



Defective Investigation leads to Injustice: An Overview of Pakistani Context

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ABSTRACT

Investigation plays a crucial role in any criminal case. If this step is performed negligently the prosecution will fail to prove its case beyond a reasonable doubt. This paper will provide an overview of the criminal investigation process in Pakistan and highlight the reasons for the defective investigation. The criminal justice system consists of mainly four elements the police, the prosecution, the judiciary, and the defense lawyer. (Wang et al., 2020) To provide expeditious justice, every organ of the criminal justice system must work efficiently. To set CJS into motion, a complainant may file a complaint or lodge an FIR against an accused person. After the registration of an FIR in cognizable cases, the process of investigation starts. The IO daily record the progress of the case in daily diary maintained under section 172 of Cr.P.C. Within the period of 14 days, an investigation officer is bound to submit a police report under section 173 of Cr.P.C. If he fails to do so he will after the expiration of 3 days submit an interim report. The court may continue with the trial or postpone it until the submission of the final report. The recruitment process for investigators needs to be revamped. The educational background of the candidates must be given regard while appointing them. Lack of proper training is also contributing as an essential factor in the defective investigation. The study concluded that investigation process in Pakistan needs some reforms that included proper training of investigation officers, improved system of check and balance and dedicated investigation unit.



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1. Introduction

For every civilized society to be complete, it must contain a fair and quick justice system. Nearly all laws, treaties, and conventions increasingly emphasize the importance of reducing delays in criminal trials, based on the maxim of law that states that "justice delayed is justice denied". Hence, the main objective of the law is to ensure that justice is dispensed as soon and expeditiously as possible to give every person involved a right to a fair trial.

In Pakistan, thousands of innocent people are left in jail or facing severe sentences due to a defective justice system that fails to promote the steady and undisturbed process of investigation. Criminal investigations in Pakistan conventionally move slowly from the accused to the crime scene which ultimately leads to the invention of fabricated evidence, forced confessions, gruesome torture, and ultimately acquittals or wrongful convictions of the accused individuals. There are numerous examples in Pakistan where the lack of expertise of the investigation officer and poor handling of on-scene and relevant evidence has led to a negative influence on the final verdict in the Court of Law. Investigation under

the Criminal Procedure Code of Pakistan (Cr.P.C) is defined as the "collection of evidence which in turn requires the use of scientific tools and latest techniques".

In essence, the Pakistani criminal justice system and its related institutions are, at the time being, unable to cope and rise against the challenges they are facing in the context of investigations. Police, prosecutors, judicial officers, judges, and even prisons lack sufficient contemporary education, modern technology, and a rule-of-law-oriented approach toward the investigation. Such instances are leading to a lack of trust by the public and officials alike towards the execution of the criminal justice system. The police are the entry point in the criminal justice system and an entrance for access to justice, making them the fundamental nucleus of the investigation process. In case of any undue influence, corruption, incompetence, or political interference, justice will surely be denied at any stage. Hence, it is important to study why there is a delay in the criminal justice system of Pakistan. There are three objectives to cover in this study. The following are; (i) To find out using, literature and semi-structured interviews, how the investigation process for criminal trials, and cases work in Pakistan (ii) To determine to what extent poor investigation influences the dispensation of criminal justice. (iii) To determine what are the factors affecting the effectiveness of police performance? (iii) To suggest reforms to modernize the process of investigation in Pakistan.

2. Literature Review

It is argued that detailed systematic legal frameworks such as the "Code of Criminal Procedure" and "Code of Civil Procedure" can lead to unexpected and unforeseen delays in the process of investigation in which justice is continuously denied while wasting the time and resources of the state and related parties as well (Chowdhury, 2004). Under the Constitution of Pakistan, the delivery of justice is a fundamental right that is vested in every individual living in the state of Pakistan, meaning that any time that justice is denied the act is completely unconstitutional. In the existence of complex laws, it becomes difficult to deliver swift justice as there can be numerous interruptions in the official process by the police and leading to a drastic slowdown in the dispensation of justice (Rhee, 2020). Pakistani courts require continuous and relentless visits to the Court of Law by the parties and, on average, a defendant is required to make over 72 visits to the Court before a decision on the case is provided, resulting in both psychological and financial stress (F. S. Khan, 2004). Criminologists and detectives are adapting new techniques of investigation in developed countries. While in Pakistan the primary methods for investigation are the same as were in the past. They are not adapting new technologies which ultimately help the investigator to understand the pattern of crimes (Sahito, 2009).

Thousands of innocent persons are in jail encountering capital punishment without committing any cognizable offence. The only reason is defective investigation. (Anjum et al., 2021) Criminal Investigation initiates from the crime scene and helps the investigator to recreate the whole story of that event. The efficiency of an investigator is determined by the quality of incriminating evidence collected from the crime scene. If he fails to identify the evidence present at the crime spot or fails to collect them properly or he fails to preserve them accurately the evidence will lose its significance (Jordan et al., 2021).

In the police do not perform their duties effectively the step of investigation becomes defective. Among many other reasons, the defective investigation is one of the primary grounds for acquittal. This has many reasons ranging from social to economic. The police come under the direct control of the provincial government which means it is directly influenced by the local politicians. They use the police firstly to take revenge on their opponents by registering false FIRs. Secondly, they use their influence in cases registered against them and their supporters. Because of, this the police fail to perform their duties freely and thus resulting in poor policing and defective investigation. . (Rajput & Rajput, 2020) Additionally, they are not well trained in this respective field. To perform an investigation effectively the investigator must be trained in different fields ranging from interrogation to forensics. They know how to retrieve information from any suspicious individual or any person acquainted with the event. Based on the information received, an investigator may conduct different searches or arrest any person (Grau, 1981).

A good investigation is the combination of many components. It encompasses in itself the identification, collection, and preservation of evidence. It demands the investigator to put all his focus to identify and interpret every tiny little fact that he encounters. It includes observation of the surroundings, examination of the facts, and lawfully preserving all the evidence. It is the duty of the investigator under the code of criminal procedure to first collect and examine all the evidence related to the event and then after completing his investigation form his opinion as per the facts and evidence that he encountered. The primary goals of investigation include recognizing, collecting, and preserving evidence, to document the crime and other proceedings (D'Allaird, 2007).

3. Research Methodology

For the research at hand, the paper has been carried out in two phases: firstly, literature regarding the defective investigation was extensively collected, studied, and analyzed to discern trends in literature, and secondly, semi-structured interviews were conducted with investigators to determine the existing situation in Pakistan.

Over time, interviews have come one of the most popular mediums for conducting qualitative research and can be beneficial when the researcher required an in-depth conceptual understanding of the topic at hand (Qu & Dumay, 2011). Interviews can differ in their structure, nature, and standardization of questions as well as formality, depending on the researcher, respondents, or any possible technological devices being used in the research (Qu & Dumay, 2011).

For the research at hand, the researcher has deemed that a personal interview will be the ideal medium for the research to be conducted as it would allow the researcher to not only gain personal insight from the respondents but also probe them for further information regarding ensuring that the respondents are as interactive and engaging as possible.

The interview consisted of three different blocks of questions. They were divided as follows: (i) The first part will be exclusively limited to uncovering the background information of the interviewee. (ii) Following the collection of this data, the second block of questions will gather information from the respondents regarding their view on the investigation in Pakistan and the situation of defective investigation. (iii) The respondents will be asked about their personal experiences on investigation processes that they believe can hinder the delivery of justice.

The questionnaire has been designed taking into consideration the guidelines that have been set up by (Mir & Pinnington, 2014). During the process of the interview, the researcher needs to maintain the anonymity of the interviewees to ensure that they are unbiased and objective. The interviews have been first recorded and then transcribed to allow due and in-depth analysis of the primary data to be obtained. Only investigators with an experience of over 8 years were chosen for the interview by the researcher.

The data from the interviews were collected and thoroughly analyzed before being interpreted in light of certain themes and categories that have been later discussed.

4. Investigation and Its importance in Criminal Justice System

Criminal Investigation means the collection of evidence from the crime scene, examination of witnesses, or any other person acquainted with the Crime Committed, a search of any place to obtain evidence, and making an arrest based on that investigation. The investigation will always be done by a Police officer authorized under Cr. P.C or any other person authorized on this behalf. "A criminal investigation is considered to be a cornerstone on which the edifice of the Criminal Justice System is built."

The IO is empowered to make searches and arrests under Cr.P.C. After making an arrest an IO is bound to present the accused before the magistrate within 24 hours of arrest. Cases are defectively investigated due to many reasons like lack of access to modern technology, the burden of work, false accusations, and politicizing of police. A

necessary policy should be made and implemented to strengthen the investigation process in Pakistan. A poor investigation will generally give the benefit of doubt to accused persons. Our IOs are not experts in managing crime scenes. They lack basic techniques for identifying the evidence at the crime scenes. Moreover, the most crucial evidence present at the crime scene was wasted due to a lack of preservation techniques. Along with that, the investigators lack the basic knowledge about interrogation techniques used to extract important information from the accused. The only technique our IOs are using is third-degree treatment.

Any negligence on the part of an IO will weak the case of the prosecution and thus ultimately results in acquittal. The primary purpose of criminal investigation is to answer certain questions related to crimes. For instance, when the crime was committed, from whom, and in what manner it was committed. It also helps us to answer an important question i.e. what can be the motive of the criminal? Criminal Investigation is also utilized for the interrogation of witnesses connected with the crime, victim, or any of the accused persons (Newburn, 2007).

The Criminal Justice System is the backbone of every Criminal Justice System. There are three main components of the Criminal Justice System, the Police, Prosecution, and Judiciary. If any of these fails to perform his duties, the edifice of the Criminal Justice System will collapse. The Main Function of the police is to investigate upon receiving information of any cognizable case while the prosecution is bound with the duty to prove the case beyond any reasonable doubt in the Court of law. And the court must provide justice after hearing both sides of the parties. It is not only the duty of the courts to provide justice to the people of Pakistan, but every organ and function of the state also must provide Justice by discharging its duties following the law without fear, favor, and nepotism (HON'BLE).

4.1. Importance of Investigation

Among the three main components of CJS, one is investigation. If a case is not properly investigated it will result in acquittal. When the police fail to charge the correct person as an accused they will ultimately fail to prove the case to the prosecution. Whenever the conviction rate of any country is low it means that the CJS fails to perform its functions (Waheed, 2010).

As described that low conviction usually highlights the poor performance of CJS, the low conviction rate of Pakistan gives us an idea that our investigation mechanism needs to be revamped to achieve a maximum conviction rate. How this system can be ameliorated and what are the basic causes of its deposition are discussed in the coming chapters. The investigation is primarily the job of the police and when we talk about revamping the investigation system it means rebuilding the police system (Asghar, Qureshi, & Nadeem, 2016).

4.2. Setting the Criminal law into motion

Following are the two modes provided in the Code of criminal procedure to set the wheel of criminal law into motion. (i) FIR (ii) Complaint

The Complainant may lodge an *FIR* of any cognizable offence committed against him or any other person under section 154 or he can file a *complaint* under section 190 read with 200 of Cr.P.C.

Whenever a cognizable offence is reported, the Criminal Justice System comes into action with the registration of FIR. Section 154 of the Code of Criminal Procedure provides that the Substance of every piece of information related to the commission of a cognizable offense given to an officer in charge of a police station shall be entered in a book to be kept by such officer in such form as the provincial Government may prescribe in this behalf.

While in cases where the officer in charge of the police station is of the view that the information received by him does not constitute a cognizable offence, he shall record that information in the daily diary maintained by him under section 155 of Cr. P.C and refer such informant to the magistrate under whose Jurisdiction the police station comes. And if the

magistrate allows, the police officer may start an investigation as he has the power to investigate in cognizable cases except the power to arrest.

After completing his investigation the police officer under section 173 of Cr. P.C submit a report termed as Challan as per form 25.56(1) of Police Rules before the magistrate in which he charged one or more than one accused person. The magistrate on the basis that Challan commenced the trial. In any case, if the Challan cannot be presented within fourteen days after the registration of an FIR a three-day grace period is given to the police, and within those three days they are bound to present an interim challan stating the progress of the investigation to date along with the reasons of not submitting the challan on time. The court may start the trial based on an interim challan or wait for the final challan report by the police.

5. Process of Investigation in Pakistan

After the Registration of an FIR, the duty of an IO starts. The officer who is in charge of a police station is empowered with the duties of an investigation officer. He may on his own or may depute any subordinate officer who is competent under the rules of the Provincial Government for investigation. He will first reach the crime scene and the crime scene will be handed over to him by the officer first responding. The following are the main steps involved in the process of investigation.

5.1. Crime Scene Investigation

The place where the offense occurred is termed a Crime scene. It has not any specific definition but a location that is linked with the crime is called a crime scene. It contains potential evidence which will help the IO to investigate effectively. Criminal Investigation is the most crucial step involved in the process of a criminal investigation. If the crime scene is properly managed it will be proved as a deciding factor in the identification of criminals. The Investigator is duty-bound to utilize maximum of his efforts to get maximum benefits from the crime scene. Crime scenes not well managed will usually result in loss of evidence along with erroneous convictions (Mateen & Tariq, 2019).

Crime Scene Investigation has based on Locard's exchange principle that every contact leaves a trace. It helps the investigators to find out the things with which the offender may get in touch. Like a door, or any other object by which, in case of a murder, the victim was hit. Evidence that may link the persons with the crime scenes can be found during the investigation of the crime scene (Bode, 2019).

An Investigating officer while collecting evidence from the crime scene uses them to answer the following questions among others: (i) Who committed this crime? (ii) When the Offence was committed? (iii) In what manner the offence was committed? (iv) Number of Offenders Involved in the crime. What can be the motive of the person committing the crime? (v) Identification of the suspects and the witnesses.

After reaching the crime scene it is the primary duty of the IO to protect the crime scene by forming layers of different types like Inner Layer/Barrier and forming a pathway for healthcare experts and paramedical staff for the evacuation of injured. This layer or barrier contains the most pieces of evidence which will prove to be very crucial during the phase of examination within the laboratory. After protecting the crime scene it is the primary duty of an IO to identify all the evidence which needs to be collected. An IO must be qualified enough to identify the evidence present at the crime scene. *"One of the most difficult acts for an investigator to do is preserving the crime scene before it is changed by the people around it."* Interviewee.

On arriving at a death scene where the corpus of a deceased person is laying the IO shall observe the instructions provided in 25.33 of Police rules. He shall preserve all the evidence which will help in finding out the real cause of his death. He shall control the crowd around the crime scene to destroy the footmarks which will prove to be significant in identifying the total number of offenders or persons who are present at the crime scene. He shall also take the fingerprints from the body of the deceased person if the corpus is

unidentified. The investigation officer shall also make a proper plan of the crime scene and shall include all the necessary information which will help to understand the case.

5.2. Physical pieces of evidence at the crime Scene

An Investigating Officer carefully looks primarily for three types of physical pieces of evidence at the crime scene. It includes objects like weapons, tools, bullets, letters, and Body material like blood, semen, and hair along with impressions which include fingerprints, foot marks, and bullet holes. All of them will greatly help in the identification of the cause of death and the arrest of the real culprit. The collection of physical evidence by an investigation officer will help him to reconstruct the crime sequence. He can use them to corroborate the testimony made by victims and the witnesses. Some of the physical pieces of evidence are hard to find out so the crime scene must be carefully examined.

In this regard, investigators will use the lane search method, grid search method, or zone search method depending on the available resources and Persons.

After the identification of any physical evidence present at the crime scene, it becomes the duty of the investigator to collect it correctly in a proper manner so that it must not lose its evidentiary value. It has been hypothesized long ago that the forensic examination will begin at the laboratories, not at the crime scene. But it is equally important to collect and pack the evidence in a manner that they will not lose their evidentiary values.

5.3. Arrest, interrogation, and Remand of Accused Persons

The arrest is defined as "in making an arrest the police officer or other person making the same shall touch or confine the body of the person to be arrested unless there be a submission to the custody by word or action" (Code of Criminal Procedure, 1898). It is the confinement of an accused person due to the following reasons: (i) To prevent the commission of an offense (ii) A person is suspected to be involved in any criminal activity (iii) Or where there is an apprehension that the person who is an accused will abscond or he will not appear before an investigating officer during the course of an investigation.

A police officer is empowered to arrest the code of criminal procedure sections 46 to 67 and Chapter 26 of Police Rules. A brief overview of his arresting powers is given as follows. (a) He can search the place in which the accused was entered. (b) He can break the doors and windows of any place if the entrance is not allowed. (c) He can search the arrested persons. (d) He is empowered to seize the offensive weapons. (e) He can arrest without a warrant in certain cases.

Wide Powers are provided to police under these sections. They can amount to misuse. Therefore, they must be exercised in good faith. Therefore, the provisions of this code namely 54 and 55 along with the provisions of police rules also provide some parameters on which the accused person shall be arrested. They said a person cannot be arrested merely because he was accused in an FIR. There must be some strong reasons or material evidence to make that arrest. The arrest is to be deferred till the allegation is prima facie established before the investigator (Ahmad, Bakhsh, Khan, & Kanwal, 2020). The Supreme Court has also ruled that "If a police officer arrested a person in the absence of the requisite material justifying the same and only on the pretext of such a person being mentioned in the FIR then such would be an abuse of power by him"(Abbasi, 2021). "Investigation paves the way for both conviction or acquittal." (Interviewee)

Remand means "to send a prisoner back to custody" or the act of sending back a prisoner into custody (Encyclopedia Law Dictionary). It is discussed under section 167 of Cr.P.C. Whenever the procedure of investigation cannot be completed within twenty-four hours after the arrest, as mentioned in section 61 and the information is well-founded about the accusation, the police may ask for the remand of the accused while presenting the accused before a magistrate. If the magistrate is satisfied that the ground of accusation is strong he may allow the remand after recording the reasons for his doing so. He is also bound under this section to forward a copy to the session judge along with the reasons for granting the remand (Sarwar, 1983).

Remand is mainly divided into two main types: (i) Physical remand: Whenever the accused person is sent to the custody of the police by a Magistrate it is termed as Physical Remand. (ii) Judicial remand: Whenever the accused person is sent to a judicial lockup, this type of custody is termed a Judicial Remand.

5.3.1. Physical Remand to be granted only in the cases of real necessity

If the magistrate is satisfied that there is enough evidence to raise suspicion about the accusation and a strong ground for giving Physical remand to interrogate the accused person which will help point out the other accused persons involved in the crime or the recovery of weapons used in the crime, he may give his orders for physical remand. So the term "Real necessity" is the basic principle behind granting the physical remand to the accused person.

6. Defective investigation and its effects on the criminal justice system

6.1. How investigation becomes defective

Criminal investigations mean collecting evidence to find the real facts. After receiving the information regarding the commission of a cognizable offence the duty of an IO Starts. It is his primary duty to collect, analyze, and examine the evidence in depth to catch the real offender within the time provided by law and submit his final report. While defective or poor Investigation means when an IO whose duty is to investigate, will negligently perform them. This includes not handling the crime scene properly, unusual delay in submission of samples collected, false accusations, bribery, and working under the influence of any local politician. All of these will lead to flawed investigations which will ultimately help the real offenders in escaping from conviction. As the investigation is one of the most crucial steps involved in the criminal justice system, it must be done without any prejudice or negligence. Carelessness involved in this step will prove fatal for the complainant on almost all forums either at the stage of trial or in the appeal. An IO must apply all his efforts to investigate and find out the real facts to help the prosecution prove his case beyond a reasonable doubt. "Care and diligence is expected of an investigator. His mistakes may lead an accused to jail." (Interviewee)

Thousands of people are confined in jails without committing any cognizable offenses due to poor investigation. A poor investigation will not only result in acquittal but also wrongful conviction. Imagine for a while that our conviction rate is 11.66 percent (as discussed in the previous chapters) thousands among them are those who are innocent and suffering from the punishments of heinous, crimes like death sentences and life imprisonment (Ashraf et al., 2015). It means the persons who committed those crimes are set free by law and they are more confident in committing crimes because they know the ways to escape from the eyes of the law.

Acquittal and wrong convictions both are contributing to an element of fear and disbelief in the law among the members of society. Apart from the element of negligence, there are a lot of reasons that contribute to a flawed investigation. For example, an IO who wants to perform his duties honestly and with due care will not be able to do so because of the trap created by this system.

6.2. Causes of Defective Investigation

There are a lot of causes that lead to a poor investigation. Among them, the most important ones are discussed as follows.

6.2.1. Poor Handling of the Crime Scene

Almost 90% of the IOs are not aware of handling the crime scene effectively, said a senior official of police during an interview conducted for this research. After reaching the crime scene the first duty of an IO is the identification of the evidence present at the crime scene. But unfortunately, they are not well-trained to identify the evidence present at the crime scene. Resultantly the evidence which will help the court in convicting the real culprit is wasted by the IO just because of his lack of training and his incompetence After the

identification of evidence the duty to collect them begins. The collection of evidence is equally as important as forensic analysis. Because the evidence not properly collected will lose its value. Usually, evidence like blood, fingerprints, and any other nature of forensic evidence is collected by the forensic department. He said that the primary duty of an IO is to investigate the crime and it should be a matter of great concern for us that they lack the basic knowledge about conducting an effective investigation (Kaur et al., 2022).

6.2.2. Lack of Training and Unawareness of Advanced Techniques

Over time the world is becoming more and more advanced. With the advancement of investigation processes in the whole world and with innovations in the field of security, criminals also opted for new and more advanced methods for committing crimes. The planning behind fulfilling their motive is backed by strong plans now. In these circumstances, the police must also employ new methodologies to control the crime rate and conduct an effective investigation which will help them to prove their case in a court of law. Sadly most developing countries lack the expertise to train their IOs and to develop and introduce new methodologies in the investigation. Due to this reason, the conviction rate is always low in developing countries as compared to developed ones.

6.2.3. Recruitment Process of Investigation Officers

If we talk about the recruitment criteria of investigation officers mainly Sub-Inspectors they are appointed after clearing the exam conducted by the public service commission. After their allocation as Sub-Inspector, they have to undergo training for 1 year where they will be taught the major subjects of law like Evidence, criminal procedure code, Pakistan Penal Code, etc. Apart from that on weekly basis, they do practical exercises about handling a crime scene. While interviewing a Sub-inspector of Punjab Police he said that those practical exercises about handling the crime scenes at the time of their training are contributing nothing to their service. He added that there should be a more practical approach while training the officers to deal with the crime scene. Apart from that after joining the service, there will be no guidelines from the senior officers serving in the field. This will create a lot of trouble and disturbance for those who just joined the service and wants to learn. Moreover, the criteria for the recruitment of the sub-Inspectors who will act as IO is so generic that any person who has did his graduation with second division may apply for the post of Sub-Inspector. Irrespective of that which degree he holds and whether he has any background in studying crime or law or any other degree which will help him during his career as an investigation officer. It means a person who holds a degree in electronic engineering and studied applied physics, mathematics, and engineering linear can be appointed as a Sub-inspector after clearing the most generic test by the public service commission.

6.2.4. Investigator's Primary Job is not Investigation

Maintaining law and order in any society is considered to be the duty of the Police. In developing countries where the crime rate is increasing day by day, it is considered to be a very difficult task. Along with that the police officers performing the duties of an IO are entrusted with the task of investigation. For example, an officer in charge of a police station is responsible for maintaining law and order in his station's jurisdiction along with that he is also performing duties as an IO. Moreover, after performing his duties of investigation in any case he can be called upon by any court as a witness. Apart from that on the direction of the government, the police have to perform the function of giving security to any VVIP or for any event. All of these tasks ultimately burdened the Officer performing the duties as an IO. If we closely look at the duties performed as an IO in the course of the investigation, he has to visit different places to interrogate the persons acquainted with the crime, search different places to make an arrest or recovery, note all the proceedings in the daily diary maintained under section 172 of Cr.P.C, visit different departments to obtain the information necessary like NADRA, PFSA, etc.

6.2.5. Poor Interviewing and Interrogation Techniques

Before discussing how poor interview and interrogation techniques are contributing to defective investigation let's first discuss the difference between an interview and

interrogation. When an investigation officer is asking the question of those persons who are not reluctant to share information regarding the crime it is termed an interview. It includes questions from victims, eyewitnesses, and any other person who can share the information to reach the real culprit. When the investigation officer is asking questions from those who are less likely to cooperate, it is termed an interrogation. It includes questions from suspects, accused, and hostile witnesses. An investigation officer must possess certain qualities in order to effectively interrogate the accused or to interview the victims and eyewitnesses to obtain necessary information. They must have adequate psychological knowledge to understand the psychology of the person interviewed or interrogated. Unfortunately, investigation officers in Pakistan lack both the understanding of psychology and the basic principles, techniques, and strategies used globally by investigators. It is accepted nationally that the police use third-degree treatment against the suspects and the victims as their interrogation and interview techniques. They know nothing about human psychology and behavior the understanding of which can help them to acquire necessary information. The principle of interrogation says that torture, or any kind of inducement will be strictly prohibited during the course of questioning the accused or suspect. Because it will ultimately show the IO is less in control of the situation. In contrast, we primarily employ torture as the most efficient tool we have for interrogation.

6.2.6. Lack of Recourses

In terms of resources, we lack both, technical and financial. This considerably impacted the performance of an investigator. While investigating a case an officer is required to visit different departments and meet different persons to obtain necessary information. It all requires funds. The increasing prices of fuel are making it difficult for an IO and the department as well to continue the investigation without any constraint. Imagine a Sub Inspector investigating a crime in Rahimyar Khan at 47 degrees, visiting different departments on his bike. How can he perform his duties efficiently working in this strict environment? As per different reports average budget allocated for investigation in KPK is Rs 1320 per case in 2020. The official said despite the best efforts of investigators, limited funds hampered their performance and thus, impacted the quality of their work.

A large amount of the budget allocated to police departments across the provinces was spent on giving salaries, and the rest was awarded to training and investigation. The government devotes Rs550 per citizen to the budget police every year, which involved patrolling the cities and running the police station system. At present, the Punjab Police has a strength of 218,497 officials, who are responsible for the safety of the province's population of 120 million (U. Z. Khan et al., 2021).

Secondly, we lack access to technical resources along with our policemen are resistant to for opting new technologies. They spend a lot of time entering data manually into the files and spend hours finding the old ones when required or demanded by the court. All of this data can be found with a single click if every investigator has his laptop or tab. Cloud computing is the solution to that problem. Apart from that the police must have direct access to CDR. A call Detail Record (CDR) is the detailed record of all the telephonic calls that pass through a telephone exchange or any other telecommunications equipment. The investigator has to go through a process whenever he needs CDR of any person. So it is better to give access to the investigator to save his time and resources (Nasir, Khan, Khan, & Ullah, 2018).

6.2.7. Politicized Police

Police are the subject of the province and it is directly under the control of the provincial Government. Investigators performing their duties are often influenced by their superiors. The local politicians or ministers always influence the police when their interest is involved in criminal cases. This significantly disturbed the process of investigation (Malik & Qureshi, 2021). Police are used as a tool for victimization. Politicians use the police to exploit their opponents. This becomes a culture in Pakistan that people register FIRs against their opponents and then false cross FIRs are registered. Both parties lodge FIRs against each other and use the police to exploit their opponents either by bribery or by the influence of politicians or senior officers (Siddiqi, Butt, & Afzaal, 2014). If we talk about

false FIRs becomes a common practice and these FIRs are registered because the police are highly influenced by the local politicians or the superior officers for the sake of their promotion oblige all the orders to come from government officials unofficially.

6.3. How Poor Investigation Leads to Injustice

As described in the previous chapters the conviction rate in Pakistan is 8.66% (H. Khan, 2021) which is far less than its neighboring country India. It means in 89% of cases we fail to convict an offender for a crime or the FIR against any of the real accused was not registered. The results are destructive when the accused only because of lack of evidence or for the reason of poor investigation enjoys the benefit of the doubt. It will also result in the loss of faith by the victim's family in the criminal justice system of Pakistan. Moreover, the accused when acquitted just because of lack of evidence is more confident in repeating that crime. If the investigation is poor, the prosecution is sluggish, if there is scanty evidence, if witnesses turn hostile, whether the court is left with any other option except to give the accused the benefit of doubt. The law requires proof beyond any reasonable doubt. This probative value of a high degree is not possible unless the evidence is collected by the agency without leaving anything unturned.

In the case of (Solangi, 2021), the Supreme Court of Pakistan has observed that the court is bound to act on the evidence available or any of the material collected by the investigating agency. The court should not be blamed if the investigation officer or investigating agency cannot fulfill their duties. It was also observed that the evidence collected during the investigation should also be evaluated according to the laws and rules made by the legislation. (Solangi, 2021) In ordinary words, the court can only decide the matter pending before based on the material evidence presented before him. The available evidence will be examined as per the laws available and if the investigation is defective there is no evidence. In all of these circumstances, what option does the judge have other than to give the accused the benefit of doubt?

In the case of (Mukhtra Mai Case) the appeal against the acquittal was filed by the complainant in the supreme court of Pakistan. In the said case the victim was allegedly raped. There was a huge flaw at the end of the investigation as the investigation agencies failed to proceed with D.N.A and Group semen test after collecting the semen from the vagina of the victim. The court was amazed while giving his remarks that was the reason behind not submitting the semen for the Group test. There was doubt created during the investigation hence the benefit was given to the accused and the appeal against his acquittal was refused by the apex court of the land.

7. Role of Forensic Science and Modern Technologies in the Criminal Justice System

In this modern world where everything is becoming advanced, criminals are also opting for advanced and more unique methods for committing crimes. So it is equally important for the investigation agencies to shift their methods of investigation to use more advanced techniques. During the investigation, the application of scientific methods was to determine who committed this crime and when was this crime committed. (Mateen & Tariq, 2019) As the word forensic is an adjective that means law, forensic science means any science involved in the legal process. As said by a famous philosopher every touch leaves a trace, so it is not impossible to catch a culprit who was present at the crime scene. Forensic examination of the evidence present at the crime spot may lead us to that offender (Mateen & Tariq, 2020). Forensics began at the crime spot and it plays a crucial role in the criminal justice system. Television and different forms of fiction writings force the general public to think of forensic science as something which is used only to investigate a homicide and other violent crimes. Forensics indeed played an important role in solving homicide cases but it also played a significant role in other forms of investigations as well (Kloosterman et al., 2015).

The method of forensics is more advanced in developed countries. It is further divided into different categories depending upon the nature of its functions. Like forensic anthropology, forensic toxicology, forensic psychiatry, forensic physiology, forensic pathology, and forensic hypnosis. After the commission of an offence forensic agencies were employed to gather the material pieces of evidence present at the crime scene. (Farooq & Waheed, 2013) Specific methods and techniques are used in order to accurately collect the evidence present at the crime scene. The evidence collected must not lose its evidentiary value. If the evidence present at the crime spot is not identified properly or not collected or preserved properly it can lead to a large loss of evidence which will ultimately weaken the case of the prosecution in a court of law. In order to prevent that loss modern technologies must be employed during an investigation at the crime scene (Kumari, Sankhla, Nandan, Sharma, & Kumar, 2017). It was a misconception in the past that the forensic analysis of the evidence began at the laboratory but after understanding the value of an accurate collection of evidence from the crime scene it is now a fact that forensics began at the crime scene. The collection of evidence and its transportation comes under the field of forensics (Mangi, Khan, & Jatoi, 2020).

7.1. Protocols Observed During Investigation at a Crime Scene

Following are the protocols observed during an investigation at a crime scene. (i) Identify Scene Dimension after the identification of a central point, an investigator must establish a parameter around the scene to preserve as much evidence as he could. (ii) Identification of threat to the evidence Identify any threat available to the evidence present at the crime scene such as weather and make your plans accordingly. (iii) Survey the crime spot After cordoning the crime scene take a survey of the spot to determine the nature of evidence present there and try to reconstruct the crime scene. After identifying the nature of the evidence present communicate to the relevant agencies for the collection of evidence from the spot. (iv) Necessary Documentation During the process of investigation at the crime scene make necessary documentation as provided by the relevant law for the time being in force.

8. Solution, Recommendation, and Conclusion

As discussed in chapter number 6 about the causes of defective investigation this chapter will exclusively give recommendations for the solution to that defect. An effective investigation assists the court in executing the real culprit and thus avoiding wrongful convictions as well as acquittal just because of the existence of reasonable doubt. Following are the solutions for defective investigation.

8.1. Recruitment Process

As discussed earlier, the process of recruitment in the police department needs to be revamped. The criteria to apply are very generic. It does not demand any specific educational background. That is the reason anyone from any educational background having the least interest in the field of policing and criminal investigation can secure a job. This needs to be upgraded. The higher authorities should set decent criteria and some specific degrees to be eligible to apply in the field of investigation and police. Like they can set the criteria as anyone having a degree in law, criminology, and security studies will be eligible to apply. In this way, the department will induct only the required-minded people to the job post. Moreover, they should encourage the universities to start some specific programs for law enforcement agencies and forensic sciences so that by the end of the year we must have sufficient eligible candidates for the post.

8.2. Lack of Effective Training

After selecting the right candidates for the job position there must be a proper training tenure. The reason for that is clear because the selected candidates have no experience in the practical field. So firstly we should redesign the curriculum for training. It should be more practical than theoretical. The current method of training is tilted more toward theoretical rather than practical. The current candidates lack basic training in handling the crime scene or even identifying the evidence present at the crime scene. They

know nothing about interrogation techniques. Because they are taught nothing about it in their training or their degrees. That is the primary reason we should focus on the training process after modifying the recruitment process to get the required results.

8.3. Working with a Senior After Joining

It is equally important to assign a senior officer to every newly joined. Because working with a qualified senior will provide him with the exposure needed to be a newly elected officer. Along with that, he will get to know how things are done practically.

8.4. Increase in Wages and Facilities to Increase the Working Efficiency of Investigators

Among many other reasons, low wages are also categorized as an important reason which reduces the working efficiency of the investigators. They are not paid according to the nature of their work. Moreover, they don't feel privileged while doing their job. This creates serious job dissatisfaction. Apart from that it will ultimately lead to moral and monetary corruption which is one of the primary reasons for the defective investigation. Seriously policy-making is mandatory moreover authorities should after various reforms conduct research about the job satisfaction of investigators. Because when there is little or no job satisfaction, we are not going to achieve what we aim for in the field of a criminal investigation.

8.5. Provide Facilities Required for Effective Investigation

In this modern world, everything is changing with the change in time. Similarly, the pattern for committing the crime is also changing and in order to catch the real offender and find out the truth behind the story our investigators need access to modern technology and techniques. During the course of the investigation, an officer needs to visit different departments like PSFA, NADRA, and Telecommunication Companies for CDR. All of these technologies should be easily accessible to every single investigator so that he may perform his duties smoothly.

8.6. Reducing the Workload on Investigators

The duties of investigation are primarily performed by the police department. They are also duty bound to maintain the situation of law and order in the society. It will heavily burden their daily routine. Moreover, they have to visit the courts on daily basis for various cases in which they are performing the duties of IO to give their testimony or for any other procedural requirement. This makes their day a hectic one. Consider yourself at work on 8AM and performed your duties till 4 in the court and in investigation of various cases now after that your station wants you to do patrolling or to provide security at an event till 10PM at night. This workload will ultimately demotivate a youngster and reduces his progress. A strong policy should be made specifying the working hours and that policy should be followed strictly. Moreover, department needs to induct sufficient number of new cops in order to meet the needs. Along with that under section 172 of Cr.P.C an investigating officer had to maintain his daily diary of his progress in various case. That process needs to be digitalized.

8.7. Separation of Investigation Wing within the Police

There is a serious need for separation of investigation branch within the police department. The IOs should only be responsible for investigating a case and following up that case in the court of law. They should not be bound under the law to maintain law and order within society. There must be a separate wing that should perform these duties i.e. providing security and maintaining law and order within the society. In this way, the investigators will perform their duties more effectively and efficiently.

8.2. Conclusion

The primary purpose of the investigation is to unveil the real facts behind a story. If it is not done properly no one will be able to know the real facts behind an event. It is the

job of the investigator to inquire into the facts properly so that the real offender may be convicted in a court of law. A lot of reasons are there which becomes the hurdle in an effective investigation. Among that new IOs should be inducted who would undergo a more dedicated and purpose-based training process. The burden from the IOs should be reduced to achieve the required goals of effective investigation.

Most public departments are resistant to modern and advanced technology. The police department is among them. During various visits to the stations and after communicating with a lot of police officials I noticed a clear generation gap. The seniors among them are rigid in their methods. They don't give regard to innovations and modern techniques. They believe that third-degree treatment is the only way to extract the truth and information from the accused person. A large number of new officers and cops are inducted but due to poor training and working under the supervisor of the old-minded officers they veiled themselves in the same cape.

A crime scene is an important area on which we should focus more. Because all the stories are initiated from that point and it can be called the hub of evidence. The poor handling techniques of crime scenes destroyed many cases and will continue to destroy in the future as well if we don't fix our policies.

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