THE ROLE OF POLICE IN INDIAN CRIMINAL
JUSTICE SYSTEM TOWARDS LOW
CONVICTION

Introduction

The ideal purpose of the Police in a community can be best described in the following words which spell out the duties of law enforcement officers as laid down in the international Cade of enforcement Ethics.

“As a law enforcement officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence and disorder and to respect constitutional right of all men to liberty, equality and Justice”.¹

Function of the police

The most important traditional function of the police is to deal with the criminal in an action, this function required detection and investigation of crime, arrest of the offenders and the collection of evidence against those who are prosecuted in court of law.²

Dr. Jerome Hall ³ has rightly pointed out that according to the legal and political theory, the rights and duties of the police to inflict punishment are sharply limited but since their job is to pick up criminals

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². Ibid.
from society. They play a vital role in bringing the offenders to justice. It is generally believed that police are obliged by the nature of their duties to use violence as a measure to control and apprehend criminals in the presence of counter violence. The Supreme Court has rightly said that the duty of the Investigating Officer is not merely to bolster up a prosecution case with such evidence as may enable the Court to record a conviction but to bring out the real unvarnished truth.\textsuperscript{4}

Another purpose of the police force is to effect prevention of crime. This function involves patrolling by the Police and prevention action against Potential wrongdoers under the vagrancy Laws.\textsuperscript{5}

The third function of the Police is owing to the growth of certain problems of the contemporary period involving the enforcement of a wide variety of regulation. Which are not concerned directly with the criminal; direction of automobile traffic, enforcement sanitation and licensing regulations, control of crowds, action against obscene literature and Filenes civilian defense and disaster management duty. The Police in India have to perform all the function enumerated above as in other countries, but their burden is exceptionally heavy due to the peculiarity of the socio-economic life of the community heterogeneous nature of the population and the existence of almost all the political philosophies.\textsuperscript{6}

How far are the Police in India capable and adequate of meeting such a stupendous challenge? What are the various obstacles which the Police face while discharging their function? To answer these and other related questions, let us first understand to present structure of Indian

\textsuperscript{4} Id.; at p. 1826 (AIR).


\textsuperscript{6} Ibid.
Police force with reference to its roots in the past since many of the present day problems may be understand better in the historical perspective.  

**Development of police organization of India**

In India the police organization in various forms, even in old epics like Ramayan and Mahabharat there are references to the existence of Police organization in India, throughout its recorded history, there have been two distinct Police systems for rural and urban areas during the periods of Maurya Gupt and Mughal Empires and Persists to some extent even today. Imperial government maintained a more elaborate Police system in cities& towns. Where a Kotwal used to be a head of the Police administration, this post may date back to Mauryan times and clearest theory and it is comes from Moghul sources from AIN-I-AKBARI.

The Kotwal was maintain surveillance over visitors. Spies and migrants, arrest criminals, to keep prisons and to eliminate prostitution and consumption of alcoholic beverages.  

The East India Company started its commercial functions in the year of 1706. The company did not touch the existing Police system up to 1792 when Lord Cornwallis came the first time, took Police administration about of the hands of the large land owners and introduced a New Police force responsible to the company under this scheme, the post of Daroga was created in every district, Darogas were made answered to district Judges was their responsibility to supervise the

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village land owners and head man Policing the villages.\textsuperscript{9}

The Daroga system failed to deliver the goods, the traditional village Police system was reintroduced. In the new system, the collectors through their subordinated became responsible for law and order problems in their districts. Despite the abolition of Daroga system, situation continued to be chaotic as reflected in increased crimes like dacoit and overall insecurity.

The reformation Police-system was provided by Sir Charles Napier in 1843 according to new scheme. Napier created a separate Police organization. The direction of the Police force was in the hands of an Inspector-general of police with the superintendent of police in each district, responsibility for law and order was assumed by government through collector by police administration functionally specific department.\textsuperscript{10}

After the abortive Munity of 1857 the county directly taken over by the British crown 1858 and gave hectic activity in legislative area, two basis criminal codes, viz, the Indian penal code and criminal procedure code, which were enacted in 1860 and 1861 respectively. The government appointed a police commission in 1860 and its suggestion provided the basis for the police act passed in 1861. Since that time to even today police organization policy laid down in the act of 1861.

The National police commission while discussing the role of police and its responsibility observed.

\textsuperscript{9} John Became, memories of a Bengal civilian (London: Chatto and windus, 1961), pp-140-41.

\textsuperscript{10} Bailey, op. cit, pp-44.
“The police responsibility should be for absolutely impartial service to law in complete independence of policy we hold this as the most fundamental concept for observance in the police system in a democracy.

The basis role of police is to function as law enforcement agency and render impartial service to law indication or desired, oppressed by government as a matter of policy which either come in conflict with or do not conform to provisions in our constitution or law duly enacted there under”. 11

Present police structure and organization in India

Under the constitution police is a state subject and only residuary powers have been vested in the centre. Under the residuary powers the centre controls the central bureau of investigation, central reserve police force and police force of centrally administered territories parliament is empowered to transfer any subject from state list to the concurrent list in National interest. 12

One reason for assigning the subject of police to states and to meet to the centre is that in a democratic set-up it is considered more desirable that the law enforcement bodies should have roots in the localities where they operate. A police force brought from outside may alienate the local people and it may not be easy for the police to act effectively in such a situation. Policeman belonging to local or adjoining areas have the advantage of knowing the conditions and the people rather intimately. 13


Classification of police and their hierarchy

The Indian police is classified in two categories, viz., armed and unarmed. Police wings policeman are divided into a number of categories according to their status in hierarchy. At the top in every state there is the Inspector–general followed by a number of Deputy Inspector-general, other officers and down to the constables.

The Inspector-general, Deputy Inspector-general, Superintendents and Assistant Superintendents from the superior services group belong to the prestigious Indian police service, while Deputy Superintendents, Inspector, Sub-inspector, Head Constables and Constable are appointed by the State Government. The Superintendent of police is in charge of the entire police force in a district and is responsible to the district Magistrate an IAS officer, for the Law & order problem in his district.

In most of the states the top brass of the police is designated as Director-general of police followed by Inspector-general and other officers. Besides dealing with crime control and other law and order duties, one of the most important functions is to prosecute the offenders. For them a separate wing is established in police which is known as prosecution branch. Their main function is to deal with the prosecution of offenders in various courts. The code of criminal procedure provides these powers and in certain states the prosecution is independent of the police control.

The situation is somewhat different in metropolitan cities like Delhi, Kolkata, Mumbai, Chennai and Hyderabad. Where the office of the police commissioner combines the powers of superintendent of police and
those of district Magistrate for the purpose of law and order.\textsuperscript{14}

\textbf{Investigation by police}

The first step to be taken by the police toward starting investigation is registering the First Information Report (FIR) in cognizable offences. It is recorded in four copies, original sheet remain with the police station as a permanent record and carbon copy is handed over to the complaint or informant free of cost and one copy sent to the concerned SP/DCP and to the magistrate and all copies must bear the seal of police station. The contents of FIR disclose the incident of crime with all relative facts about offence, where and how it was committed and who committed and against whom. The registration of FIR is only for facilities proper investigation. If there is no sufficient prima facie evidence, the police has the power to file closure report. \textbf{In a case the Supreme Court held that:}

The object of the first information is to make known what the case of the informant is against the alleged offenders at the earliest opportunity, when the occurrence took place, so if at the trial a story is given against the alleged offenders which differs in material particulars from the one given in the information, it has always been viewed with grave suspicion and the accused have been given the benefit of doubt arising from such contradictions and discrepancies.\textsuperscript{15}

\textbf{In a case the Supreme Court held that:}

where the first information report is prepared by an experienced

\textsuperscript{14}Criminology, Siddique’s Ahmad, pp-308,fifth edition.

\textsuperscript{15} AIR 1968 Goa 72 (75): 1968 Cri LJ 929.
police officer who had personal knowledge of all the facts and who immediately after drafting the report was to take up the investigation of that crime, the prosecution cannot take shelter behind the plea of confusion, forgetfulness or lack of intelligence to explain the discrepancies.\(^\text{16}\)

Where the police refuse to file a FIR a written complaint can be sent by post of the SP concerned or the complaint can directly approach the judicial magistrate to receive the complaint and magistrate may direct the police to investigate the case.

A two bench of the Apex Court had ruled earlier also in 2008, that registration of FIR is mandatory in cognizable offences. The court emphasized that action must be taken against the erring who fail to comply with his ruling. An informant need not have to be present personally to FIR he can file through e-mail, recording on telephone etc.

**In a case the Supreme Court held that:**

Speedy investigation and trial are equally mandated by both the letter and the spirit of the Criminal procedure code.\(^\text{17}\)

**In a case the Supreme Court held that:**

If during the investigation under Section 156 police is satisfied on the available materials that other persons, whose name is not mentioned in FIR are also involved fin the crime, they can arrest such of the persons.\(^\text{18}\)


\(^{17}\) AIR 1986 Pat 324 (338) (FB).

\(^{18}\) 1993 Mad LJ (Cri) 754 (760).
Generally it is seen that complaints are often fobbed off by police with a copy to non-cognizable report. The Supreme Court has reiterated that there is no provision in Cr. P.C. for a preliminary enquiry, therefor, police is not supposed to conduct preliminary enquiry before lodging FIR as this power vested in CBI under the CBI manual. Whenever a complaint to a missing person is made in a police station, there is no specific provision in law for the registration of FIR for the same in most states similarly complaints regarding missing movable properties such as passport securities, mobiles etc. are often received at the police station, there is no specific information of theft or otherwise in the first instance. Police finds it difficult to issue FIR in these cases although it is most deserved in interest of public.19

According to section 161 criminal procedure code 1973 for purpose of investigation, the police can question any person supposed to be acquainted with the facts and circumstances of the case and any such person bound to answer, truly all questions which is related to such case. However, a witness may avoid to give those answer, which will expose him to any criminal charges.20 In investigation a police officer can call a writing a person to be a witness who appears to have knowledge of the crime being investigated and who is within the jurisdiction of such officer according to section 160 criminal procedure code.21 Section 162 criminal procedure code 1973, provides that no statement made by a person to a police officer in the course of investigation if reduced in writing, shall be signed by the person making it. The provision shows distrust of law for


20. Section 161.

21. Section 160.
the police, which is most vital agency for the investigation of crimes. The provision proves scope for the police to add or delete anything from recorded statement, if there is a signed statement, there cannot be any deviation and it would the better if this provision is suitably amended and more authentic which would require the person to submit the statement written in his own hands so as to provide. Prohibiting signing of statement under this section provides scope also for the person to deny it later.\textsuperscript{22}

Political interference at the stage of investigation has become a routine affair the national police commission has also expressed concern about the political parties, using their power and authority regarding transfers and promotions to compel the force to serve their interest. This happens at the stage of submission of charge sheet under section 173 of Cr. P.C. though it is the sole discretion of the investigating officer to submit or not to submit the charge sheet and even the magistrate can not order him to do so contrary to the former's own honest assessment of evidence in the case, the politicians more often than not enter into a unholy alliance with the investigating officers to get things done in their favour.

Political interference by politicians is a common Phenomenon which affects the investigation. Threats of dismissal suspension and transfer may it difficult for the police officers to conduct the investigation impartially. The result is that the case does not go for trial if it does, the evidence could be so manipulated that it fails in the court. The investigation agency, needs protection for enforcing the law by eliminating political or other external influences.\textsuperscript{23}


In a case the Supreme Court that:

A conviction or acquittal does not depend upon the question what particular officer actually conducts the investigation which results in the trial. That is determined mainly by the evidence that is given at the trial. 24

In a case the Supreme Court held that:

An Investigation Officer who is required to conduct investigation in relation to a cognizable offence when intentionally avoid to collect the required evidence or even fails to take appropriate steps which he is expected to take them the only conclusion which can be drawn is that such inaction was deliberate and is with the sole intention to help the wrong doers unless otherwise is established. 25

Difficulties of police

The main purpose of police is to protect the innocent from the depredation of criminals. This involves two main tasks as to act as the watch and word to prevent crime and chase out criminals who committed crime and bring them before a court for the trial and punishment. In this process the police are confronted with a number of problems. Which we are discussing hereinafter.

1. Inadequacy of Staff

Most serious problem of police is inadequacy of the investigating staff. The police officers are hard pressed with multifarious commitments

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25. 2008 (2) Bom. CR (Cri) 272 (291) (DB).
thus not able to devote adequate time for investigation work. A sample survey done at the instance of the national police commission in six states of the country, the investigating officer is able to devote only 27% of his time on investigation work and rest of the time is taken by other duties connected with maintenance of law and order engaging the citizens and gaining their co-operation, patrolling, VIP bandobast, Traffic duties, court attendance, administration work and other outdoor duties. Inadequate number of I.Os coupled with low percentage of their time being devoted to investigation work, resulting in delayed and perfunctory investigation, paved way for the acquittal of the accused.

An investigation officer on an average 45 cases in a year national police commission had suggested a workload of 60 cases per 10 on the other side that prevailing norms regarding workload of 10 in the CBI are two cases per year in the central units and 4 cases per year in the territorial units. We feel that police officers at the highest level as well as the executive level thus there is need to immediate supervisory officers and seen their work regarding investigation because the heavy work load Investigation Officer can not do his work property. To solve this problem, we feel that the workload of an investigation officer should not exceed 10 cases per year and number of staff of police officers should be increased.

The investigation of crime is highly specialized task requiring lot of patience, training, expertise and clarity about the legal position to object of successful prosecution needs investigation wing should be separate from the law &order wing.26

In a case the Supreme Court held that:

The Investigating Officer is required not only to collect evidence for the successful prosecution of the case but also to exercise his discretion in arriving at a decision as to whether the case is fit for trial. It is, therefore, just and expedient that the person entrusted with the investigation should be one who is not unduly interested in the case and is not personally acquainted with its facts.27

27. AIR 1964 All 481 (484).
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2. Statements taken by the police

We often seen that witnesses change their earlier statement while in the witness box, it is not only because the majority of the witnesses are uneducated and in articulate but also, due to pressure brought by the accused person and his supporters. The law commission in its fourteenth Report observed.
"The percentage of acquittals in criminal cases has reached a high figure; and this is not always due to the police being unable to place adequate evidence before the courts. What often happens is that the witnesses when they appear to give evidence in courts display a tendency to reduce the effectiveness of their evidence by deposing to a version different from that given by then in their statements to the police. The Inspector-General of police, Bihar, told us that atleast fifty percent of the police cases failed because the witnesses turned completely hostile under the influence brought to bear upon them by the accused and his supporters", 28

Frequent changes in statement during the course of Investigation and particularly at the trial by witnesses are really disturbing, resulting miscarriage of justice. Hence modern science and technology should be harnessed in criminal investigation at least in serious case. Tape recording video recording of statement of witnesses confession would be a very meaningful step in this direction.

In the circumstances our opinion is that:

(1) Section 161 Cr. P.C. should be amended, it obligatory to record statements during investigation in the narrative or question and answer form read over if admitted correct should be get signed.

(2) A copy of the statement should be immediately given to the witness.

(3) Section 162 of the code should be amended so that the statement can be used for corroboration and contradiction. 29


3. Lack of Co-ordination with other investigation agencies

No case can succeed at the trial until it is properly investigated. We have seen during the research that there is talk of co-ordination between those agencies, resulting miscarriage of justice. To achieve the object of criminal justice system. The investigators, forensic expert and prosecutors should act in co-operate with each other.

It can be implemented at the following stages :-

1. Initial investigation at the crimes scene level.
2. Request for laboratory analysis.
3. Interpreting the results of the laboratory.
4. Evaluating the value of the results within prosecution if need.
5. Pre-trial discussion with the prosecutors.
6. Offering the testimony before the court.

4. Police and its relations with community

Everyone knows about the unpleasant relationship between police and community which creates difficulties during investigation. Police expect that all difficulties in society should be solved by the police, but the basic duty of police is protection of human life, liberty and property and enforcement of law and order. Increasing crime, growing pressure of living, rising population, labour disputes, problems of student, political activities with the call of extremists, enforcement of social and economic legislation etc. have added new dimension of police tasks in the country.
The lack of public co-operation in police work makes difficult to discharge their function efficiency. It is common fact that law-abiding citizens have greater fear for police than offenders and do not hesitate to use violence, undue influence to secure their escape, threats etc. on the other hand normal people avoid contact with the public and prefer to keep away from law courts even at the loss of suffering or loss of legitimate claims rather than reporting matter to the police for their action. There is urgent need to develop a closer liaison between police and public to think that police is not their enemy but a friend to help them in distress. The co-operation of public in prevention of crime is possible by radio, lectures and through the medium of press and plateform.30 One of the main causes for power police image is lack of the public co-operation. But public can not be blamed solely for thus due to considerable attitude of the police while dealing with the public. The police should be courteous and not unnecessarily having the people and people should feel that by helping the police they are helping their own society for solve this purpose.31

**In a case the Supreme Court held that:**

Police must carry out investigations with due honesty, and fairly and must not resort to fabricating false evidence or creating false clues. Otherwise it would be an invitation to anarchy.32

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32. 1994 Cri LJ 2320 (2336).
In a case the Supreme Court held that:

The investigation police are primarily the guardians of the liberty of innocent persons and a heavy responsibility devolves on them of seeing that innocent persons are not charged on irresponsible and false implication.\textsuperscript{33}

In a case the Supreme Court held that:

It is of the utmost importance that people entrusted with the investigation must be scrupulously honest and efficient, otherwise cases both of innocent persons being wrongly convicted and of really guilty persons being wrongly let off are likely to occur.\textsuperscript{34} some following herein after.

(a) Government should provide a toll free number for public to crime information to police.

(b) Transparency in the investigation process by registration of offences and complaints must have access to information about their cases.

(c) Monthly meeting of station house officer with the public will enhance their fourth on police and opportunity to inform people about the law and order situation.

\textsuperscript{33} (1951) 2 MLJ 635 (636) (DB).

\textsuperscript{34} (1960) 62 PLR 25 (29).
We observed that public is a vital component of the government machinery transparency and fairness in the police functioning are an asset for the people oriented policing system.\textsuperscript{35}

5. Judiciary's attitude towards police

The judiciary also does not hold police in high esteem, it has often made adverse comments about the working of police and blamed for corruption, inefficiency, dishonesty and oppressive methods of investigation. There is a many factors responsible for poor image of police, the more important among them act of perjury and misuse of power and authority. Earlier, many reports of law commission of India also commented adversely against the police and said that the police are far from efficient, it is defective in training and inadequately supervised and regarded as corruption co-operation and utterly failed to win the confidence and co-operation of the people. It is very necessary that the police should dry to improve its image in public as well as judiciary for respect and sympathy of the people.\textsuperscript{36} For improving of police image following suggestion is here made.

(1) Policeman should be understand that they are only for help the public not to harass them.

(2) To win public co-operation, the police must absolute impartiality in its work without pressure from political high ups.

(3) Proper training should be given to policeman of all ranks and should be apprised of the latest techniques of crime detection.


(4) The police force should be adequated proper staff and equipped with latest weapons.

(5) Surprise visit to police station, it would help in early detection of persons held up in unauthorised custody.

(6) Fortune victims should be dealt with sympathetically and adequately compensated and provided medical treatments and rehabilitation.

It is possible if policemen act with greater vigour, efficiency and honesty. 37

6. Integrity of the investigating officers

Another important aspect which is very important that the investigating machinery is immune from political and other extra influences. Politicians often consider police as their tool for their selfish ends and rewarding them in various ways. The relationship of the policemen and politicians in the present scenario has resulted into criminalization of politics which hinders a healthy public police relationship.

We observed that the misconduct of the investigation officer has often been overlooked so it is necessary that the superior rank officers must ensure that the investigation officer function with utmost integrity so that bad elements are identified and excluded from investigative process.

The role of the police is to protect individual rights and liberties without any interference of political pressure and influences therefore. They can be enable to act properly to achieve the goal.\textsuperscript{38}

**Other factors which are responsible to improper investigation and directly affecting on conviction rate**

1. **Supervision**

Another major cause to the decline in the quality of the investigation is lack of effective and timely supervision by senior officers. They do not pay attention and devote adequate time in supervisory work. It is the duty of the supervisory officers to properly guide from beginning so that the innocent persons are exculpated and real guilty ones brought to justice. Supervision work need had work, professional, expertise etc. The IO alone, lowly in rank, cannot do it and needs professional and moral support of his seniors but it is missing either due to professional inaptitude or political compulsions.

To improve the quality of investigation supervisory work should be done by superior officers some heads.

1. Test visit at the spot of crime.
2. Important witnesses to ensure that their version has been correctly and that whatever clues they have in view have been pursued by the police.
3. Discussion with the investigating officer for continue attention.

\textsuperscript{38} Malimath, Justice V.S., (committee on reform of criminal justice system Delhi: Ministry of Home Affairs, 2003), pp-96.
(4) Identified of same features noticed in other cases and co-ordinated direction of investigation of all such cases.

Thus close and constant supervision is absolutely essential with the investigating officers and also essential to check and cancer of corruption.  

**In a case the Supreme Court held that:**

Investigation, specially in cases relating to heinous offences, need a close supervision by the Superintendent of Police so that an innocent person is not harassed by the Investigating Officers who are usually anxious to show successful investigation. Therefore, maintenance of case diaries by the Investigating Officer in highly unsatisfactory manner in a murder case would indicate great laxity of supervision.

**2. Inadequate Training of Investigating Officers**

Investigation of crime is a now specialized work so investigation officer should be properly trained and possess necessary skill and expertise to perform their duty. There is great need to develop investigating skills of the officers through regular training in service training course. Seminar and work shop should be organized time to time atleast five times in year. Training institute should be enhanced as per the requirement with new disciplines manner. The nature of crime is changing fast so the training facilities in emerging disciplines such as forensic science and information technology etc. need to be developed and

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40. 1982 Cri LJ 2289 (2292) (DB).
impasted the investigation officer.\textsuperscript{41}

3. \textbf{Transfer of investigation officer during investigation period}

Frequent transfer of cases from one Investigating Officer to another is not a good practice. This practice demoralizes the investigating officers and benefit to criminals from investigating officer. Who is handle the case initial stage has proper knowledge about the facts, another investigating officer can not understand easily. If the case transfer from one investigating officer to another investigating officer then in is cool the trial of investigation and renders immunity to the criminals for solving this problem.

(1) Police establishment Board should be set up at the police headquarters in state and posting transfer and promotion etc. of District level officers should be made on the recommended of such Board.

(2) No case should be transferred from one investigating officer to another officer until there are very urgent reasons for doing so and reasons should be recorded in writing by concerned authourity.\textsuperscript{42}

\textsuperscript{41} Malimath, Justice V.S., (committee on reform of criminal justice system Delhi: Ministry of Home Affairs, 2003), pp-101.

\textsuperscript{42} Malimath, Justice V.S., (committee on reform of criminal justice system Delhi: Ministry of Home Affairs, 2003), pp-101.
In a case the Supreme Court held that:

It is the duty of the police in making an investigation to discover the truth and not simply to obtain evidence for the purpose of securing a conviction or to extract admissions from the suspect.\textsuperscript{43}

In a case the Supreme Court held that:

It is of utmost importance that investigation into criminal offences must always be free from any objectionable features or infirmities. It must not give rise to an inference that it has been carried out unfairly or with ulterior motives.\textsuperscript{44}

4. Inadequacy of logistical and forensic support

The application of forensic science to crime investigation must from the stage of first that is, visit to crime scene so that all relevant physical clues appropriately identified and collected. The present level of application for forensic science in investigation of crime is low in the country the number of forensic science laboratories are grossly inadequate and not commensurate as per requirement. There is urgent need to improvement in the situation for improvement this situation.\textsuperscript{45} Some suggestion hereinafter.

(1) The state government should create appropriate forensic science facilities as per the requirement in each district include with forensic expert, finger print expert, photographer and a

\textsuperscript{43} AIR 1974 SC 1822 (1826).
\textsuperscript{44} 1983 Mad LW (Cri) 62.
\textsuperscript{45} Malimath, Justice V.S., (committee on reform of criminal justice system Delhi: Ministry of Home Affairs, 2003), pp-102.
videographer. The function of units would be not only to identify collect evidence but also to tender necessary opinion on the spot to the investigating officer.

(2) Each police station should be provided with a scientific investigation kits.

(3) Appropriate number of regional Forensic Science Laboratories at the headquarters of each police range.

(4) The central and state Forensic Science Laboratories are facing shortage of manpower. Government should take step to fill up these vacancies.

(5) Our opinion is that the University Grand Commission should consider creating the department of forensic science atleast major university and later, it could be introduced as subjects at the school level.

(6) Polygraph machine should be provided in each district.  

5. Negligent behaviour by medical department

The medico legal services play important role in the investigation of crime and prosecution thereof, the medico legal services is for from satisfactory and functioning under controlled by the department of health, nor concern with the police and criminal justice system and also not in proper manner.

Keeping in view, some following suggestions are given here that.

(1) The state should be prepared a panel of qualified doctors adequately trained in medico legal work and they post them and their special attention should be paid for such work.

(2) State government should be prescribed time frame for submission of medico legal reports.

(3) We often seen, that the tendency of experts have reserve their opinion to the cause of death and report of FSLs (forensic science laboratories) is pending on toxicological examination. this tendency should be avoided.47

6. Registration of false Cases

The police also put to very difficulties in regard to the investigation of the cases due to prevalence of false charges, which everyone is familiar in India. This is the most difficult problem of the police that almost face every investigating officers. The police are more handicapped on account of the contradictory statements of prosecution witnesses at the trial, they add statements in the case and evidence is tempered within by friends and even lawyers of the accused on either side, ready to sell their very souls for money or friendship sake. In cases, where pleaders with commercial overtone defend the criminals resulting many criminals are acquitted.

We recommend that registration of a false cases either with the police or with the court must be made an offence punishable with imprisonment which may extend to 2 years.  

7. Difficulties regarding procedure

Section 25 of the Indian evidence act provides that no confession made to a police officer shall be proved against a person accused of any offence. This provision deprives of valuable piece of valuable evidence in establishing the guilt of the accused.

The confession recorded by a higher ranking officer should be admissible in evidence subject to condition specially in henious offences.  

Some other police problems of investigation officers

Many investigating officers discussed us during the period of research and complaint again and again to solve this problem by government due to this they always frustrate and not pay attention of their work properly.

(1) They are working mechanically all hours and during all weathers, a common people is free, after night fall and on Sunday but it is hardly for them. They are living far from their family and they also spend their time for them. Due to heavy work they cannot do it.

It is right and proper that at least one day in a week should be regarded as a traditional day of rest while that is the pleasure and privilege of the average civilians.


(2) There is an inadequate facilities in Thana such as vehicles, patrol, weapons, other technical instrument which is used for investigation. Criminal are more facilitated and they often use more effective and modern techniques, so it is very important to investigate them with out adequate technical and modern facilities.

(3) There is inadequate salaries comparatively prosecutors or Judges are relatively low. It is also a reason for corruption and exploitation of public. Thus, there is urgent need to increase of their wages and improvement of service condition.

Sir John wood burn, Lieutenant – Government of Bengal recorded in 1902, “In no branch of administration is improvement so imperatively required as in the police. There is no part of our system of which such universal and better complaint is made, and none in which for the relief of the people and the reputation of government, is reform in anything like the same degree so urgently called for. The evil is essentially in investigating staff. It is dishonest and it is tyrannical. It is essential for a real reform that there should be a bold increase in the wages of a staff which yields so great a power and in the most careful supervision of their work”.

(4) There is no facilities in Thana such as lunch room for their relax, because police duty is a full time duty, therefore government should be provided these facilities for them so that they can pay full attention of their work.

(5) There is no facilities to TA/DA to go anywhere to investigation of crime, and government do not provide the facilities of stationary support.

even court paper also provide by them.

(6) Target system of Thana should be band, because due to this they are under pressure to fulfill their target, they work quantitatively not quantitatively resulting they get bad image in public.

(7) There are inadequate facilities of quarters with full facilities in the campus. They are generally living on rent far from the Thana. They suffer alone so they become frustrate. Government should be paid great attention to solve their problem.

(8) One of the causes for delay trial of a criminal case is service of summons on the accused. Section 62 of the code provided that summons shall be served by a police officer, or subject to such rules being framed by the state government, by any officer of, the court or other public servant. There is not any rule framed by government to enable service otherwise than through police officers.

(9) Generally forensic laboratories is very far, due to heavy word they go many times. Similarly doctors do not have interest to complete medico-legal report resultly, trial become delay. Government should provided great attention to solve their problem.

(10) Out of court settlement of parties is also a very big problem of them.

(11) Public do not want to co-operate with them due to complicated procedure and do not give their evidence about the committed crime, and police do not get two witness at the point where crime committed and they are bound to follow procedure. So they generally use pocket witness. Who turn hostile in trial it is a very big problem.
(12) During investigation investigating officer gets transfer, which is great adverse effect on the case. New investigating officer does not understand the all facts about case easily.

(13) Generally they do not have knowledge about new laws, there is no facilities such as seminar, workshop for hence their skills and improve for their quality.

Many of the above finding are existing problems of police, which created great hurdle during investigation. It should be solved for restoring the confidence of the people in criminal justice system.

**Public opinion towards police**

(1) The interaction with the procedure of community is comparatively less. Most of society do not have knowledge of the D.K. Basu guidelines and not aware of the basic steps of the procedure.

(2) The opinion of the public is that the police are primarily guided by money. One respondent said that the registration of a case in the police station depends mainly on which party has money to influence the police and it is also a reason for non-registration of F.I.Rs. Thus the corruption is more responsible factor to low-conviction rate.

(3) Influence is also a big problem to investigation properly, one of the local activists said that when he approached the police to registration of the case the F.I.R. was not registered became the accused had a very good appart with the police and was a regular source of illegal income to the police.
(4) The public said that the behaviour of police is different, one of them said the police behaved well with him because of his party affiliation and other said that the police behaved well because they were afraid of the fact that he had good contacts with the media but if a common man goes to police station for the registration of their complaint police was used foul language and uncomfortable comments might be passed when a women visited the police station. The common perception among the people interviewed is that the police do not behave well.

(5) A few persons of the public expressed fear of police and that they are scared if the police come to their houses. They prefer to go the police station only when serious case one of them interviewed said that he was now hesitant to go to police station some of them expressed that they do not unnecessarily get involved in cases and is scared that police may trap him in a false case.

(6) According to public, seriousness of the crime is depend on police opinion, the police action is prompt if in the opinion of the police, a serious offence is alleged to have been committed. On the other hand, if the offence is not serious in the opinion of the police, then chances are there that it would not get registered or registered as a non-cognizable complaint.

(7) Some people said that the police pay less attention to family matters. When it comes to registration of F.I.R. in such cases they related sensitive and complex nature they come back due to social pressure and police preferred that the situation is resolved without filing a complaint.

(8) Mostly complaints are manipulated based on their education and awareness level. If he/she is educated and aware of his/her rights, then the
F.I.R. is registered; otherwise the chances of the officer manipulating IPC section applicable in the case may increase and when a complainant is illiterate then he/she may put his/her signature or thumb impression without understanding the contents.

(9) Some educated persons of the public expressed that the registration of F.I.R. is an art and needs to be properly trained for it. The officer usually looks for the word, if that fit in the definition and then decides which section to apply. An officer should know what to write and that depends on his skills.

(10) Registration of F.I.R. depend on the discretion of police officer but there are various dilemmas an officer may face while writing a complaint down immediate registration may lead to harassment of an innocent person, once the F.I.R. is registered it is possible that the discretion given to the police officer could be influenced by ulterior motives and lure of monetary gain.

**Conclusion**

Many of the above finding may be reiteration of existing impression about police response to registration of F.I.R. It has been found that healthy and peaceful relation between police and community increase the confidence of the citizens in approaching the police and also help them in getting an understanding of their rights and police procedure.

Policing a democratic society like India. Which is trying to emerge from the shadows of a feudal past into a modern and secular nation, is fraught with challenges. It requires a multi-pronged approach to balance
law and order function with social justice and human right concerns. The need of the hour is to create a police force which can respond to the needs of a developing society.

Investigation, as we have seen being a quest for truth, an investigator must not compromise with his conscience whether a case in hand succeeds or fails. He must resist such a temptation at all cost. He should never forget that the motto of the state is “Satyamevajayte”. Immortal words of swami Vivekananda, he patriot saint of India, when quotes he,

“Everything can be sacrificed for truth, but truth cannot be sacrificed for anything”.

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