15	100				
Judicial Officers	15	100				
Prosecutors	15	100				
Criminal Advocates	14	93			1	7
Journalists	10	67	3	20	2	13

Chart for Table 3

Shortage of time for Investigation of Crimes due to Various Duties of the Police Investigators

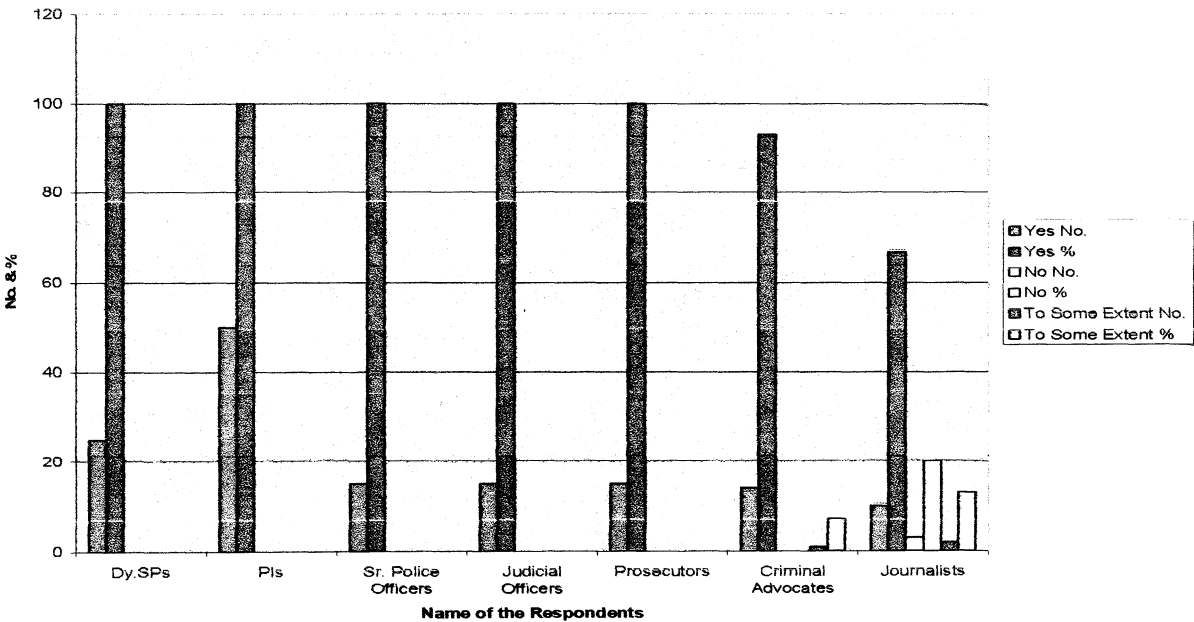


Table 4
No of Cases to be investigated in a Year along with Other Duties

No. of Cases	Dy.SP's				PIs			
	Satisfied		Too Much		Satisfied		Too Much	
	No.	%	No.	%	No.	%	No.	%
1-10								
10-20								
20-30			21	84				
30-40			4	16			10	20
40-50							28	56
50&Beyond							12	24

Chart for Table 4
No of Cases to be investigated in a Year along with Other Duties

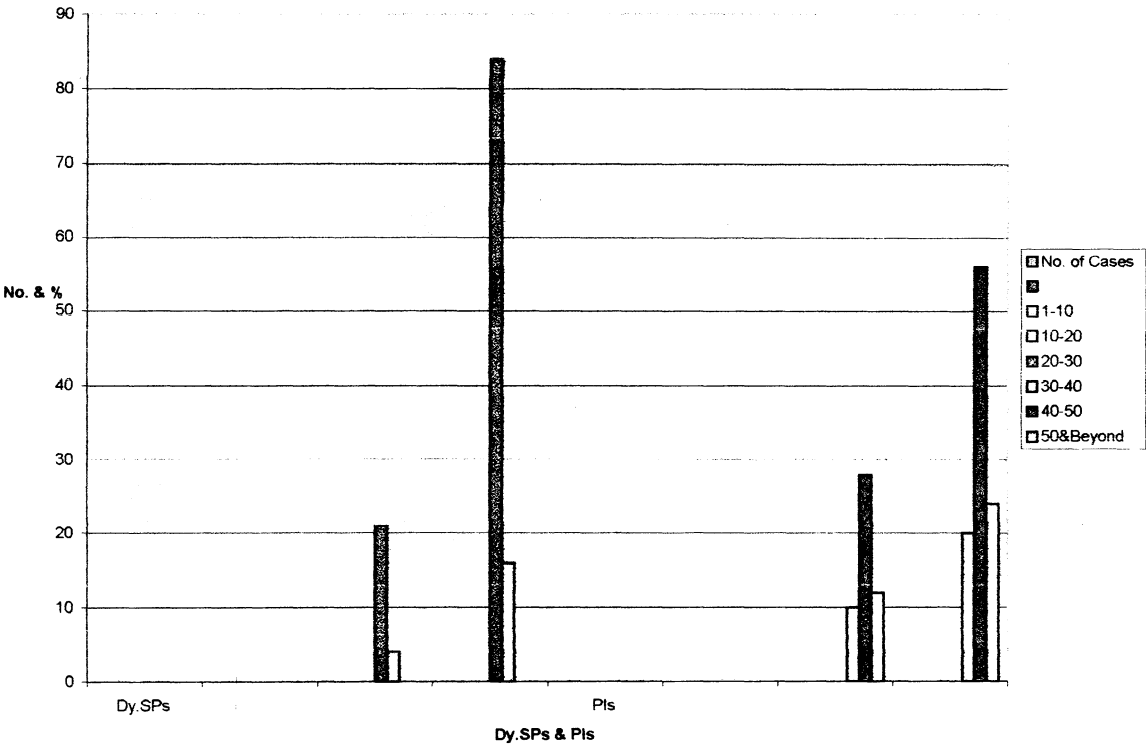
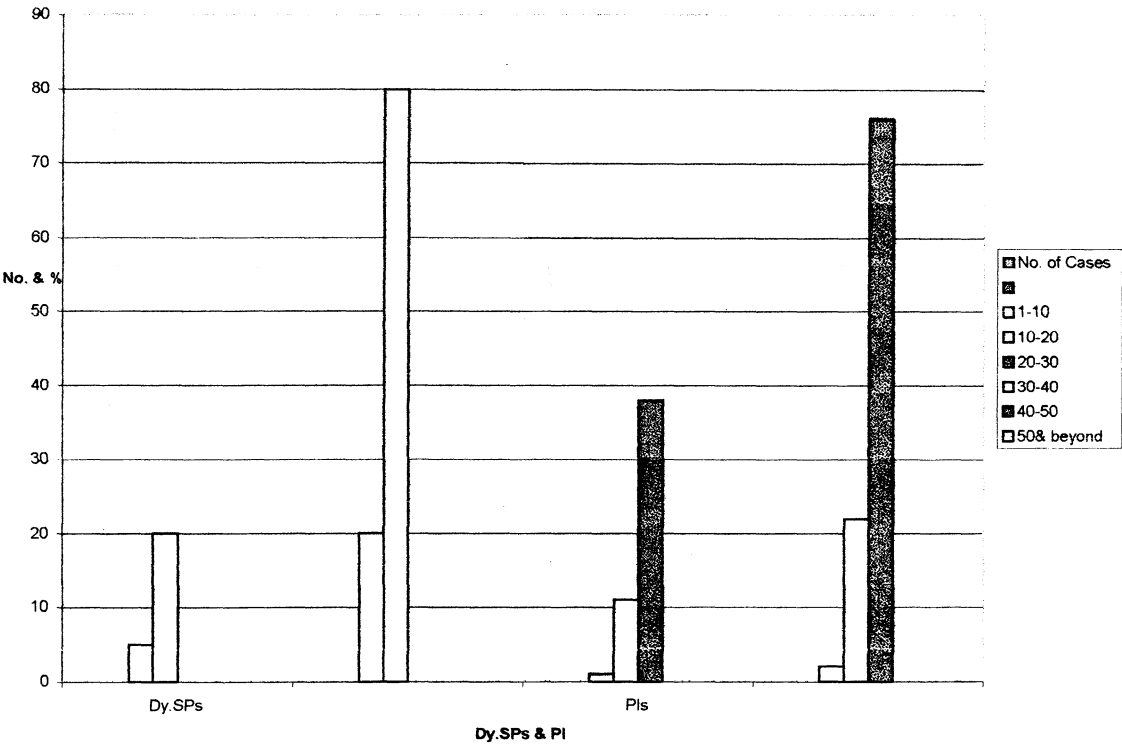


Table 5
No of Cases can comfortably be investigated in a Year along with Other Duties

No. of Cases	Dy.SPs		PIs	
	Satisfied		Satisfied	
	No.	%	No.	%
1-10	5	20	1	2
10-20	20	80	11	22
20-30			38	76
30-40				
40-50				
50& beyond				

Chart for Table 5
No of Cases can comfortably be investigated in a Year along with Other Duties



C. Paucity of Knowledge of Laws, Procedures and Skills and its Adverse Effect on Professionalism in Investigation

The present investigating police are in dire need of sufficient knowledge to appreciate various laws, codes and skills which are necessary to perform investigative duty professionally. Most of the investigating officers of the ranks of ASIs, PSIs, PIs, and Dy.SPs do not know the nuts and bolts of investigation and have rarely undergone training for various investigative purposes. In the State of Karnataka like in other States in India there are training centres which are not being properly made use of. Investigating officers with 15 to 20 years of service to fall back upon, have never ever underwent training after entry level of service to update their knowledge and skills of investigation. The fate of the promotee PSIs is still worse because they have been given the task of investigation but without training during their tenure as Head Constables and ASIs. Their qualification is not sufficient enough to meet the requirements of laws on investigation as many of them are SSLC, PUC and under-graduates without a qualification of law. Even police stations are not sufficiently provided with books, manuals, guides, journals on laws and scientific methods besides other aids of investigation.

It is quite conspicuous from Table 6 that 24 out of 25 Dy.SPs, 46 out of 50 PIs and 15 senior police officers who have been served with questionnaires have opined with 96 %, 92% and 100% respectively that there is a paucity of working knowledge of laws, procedures and skills amongst the police investigators which is necessary for effective investigation of crimes on professional line. Hardly one Dy.SP and 2 PIs have opined that there is no paucity of working knowledge of laws, procedures and skills amongst the police investigators in effective investigation of crimes on professional line. These respondent officers are qualified law graduates as their personal data in the questionnaires reveal.

It is also clear from Table 6A that 100% of Dy.SPs, PIs and senior police officers have opined that there is a need for latest books on laws, codes and journals. 60% of Dy. SPs, 64% of PIs and 87% of Sr. police officers

have opined that there is a need for updating Police Manuals. 100% of Dy. SPs, 96% of PIs and 100% of senior police officers wanted periodical training & orientation to the investigating officers (IOs) & staff to meet the up-to-date investigative requirements of newly emerging sophisticated crimes. 100% of Dy.SP, PIs and Sr. police officers are in favour of training the police investigators and the staff to facilitate collection of scientific & legally admissible evidence. The same has been brought out in chart form as below.

Table 6
Paucity of Working Knowledge of Laws, Procedures and Skills, sand its Adverse Effect on Professionalism in Investigation.

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SP	24	96	1	4
PI	46	92	4	8
Sr. Police Officers	15	100		0

Chart for Table 6
Paucity of Working Knowledge of Laws, Procedures and Skills, and its Adverse Effect on Professionalism in Investigation

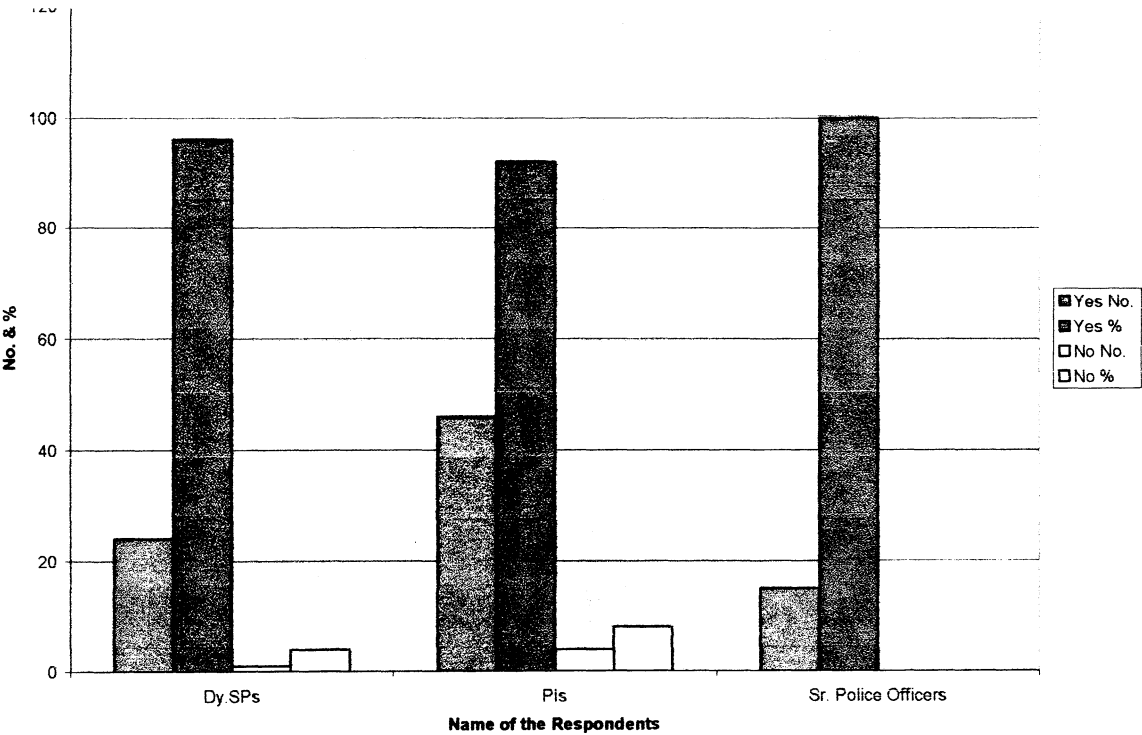


Table 6A

Kind of Knowledge of Laws, Codes, Procedures and Skills Required for Professional way of Investigation

Kind of Knowledge of Laws, Codes, Procedures and Skills Required	Dy. SPs		PIs		Sr. Police Officers	
	Yes		Yes		Yes	
	No.	%	No.	%	No.	%
Latest Books on Laws & Codes, Journals	25	100	50	100	15	100
Updated Police Manuals	15	60	32	64	13	87
Periodical Training & Orientation to the IOs & Staff to meet the Investigation requirements of newly emerging sophisticated crimes	25	100	48	96	15	100
Training to collect Scientific & Legally Admissible Evidence	25	100	50	100	15	100

D. Over pressed Duties and their Adverse impact on Interest, Efficiency, Knowledge, Skills of the Police Investigators

It is surprising to note that in spite of long history of one and half a century formal policing in India, the successive governments have not recognized 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. 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 yardstick has been employed to allocate cases for investigation.

In the cities like Bangalore in Karnataka State, there are several police stations where more than 500 cases are being reported in a year, where as in

other few stations there may be hardly 100 cases being reported in a year. But the number of investigating officers and staff more or less remain the same in all the police stations and the work load of cases to be investigated varies. There is no clear scientific yardstick yet adopted for the kind of cases to be earmarked to the investigating officers based on their experience, expertise and proficiency of laws to conduct investigation on procedural and scientific footing.

It is very clear from Table 7 that all the 25 Dy.SPs, 50 PIs and 15 senior police officers, 15 judicial officers, 15 prosecutors, 15 criminal advocates and 15 journalists with 100% response have opined against the tendency of entrusting large number of cases to the police investigators without a rational yardstick. This is type of unanimous opinion from the respondent-samples is going to show that the prevailing system of investigation of crimes by the investigating officers irrespective of nature and number of crimes is affecting adversely the efficiency and effectiveness in investigation of crimes on professional line and as a result of which the cases are being acquitted by the courts in large number. The same has been brought out chart form as below.

Further, from Table 8 it is quite evident that all the 25 Dy.SPs, 50 PIs and 15 senior police officers, 15 judicial officers, 15 prosecutors, and 15 criminal advocates with 100% response and 12 journalists with 80% response have opined that the practice of performing various duties would considerably dilute and diminish their interest, efficiency, experience, knowledge and professional skills of investigation.

It is very interesting to notice that the collective and common response of the samples unanimously vindicate the need for selection and adoption of an appropriate yardstick for allocation of number of cases to the police investigators and opting for professionalism in effective investigation of crimes to contain the acquittal rate.

Table 7

Investigation of Large No. of Cases and Its Resultant Poor Investigation

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	25	100				
PIs	50	100				
Sr.Police Officers	15	100				
Judicial Officers	15	100				
Prosecutors	15	100				
Criminal Advocates	15	100				
Journalists	15	100				

Chart for Table 7

Investigation of Large No. of Cases and Its Resultant Poor Investigation

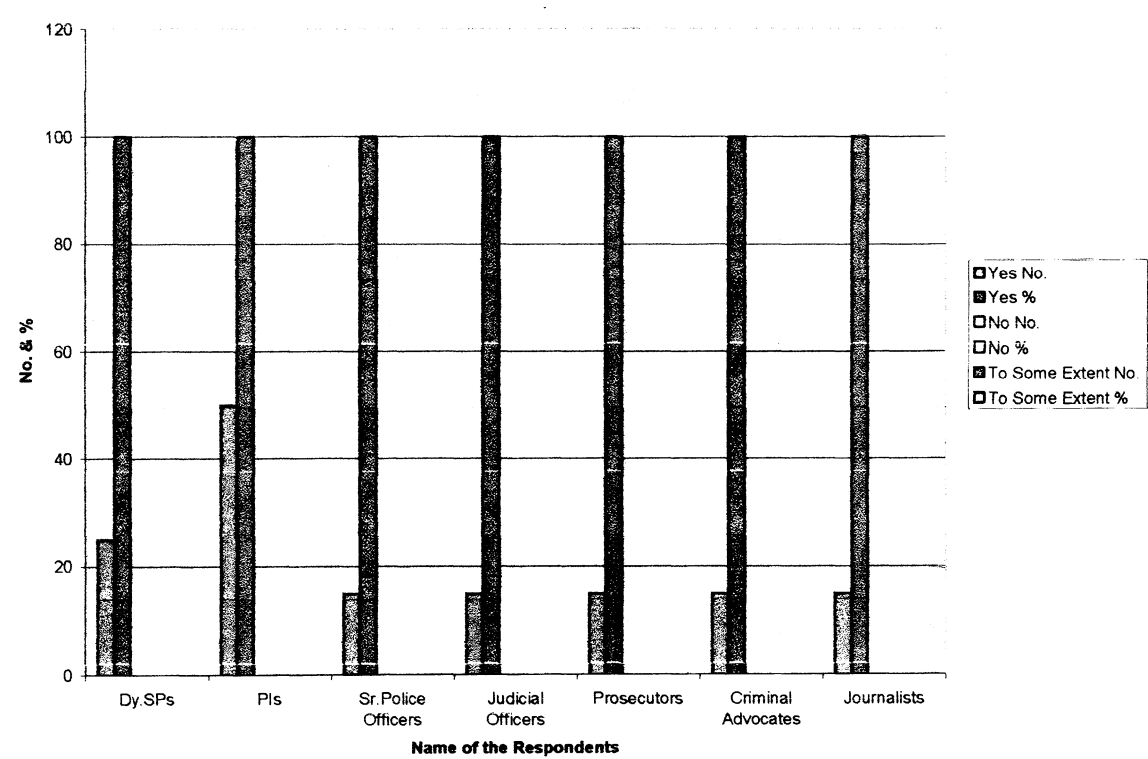


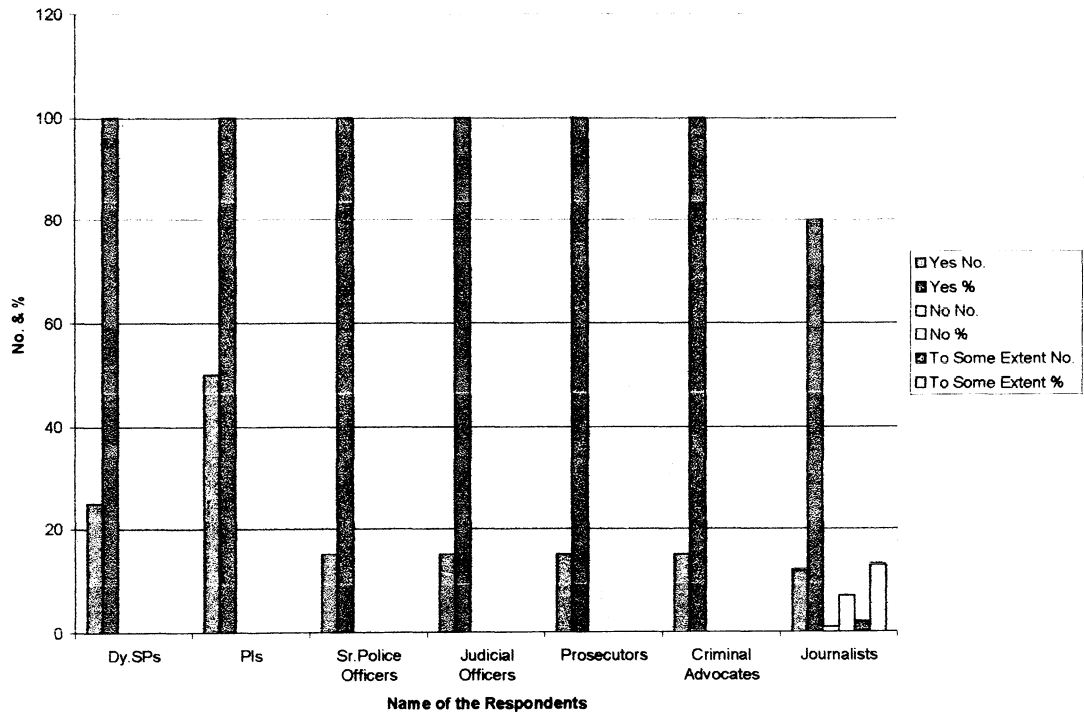
Table 8

Dilution and Diminishing of Interest, Efficiency, Knowledge, Skills of the Police Investigators due to varied nature of Duties

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	25	100				
PIs	50	100				
Sr.Police Officers	15	100				
Judicial Officers	15	100				
Prosecutors	15	100				
Criminal Advocates	15	100				
Journalists	12	80	1	7	2	13

Chart for Table 8

Dilution and Diminishing of Interest, Efficiency, Knowledge, Skills of the Police Investigators due to varied nature of Duties



E. Qualification of Law to improve professionalism in Investigation

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 misuse and abuse of fundamental human rights and dignity. It is also equally essential for the investigating officer to professionally handle the issues of arrest, interrogation etc, of suspects and the accused of different age, sex, social and economic backgrounds. Qualification of law will help the investigating officers to appreciate the changing facets and paces of laws on criminal investigation. In short, qualification of law for the investigating officers is very essential in all phases of investigation of crimes on professional line. The reality in the state of Karnataka as else where in India is that most of the investigating officers are not qualified law graduates. Many investigating officers are even under-graduates but hold the post because of promotion. Obviously their level and lane of knowledge of laws on crimes and of judicial proceedings will be very poor. They cannot cope with the task of investigation on professional line as it expects them to be fully qualified persons for the job of investigation. The investigating officers have to depend upon the prosecutors for guidance during the investigation and for scrutiny of charge-sheets and cannot express their opinion on the cases investigated with certainty. The 3-Judge Bench of the Hon'ble Supreme Court 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 violative of procedure laid down under CrPC and it established the investigating officer's poor knowledge of laws on crimes.

The view that the qualification of law as necessary for the investigators was expressed through the responses of the respondent-samples in Table 9, wherein 72% of Dy.SPs, 86% of PIs, 87% of Sr. police officers, 100% of judicial officers and prosecutors, 80% of criminal advocates and 67% of journalists have favoured the introduction of law qualification as an eligibility criterion for candidates who aspire for post of the police investigators. 8% of Dy. SPs, 10% of PIs, 7% of journalists have not favoured the introduction of

law qualification as an eligibility criterion for candidates who aspire for post of the police investigators. 20% of Dy. SPs, 4% of PIs, 13% of Sr. police officers, 20% of criminal advocates and 26% of journalists favoured to some extent the introduction of law qualification as an eligibility criterion for candidates who aspire for post of the police investigators. The same has been brought out in chart form as below. The respondent-samples who favoured introduction of law qualification as an eligibility criterion for candidates who aspire for post of the police investigators the are of the opinion that if qualified law graduates are appointed as the police investigators they can appreciate and harness the laws, codes, procedures and scientific methods and aids of investigation in a better and professional way. They can effectively investigate cases on professional line. This will reduce the dependency of investigating officers on other superior officers and prosecutors during investigation and can facilitate professional and effective way of handling of the cases under investigation and consequently the acquittal rate would come down.

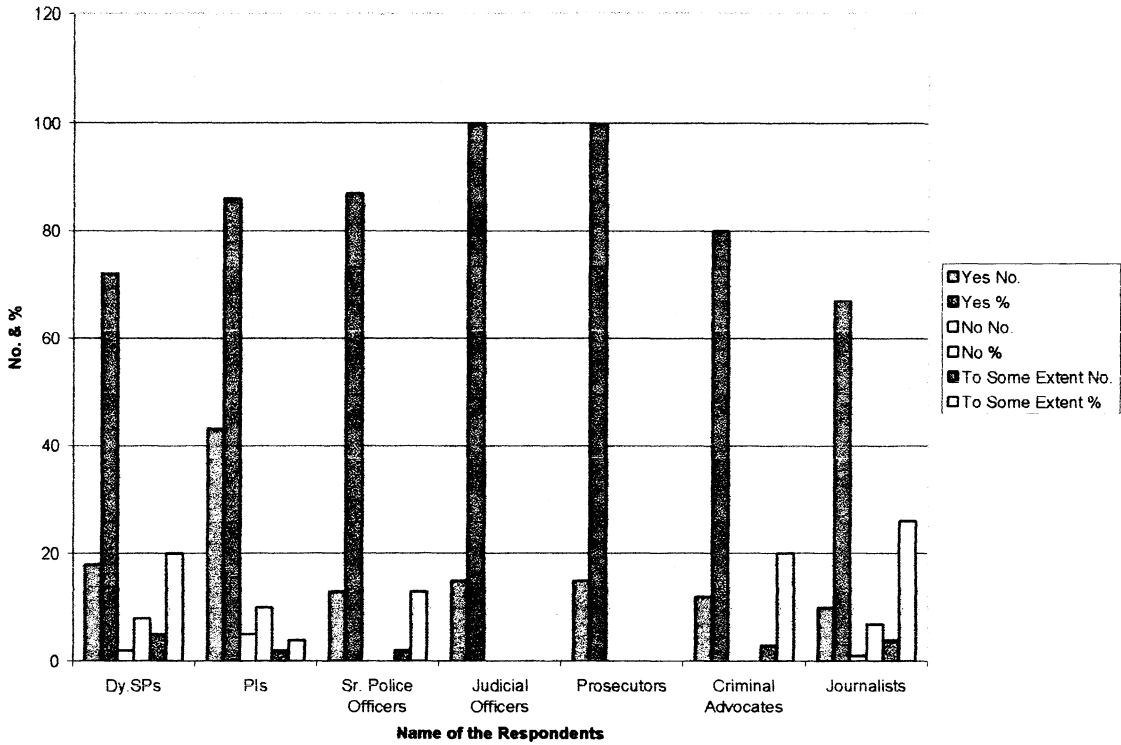
Table 9

**Qualification of Law for the Police Investigators to improve
Professionalism in Investigation**

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SP's	18	72	2	8	5	20
PIs	43	86	5	10	2	4
Sr. Police Officers	13	87			2	13
Judicial Officers	15	100			-	
Prosecutors	15	100			-	
Criminal Advocates	12	80			3	20
Journalists	10	67	1	7	4	26

Chart for Table 9

Qualification of Law for the Police Investigators to improve Professionalism in Investigation



F. A Separate Crime Police Force for Professional way of Investigation

Ever since the police started functioning as an inevitable strong agency of the State, they are required to perform various duties such as law and order, traffic, VIIP security, court duty, crime prevention and detection etc. 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. 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 to satisfy their superiors in the department. This has ultimately resulted in the rise of acquittals causing grave concern for the people and the State.

14th and 154th Law Commission of India, National Police Commission, Justice (Dr.) V.S. Malimath Committee on 'Reforms of Criminal Justice System', and the Supreme Court in *Prakash Singh and Others v. Union of India and Others*, have strongly deprecated the practice of performing manifold duties by the police including crime investigation as the system is consuming lot of working time of the police and cornering crime duty to the margin. They also suggested for separation of the police into law and order and crime wings for effective investigation of crimes. This view has been supported by the empirical study. As per the directives issued by the Supreme Court in *Prakash Singh and Others v. Union of India and Others*, (2007) many States Governments in India, including the Government of Karnataka, have filed affidavits before the Apex Court that they have complied with the directions issued in this regard. In reality the same old system of performing multiple nature of duties is being continued. Virtually no separate crime police force is formed for investigation of crimes instead the police inspectors who are the Station House officers have been performing both law and order and crime investigation duties simultaneously.

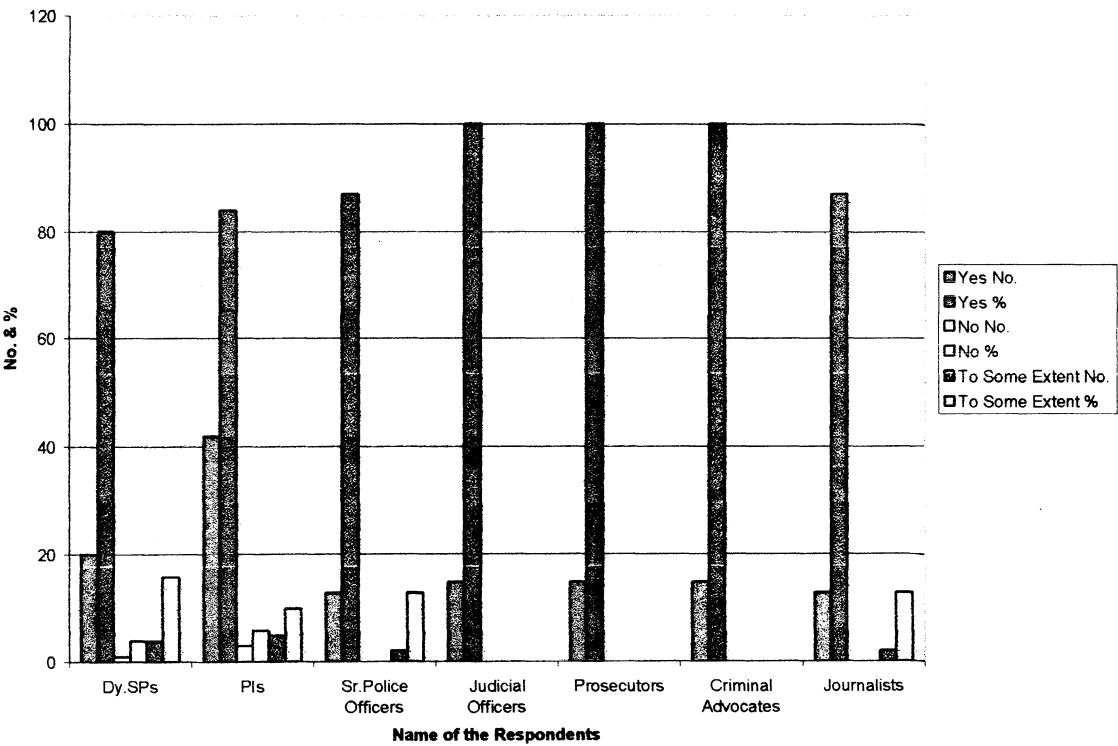
Table 10 shows that 80% of Dy.SPs, 84% of PIs, 87% of senior police officers and journalists, and 100% of judicial officers, prosecutors and criminal advocates have expressed their opinion that professional way of investigation was possible only with the separate crime police force for investigation. 2% of Dy.SPs and 6% of PIs do not agree with the hypothesis. 16% of Dy.SPs, 10% of PIs, 13% of senior police officers and journalists are of the opinion that to some extent lack of separate crime police force will affect professional way of investigation. This disagreement amongst them may be due to that the concern that they do not want the police force to be split into two-halves as the strength and unity of the force would get weakened. It may also be due to the reason that the law and order duty is more charming and enterprising than the crime duty. Their logic may not be correct and do not hold water for the reason that once separate police forces for law and order and crime investigation are created with sufficient strength the system will work successfully. Again it is

not that the charm and enterprising nature of duty that matters but how best one can serve the society will matters the most.

Table 10
A Separate Crime Police Force for Professional way of Investigation

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	20	80	1	4	4	16
PIs	42	84	3	6	5	10
Sr.Police Officers	13	87			2	13
Judicial Officers	15	100				
Prosecutors	15	100				
Criminal Advocates	15	100				
Journalists	13	87			2	13

Chart for Table 10
A Separate Crime Police Force for Professional way of Investigation



G. Large Scale Acquittals are the result of Lack of Professionalism and Specialization in the Police Investigators

In the present day policing there is no specialization in the nature of jobs expected to be performed by the police. As already discussed the divers-nature of duties by the police has negated the principle of specialization which is necessary a commitment of professionalism. 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. The Karnataka police are no exception to this state of affairs. Its impact is so powerful that the 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.

Table 11 clearly lays down that all 25 Dy.SPs, 50 PIs and 15 senior police officers, 15 judicial officers, 15 prosecutors and 15 criminal advocates with 100% and 12 of 15 journalists with 80% response have opined that the trend of large scale acquittals are mainly due to lack of professionalism and specialization in the police investigators. Only 2 journalists and have responded that large scale acquittals are not due to lack of professionalism and specialization in the police investigators. Only one journalist responded that to some extent large scale acquittals are not due to lack of professionalism and specialization in the police investigators. This opinion may be due to insufficient knowledge on the issue. The same has been explained in the form of chart as below.

This view is supported from the data pooled in Table A1 to Table A9 of Chapter VIII in the study as there is 11% and 13% conviction in murder and rape cases respectively, and an average of 42.5% conviction rate is observed in

all categories of offences unlike in America and Japan where there is 92% and 96% conviction rate in murder and rape cases respectively.

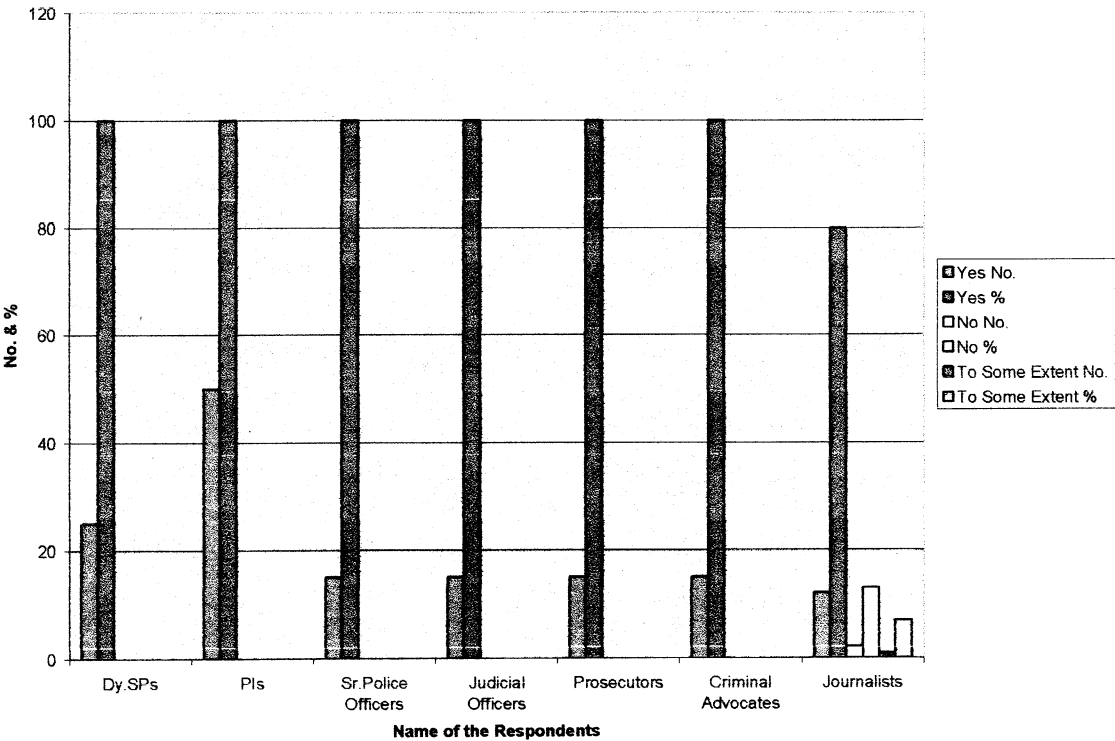
Table 11

Large Scale Acquittals are attributed to Lack of Professionalism and Specialization in the Police Investigators

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	25	100				
PIs	50	100				
Sr.Police Officers	15	100				
Judicial Officers	15	100				
Prosecutors	15	100				
Criminal Advocates	15	100				
Journalists	12	80	2	13	1	7

Chart for Table 11

Large Scale Acquittals are attributed to Lack of Professionalism and Specialization in the Police Investigators



H. Professionalism and Specialization for Investigation of Sophisticated Crimes i.e. Cyber Crimes, Organized Crimes, White Collar Frauds

New advances in science and technology and consequential urbanization and industrialization at a great pace have simultaneously brought both boon and bane 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. The Supreme Court in *Prakash Singh and Others v. Union of India and Others*, (2006) case has clearly suggested for specialized police force with necessary infrastructure for investigation of this type of sophisticated crimes. The same has been supported by the empirical study.

It is clear from Table 12 that all the 25 Dy.SPs, 50 PIs and 15 senior police officers, 15 judicial officers, 15 prosecutors, 15 criminal advocates and with 100% response and 10 out of 15 journalists with 67% response have opined that there is an imminent need for professionalism and specialization in the police investigators for investigation of sophisticated crimes i.e. Cyber crimes, organized crime, white collar frauds, terrorism etc. The criminals in these areas operate with perfect planning in unity and command, skills, sophisticated gadgets and well established network, such crimes have wide ramifications within and across the countries. The respondents feel that professionalism and specialization are the necessary concomitants for efficient and effective investigation to handle such crimes. Only 13% of journalists have opined that there is no imminent need for professionalism and specialization in the police investigators for investigation of sophisticated crimes i.e. Cyber crimes, organized crime, white collar frauds, terrorism etc. 20% of journalists have

opined that to some extent there is a need for professionalism and specialization in the police investigators for investigation of sophisticated crimes i.e. Cyber crimes, organized crime, white collar frauds, terrorism etc. This negative opinion of some of the journalists may be due to lack of enough knowledge on the issue.

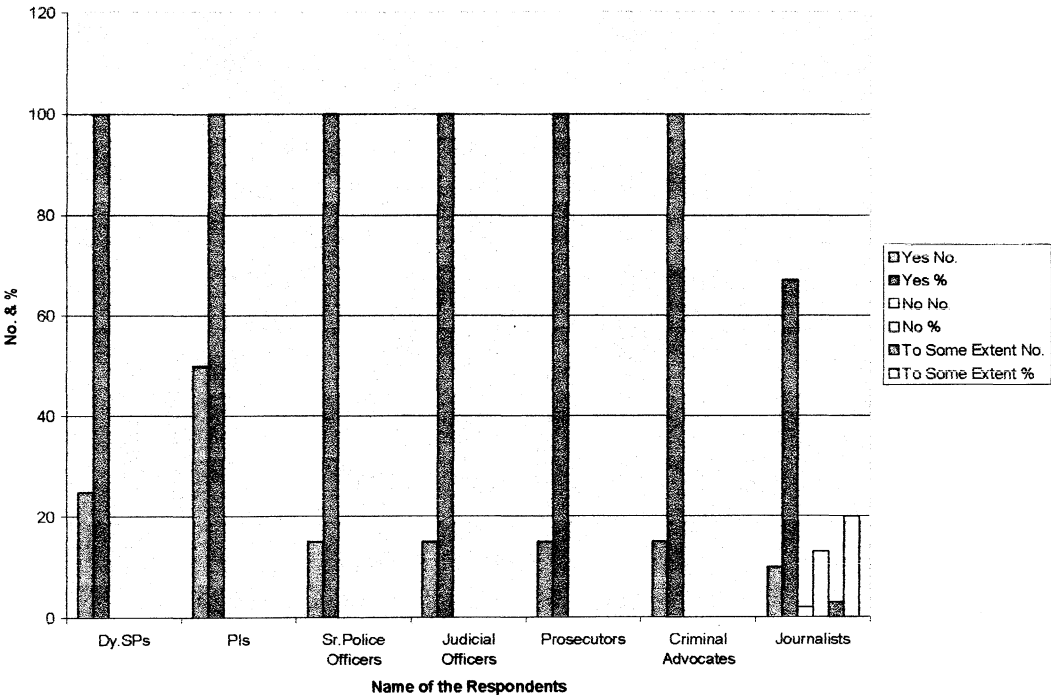
Table 12

Professionalism and Specialization for Investigation of Sophisticated Crimes i.e. Cyber Crimes, Organized Crime, White Collar Frauds

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	25	100				
PIs	50	100				
Sr.Police Officers	15	100				
Judicial Officers	15	100				
Prosecutors	15	100				
Criminal Advocates	15	100				
Journalists	10	67	2	13	3	20

Chart for Table 12

Professionalism and Specialization for Investigation of Sophisticated Crimes i.e. Cyber Crimes, Organized Crime, White Collar Frauds



I. A Separate Command and Control over Crime Police Force is necessary to Lend Professional Touch for Investigation

Mere separation of the police force into law and order and crime wings itself may not ensure effectiveness in investigation. There should invariably be a separate command and control over the crime wing to improve efficiency and insist on accountability.

As it is very clear from Table 13 that 15 judicial officers, 15 prosecutors and 15 criminal advocates have opined with 100% response in favour of having a separate command and control over crime police force for professional way of investigation. Whereas 80% of Dy.SPs, 86% of PIs, 67% of Sr. police officers and 53% of journalists have expressed their opinion in its favour. Only 20% of Dy.SPs, 12% of PIs, 33% of Sr. police officers and 33% of journalists have favoured that to some extent to have a separate command and control over crime police force for professional way of investigation. The same has been brought out in chart forms below. This shows that the entire police fraternity is not in unanimity for having separate command and control over crime police force. This may be due to apprehension amongst sum of the respondents that the police force in be divided and the unity and command will be weakened. This may also may be due to lack of interest to prefer crime investigation duty to law & order duties as the latter appears to have been more charming and enterprising due to its executive nature. However, more than 80% of them are in its favour.

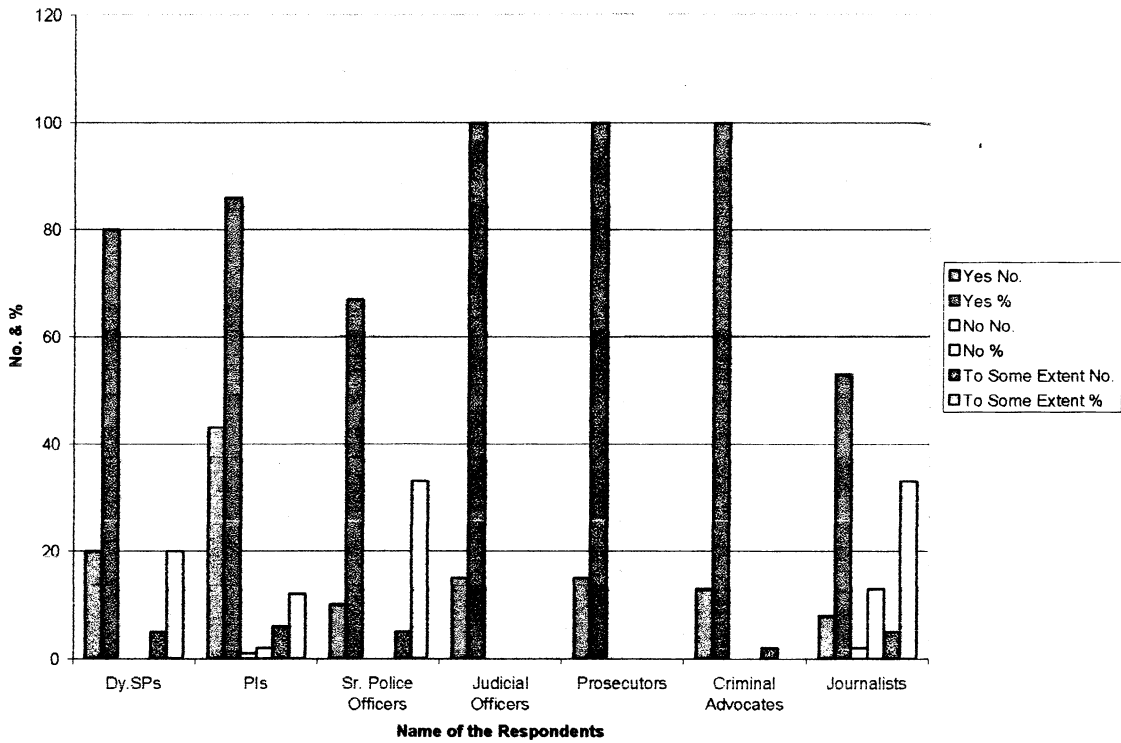
Table 13

A Separate Command and Control over Crime Police Force to Lend Professional touch to Investigation

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	20	80			5	20
PIs	43	86	1	2	6	12
Sr. Police Officers	10	67			5	33
Judicial Officers	15	100				
Prosecutors	15	100				
Criminal Advocates	13	100			2	
Journalists	8	53	2	13	5	33

Chart for Table 13

A Separate Command and Control over Crime Police Force to Lend Professional Touch to Investigation



J. Unreasonable Interference of Several Forces Resulting in Poor Investigation

Interference by several forces can be seen in the process of investigation. Personalities from different walks of life- politicians, public, media and official mechnary interfere very frequently during investigation of crimes. They bring pressure and force on the invêstigating officers to meet their ends. It may be for registering or not registering of complaint, effecting arrest or not of the accused to crime or for filing of favourable final reports etc. This has spoiled the very process and purpose of investigations. Investigating officers are forced to do unwanted things for the fear of harassment, transfers etc. The 2nd National Police Commission has noticed this nefarious tendency of interference of various forces. So also the Gore Committee on Police Training and other State Police Commissions have noticed the political and official

influence in investigation of crimes. This has been supported by the empirical study.

From Table 14 it is clear that 100% of Dy. SPs and PIs, 80% of Sr. police officers are of the opinion that several forces are interfering unreasonably in the process of investigation, which has resulted in poor investigation. In so far as the kind of interference is concerned it is clear from table 14A that respondents-Dy.SP.s are of the opinion that there is interference of 80% from superior officers, 92% from political personalities, 68% from NGOs, 88% members of the media and 0% interference from courts. Whereas respondents PIs are of the opinion that there is interference of 90% from superior officers, 76% from political representatives 58% from NGOs, 80% from media and 2% from courts. This has been brought out in chart form. One noticeable aspect is that courts are not interfering in the course of investigation and have maintained distance and dignity as the highest independent judicial institution and a credible agency of criminal justice administration.

Table 14

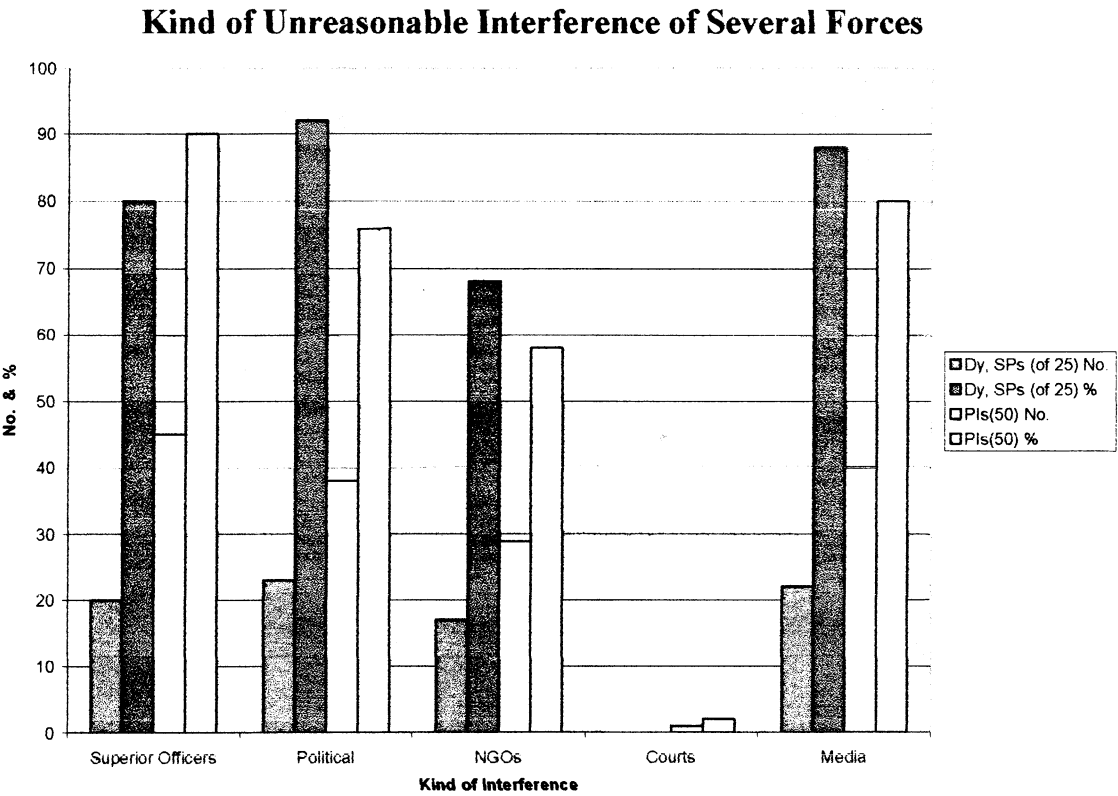
Unreasonable Interference of Several Forces resulting in Poor Investigation

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SP.s	25	100				
PIs	50	100				
Sr.Police Officers	12	80	1	7	2	13

Table 14A
Kind of Unreasonable Interference of Several Forces

Kind of interference	Dy, SPs (of 25)		PIs(50)	
	No.	%	No.	%
Superior Officers	20	80	45	90
Political	23	92	38	76
NGOs	17	68	29	58
Courts	Nil		1	2
Media	22	88	40	80

Chart for Table 14A



K. Prejudice and Bias in Investigation

Prejudice and bias do exist in the form casteism, favouritism, regionalism, linguism and communalism in the process of investigation. In

India casteism, favoritism and communalism are the worst form of prejudices. Investigating police register false cases or hush up the real cases, implicate the innocents, leave the real accused to crimes and weaken or strengthen the cases depending upon their interest. Ultimately, the justice is denied to the genuine victims of crimes. This is due to lack of professional attitude and ethics amongst the investigating police. The National Police Commission headed by late Dharma Vir, in its 4th Report, has noticed the prejudice and bias in investigation of crimes. The same has been supported by the empirical study.

It is quite clear from Table 15 that 84% of Dy. SPs, 86% of PI and 93% of senior police officers are of the opinion that prejudice and bias are profusely present in the process of investigation, which are adversely affecting the professional way of investigation.

In so far as kind of prejudice and bias is concerned Table 15A shows that 40% of Dy. SPs, 42% of PIs and 33% of Sr. police officers have opined that there is casteism. 64% of Dy. SPs, 60% of PIs, 46% of Sr. Police Officers have opined that there is communalism, 76% of Dy. SPs, 56% of PIs, 26% of Sr. police officers have opined that there is regionalism. 52% of Dy. SPs, 54% of PIs and 53% of Sr. police officers have opined that there is linguistic chauvanism, and 80% of Dy. SPs, 84% of PIs and 73% of Sr. Police offices have opined that there is favouritism from the police investigators during the investigation. Interestingly favouritism is mentioned first in the ladder of prejudice and bias. The same has been brought out in chart form.

Table 15

Presence of Prejudice and Bias in Investigation

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SP	21	84	2	8	2	8
PI	43	86	1	2	6	12
Sr.Police Officers	14	93			1	7

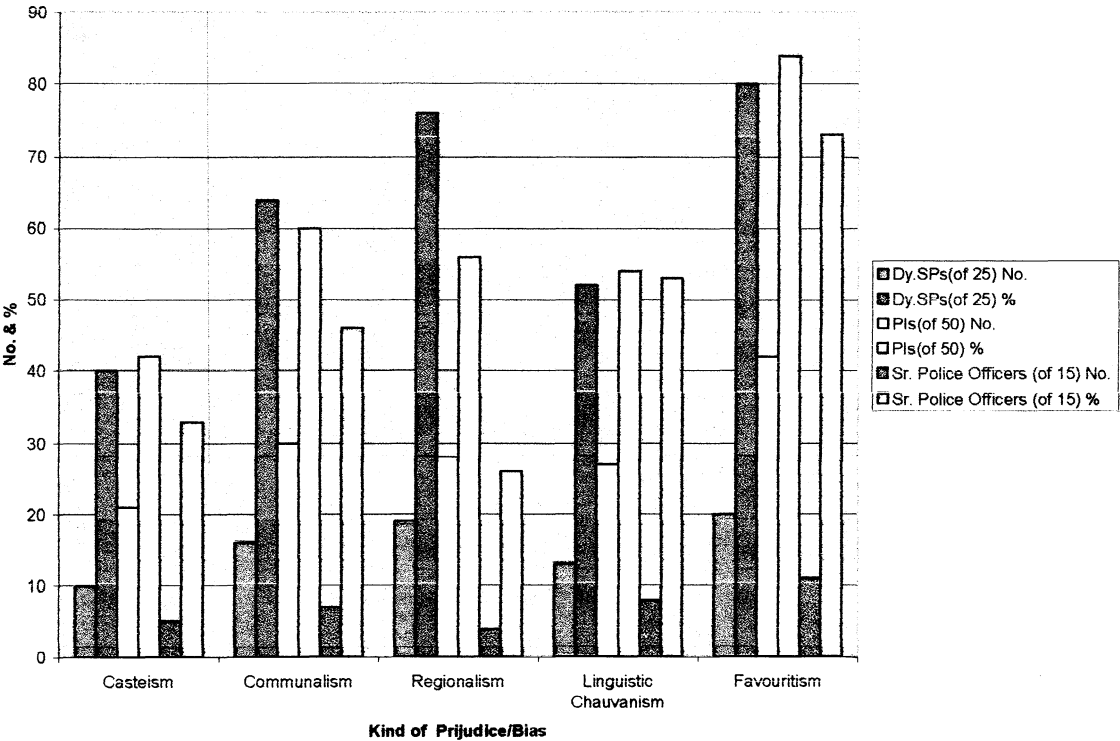
Table 15A

Kind of Prejudice and Bias that is adversely affecting Professionalism in Investigation

Kind of Prejudice/Bias	Dy.SPs(of 25)		PIs(of 50)		Sr. Police Officers	
	No.	%	No.	%	No.	%
Casteism	10	40	21	42	5	33
Communalism	16	64	30	60	7	46
Regionalism	19	76	28	56	4	26
Linguistic Chauvanism	13	52	27	54	8	53
Favouritism	20	80	42	84	11	73

Chart for Table 15A

Kind of Prejudice and Bias that is adversely affecting Professionalism in Investigation



L. Inverse Relationship between Poor Service Conditions of the Police Investigators and the staff and Professionalism in Investigation

It is obvious that no professional can contribute honest services to 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. 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. Therefore, National Police Commission and other Committees on Police Reforms have suggested for improving service conditions of the police in general and not the investigating police in particular. But the situation remains the same. With out providing adequate service conditions, the investigating police will not evince interest to work efficiently and effectively with full zeal, honesty and sincerity.

It can be clearly observed from Table 16 that all the 25 Dy. SPs and 50 PIs with 100% response and 13 out of 15 senior police officers with 67% response are of the opinion that poor service conditions of the police investigators and the staff have adversely affected professionalism in investigation. The same has been brought out in chart form.

Table 16A shows that 100% of Dy.SP.s and PIs, 80% of Sr. police officers have opined that poor pay and salary have affected professionalism in investigation. 80% of Dy. SP.s, 92% of PIs and 60% of senior police officers have expressed that poor housing facilities have affected professional way of investigation. 100% of Dy. SP.s and PIs. 87% of senior police officers have opined that poor health facilities have largely affected professionalism in investigation. 100% of Dy.SP.s, 96% of PIs and 73% of senior police officers expressed their opinion that poor educational facilities for the police children have considerably affected professional way of investigation. All the

respondent-samples, with 100% single voice and vouch, have opined that poor promotional opportunities and frequent transfers are the greatest of hurdles in professional way of investigation. The same has been brought out in chart form.

This problem needs to be addressed immediately to remove inertia and stigma struck deep in the minds of the police investigators.

Table 16
Inverse Relationship between Poor Service Conditions of the Police Investigators and the staff and Professionalism in Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SPs	25	100		
PIs	50	100		
Sr. Police Officers	13	87	2	13

Chart for Table 16
Inverse Relationship between Poor Service Conditions of the Police Investigators and the staff and Professionalism in Investigation

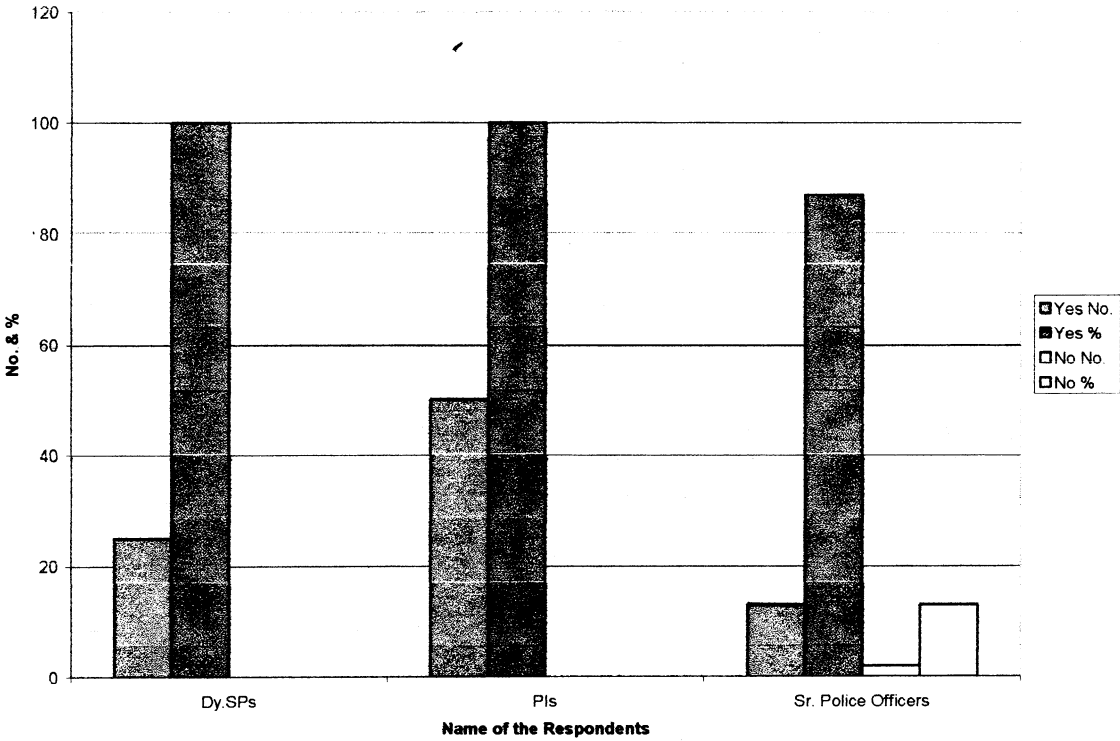
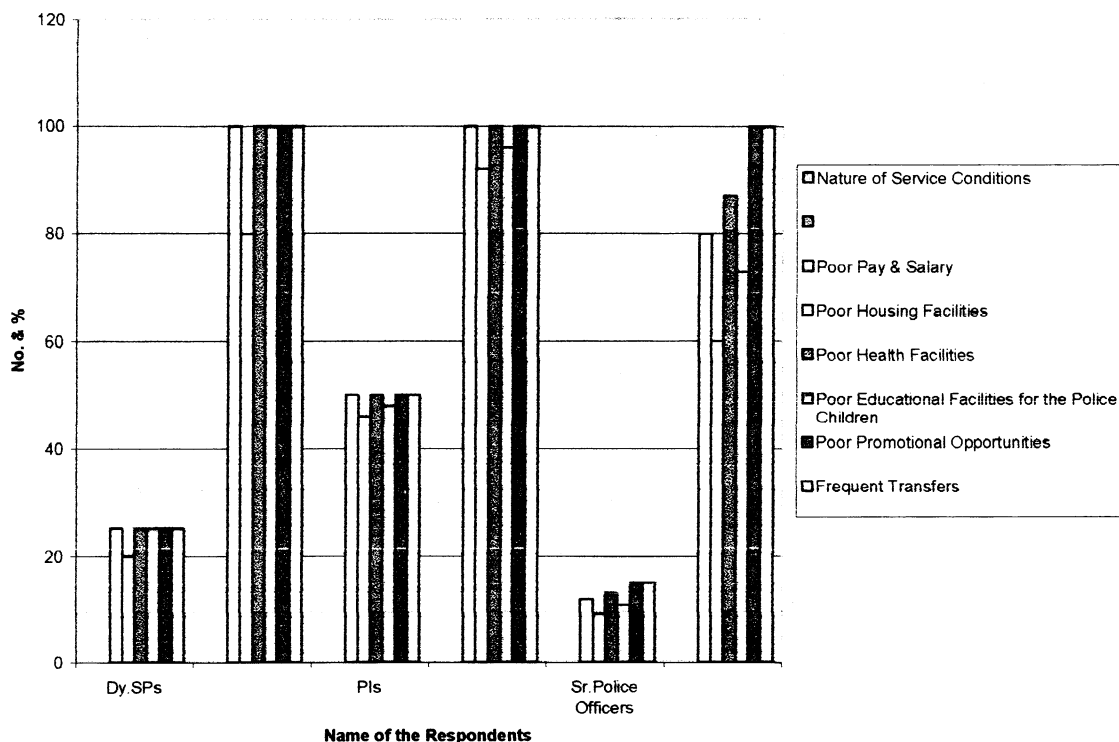


Table 16A

Nature of Service Conditions of the Police Investigators and its Staff

Nature of Service Conditions	Dy.SPs		PIs		Sr.Police Officers	
	Yes		Yes		Yes	
	No.	%	No.	%	No.	%
Poor Pay & Salary	25	100	50	100	12	80
Poor Housing Facilities	20	80	46	92	9	60
Poor Health Facilities	25	100	50	100	13	87
Poor Educational Facilities for the Police Children	25	100	48	96	11	73
Poor Promotional Opportunities	25	100	50	100	15	100
Frequent Transfers	25	100	50	100	15	100

Chart for Table 16A

Nature of Service Conditions of the Police Investigators and its Staff**M. Inadequate Infrastructure and Logistic Support is a major Constraint in Professional way of Investigation**

Adequate Infrastructure and logistics such as adequate manpower, transport and communication facilities, arms and ammunitions, I.O.'s

equipments, computers etc., also become very crucial aspects 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 their investigative venture. There is a need for adequate infrastructure and logistics.

Table 17 makes it very clear that all respondent-samples- 25 Dy. SPs, 50 PIs and 15 Sr. Police Officers – with 100% response, are in tandem with a single opinion that a major constraint for professional way of investigation is inadequate infrastructure and logistic support.

It is clear from Table 17A that 80% of Dy. SPs, 88% of PIs and 86% of senior police officers have opined that inadequate transport is a constraint; 88% of Dy. SPs, 82% of PIs and 92% of senior police officers have opined that inadequate tele-communications is a constraint. 92% of Dy. SPs, 96% of PIs and 93% of senior police officers have opined that inadequate computer facilities is a constraint. 100% of Dy. SPs, PIs and senior police officers have opined that inadequate I. O. equipments and stationery is a constraint. 100% of Dy. SPs, 98% of PIs and 100% of Sr. police officers have opined that shortage of healthy and experienced police investigators is a constraint. 100% of Dy. SPs, PIs and senior police officers have opined that shortage of staff is a constraint, and 72% of Dy. SPs, 78% of PIs and 73% of senior police officers have opined that inadequate supply of logistics such as arms and ammunitions, handcuffs, station gadgets etc., are also a constraint. The same has been brought out in chart form.

Table 17

Inadequate Infrastructure and Logistic Support is a major constraint in Professional way in Investigation

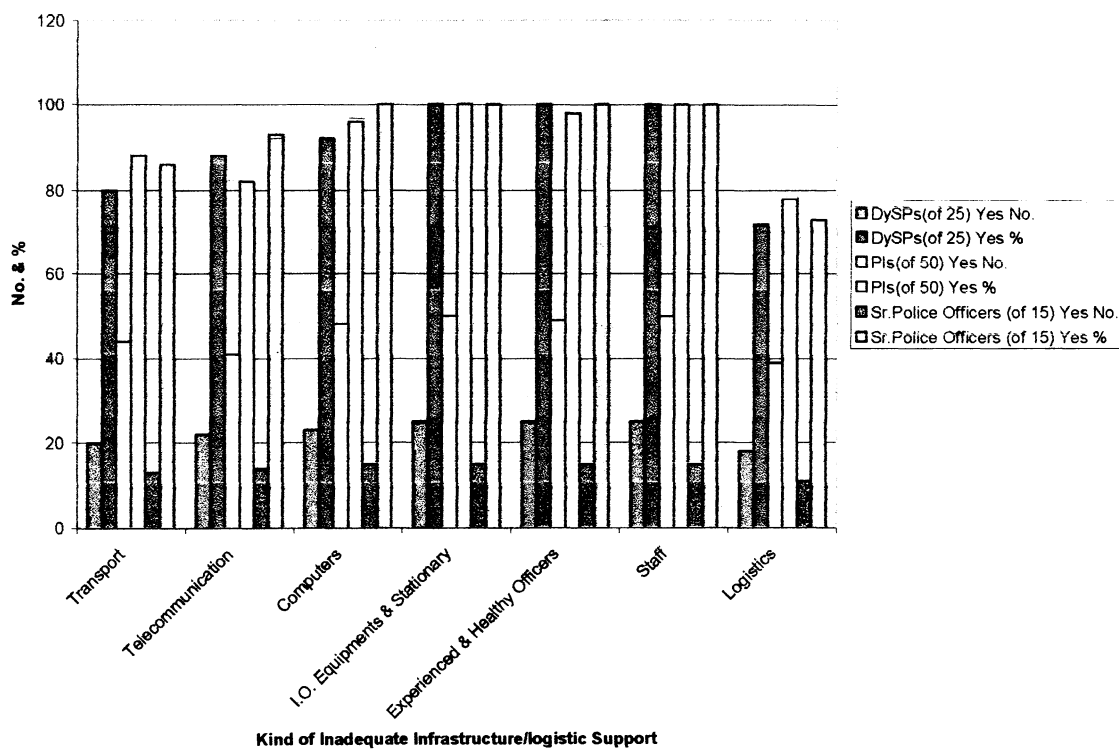
Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SP	25	100	-	
PIs	50	100	-	
Sr. Police Officers	15	100	-	

Table 17A

Kind of Inadequate Infrastructure and Logistic Support

Kind of Inadequate Infrastructure/Logistic Support	DySPs(of 25)		PIs(of 50)		Sr.Police Officers (of 15)	
	Yes		Yes		Yes	
	No.	%	No.	%	No.	%
Transport	20	80	44	88	13	86
Telecommunication	22	88	41	82	14	93
Computers	23	92	48	96	15	100
I.O. Equipments & Stationary	25	100	50	100	15	100
Experienced & Healthy Officers	25	100	49	98	15	100
Staff	25	100	50	100	15	100
Logistics	18	72	39	78	11	73

Chart for Table 17A

Kind of Inadequate Infrastructure and Logistic Support

N. Need for Professionalism in Registration of Complaint

Lack of professionalism can be seen amongst the police officers who are in charge of police stations. As per section 2(o) of CrPC any police officer above the rank of a constable can be an officer in charge of a police station. But the Head Constables or Assistant Sub Inspector, who most of the time hold charge of police stations, may not have enough knowledge of CrPC to distinguish between cognizable offence and non-cognizable offence and often register a case for non-cognizable offence which is a violation of provisions laid down under section 155 CrPC and the police have no power to register and investigate such cases without the written consent of the competent magistrate. They may not have sufficient knowledge as to how to record oral complaint of informant, how to register a cognizable case, how to make the Station Diary entry, how and to whom the copies of FIR are to be dispatched, and what ingredients constitute an FIR etc. The entire process of investigation and trial will be vitiated due to lack of professional knowledge and skills amongst them to register an FIR. Therefore, the police officers who hold charge of police stations invariably need the knowledge on registration of FIR etc.

From Table 18 it is very clear that from amongst the respondent-samples who have been served with the questionnaires that is 92% of Dy. SPs and 96% of PIs- have opined that there is a need for professionalism at the time of registration of complaint. The same has been brought out in chart form.

Further, Table 18A shows that 92% of Dy. SPs and 90% of PIs want professionalism to ascertain whether complaint reveals cognizable offence or not. 84% of Dy. SPs and 94% of PIs want it to ascertain the date, time and place of occurrence of offence. 76% of Dy. SPs and 70% of PIs want it to ascertain sequence of events; 84% of Dy. SPs and 88% of PIs want professionalism to ascertain the motive for offence. 92% of Dy. SPs and 94% of PIs want it to ascertain the name(s) of witnesses to the crime. 88% of Dy. SPs and 90% of PIs want it to ascertain the name(s) of the accused to the crime, and 80% of Dy. SPs and 86% of PIs want it for prompt registration of complaint. This opinion is supported from the inputs provided in Table 38 and

39A where in Sr. police officers and judicial officers, prosecutors, criminal advocates and journalists have similarly expressed with the need for professionalism in registration of complaints.

Therefore, from this ratio of responses from the respondent-samples it is quite evident that the very structure and strength of a case to be investigated predominantly depends upon core and contents of an FIR and its prompt registration. Large scale acquittals could be contained if the police investigator adopts a professional approach in this regard.

Table 18
Professionalism at the Time of Registration of Complaint

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SPs	23	92	2	8
PIs	48	96	2	4

Chart for Table 18
Professionalism at the Time of Registration of Complaint

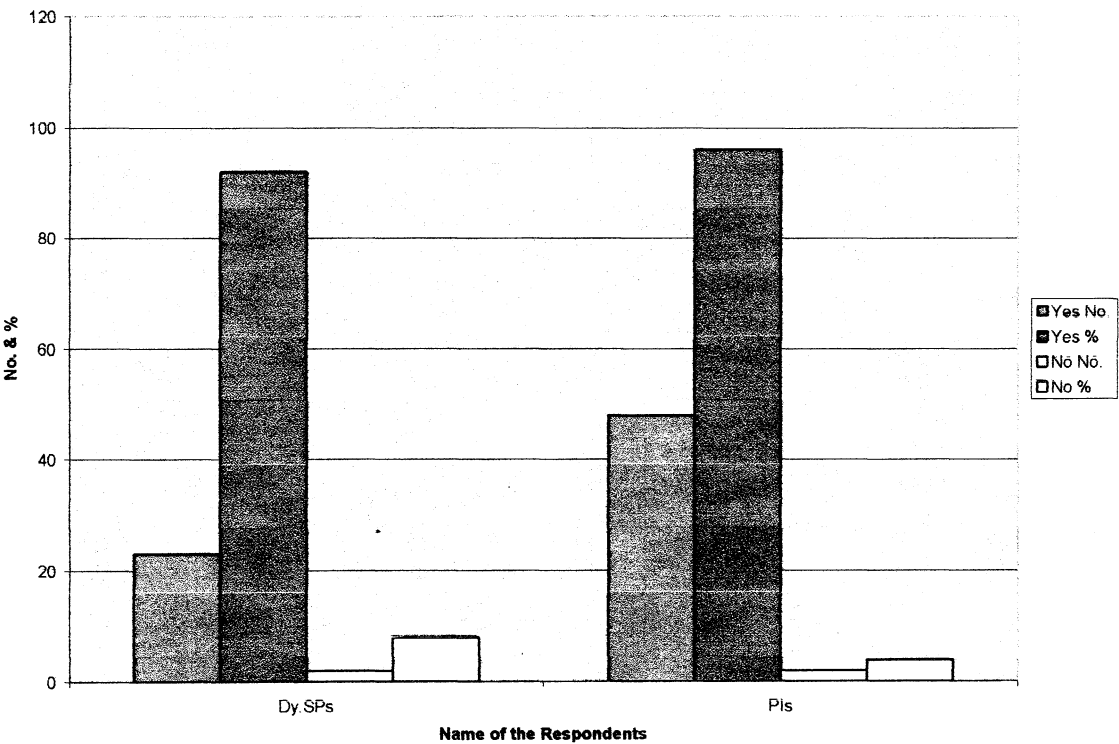


Table 18A

Reasons for Professionalism at the Time of Registration of Complaint

Reasons	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
To ascertain whether it reveals cognizable offence or not	23	92	45	90
To ascertain place, date, time of occurrence of offence	21	84	47	94
Sequence of events	19	76	35	70
To ascertain motive for offence	21	84	44	88
To ascertain name(s) of witnesses	23	92	47	94
To ascertain name(s) of accused	22	88	45	90
For prompt registration of complaint	20	80	43	86

O. Lawful Protection and Co-operation of Victims during Investigation

In India we have accused oriented jurisprudence. The benefit of doubt is always given to the accused. The CrPC, the Indian Evidence Act and the Constitution have given more prominence to the accused by providing ample scope for defence. Even an iota of discrepancy in prosecution evidence would prompt acquittals and therefore investigating police must be very professional and tactful in interacting with the victims and witnesses to crimes as their co-operation will always be necessary during investigation and prosecution. If they do not extend co-operation during the process of investigation and turn hostile during trials the efforts otherwise put in by the investigating officers would end in futility.

From Table 19 it is vividly clear that 80% of Dy. SPs and 94% of PIs expect the need for lawful protection to the victims and the latter's cooperation during investigation.

Table 19A shows the reasons to provide lawful protection to the victims and their cooperation during investigation. 80% of Dy. SPs and 94% of PIs

want the assistance of the victims at the scene of crime to identify the witnesses. 72% of Dy. SPs and 84% of PIs want the assistance of the victims at the scene of crime to identify the accused. 60% of Dy. SPs and 90% of PIs want the assistance of the victims not to turn hostile during trial and 80% of Dy. SPs and 86% of PIs want the assistance of the victims for successful prosecution.

From this it is very clear that the police investigators are to be professional enough to provide protection under law and elicit the continuous cooperation of the witnesses through out the investigation and prosecution

Table 19

Lawful Protection and Co-operation of Victims during Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SP.s	20	80	5	20
PIs	47	94	3	6

Table 19A

Reasons for Lawful Protection and Co-operation of Victims during Investigation

Reasons	Dy.SP.s(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
To assist I.O. at the scene of crime to identify the witnesses	20	80	47	94
To identify the accused of the crime	18	72	42	84
Not to turn hostile during trial of the case	15	60	45	90
For successful prosecution of the case	20	80	43	86

P. Lawful Protection and Co-operation of Witnesses in Professional Way of Investigation

There is a need to protect witnesses from the accused and the defence counsel so that the witnesses will not remain absent during investigation and trial or turn hostile for various reasons figured from Table A1 to A5 of Chapter VIII. In India including Karnataka State there is a tendency amongst accused and their advocates to induce or threaten witnesses not to co-operate with the investigating police during investigation, remain absent or to turn hostile during trials. This type of evil diplomacy has prompted large scale acquittals. Virtually the police in India are in helpless position to cope with the problem as there is no specific enactment unlike in USA to protect the witnesses from these evil hands. The empirical study also vindicates the malady prevailing in the state of Karnataka and is also the same elsewhere in India.

It is clear from Table 20 that 96% of Dy.SPs and 92% of PIs expect lawful protection to witnesses and the latter's cooperation in professional way of investigation. The same has been brought out in chart form. Hardly 4% of Dy.SPs and 8% of PIs have felt no need for lawful protection to witnesses and the latter's cooperation in professional way of investigation. This sort of opinion of the respondent-samples may be due to their non-exposure to investigation of crimes for long time and might have spent most of their service in non-executive jobs like intelligence, VVIP security etc.

Table 20A speaks about reasons for lawful protection and cooperation of witnesses during investigation. 96% of Dy. SPs and 92% of PIs want the assistance of witnesses at the scene of crime. 84% of Dy. SPs and 86% of PIs want the assistance of witnesses as panchas. 96% of Dy. SPs and 92% of PIs want the assistance of witnesses in investigation of crime; 80% of Dy. SPs and

82% of PIs want the assistance of witnesses to depose in the court without fear and favour. 88% of Dy. SPs and 86% of PIs want the assistance of witnesses not to turn hostile in the court on their will and volition. 76% of Dy. SPs and 90% of PIs want the assistance of witnesses not to turn hostile at the instance of the accused or his agent. 96 % of Dy. SPs and 92% of PIs want the assistance of witnesses for successful prosecution of the case. This opinion is strongly supported by the inputs provided in Table 38 and 39A, wherein, Sr. police officers and judicial officers, prosecutors, criminal advocates and journalists have accordingly expressed their stand in this favour.

From the analysis of the data posted in Table 20 and 20A, it is quite evident that the police investigators and staff should possess knowledge, skills and expertise to safeguard the witnesses under law and elicit their wholehearted co-operation for effective investigation of crimes. This hypothesis has been strongly supported by the findings from review of 100 cases of murder and rape offences and from TableA8 and A9 in chapter VIII of the study.

Table 20

**Lawful Protection and Co-operation of Witnesses in
Professional Way of Investigation**

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SPs	24	96	1	4
PIs	46	92	4	8

Chart for Table 20

Lawful Protection and Co-operation of Witnesses in Professional Way of Investigation

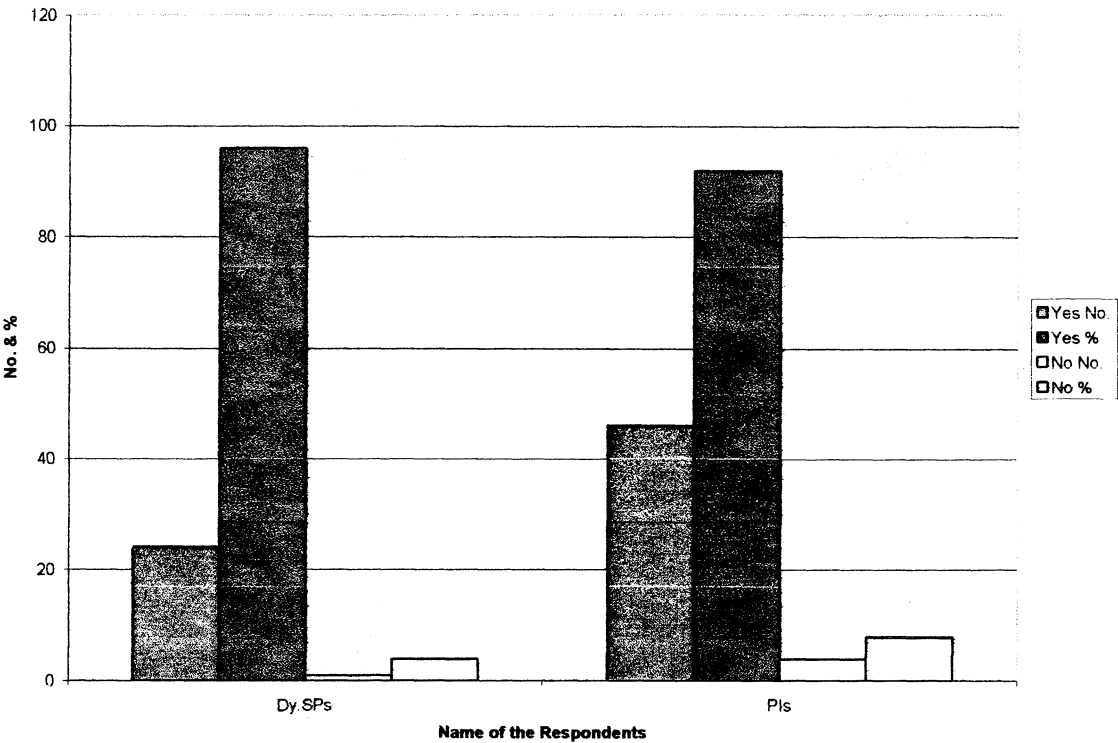


Table 20A

Reasons for Lawful Protection and Co-operation of Witnesses during Investigation

Reasons	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
To assist I.O. at the scene of crime	24	96	46	92
To assist I.O. as panch witnesses	21	84	43	86
To assist I.O. in investigation of crime	24	96	46	92
To identify the accused to the crime	23	92	41	82
To depose the evidence without fear and favour	20	80	41	82
Not to turn hostile during trial on his own will and volition	22	88	43	86
Not to turn hostile at the instance of the accused or his agents	19	76	45	90
For successful prosecution of the case	24	96	46	92

Q. Immediate Examination of Witnesses at the Scene of Crime and Use of Audio-Video Aids

One of the foremost duties of the investigating officer is to examine immediately the witnesses to the crime at the scene of crime to ensure that the memory of witnesses will not efface. It will also help the investigating officer to protect the witnesses from the accused or his agent from inducement or duress and turn hostile during the trial. That is why CrPC and the Evidence Act expect the investigating officer to examine expeditiously the witnesses at the scene of crime as early as possible. But due to manifold duties and resultant shortage of time the investigating police are unable to visit the scene of crime expeditiously and examine the witnesses to the crime and perform other tasks there at. This has also been vouched by the responses of the samples of empirical study.

It is clear from Table 21 that 20 out of 25 Dy.SP.s and 42 out of 50 PIs who have been served with questionnaires have opined with 80% and 86% response that there is an immanent need for the investigating officers to examine the witnesses immediately at the scene of crime for their memory to the incident will efface soon only one Dy.SP and 3 PIs with 4% and 6% response respectively have opined there is no need for immediate examination of witnesses to the scene of crime. 4 Dy.SP.s and 5 PIs with 16% and 10% response respectively have opined that to some extent immediate examination of witnesses at scene of crime is necessary. This view may be due to the respondent-samples' experience that it is not practically possible to examine the witnesses immediately at the scene of crime as the investigating officers have been over pressed with too many tasks at the scene of crime.

Table 22 shows that all the respondent-samples- Dy.SP.s and PIs- with 100% unanimity of opinion wanted use audio-video aids during the examination of witnesses. This will curtail the number of witnesses turning hostile during trial and will have a deterring effect on the defense counsel not

to resort any unwarranted means and methods to turn witnesses hostile. Audio-recording and videographing during the examination of witnesses will also help the prosecutor to present the cases in most effective way during trial and facilitate the court to appreciate the evidence of witnesses in fair and just manner.

Table 21

Examination of Witnesses Immediately at the Scene of Crime

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	20	80	1	4	4	16
PIs	42	84	3	6	5	10

Table 22

Use of Audio, Video Aids during Examination of Witnesses to the Crime to Improve Professionalism in Investigation

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	25	100				
PIs	50	100				

R. Professionalism in Search and Seizure at the Scene of Crime

Professionalism in search and seizure is very vital for effective investigation of crimes. Several provisions of CrPC have laid down the procedures to be followed in search and seizure while investigating crimes. Amongst them section 165, 166 and 100 are very important for the investigating officers. But in reality many lapses are being committed in effecting search and seizure as a result of which the entire process of investigation and trial gets spoiled. The investigating officer due to lack of enough knowledge and skills commit several lapses in not summoning

independent and local persons to witness mahazar proceedings, in not preparing search list/ memo as per procedures, not properly collecting, packing and sealing the seized articles to crime, not promptly informing the same to the jurisdictional court and Forensic Science Lab for examination etc.

It is evident from Table 23 that 96% of Dy. SPs and 94% of PIs have opined that there is a need for professionalism in search and seizure at the scene of crime.

From Table 23A it is clear that 88% of Dy. SPs and 90% of PIs expressed the need for professionalism in the police investigators to cordon the scene of crime from any interference. 96% of Dy. SPs and 92% of PIs want it to study the scene of crime systematically. 96% of Dy. SPs and 90% of PIs want it to effect lawful search & seizure under panchanama. 80% of Dy. SPs and 84% of PIs want it to pack and seal the articles seized procedurally. 76% of Dy. SPs and 86% of PIs want it to send up the seized articles to court or F.S.L. The same has been brought out in chart form. This opinion is supported from the inputs provided in Table 38 and 39A, wherein Sr. police officers, judicial officers, prosecutors, criminal advocates and journalists have accordingly expressed their opinion in its favour.

Therefore, this is the area where professionalism is most called for, so that the police investigators can perform the task of investigation in most effective way.

Table 23

Professionalism in Search and Seizure at the Scene of Crime

Names of the Respondents	Yes		No	
	No.	%	No.	%
DySPs	24	96	1	4
PIs	47	94	3	6

Chart for Table 23

Professionalism in Search and Seizure at the Scene of Crime

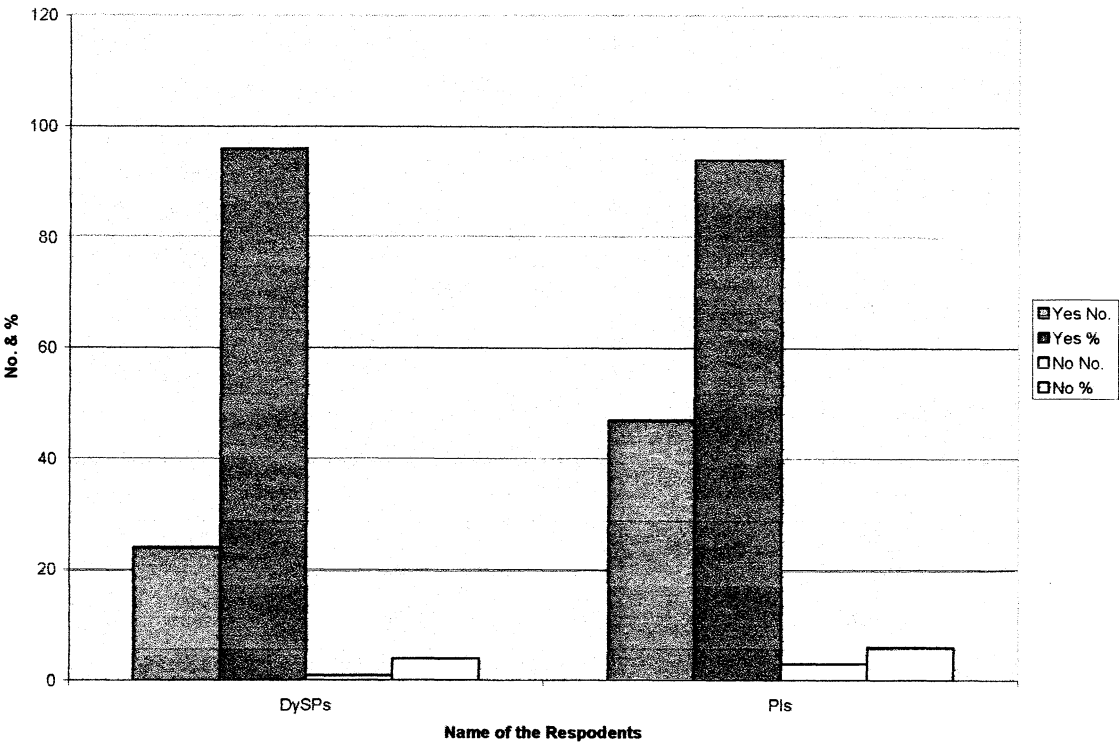


Table 23A

Reasons for Professionalism in Search and Seizure at the Scene Crime

Reasons	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
To cordon the scene of crime from any interference	22	88	45	90
To study the scene of crime systematically	24	96	46	92
To effect lawful search & seizure under panchanama	24	96	45	90
To pack & seal the articles seized procedurally	20	80	42	84
To send up the seized articles for court or F.S.L.	19	76	43	86

S. Respect for Human Rights of the Accused and Follow Laws and Procedures while effecting Arrest to Maintain Professionalism in Investigation

Respect for the rule of law and protection of human rights of the accused are very important aspects of professionalism in effective investigation of crimes. Investigating officers have been cautioned with prosecution and punishment under various laws, codes, the constitution and International Covenants and Conventions on protection of human rights. These enactments prohibit the misuse and abuse of human rights of the accused during investigation by interrogating them with third degree methods and wrongful detention to elicit information to crime.

As is clear from Table 24 the respondent-samples-88% of Dy. SPs and 84% of PIs- have expressed their opinion that there should be respect for human rights of the accused and need to follow laws and procedures for effective and lawful arrest to maintain professionalism in investigation. It can be seen from Table 25 that 72% of Dy. SPs and 78% of PIs are against adopting third degree methods while eliciting information from the accused. 24% of Dy. SPs and 16 of PIs are in favour of adopting third degree methods which shows the prevalence of this method and makes one believe that human rights of the accused are still being abused by the police investigators. This opinion is supported from the inputs provided in Table 38 and 39A, wherein, Sr. police officers and judicial officers, prosecutors, criminal advocates and journalists have accordingly expressed their favourable opinion.

Under the prevailing situation the police investigators must act with care and caution and need to be professional to a great extent so that they do not enter the slippery lane and get into problems if they indulge in violation of human rights.

Table 24

Respecting the Human Rights of the Accused and Follow Laws and Procedures while effecting Arrest to Maintain Professionalism in Investigation

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	22	88	2	8	1	4
PIs	42	84	5	10	3	6

Table 25

Not to Adopt Third Degree Method to Elicit Information from the Accused lies in Real Professionalism in Investigation

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	18	72	6	24	1	4
PIs	39	78	8	16	3	6

T. Laws are heavily loaded in favour of the Accused causing Hurdle in Effective Investigation

There is an imminent need for professionalism in investigating officer and staff while dealing with the accused and the suspects. In India as we have accused oriented jurisprudence, benefit of doubt always goes to the accused during criminal proceedings and trials. Accused are protected and secured by the laws and codes, Constitution and other International Human Rights Covenants and Conventions. Violation, misuse and abuse of human rights of the accused and the suspects invite fine and punishment. Therefore, the investigating police must be extra careful and cautious while interrogating of the accused to the crime and collecting evidence crime by scientific means and methods.

It can be observed from Table 26 that all the respondent-samples- Dy. SPs and PIs- with 100% response have opined that laws are heavily loaded in favour of the accused. The same has been brought out in chart form.

Table 26A shows that 92% of Dy.SP.s and 80% of PIs have opined that right to silence.96% of Dy.SP.s and 90% of PIs have opined that right against self incrimination under the Article 20(3) of Constitution of India. 40% of Dy.SP.s and 50% of PIs have opined that Right to Information Act 2005. 100% of Dy.SP.s and 100% of PIs have opined that Doctrine of Burden of Proving the guilt on the prosecution. 80% of Dy.SP.s and 88% of PIs have opined that violation of human rights. 72% of Dy.SP.s and 80% of PIs have opined that activism by NGOs & Human Rights Activists. 20% of Dy.SP.s and 34% of PIs have opined that day-to-day guidelines of the Supreme Court. 80% of Dy.SP.s and 76% of PIs have opined that Writ of Habeas Corpus. 72% of Dy.SP.s and 70% of PIs have opined that instructions given by the superior officers are coming in way of investigation.

This kind of attitude amongst the police investigator shows that they are not still respecting and appreciating the spirit of the ‘Rule of Law’ and not following ‘Code of Conduct’ there by unleashing violence on the accused and losing the grip over professional way of investigation. It is here that the attitude of police investigators has to be amended on professional line as to overcome the prohibitions imposed by the laws and codes by favouring accused in the process of investigation and prosecution.

Table 26
Laws are heavily loaded in favour of the Accused causing Hurdle in Effective way of Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SP.s	25	100		
PIs	50	100		

Chart for Table 26

Laws are Heavily loaded in favour of the Accused causing Hurdle in Effective way of Investigation

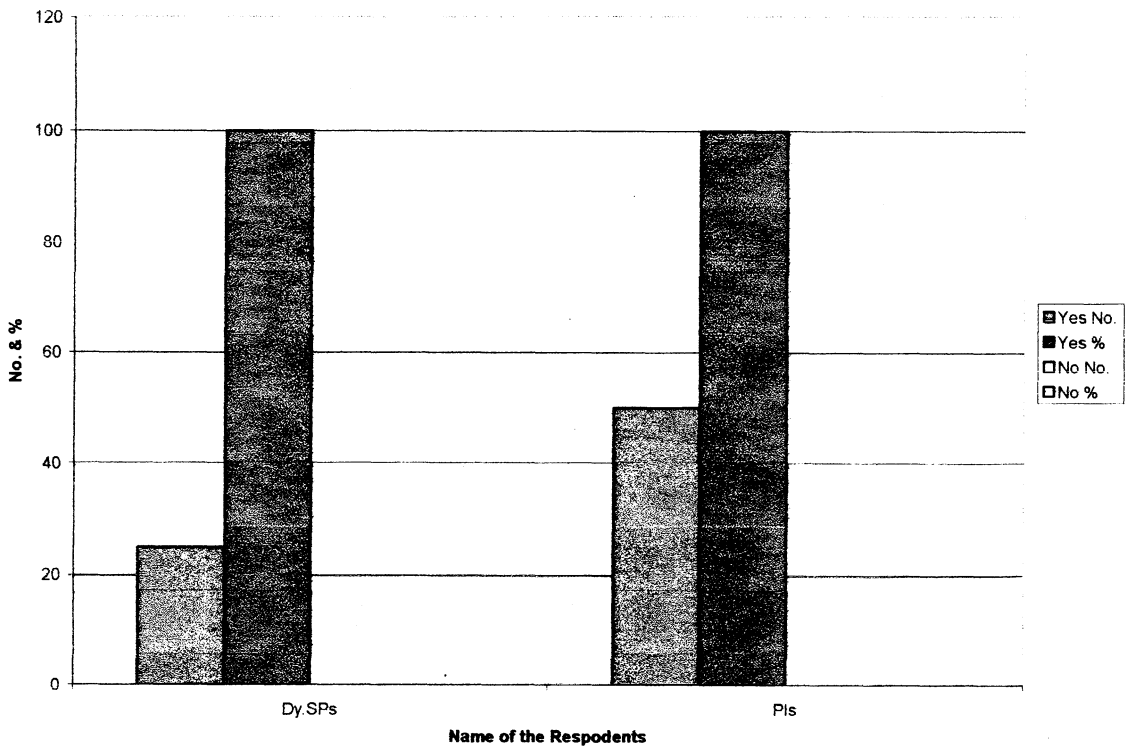


Table 26A

Type of Legislations/Directions that come in the Way of Effective Investigation

Type of Legislations/Directions	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
Right to silence	23	92	40	80
Right against self incrimination under the Article 20(3) of Constitution of India.	24	96	45	90
Right to Information Act 2005	10	40	25	50
Doctrine of burden of proving the guilt on the prosecution	25	100	50	100
Violation of human rights	20	80	44	88
Activism by NGOs & Human Rights Activists	18	72	40	80
Day-to-day guidelines of the Supreme Court	5	20	17	34
Writ of Habeas Corpus	20	80	38	76
Instructions from the superior officers	18	72	35	70

U. Modern Scientific Methods and Aids of Investigation to improve Professionalism in 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 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 on scientific line to check the real criminals being acquitted. In a country like India where accusatorial system of jurisprudence is followed and no enactment exist to protect witnesses to crimes, there is imminent need for adoption of scientific methods and aids of investigation by investigating police during investigation of crimes.

It is quite evident from Table 27 that the respondent-samples- Dy. SPs and PIs- have opined with 100% unanimity of response that there is a need for adopting scientific methods and aids of investigation for effective investigation of crimes and to contain the rising rate of acquittals. The is ahs been brought out in chart form.

From Table 27A, one can observe that 88% of Dy.SP's and 90% of PIs want it to abrogate or replace third degree methods or use of force on the accused to elicit information. 100% of Dy. SPs and 100% of PIs want it to collect factual & legal evidence. 84% of Dy. SPs and 90% of PIs want it to avoid harassment of innocent or suspect. 80% of Dy. SPs and 92% of PIs want it to respect human rights of the accused. This opinion is supported from the inputs provided in Table 38 and 39A where in senior police officers, judicial officers, prosecutors, criminal advocates and journalists have expressed need for adopting scientific methods and aids of investigation.

This is very important area from where the police investigators can safely and lawfully play their role to exploit the rich advancements made in the field of science of forensics to secure maximum convictions by conducting investigation on scientific footing without inviting the trouble for themselves for violations of human rights of the accused and other the innocents.

Table 27

Modern Scientific Methods and Aids of Investigation to improve Professionalism in Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SPs	25	100		
PIs	50	100		

Chart for Table 27

Modern Scientific Methods and Aids of Investigation to improve Professionalism in Investigation

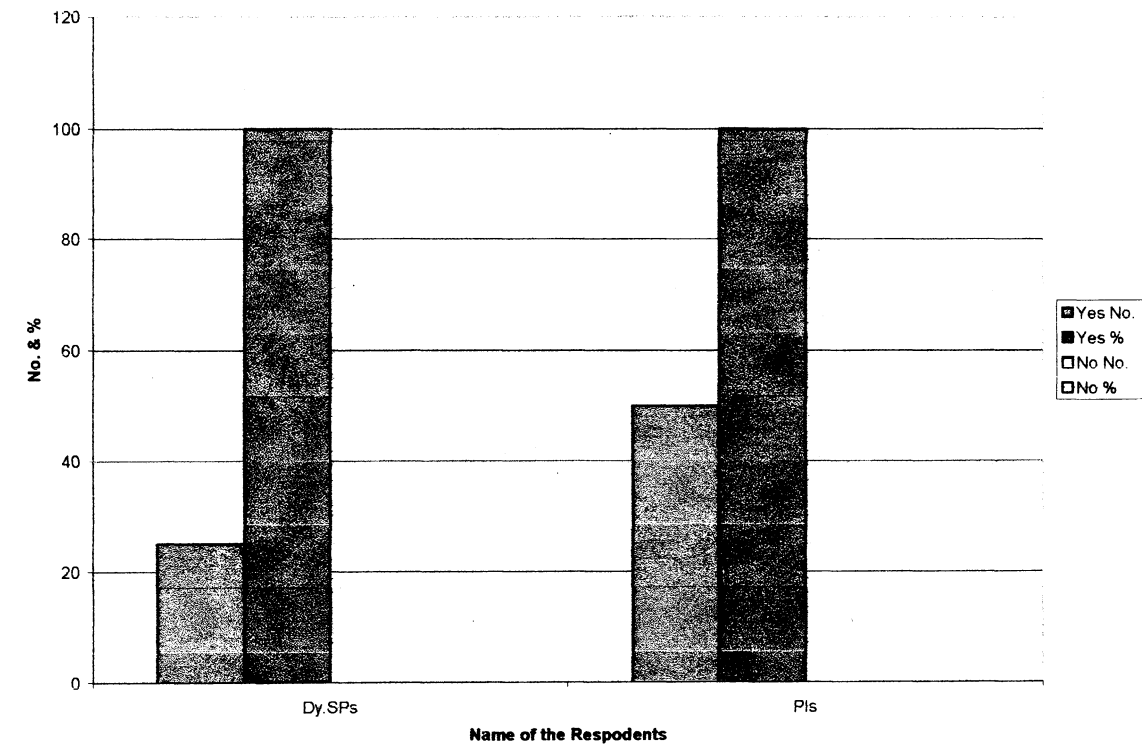


Table 27A

Reasons for Adopting Modern Scientific Methods and Aids of Investigation

Reasons	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
To abrogate or replace third degree method or use of force on the accused to elicit information	22	88	45	90
To collect factual & legal evidence	25	100	50	100
Avoid harassment of an innocent suspect	21	84	45	90
To respect human rights of the accused	20	80	46	92

V. Co-operation of Forensic Science Experts in Professional way of Investigation

The investigating officer should have a quality of a good leader. He should be able to win the heart and soul of forensic experts to get the co-operation in the process of investigation on scientific line.

It can be well understood from Table 28 that 100% of Dy.SPs and PIs have opined that there is a need for co-operation of forensic science experts to facilitate professional style of investigation.

From Table 28A it is evident that 100% of the respondent-samples-Dy. SPs and PIs want cooperation of forensic science experts to assist at the scene of crime. 92% of Dy. SPs and 94% of PIs want it to improve the facilities at Forensic science Labs. 100% of Dy.SPs and PIs have opined that there is a need for co-operation of forensic experts for perfect analysis of articles sent for F.S.L. examination. 100% of Dy.SPs and PIs have opined that there is a need for co-operation of forensic experts for promptness in sending of expert opinion reports to investigation officers.

Since the eye-witnesses turn hostile in the courts resulting in large scale acquittals, it is time for the police investigators to make maximum use of the alternative services of the forensic experts by developing professional knowledge and skills towards Forensic issues as now-a-days the High Courts and the Supreme Court are convicting the criminals on the solitary testimony of forensic experts and forensic evidence.

Table 28
Co-operation of Forensic Science Experts in Professional way of Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SPs	25	100		
PIs	50	100		

Table 28A
Kind of Co-operation Expected from Forensic Science Experts

Type of Assistance & Co-operation	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
To assist I.O. at the scene of crime	25	100	50	100
To improve the facilities at F.S.L.	23	92	47	94
Perfect analysis of articles sent for F.S.L. examination	25	100	50	100
Promptness in sending of expert opinion reports to I.O.	25	100	50	100

W. Procedural Hurdles in Polygraph, Brain Mapping and Narco-analysis are the Constraints in Effective Investigation

Professionalism can be boosted amongst investigating officers by adopting the latest scientific methods of eliciting information from the criminals and others by subjecting them to Polygraph, Brain-mapping and

Narco-analysis. When CrPC , Constitution, and other International Covenants and Conventions have been emphasizing the need to protect human rights of the accused and where the third degree methods of interrogations are condemned, these type of scientific way of interrogation and eliciting information would be of immense help.

It is very clear from Table 29 that 92% of Dy.SPs and 94% of PIs have opined that procedural hurdles in Polygraph, Brain-mapping and Narco-analysis are coming in the way of effective investigation. Especially in Narco-analysis test the accused/ suspect has to be produced before the jurisdictional Magistrate and his consent becomes very important and the subject can not be compelled to under go Narco- analysis test. He has to be medically examined and hence can plan for his own excuses to evade to a medical test. It is also detrimental that the police investigator should not be present while the test is being carried out. Adding fuel to the fire is the lack of facilities at FSL centers, which also suffers from lack of experts in India. In so far as evidentiary value of these tests is concerned no clear and specific provisions are made yet in the Indian Evidence Act.

Table 29

Procedural Hurdles in Polygraph, Brain Mapping and Narco Analysis are the constraints in Effective Investigation

Names of Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	23	92			2	8
PIs	47	94			4	8

X. Several Provisions of the CrPC are coming in the way of Effective Investigation

Some of the provisions of CrPC are not conducive for the investigating police to conduct investigations smoothly and successfully. There are practical

difficulties which cannot be otherwise addressed unless the investigating police are more professional to negotiate through these hurdles. However it is proved by empirical study that unless the provisions of CrPC which come in the way of effective investigation of crimes are repealed or amended it will be very difficult to do justice the job of investigation and thereby to the victims of crimes. The results of investigation will not also be very satisfactory and comfortable.

Table 30 shows that 92% of Dy. SPs and 90% of PIs are of the opinion that outdated and rigid provisions of CrPC are coming in the way of effective investigation.

It is clear from Table 30A that 92% of Dy.SP.s and 90% of PIs have opined that examination & recording of statements of witnesses – from section 160 to 164. 84% of Dy.SP.s and 86% of PIs have opined that effecting arrest of accused – from section 46 to 50. 92% of Dy.SP.s and 96% of PIs have opined that limited period of Police Custody of the accused under section 57 and 165. and 68% of Dy.SP.s and 72% of PIs have opined that filing of charge sheet within a short & stipulated time under section 167 are such of those provisions of the CrPC that are coming in the way of effective investigation.

Table 30

Provisions of the CrPC that are coming in the way of Effective Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SP.s	23	92	2	8
PIs	45	90	4	8

Table 30A
Provisions of the Criminal Procedure Code

Provisions of Law	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
Examination & recording of statement of witnesses – from Sec. 160 to 164	23	92	45	90
Effecting arrest of accused - from Sec. 46 to 50	21	84	43	86
Limited period of Police Custody of accused under Sections 57 & 165	23	92	48	96
Indiscriminate granting of bails to the accused under Sections 438, 439	20	80	41	82
Filing of charge sheet within a short & stipulated time under Sec. 167	17	68	36	72

Y. Several Provisions of the Indian Evidence Act are coming in the Way of Effective Investigation

Some of the provisions of the Evidence Act are not that conducive for the investigating police for smooth and successful functioning in the field of investigation of crimes. To over come these hurdles as they are, the investigating police must be very professional negotiating through these hurdles. Yet void remains in effective investigation as these provisions suspect the bone fides of the investigating police and there by demoralize them in the task of investigation. Often the victims of crimes do not get justice because these provisions of the Act tilt more towards accused rather than towards the victims of crimes. Thus the real justice will remain undone to the deserved and their right to equality before law will remain an unfulfilled dream.

It is very clear from Table 31 that 96% of Dy.SPs and 94% of PIs are of the opinion that some of the provisions of the Evidence Act are coming in the way of effective investigation.

Table 31A shows that 48% of Dy.SPs and 46% of PIs have opined that confession of the accused by inducement, threat or promise made irrelevant in

criminal proceedings under section 24 of the Evidence Act. 96% of Dy.SPs and 94% of PIs have opined that confession to police officers not to be proved under section 25 of the Act. 100% of Dy.SPs and 92% of PIs have opined that confession by accused while in police custody not to be proved against him under section 26 of the Act are such of those provisions of the Act that come in the way of effective investigation.

Table 31

Provisions of the Indian Evidence Act are coming in the Way of Effective Investigation

Name of the Respondents	Yes		No	
	No.	%	No.	%
DySPs	24	96	1	4
PIs	47	94	3	6

Table 31A

Rigid Provisions of the Indian Evidence Act

Provisions of Law	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
Confession of accused by inducement, threat & promise when irrelevant in criminal proceedings under Sec. 24	12	48	23	46
Confession to police officers not to be proved under Sec. 25	24	96	47	94
Confession by accused while in Police Custody not to be proved against him under Sec. 26	25	100	46	92

Z. Support of Prosecution for Effective Investigation and Successful Prosecution

Support of prosecution of department is very essential today as most of investigating officers are not qualified law graduates and find difficulty in appreciating various provisions of CrPC, IPC and Evidence Act during

investigation of crimes. As it could be seen in Table 32 that all the respondent-samples 25-Dy.SPs and 50-PIs with 100% response expect the cooperation of prosecutors for effective investigation of crimes and successful prosecution.

In so far as reasons for prosecution support, Table 32A clearly speaks about it. 100% of Dy. SPs and PIs want it for legal clarification. 96% of Dy.SPs and 94% of PIs want this to examine admissibility of the evidence collected by the police investigators. 72% of Dy.SPs and 78% of PIs want this to know the recent position of law on investigation as held by High Courts & Supreme Courts. 64% of Dy.SPs and 70% of PIs want this to know latest amendments to various Acts pertaining to jurisdictional criminal courts and investigation. 100% of the respondent –samples want it to scrutinize charge sheets.

This issue is very crucial for the police investigators. The responses from the respondent-samples substantiate that unless and until the police investigators consult the prosecutors during the investigation of cases for any legal omissions and commissions and for scrutiny of the case records of the investigation one cannot expect full fledged charge sheets to be filed before the courts. Therefore, in America, the prevailing system is District Attorneys supervise the investigation and scrutiny and filter out poor quality of charge sheets and recommend only the charge sheets which are capacious in clinching and concrete evidence.

Table 32
Prosecution Support for Effective Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SPs	25	100		
PIs	50	100		

Chart for Table 32

Prosecution Support for Effective Investigation

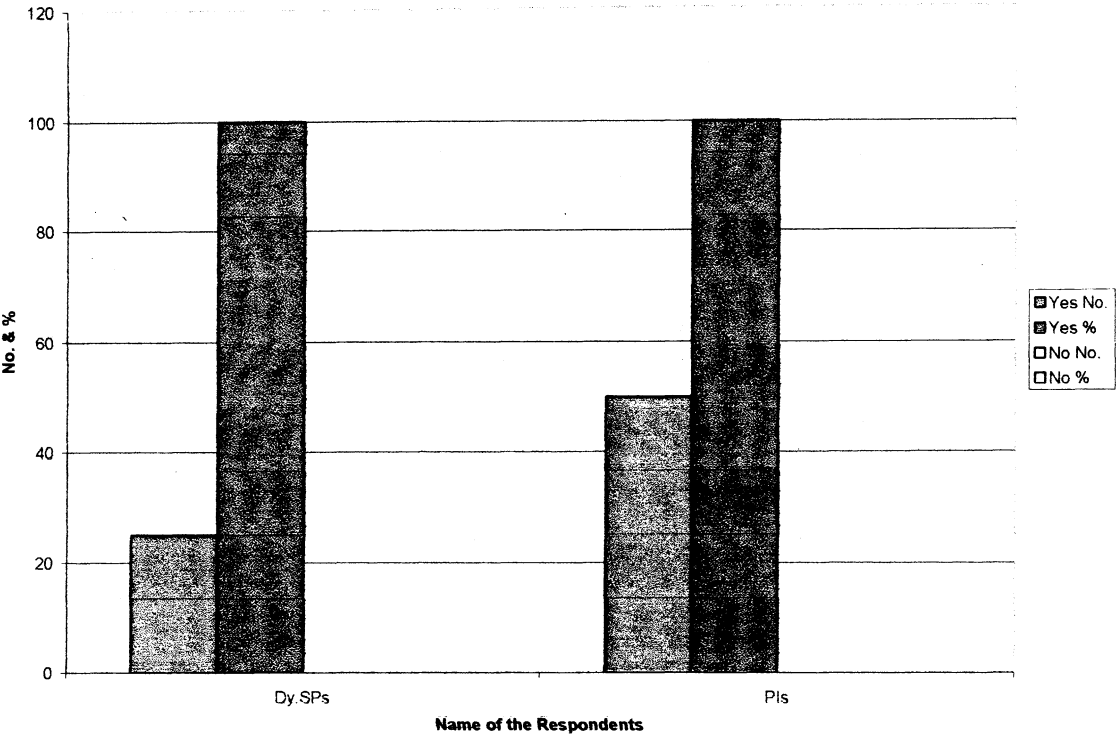


Table 32A

Reasons for Prosecution Support in Effective Investigation

Reasons	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
For legal clarification	25	100	50	100
To examine admissibility of the evidence collected by I.O.	24	96	47	94
To know recent position of law on investigation as held by High Courts & Supreme Courts	18	72	39	78
To know latest amendments to various acts pertaining to jurisdictional criminal courts and investigation	16	64	35	70
To scrutinize charge sheets	25	100	50	100

Z1. Co-operation and Co-ordination between Judiciary and the Police Investigators for Effective Investigation and Successful Prosecution

Good co-operation and co-ordination of judiciary is very important for investigating police during investigation of crimes. To seek the accused for police custody, record confessional statement of accused, to hold test identification for accused are some of the areas in which co-operation and co-ordination of judiciary is most important for investigating officers. Otherwise, investigating police will have to face problems during investigation.

It is very clear from Table 33 that all the respondent- samples 25-Dy.SPs and 50-PIs with 100% response have opined that there is a need for co-ordination between judicial officers and the police investigators for effective investigation. This has been brought out in chart form.

Table 33A shows that 100% of Dy. SPs and PIs want the coordination of the two to hold test identification parade for the accused; 92% of Dy. SPs and 90% of PIs want it to obtain blood samples of the accused for D.N.A. profiling. 84% of Dy. SPs and 96% of PIs want it to obtain permission for Narco Analysis of suspect or the accused. 100% of Dy. SPs and 100% of PIs want it to record confession of the accused u/s 164 CrPC. 84% of Dy. SPs and 86% of PIs want it to record statement of witness u/s 164(5) CrPC. 100% of Dy. SPs and 100% of PIs want it for Police Custody of the accused. 100% of Dy. SPs and 100% of PIs want it in bail matters. 76% of Dy. SPs and 80% of PIs wanted it to seek permission in further investigation of cases.

Table 33

Co-ordination between Judicial Officers and the Police Investigators for Effective Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
DySPs	25	100		
PIs	50	100		

Chart for Table 33

Co-ordination between Judicial Officers and the Police Investigators for Effective Investigation

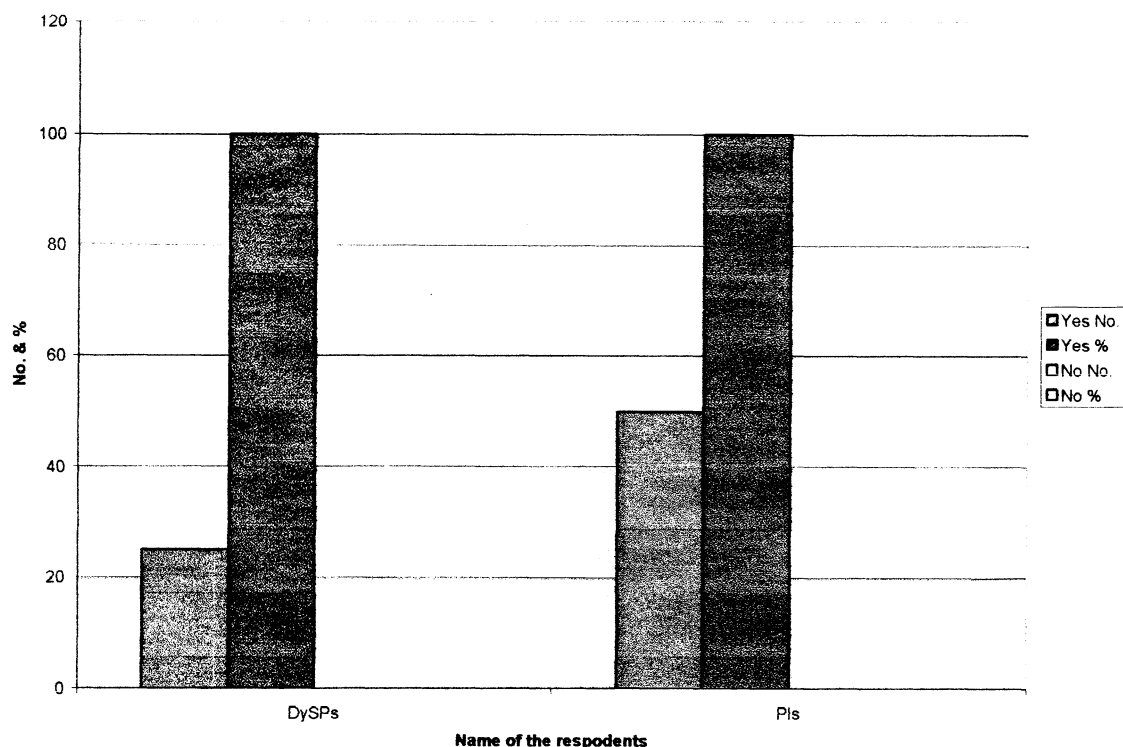


Table 33A

Reasons for Co-ordination between Judicial Officers and Police Investigators

Reasons	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
To hold test identification parade for accused	25	100	50	100
To obtain blood samples of accused for D.N.A. profiling	23	92	45	90
To obtain permission for Narco Analysis of suspect or accused	21	84	48	96
To record confession of accused u/s 164 CrPC	25	100	50	100
To record statement of witness u/s 164(5) CrPC	21	84	43	86
For Police Custody of accused	25	100	50	100
In bail matters	25	100	50	100
To seek permission in further investigation	19	76	40	80

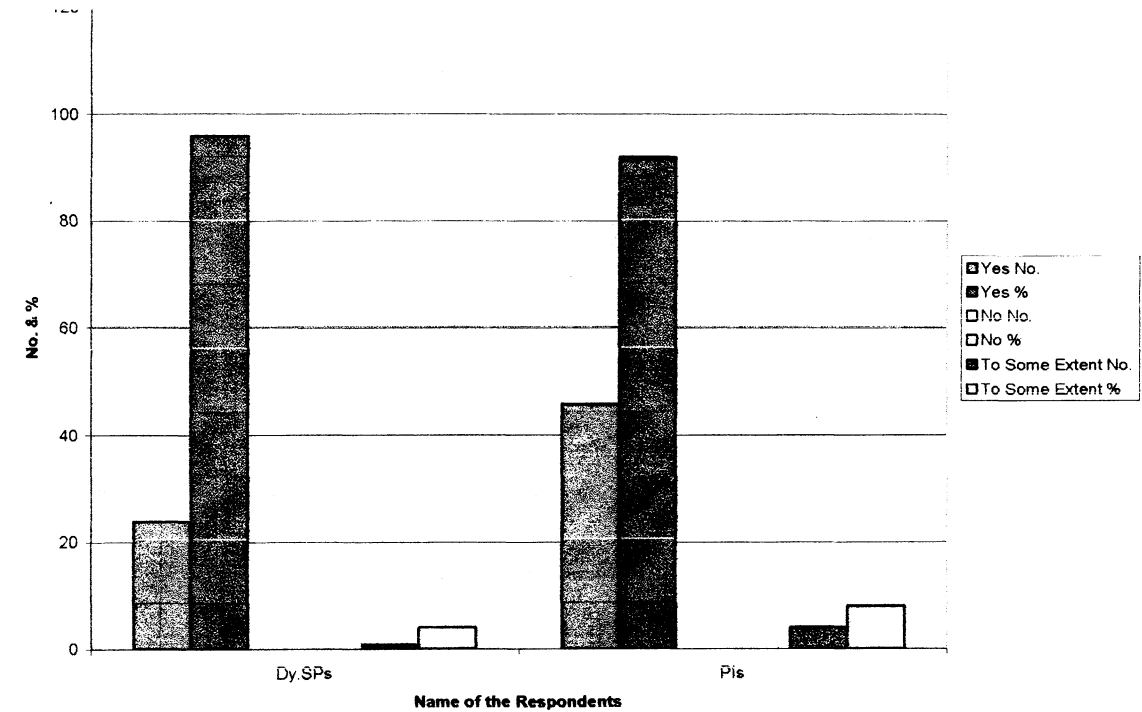
Z2. Indefinite Adjournment of Trials by the Courts are indirectly affecting Effective Investigation and successful prosecution

From Table 34 it is evident that 96% of Dy.SPs and 92% of PIs are of the opinion that indefinite adjournment of trials by the courts is causing adverse effect on effective investigation of crimes and successful prosecution. This tendency may cause wastage of time and energy and also demoralize and diminish the interest and efficiency of the police investigators in their task of investigation. This will also diminish interest of various witnesses, their memory to the crime get effaced and weaken the prosecution case during trial resulting in large scale acquittals.

Table 34
Indefinite Adjournment of Trials by the Courts causing Adverse Effect on Effective Investigation

Names of the Respondents	Yes		No		To Some Extent	
	No.	%	No.	%	No.	%
Dy.SPs	24	96			1	4
PIs	46	92			4	8

Chart for Table 34
Indefinite Adjournment of Trials by the Courts causing Adverse Effect on Effective Investigation



Z3. The Media Co-operation in Effective Investigation

Co-operation of the media is very important for the investigating police to ensure that the investigations are conducted smoothly and properly without any hurdles. Because now-a-days the media interference and meddling can be profusely seen during investigation of crimes. They often disturb the scene of crime for news and views, hold parallel investigations and mute trials during investigation and trial, bring out crime stories, opinion interviews etc., which distort and dilute the process of investigation. Many a times accused to crime will be alerted and escaped as soon as they come to know their involvement in the crimes through the media. Often innocent persons are branded as accused as is in the case of Arushi case in Noida where the father of the deceased Arushi Dr. Talwar was arrested by the local police, but the CBI Police absolved him of accusation.

The police expect the media not to film or videograph the trial proceedings. They expect the news concerning the identity, testimony or credibility of prospective witnesses should not be released to the public. They expect the news relating to the results of any tests or the objections of the accused, the news relating to prosecutor's guilt or innocence of the accused, the news concerning to the character or prior criminal record of the accused and the news relating to the possibility of a plea of guilty or to the acceptance of a lesser charge should not be released by the media. They expect the photographs and video clips of the suspects and the accused should not be published when the police intend to subject them for test identification parade. They expect that as far as possible the media should not hold parallel investigation of crimes as is being done in Rizwanur Rahman case of Kolkata, Noida double murder case (Aarushi and Hemaraj) and Padmapriya case in Karnataka as come in conflict with the evidences collected and their appreciation in the court of law. They expect the print and visual media to prevent publishing or airing of programmes relating to crime during investigation and trial.. They expect the police, the prosecutors, the defence

counsel and court officials to be prohibited from going before the media, edging for publicity. It expects that the media be restrained from magnifying and exaggerating crime news and events of violence and aggression.

It is clear from Table 35 that 92% of Dy.SPs and 90% of PIs expect the cooperation of the media in effective investigation of crimes.

In so far as reasons for the media cooperation Table 35A provides information that 92% of Dy.SPs and 88% of PIs expect it to avoid parallel investigation/ enquiries of cases which are subjudice in nature. 96% of Dy.SPs and 98% of PIs expect it not to videograph the crime scene. 100% of Dy.SPs and 100% of PIs expect it not to go for crime stories in T.V. channels during investigation and trial, and pre-judge the cases; 100% of Dy.SPs and 100% of PIs expect it to avoid glorification of crimes and criminals in the media. 100% of Dy.SPs and 96% of PIs expect it not to publish the photographs of suspect/accused unless and until it is required by the police or the lawful authority. 88% of Dy.SPs and 92% of PIs expect it not to mention the names of witnesses in the media. 100% of Dy.SPs and 100% of PIs expect it not to go for the media trial during the investigation of cases.

This is very important issue to be addressed soon as even the Apex Court has come down heavily on the media for uncalled for interference in the course of investigation as well as during criminal proceedings in the courts. Such interference circumvents the course of investigation and criminal proceedings.

Table 35
Media Co-operation in Effective Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SPs	23	92	2	8
PIs	45	90	5	10

Chart for Table 35

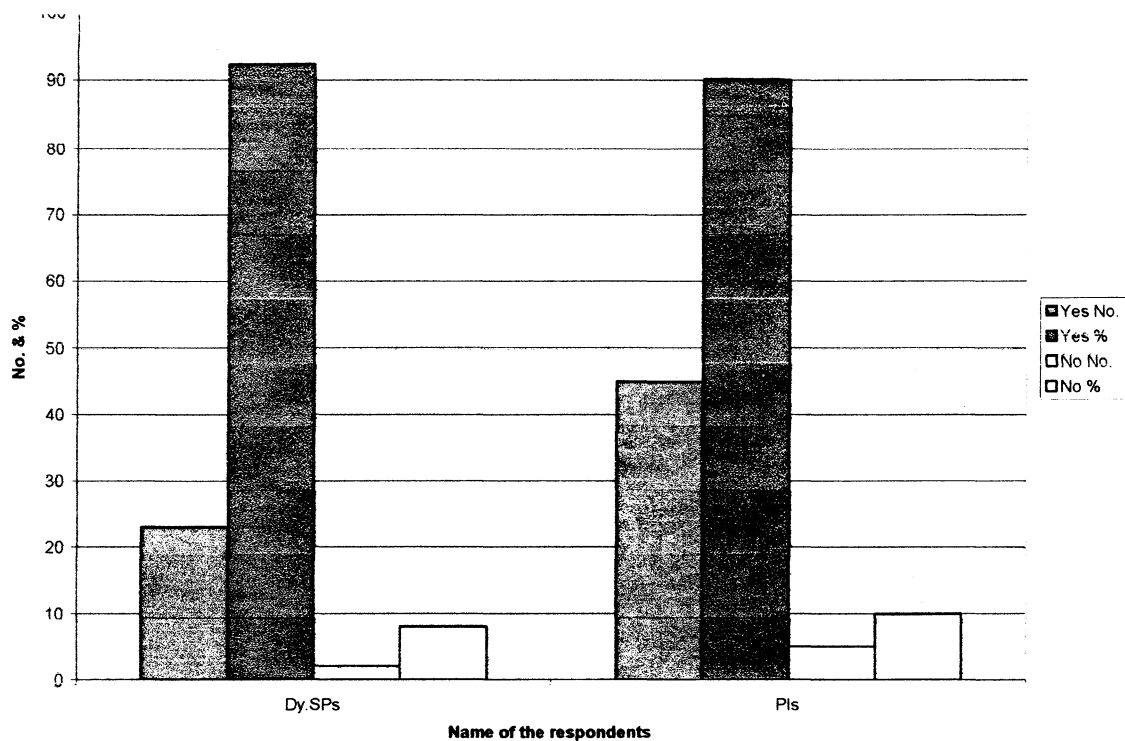
Media Co-operation in Effective Investigation

Table 35A

Reasons for Media Co-operation in Effective Investigation

Reasons	Dy.SPs(of 25)		PIs(of 50)	
	Yes		Yes	
	No.	%	No.	%
To avoid parallel investigation/ enquiries of cases which are pre-judicial in nature	23	92	44	88
Not to videograph the crime scene	24	96	49	98
Not to go for crime stories in T.V. channels during investigation and trial and pre-judge the cases	25	100	50	100
To avoid glorification of crimes and criminals in media	25	100	50	100
Not to publish the photographs of suspect/accused unless and until it is required by the police or the lawful authority	25	100	48	96
Not to mention the names of witnesses in media	22	88	46	92
Not go for media trial during investigation of a case	25	100	50	100

Z4. Co-operation of Criminal Advocates in Effective Investigation and Successful Prosecution.

Co-operation of advocates on criminal side is equally important during investigation of crimes to see that they will not advise accused and witnesses to crime not to co-operate with investigating police during investigation. Table 36 shows that 92% of Dy.SPs and 90% of PIs seek the co-operation of the criminal advocates in effective investigation of crimes.

As is seen in Table 36A, 100% of Dy.Sps and 98% of PIs want the cooperation to facilitate the accused to assist the police investigators as per law. 100% of Dy.SPs and 100% of PIs want it not to indulge in turning the witnesses hostile and tampering of case documents. 100% of Dy.SPs and 96% of PIs want it not to induce, give threat or promise to witnesses in defense favour. The co-operation of advocates on criminal side is very crucial for the police investigators.

Table 36
Co-operation of Criminal Advocates in Effective Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SPs	23	92	2	8
PIs	45	90	5	10

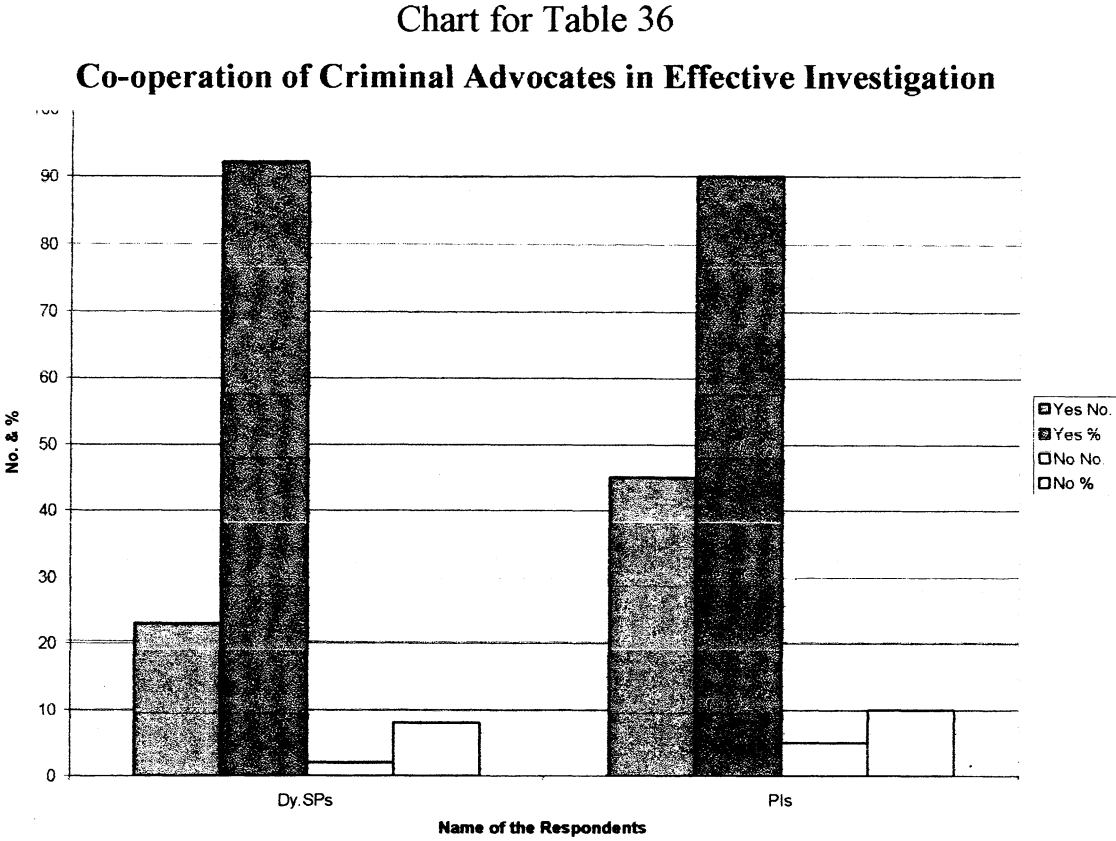


Table 36A

Reasons for Advocates’ Co-operation in Effective Investigation

Reasons	Dy.SPs(of 25)		Pls(of 50)	
	Yes		Yes	
	No.	%	No.	%
To facilitate the accused to assist the police investigators as per law	25	100	49	98
Not to indulge in turning hostile of witness and tampering of documents	25	100	50	100
Not to induce, threat or promise witnesses in defense favour	25	100	48	96

Z5. Code of Conduct for the Police Investigators and Staff to develop Professionalism in Investigation

Professional ethics nourish and cherish the morale and conscience of the investigating police besides helping them to mould their personality to improve

efficiency and effectiveness in assigned job. Sincerity, honesty, hardworking, interest, firm conviction, promptitude are some of the important professional ethics and values that incessantly contribute to the effective investigation of crimes. But today the investigating police need to imbibe these professional ethics to work on professional line.

It is quite conspicuous from Table 37 that all the respondent-samples-25 Dy. SPs, 50 PIs, 15 Sr. police officers, 15 judicial officers and 15 criminal advocates and 14 of journalists- with 100% response and journalists with 94% response are for code of conduct to develop professionalism in the police for effective investigation of crimes. This can be seen in chart form below.

From Table 37A it is quite visible and evident that all the respondent-samples have opined with 80% and above response that the components of code of conduct such as 'Rule of Law', honesty, sincerity, integrity, discipline, loyalty, promptness, interest and enthusiasm, efficiency, respect for the poor and weaker sections, politeness and humane attitude towards staff & public, hard work and risk bearing, commitment and sacrifice, decision making power, accountability and effective supervision are *sin qua non* for the investigating police for efficient and effective investigation of crimes.

It is quite clear from Table 37B that in response to the inputs that strengthen the code of conduct all the respondent- samples have opined with 85% and above response that inputs such as better training, adequate time for investigation, recognition, better service conditions, and improved infrastructure will have to be provided for the investigating police.

Table 37

Code of Conduct for the Police Investigators and Staff to develop Professionalism in Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Dy.SPs	25	100		
PIs	49	98	1	2
Sr. Police Officers	15	100		
Judicial Officers	15	100		
Prosecutors	15	100		
Criminal Advocates	15	100		
Journalists	14	93	1	7

Chart for Table 37

Code of Conduct for the Police Investigators and Staff to develop Professionalism in Investigation

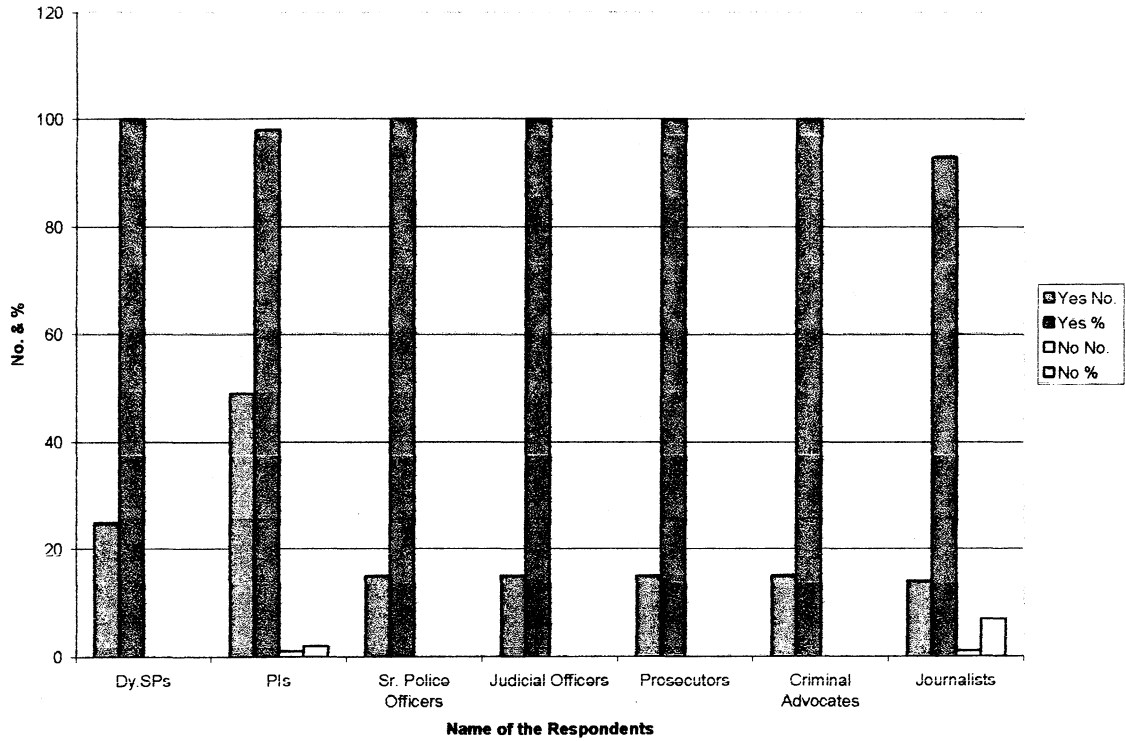


Table 37A

**Components of Code of Conduct for the Police Investigators and Staff to
Develop Professionalism in Investigation**

Components	Dy.SPs (of 25)		PIs (of 50)		Sr. Police Officers (of 15)		Judicial Officers (of 15)		Prose- cutors (of 15)		Criminal Advocates (of 15)		Journa- lists (of 15)	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Follow Rule of Law	25	100	49	98	15	100	15	100	15	100	15	100	14	93
Honesty	20	80	42	84	15	100	15	100	15	100	15	100	14	93
Sincerity	25	100	48	96	15	100	15	100	15	100	15	100	14	93
Integrity	25	100	49	98	15	100	15	100	15	100	15	100	14	93
Discipline	25	100	45	90	15	100	15	100	15	100	15	100	14	93
Loyalty	21	84	41	82	12	80	14	93	11	100	13	100	13	86
Promptness	24	96	47	94	15	100	15	100	15	100	15	100	14	93
Interest and Enthusiasm	21	84	45	90	15	100	15	100	15	100	15	100	14	93
Efficiency	22	88	43	86	15	100	15	100	15	100	13	87	12	80
Respect for poor and weaker section	24	96	48	96	15	100	15	100	15	100	12	80	14	93
Politeness and humane attitude towards staff & Public	21	84	45	90	15	100	15	100	15	100	15	100	14	93
Hard work and risk bearing	25	100	48	96	15	100	15	100	15	100	15	100	13	87
Commitment and sacrifice	22	88	45	90	15	100	15	100	15	100	15	100	14	93
Decision making power	21	84	47	94	15	100	15	100	15	100	15	100	12	80
Accountability	20	80	42	84	15	100	15	100	15	100	15	100	14	93
Effective supervision	23	92	48	96	15	100	15	100	15	100	12	80	13	87

Table 37B

Inputs that Strengthen Code of Conduct

Inputs	Dy.SPs (of 25)		PIs (of 50)		Sr. Police Officers (of 15)		Judicial Officers (of 15)		Prose- cutors (of 15)		Criminal Advocates (of 15)		Journa- lists (of 15)	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Better training	25	100	48	96	15	100	15	100	15	100	15	100	13	87
Adequate time for investigation	25	100	49	98	15	100	15	100	15	100	15	100	14	93
Better recognition	25	100	50	100	15	100	15	100	15	100	15	100	13	87
Better service condition	25	100	46	92	14	100	15	100	15	100	15	100	14	93
Better infrastructure	25	100	47	94	15	100	15	100	15	100	15	100	13	87

Z5. Response of Sr. Police Officers for Areas of Investigation where Improvement in Professionalism is required

During the study responses were also elicited from Sr. police officers to improve effective investigation of crimes on professional line. It is clear from Table 38 that 87% of senior police officers want professionalism in registration of complaints. 100% of them want professionalism in visit to the scene of crime, search & seizure, identification & examination of witnesses, adoption of scientific methods of investigation, collection of evidence on scientific and legal footing. 80% of them want professionalism in apprehension & arrest of the accused. 87% of them in preparation and filing of charge sheet in consultation with prosecutors.

Table 38

Sr. Police Officers' Response to areas of Investigation where Improvement in Professionalism is required

Areas of Investigation	No.	%
Registration of complaints	13	87
Visiting the scene of crime	15	100
Search & seizure	15	100
Identification & examination of witnesses	15	100
Apprehension & arrest of the accused	12	80
Adoption of scientific methods of investigation	15	100
Collection of evidence on scientific and legal footing	15	100
Preparation and filing of charge sheet in consultation with prosecutors	13	87

Z6. Large Scale Acquittals are due to Defective Investigation

During the study responses were also elicited from judicial officers, prosecutors and criminal advocates journalists as to find out from them whether there is lack for professionalism during investigation of crimes. It is very clear from Table 39 that 100% of judicial officers, prosecutors and criminal advocates; and 87% of journalists are of the opinion that large scale acquittals are due to defective investigation due to lack of professionalism.

From Table 42A it is clear that all the respondents with 67% and above response have opined that the reasons for large scale acquittals is due to flaws in FIR, delay in registration of FIR, delay in visit to the scene of crime, defective search & seizure, delay/failure in dispatching the seized articles to FSL for examination, delay/failure to get examination done by experts in forensic medicine in cases of assault, murder, rape etc. They also opined there is delay and defect in examination of witnesses, delay and defect in

apprehension and arrest of accused, failure to adopt scientific methods and aids of investigation, collection of insufficient evidence and delay/defect in filing of charge sheets.

Table 39

Large Scale Acquittals are due to Defective Investigation

Names of the Respondents	Yes		No	
	No.	%	No.	%
Judicial Officers	15	100		
Prosecutors	15	100		
Criminal Advocates	15	100		
Journalists	13	87	2	13

Chart for Table 39

Large Scale Acquittals are due to Defective Investigation

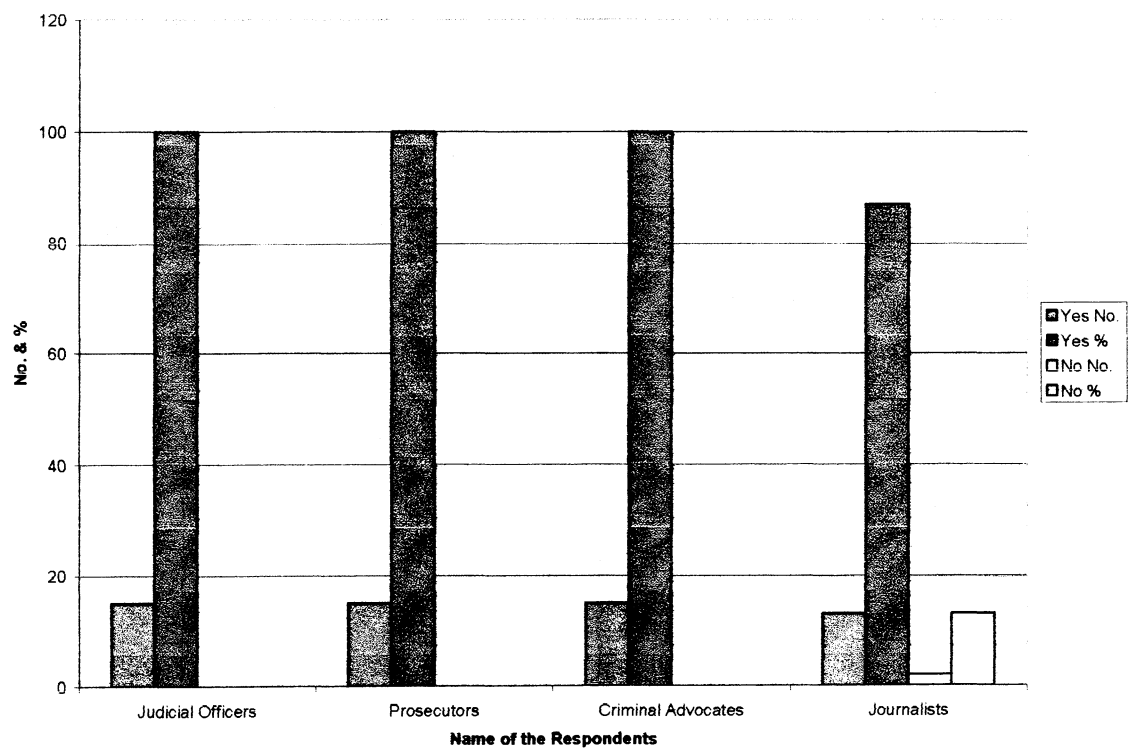


Table 39A

Reasons for Large Scale Acquittals due to Defective Investigation

Reasons	Judicial Officers (of 15)		Prosecutors (of 15)		Criminal Advocates (of 15)		Journalists (of 15)	
	No.	%	No.	%	No.	%	No.	%
Flaws in FIR	15	100	15	100	15	100	12	80
Delay in registering FIR	13	87	10	67	8	53	10	67
Delay in visiting the scene of crime	15	100	15	100	15	100	13	87
Defective search & seizure of articles at the scene of crime and other places	15	100	15	100	15	100	9	60
Delay/failure to obtain order from court for seized articles	15	100	15	100	15	100	11	73
Delay/failure in dispatching the seized articles to FSL for examination	15	100	15	100	15	100	10	67
Delay/failure to get examination done by experts in forensic medicine in cases of assault, murder, rape etc.	15	100	15	100	15	100	12	80
Delay and defect in examination of witnesses	15	100	15	100	15	100	11	73
Delay and defect in apprehension and arrest of accused	11	73	10	67	12	80	13	87
Failure to adopt scientific methods of investigation	15	100	15	100	15	100	13	87
Collection of insufficient evidence	15	100	15	100	15	100	12	80
Delay/defect in filing of charge sheets	9	60	11	73	8	53	10	67

Z7. Agencies Seeking Frequent Adjournments during Trials

It is quite conspicuous from Table 40 that the agency that seeks most frequent adjournment is defense, followed by the courts and the prosecution. All the respondents, except 87% journalists, have opined with 100% to this effect. The objectives of defense counsel seeking frequent adjournments during trials are to diminish interest of various witnesses to the crime and to weaken the prosecution case during trial.

Table 40

Agencies Seeking Frequent Adjournments during Trials

Agencies	Judicial Officers		Prosecutors		Criminal Advocates		Journalists	
	No.	%	No.	%	No.	%	No.	%
Prosecution	10	67	11	73	12	80	11	73
Defense	15	100	15	100	15	100	13	87
Courts	11	73	13	87	14	93	10	67

Chart for Table 40

Agencies Seeking Frequent Adjournments during Trials

