

INVESTIGATION - NEED FOR IMPROVEMENT:

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The quality of investigation and its ability to check the crime has attained greater importance in recent times with the growth of self-conscious independent sections in the contemporary Indian society. The validity of the liberal principles of investigation, detention and trial are questioned by these groups.

The role of the investigating agencies in the Criminal Justice System is of paramount importance. Any laxity or under-performance on the part of these agencies would jeopardize the sanctity and strength of the whole system.

Except, a few specialized organizations like CBI and Crime Investigation Department of some of the states, the police in general do not enjoy a great reputation in terms of their investigative skills. The increase in crime, recurrence of certain forms of crime and statistics projecting a low conviction rate support this perception of the society.

The legal system aiming at protecting the innocent, rather than punishing the guilty, calls for a fool proof, systematized, result oriented approach in investigating any crime.

Extension of the principle of mens rea to white-collared offences like fraud and conspiracy, corruption, adulteration of food grains, fertilizers, drugs etc., makes administration of Justice a difficult task.

The checks and balances evolved through a system of various Governmental and Non-Governmental agencies like Human rights commissions, expect and restrict the police to achieve the desired results within the strict framework of law by minimizing the use of force.

The modern technology in forensic science, although did give an impetus and helped to improve the investigation skills, it still remains marginal, leaving behind a lot of grey areas. The impact of the technological achievements on the quality of investigation leaves scope for further improvement.

It is astonishing to note that the yester years without the scientific support had better statistics of success in terms of conviction in crimes. The ever increasing work pressure, flagrant deviation from the standard practices, lack of professional expertise, inadequate education and training in utilizing modern technology and low level of motivation are the factors behind this vicissitudous situation.

The ambivalence of the investigators in applying the scientific techniques, the subjective approach to each situation and individual case, the possibility of variance in very nature and background of each individual crime are the major factors, that hamper the standard and quality of investigation.

Oral evidence can be fallible due to poor memory, inability to withstand the critical procedure of cross-examination etc., The clinching physical evidence can only supplement this shortfall.

A study with reference to the Indian context brings out the truth, that the physical evidence is utilized only in about 5 to 10% of criminal cases.

A professional and modern investigator must discard the age-old methods, which have lost their relevance and should make use of latest scientific gadgets and techniques. He

should equip himself with the latest technology in terms of knowledge, skill, utility, handling and presenting it before the judiciary.

The awareness among the investigators about innovations in Forensic Science such as Brain Finger Printing, Narco analysis, Truth serum test is alarmingly poor. These scientific techniques are hardly utilized on a regular basis, except, in the situation of greater importance, more often, by the specialized agencies.

It is very significant to note and accept that the agencies like CBI, who are looked upon with high credence by all the sections of the society, including the political groups, intellectuals and Judiciary also work within the purview of the same laws. Their credibility and success could be purely attributed to their professionalism in investigation, coupled with the autonomy they enjoy. We are bound to work within the purview

of law, but are equally obliged to stretch its limits to explore all possibilities to meet the ends of justice.

The long debate would have a relevance and serve the purpose, only, if all the investigators introspect and change their mindset of being traditional and conventional in their approach and open up themselves to the changes that are taking place around. A comprehensive replacement of old practices is a must to ensure that every guilty person is punished.

Qualitative and professional investigation not only leads to effective prosecution and conviction, but is also a basis for deterrent administrative action by the various departments connected with the onerous job of enforcement of legislation in a developing society. .

