



Flaws to Police Investigative Practices in Pakistan

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ABSTRACT

A criminal investigation is a core aspect of a criminal trial. Unfortunately, Pakistani police are considered incompetent in public opinion. To understand the police's role in criminal investigation this research is conducted. There are four aspects of this research, first aspect UN Investigation protocols will be discussed, secondly importance of Crime Scene Investigation, Problems of Criminal investigation supported by judges of Superior Courts in Pakistan and at the end we will try to fix the following problems. Which are, what Problems remained unaddressed in Criminal Investigation by Investigation Officer? How problems can be fixed by the Police Department and legislature to remove flaws in the investigation process? This research consists of secondary data.

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1. Introduction

Criminal investigation is an applied science that involves the analysis of information that will later be used as evidence in court. Searching, speaking with people, questioning people, gathering and preserving evidence, and using different investigative techniques can all be included in a full criminal investigation. Criminal justice refers to the judicial process or method of adjudicating criminal cases, which is based on extensive knowledge of criminal law and its application. Apart from maintaining law and order the police have a fundamental duty of investigating the crime. The texts of the Code of Hammurabi may have influenced the development of the ancient science of criminal inquiry, which dates back to around 1700 BCE. According to the code, both the accuser and the accused were entitled to submit the evidence they had gathered. Police departments conduct criminal investigations the majority of the time in the modern day.

Criminal investigations are frequently completed or assisted by private investigators. Police are frequently accused of being ineffective, careless, and biased when doing their jobs. In Pakistan, many of the accused were acquitted by the court due to insufficient evidence. The collection of evidence has a great impact on the criminal trial. Criminal investigation is more important as compared to other Investigation; in Criminal Investigation the public set a level of index regarding the competency and reliability of the Police National. Surely, the flaws in criminal investigation are a significant issue of the criminal justice system. The investigation is the core component of the Criminal Trial. It is a fact that ineffective investigation can have Ramifications at several levels for the victim, the police, and the criminal justice system. From Pakistan's perspective, the ranker police officer is not well aware of securing the evidence due to this reason he destroys the prosecution case and it is a major hurdle in the justice system which demoralizes the victim's confidence in the criminal justice system.

The investigation process serves as the cornerstone on which the criminal justice system is built. Effective investigations help to hold offenders accountable, provide consolation and closure to victims or their heirs, discourage future offenders, promote peace and stability,

strengthen a state's reputation in the international community, and most importantly instill a sense of justice in society. Any State's police force is responsible for conducting the majority of criminal investigations. This is a demanding duty that puts a strain on its personnel and can be hazardous in practice, yet the Pakistani police continue to carry out their duties with a commitment to excellence. The Pakistan Police has made a lot of sacrifices along the way, but this won't stop us from performing our duties. Police work under the Police Rules 2002 where all the aspect of their duties and institutional framework is covered but we can say that it is ruthless behavior of the legislator that no information was given to police official on how to tackle the evidence or what means should be used for the collection of the evidence during course of investigation in a crime (THE PUNJAB POLICE PROMOTION RULES 1934).

Investigators are using innovative strategies all across the world, but especially in technologically advanced nations, to stop crimes using cutting-edge criminal investigative tactics. However, in a nation like Pakistan, the sources of criminal inquiry are largely unchanged as before. Justice must therefore be ensured by fixing problems with the police rules and investigation procedure. Modern science and technology are used in investigation processes in developed countries to gather evidence, but this approach is not followed in Pakistan's legal system. Additionally, mistakes in the inquiry are frequently made in criminal cases.

The investigation comprises all processes under this code for the collecting of evidence carried out by a police officer or by any person (other than a magistrate) who is authorized by a magistrate on this behalf, as per section 4(1) of the Code of Criminal Procedure 1898. But in Pakistan's police Context, the ranker Investigation officers (IO) believe in torture for the extraction of evidence which is itself a crime therefore preventing the crime they itself committing the crime which is against the mandate of fundamental rights envisaged in the constitution of Islamic Republic Of Pakistan 1973 (Government of Pakistan). The Competency of the investigator is always a vital question Research will discover the facts related to the competency of the investigator in Pakistan. There are the following problems which are to be resolved with the help of this research.

- What are the Problems that remain unaddressed in Criminal Investigation by Investigation Officers?
- How problems can be fixed by the Police Department and legislature to remove flaws in the investigation process?

The objective of this study is to identify the flaws and problems that exist in police investigations in Pakistan. It aims to look at unresolved issues in criminal investigations conducted by investigators and offer potential solutions to improve the investigation process. The study also aims to highlight the importance of applying modern investigative techniques and forensic methods to improve the efficiency and reliability of investigations. This study is considerable important because it highlights the shortcomings and challenges of police investigation in Pakistan. By identifying these issues, research can contribute to the development of strategies and recommendations to address gaps in the investigation. It also highlights the need for police departments and legislatures to take necessary steps to improve investigative practices, improve evidence collection and preservation, and ensure a system fair and effective criminal justice system. The findings of the study can be a valuable resource for policymakers, law enforcement agencies, and stakeholders involved in the criminal justice system.

Research is organized into sections to meet research objectives systematically. The proposed organization of the study is as follows. The introduction provides an overview of criminal investigation, the Problem statement, the Significance of research its importance, and the observed shortcomings in police investigative practice in Pakistan. United Nations Investigative Protocols discusses United Nations investigative protocols and their resemblance to the Pakistani investigation. It emphasizes the importance of respecting international standards in conducting criminal investigations. The Importance of Crime Scene Investigations explores the importance of crime scene investigations in the entire investigation process led out by the investigation officer. Issues in Criminal Investigation: Supported by Superior Court Decisions examines the problems and flaws in criminal investigation supported by relevant verdicts of the apex courts in Pakistan.

It analyzes cases where flawed investigations have resulted in false acquittals or compromised the whole system of judicature. Proposed solutions present potential solutions to address identified deficiencies in police investigations. It looks at steps police departments and legislatures can take to improve investigative procedures, training, resource allocation, and accountability. The conclusion summarizes the main findings of the study and reiterates the importance of addressing gaps in police investigative practice. It emphasizes the importance of applying modern investigative techniques and maintaining the integrity of the investigative process to ensure a fair and efficient criminal justice system. According to the organization, the study is intended to provide a comprehensive analysis of the flaws in police investigative practices in Pakistan and provide practical recommendations for improvement.

2. Literature Review

Criminal investigation is an applied science that involves reviewing documents that can then be used as evidence in court. A comprehensive criminal investigation may involve seeking, speaking with people, questioning them, gathering and preserving evidence, and using a variety of research techniques. Criminal justice denotes the judicial procedure or process of adjudging criminal issues which hinge on an enormous understanding of the crook subjects and their exercise. Apart from retaining regulation and order the police have the fundamental responsibility of investigating the crime (Imam Kaleem, 2011).

Criminal investigation is an age-old science having roots in the writings of the Code of Hammurabi, which date back to the 1700s. The code advises that both the accuser and the accused have the right to present evidence they have gathered. In the modern day, police units are typically used to carry out investigations into crimes. Additionally, hiring private investigators to complete or assist with criminal investigations is common. In many instances, police are speculated to be inefficient, negligent, and biased in discharging their responsibilities. In Pakistan, lots of accused were acquitted from the courtroom docket because of insufficient evidence. The collection of evidence has a great effect on the criminal trial. Criminal research is greater vital compared to the opposite Investigation (Abbas Hassan, 2011).

In criminal Investigation, the general public set a stage of index concerning the competency and reliability of the Police. It is positive that the failings in criminal research are the enormous difficulty of the criminal justice device. The investigation is the central element of the Criminal Trial. It is a truth that, useless research may have Ramifications at numerous ranges for the sufferer, the police, and the criminal justice system. In Pakistan's attitude, the ranker police officer isn't nicely conscious of stable the proof because of this motive he wrecks the prosecution case and it's far a prime hurdle in the justice device which demoralizes the sufferer self-belief over the crook justice device (Ali Shah SA and Hussain B, 2021).

Policing is also a confronting task in Pakistan time by the time police faced many hurdles while performing that duty while in swat policing is an extra challenging task as swat fighting a war on terror. It was understood that the police failed to keep security and peace in Swat which is a reason a military action was initiated in Swat (Ali Shah SA and Hussain B, 2021). Police reforms are always a major factor in the rule of law in Pakistan. Police reforms in Pakistan have a critical background and always be a delayed area of interest in Pakistan. The level of interest in reforms in Pakistan shows our seriousness to the rule of law. This causes a crisis in the criminal justice system. The history of the police started in 1861.

Police Act 1861 was only for colonial power other than promoting and safeguarding the rule of law. Pakistan in 1947 received 80-year-old police system from the British. There is a slight difference between colonial police and the police of a free country (Tansif ur Rehman, Mehmood Ahmed Usmani and Paf KIET Karachi -Pakistan, 'Issue 3 (2021) A Critical Analysis of the Criminal Justice ... Pak' (2021) 4 Journal of Int'L Affairs 740). In colonial police, police aim to protect the interest of the one class while on the other hand in a free country police are deputed to promote the peace and harmony in the country. Which only for protecting the interest of the public (Sahito IH).

Existing literature often provides a broad overview of flaws in criminal investigations without going into specific aspects or types of errors. Further studies are needed to analyze specific flaws, such as poor evidence management, lack of proper interviewing techniques, inadequate investigator training, or procedural errors.

3. Research Methodology

The research is based on Qualitative data, analyzing the existing legal framework in Pakistan regarding the impact of malpractice investigation on a trial, through legal reasoning. In the present study, a descriptive method is applied to get a clear picture of the current situation of the phenomenon. For this paper secondary data in the form of books, articles, case law, reports and reviews are analyzed to uncover the current situation.

3.1. Standard Operating Procedure Crime Investigations by United Nations

These are the Protocols laid down by the UN for Progressive Investigation. The six crucial steps of the Somaliland inquiry process were established by the SOP Committee and agreed upon. These phases, which apply to all forms of crime, include:

- i. Dealing with the initial complaint/report
- ii. Planning the Investigation
- iii. Interviewing Victims and Witnesses
- iv. Examining Crime Scenes and Searching
- v. Arrest and Interviewing Suspects
- vi. Completing the Report to the Prosecutor

Most of the time, an investigation will start with stage 1 and move through each component to stage depending on the type of crime being investigated. (Temitope Francis Abiodun, 'Roles And Challenges Of International Criminal Police Organization (Interpol) Roles And Challenges Of International Criminal Police Organization (Interpol) In Investigation Of Crimes And Maintenance Of Global Security').

Before reaching stage six, several investigations may be finished. Examples include investigations that show the initial complaint was false or deceptive or that the evidence is inefficient to justify the preparation of a prosecution report. Additionally, some criminal investigations could start at a different point in the procedure. For instance, an investigation may begin with the suspect's arrest at stage 5, but to properly finish a competent investigation, it will still be essential to go back through the pertinent stages earlier in the process (Investigations Division Office of Internal Oversight Services). The probe's investigators and police managers should "step back" and evaluate precisely where the investigation stands right now. The easiest approach to do this is to examine the current process critically and ask the following questions:

- What have we got?
- Is it sufficient to complete the investigation?
- If not, what more do we need?
- How do we go about it?
- What are the risks involved?

The Police will be able to create a clear investigation strategy that takes into consideration as many known factors as possible by responding to these questions. It is said that in the United States are three major sources in which police suspicion is aroused.

- a) A victim or other witness complains
- b) An officer on patrol observes a crime or
- c) Police units actively search out a crime.

But in certain civilizations, it is required by law. When an FIR is lodged at a police station in Pakistan, the Station House Officer (SHO), the chief of the station, will typically delegate the investigation to a lower-ranking officer, an Assistant Sub Inspector (ASI) or Sub Inspector, who is typically untrained and inexperienced in the field. Based on what he observed while working as a police officer, he would conduct an investigation and write a report on the crime that is known as "Challan" and is filed to the relevant court. Finding the truth about such a delicate matter is not at all serious, despite being a vital endeavor (Moore BMH).

3.2. Importance of Crime Scene Investigation

Investigator needs to understand the aim of an investigation by knowing this; he will perform his duties towards investigation in a smooth manner. Investigation is the collection of evidence and it is important for investigators how to deal with it (Police Executive Research Forum, 2018).

3.3. How Investigation Process Conducted?

Police are Pakistan's primary source for criminal investigations. The investigation procedure begins when the victim, a police officer, a counselor, a community headman, or a watchman contacts the police stations. Private citizens can also report crimes that have occurred in their neighborhood, protest about illegal activity over the phone, or both (Jianhong Liu, Bill Heberton, and Susyan Jou, Handbook of Asian Criminology 2013). For police action for any crime commission, the court of jurisdiction may additionally give instructions on victim submission, contact with local informants, or SUO-MOTO notification. Police can sometimes find instances on their own.

The "First Information Report" (often abbreviated as "FIR") is the name of this crime report. If the offense was a felon, a FIR would be filed in the relevant book, and an inquiry would be conducted. However, If the offence is non-cognizable, the FIR will be filed in a different book, rather than the same one. (Misdemeanors). According to Pakistani law, the FIR is an important document in a criminal case since it indicates whether the charges against the accused are factual and generates a strong impression of the prosecution's case. It's a claim made soon after the incident, while the memory of it is still vivid. Under (Section) 154Cr. P.C., a police officer is required to record a FIR in a cognizable matter.

If the case is not cognizable, the essence of such information must be recorded in the appropriate register. In each of these situations, refusing to register the case is not an option. Police are not allowed to create delays. After filing an FIR, police are required to conduct the inquiry impartially and without interference from higher-ranking officials. The officer in charge of a police station may, without a magistrate's order and within the station's boundaries, investigate any cognizable case that a court with local jurisdiction has. (Ali Shah SA and Hussain B, 2021). The police are obligated to investigate after a FIR is filed, which includes the following steps:

- a) Proceedings to Place of Occurrence
- b) Collection of facts and circumstances of the case
- c) Raid and arrest of suspected offender
- d) Collection of relevant material to the case; only an officer in charge of a police station has the authority to investigate a cognizable offense.

3.4. Reorganization and Collection of Evidence

This is achieved by carefully examining the crime scene. An investigator needs to be able to tell the difference between evidence that needs to be acquired and material that might be helpful. Everything present at a crime scene might or could not be used as evidence. Most crime scenes include substantial physical evidence that an investigator can collect and use in court, including empty cartridges, DNA, fingerprints, and other traces of evidence, etc. Evidence must be appropriately labeled with the FIR number, nature or kind of the evidence, the position and location of its collection, the time and date, and the identity of witnesses present when the evidence is collected.

3.5. Preservation of Evidence

It is equally crucial to acquire evidence since the person charged cannot be judged guilty if the reliability of the evidence is called into question. To achieve this goal, the chain of custody must be upheld. A "chain of custody" is a timeline that shows how evidence was handled from the point of acquisition or seizure to the moment it was presented in court. It illustrates the key guideline that never handles any evidence wrongly.

3.6. Documentation of crime Scene and other proceedings

To avert fabrication, eyewitness testimonies must be recorded at the place of the crime and witnesses must be divided before documenting their version of events. An expert observation and documentation of the crime scene is required. Crime scene investigation is an

important tool in the criminal investigation process. Proper processing of a crime scene is a prerequisite for successfully solving a criminal case (Sahito IH). In Pakistan, local policemen are not properly trained and equipped with the necessary items required for systematic processing of crime scenes including proper identification and collection of evidence. Certain capacity-building measures and improvements must be needed for the proper processing of crime scenes in Pakistan.

The verdict has occasionally been impacted negatively in the past by inexperienced investigators and faulty evidence handling at crime scenes. Due to inadequate management, poor conservation, and a faulty crime scene investigation, there was insufficient evidence in the infamous O. J. Simpson trial that avoided conviction. Despite the prosecutor's presentation of a pile of evidence, the defense raised fundamental questions about the validity of the evidence. The impact of inadequate training also affected the processing of crime scenes, including the gathering of evidence and subsequent case investigation.

Crime scenes are usually handled poorly in undeveloped countries like Pakistan since forensic science isn't taken into account during the investigation process. Before now, the significance of crime scene investigations has been both overlooked and minimized. One reason for Pakistan's poor handling of crime scenes is a lack of certain crime-solving techniques employed in industrialized nations. However, authorities are under pressure to go above and beyond the scope of typical investigative methods due to the type and scale of terrorist activities, judicial activism, extensive media coverage, and growing public awareness. (Sample—Criminal Investigation).

Even though forensic techniques are not flawless, the police must go forensic to stay up with developments in the criminal justice system. The Pakistani police force's capacity to solve a case is severely constrained by a lack of forensic services, inadequate training, and antiquated equipment. As is well known, an efficient police force is necessary to solve many horrible crimes. With satellite offices in the Punjab divisions of Bahawalpur, Dera Ghazi Khan, Gujranwala, Multan, Sahiwal, Sargodha, Rawalpindi, and Faisalabad, the renowned Crime Scene Units (CSU) of the Punjab Forensic Science Agency (PFSA), Lahore, are made up of forensic scientists who have received formal training. When a sad incident occurs, CSU responds to the scene, examines the crime scene, gathers the evidence, and delivers it to the proper laboratory, which is located in PFSA, Lahore (Faizan K and Abid A, 2021).

First responders won't typically need to secure or get involved at a crime scene. A professional criminal investigator's knowledge is typically needed for the management of a crime scene because it is a technological operation. Numerous things can readily contaminate a crime scene, such as unintentional fingerprint mixing, the deposition or destruction of DNA or other bodily fluids, the displacement of crucial evidence from its original location, and more (Ph KPK).

As a result, you should, whenever possible, get in touch with local, national, or international investigators who are pertinent (suitable). A first responder may still be crucial, though, and may even need to secure a crime scene to gather crucial data. You should write down whatever you can remember from the crime scene in as much detail as you can and save a copy of it in your notebooks and the investigations folder.

3.7. Securing and Detailing the Scene

Make sure a site is secure first. It's possible that you won't be able to spot hazards like concealed threats, traps, or unexploded objects. Enter a crime scene only after being certain that it is safe to do so. Authorities from the military or the civilian world should inspect the location. Attempts should be made to keep the crime scene safe. Try to designate the area with crime-scene tape to create a perimeter around it. It is best to keep out anyone who isn't helping with the scene investigation. The responsibility for organizing the site inspection and assigning responsibilities should fall to someone. Whether you enter the crime scene or not, you should attempt to;

- Note the date time and location
- Note the size of the site
- Make a sketch

- Note who is present
- Note what you do concerning the scene
- Note the condition of the scene.

Images have a lot of worth. whenever you take a picture. You ought to record it in your journal. The photo's creator, the location on the property where it was taken, the time and date, and the subject matter should all be noted in the log. Another source of information or evidence that can help prove international crimes is film. However, it should be highlighted that, in reality, only a small portion of the footage recorded by frontline documenters will ever be presented as evidence within a courtroom and reach the trial-ready criteria.

The time and date of the filming, the location of the shooting, the video's subject matter, and, if it's safe to do so, the identity of the person who took the clip must all be noted (Danish Mangi, 'Forensic Protocols and Investigation of Crimes in Pakistan: A Case of Sindh' (2021) 5 *Pakistan Social Sciences Review* 614).

3.7.1. UN Protocols in Pakistan Context

In the context of Pakistan, the protocols established by the United Nations for criminal investigation can be linked as follows:

3.7.2. Registration of FIR

In the Pakistan context, the first information report was registered at the police station. The police officer in charge, usually a Station House Officer (SHO), appoints a lower-ranking officer to conduct the investigation.

3.7.3. Planning an Investigation

After registering for an FIR, the designated officer must assess the nature of the crime and develop an investigation plan. This plan should take into account known factors, significant issues, and potential risks associated with the investigation.

3.7.4. Interviewing Victims and Witnesses

In Pakistan, investigators must conduct interviews with victims and witnesses to gather relevant information and evidence. It is important to separate witnesses before recording their testimony to minimize the possibility of fabrication.

3.7.5. Crime Scene Inspection and Search

The investigative process in Pakistan includes scouting and collection of evidence from the crime scene. Investigators must be able to identify and collect relevant physical evidence, such as fingerprints, DNA, and other trace evidence. Proper documentation of the crime scene and the evidence collected is essential, including tagging and maintaining a chain of custody.

3.7.6. Suspect Arrest and Interview

If a suspect is identified, the investigator may proceed with the arrest and subsequent interview. The suspect's testimony and any evidence gathered during this period will be crucial to the investigation.

3.7.7. Completing A Report to The Prosecutor

After conducting an investigation, the investigator is responsible for writing a report, commonly known as a "challan" under section 173 Cr.PC in Pakistan. This report contains findings, evidence, and other relevant information regarding the crime. The report is then submitted to the relevant court and serves as the basis for further legal proceedings (Ibrahim, Dr. Adnan Khan). It should be noted that the implementation of these protocols in Pakistan may vary depending on the specific jurisdiction and the resources and training available to the police force. However, the general principles of investigation, evidence collection, and reporting remain important aspects of the investigative process.

3.7.8. Problems to Criminal Investigation Supported by Judgments of Superior Courts in Pakistan: Haider Ali and Others VS DPO Chakwal and Others

The Supreme Court voiced some reservations in its decision in this instance and noted that the investigating officer does not have the understanding of:

- Securing the scene of the crime to prevent the general public from trampling on or invading the area where the incident occurred before the investigating officer has had a chance to gather evidence there (Rana Muhammad Mateen and Asma Tariq, 'Crime Scene Investigation in Pakistan: A Perspective' (2019) 1 Forensic Science International: Synergy 285).
- How to get incriminating materials from the scene of the crime and its surroundings, such as bits of clothing, fingerprints, blood, fiber, and hair.
- How to safely remove fingerprints from various items, such as those found at the crime scene, to have them matched and evaluated for an investigation.
- How to efficiently get the results from the forensic laboratory to be properly accepted in evidence while on the trial. How to make sure that any incriminating objects are securely removed from the scene, sent straight away and undamaged to a forensic laboratory or fingerprints specialist, and quickly obtained. (D- CPN and J AM, 2018).

a) Ali Sher VS State (2015)

A woman used a co-accused to murder her spouse. She planned to marry her daughter to a co-accused person despite her husband's wishes. There is animosity between the accuser and the complainant. Later, due to insufficient evidence, the accused was declared not guilty. Evidence was insufficient because the investigating officer made a mistake and did not use scientific techniques to obtain it (In the High Court of Sindh, 2022).

b) G. M. Niaz VS State (2018)

The incident took place at a tea shop. The personnel and proprietor of the tea shop were not called as witnesses before the court. A post-mortem examination was performed two days after his death. There is no record of the cops bringing any clothing with blood on it. The cops did not present any evidence of a crime. No dirt covered with blood was extracted. As a result, the conviction was overturned.

c) Ali Bux VS State (2018)

The accused had reason to believe that the dead had killed a member of his family. The accused was not happy despite swearing in the Holy Quran that he was innocent. The incident happened in broad daylight and in a location where it may have been witnessed by numerous others who were nearby. There was no outside proof submitted for the record. Crime empties were delivered to the forensic science lab when their evidential value was rendered unnecessary. It was the investigating officer's fault for sending the crime empties so slowly that their value as evidence was lost.

3.8. Investigation by un-experienced Police Officers: A Major Question to Investigation

how heavily the police rely on conventional sources primarily by inexperienced police officers using the least amount of technical resources. This is a major problem for our investigation system. As we know, if an investigation is carried out by an inexperienced person who just passed the BA Examination and was selected as Sub-Inspector, I think he is not aware of the technicalities of the investigation. That is why the accused benefited.

Since the country was founded in 1947, governments have usually not given the growth of the criminal justice system, the police, and how they operate, including their criminal investigative system, which might offer fair, free, and simple justice to the public, their undivided attention. It is the primary reason why police still conduct criminal investigations using outdated methods, frequently carried out by inexperienced police personnel using outdated equipment. A good example of an ancient form of investigation is when police in Pakistan smell a drunk person's mouth to determine whether or not he is intoxicated. Lack of proper knowledge and professionalism Angela Higginson, Elizabeth Eggins, and Lorraine Mazerolle, 'Investigating Serious Violent Crime : What Works, What Doesn't and for What Crime Types?'

Inadequate knowledge, teaching, and skill development are to blame for the lack of investigation in this nation. Common examples of knowledge and competency gaps that result in unsuccessful investigations include:

1. Lack of understanding of various legal laws, particularly when an offense involves multiple jurisdictions, as in the case of the Anti-terrorism Act.
2. Lack of understanding of the offense occurs under what statutes, and which agency shall conduct an investigation.
3. Lack of instruction in correct processes for gathering biological and other types of evidence at crime scenes causes important evidence to be contaminated before it can be analyzed in a lab, which ultimately causes important evidence to be lost or compromised at the crime scene.

Lack of professionalism and a careless attitude toward criminal investigation are two significant reasons why our criminal justice system failed. Both processes and standards are not being followed. Investigations are impacted by political pressure, media attention, unethical behavior, and political pressure. Investigators frequently hold panchayats rather than compiling evidence to substantiate or establish guilt. The same thing happens when police personnel declare beliefs about guilt or innocence without offering any rationale or evidence to back them up. They frequently create judgments based on suspicion rather than validating the claimed alibi of the accused, failing to understand that the investigation is restricted to gathering evidence and that the court has the jurisdiction to decide whether the accused is guilty or innocent.

3.9. Biased Investigation and Lack of Impartiality

Decisions must be made with objectivity and without giving anyone an unfair advantage or undue influence. It is the ability to make judgments based on facts and without prejudice. Preconceived notions, conjectures, assumptions, presumptions, and suspicions are a few examples of prejudice. There shouldn't be any irrational beliefs, sentiments, or conclusions that aren't backed up by data or certainty. The results of an investigation can be significantly impacted by bias or prejudice. A lot of things can affect how objective an investigator is. An inquiry may be impacted by various sorts of bias, including those based on race, religion, gender, ethnicity, sect, class, or caste. However, having a bias does not necessarily mean that you truly have one.

3.10. Role of Logic, Good Observation, and Good Judgment

Every offense is different. The process of conducting a case investigation is not predetermined. An effective investigation requires preparation. It cannot be finished by one person working alone. The team's composition varies depending on the sort of crime. It is not commonplace for facts to be twisted. It almost always happens. Parties embellish the facts to hurt innocent individuals or destroy evidence. Identification parades are often not held in dacoity trials, unlike in cases of unseen murder, and this legal requirement is instead met by attaching a supplementary declaration that never discloses the source of knowledge. There were no observations made or noted. Police confessions are recorded in the police log, which is not admissible and cannot lead to a conviction, and confessions are not made in front of the magistrate. If the dying declaration of a wounded victim is recorded, no independent witness who was there at the time of the declaration is named. Similar to this, the testimony of a witness who has suffered harm is recorded without first confirming their ability to talk with a medical professional. The validity of the information acquired and used as evidence at trial is impacted by each of these issues. When no evidence or evidence has been tampered with, how can a court find someone guilty? (Asad Afzal Humayon and others, 'Assessment of Work Stress Among Police in Pakistan' (2018) 8 *Journal of Applied Environmental and Biological Sciences* 68 <<https://www.researchgate.net/publication/322861603>>).

3.11. Improper Documentation and Delay

Our investigation's most serious flaw is inappropriate and insufficient documentation. The court may only base its decision on information that has been brought up in court and is pertinent. If the statement of a crucial witness is not reduced by the police officer to writing, how can the court analyze facts that were witnessed by a witness who was not on the police officer's schedule of eyewitnesses when the challan was submitted? Similarly, a police officer's failure to disclose the details of the crime scene, the location of the body, and any objects found there can seriously weaken the prosecution's case. The prosecution is sometimes denied the opportunity to introduce a key piece of evidence that can establish a connection between the crime, the victim, and the perpetrator since police officers typically do not preserve crime items in their possession. Delays can completely sabotage the success of a criminal investigation. Delays in recording witness testimonies, performing identification parades, sending packages to

laboratories for expert opinions, and transferring bodies for postmortem inspection are all the result of police carelessness and can be fatal to prosecution cases. (Anwar Pasha, 'Current Problems in the Combat of Transnational Crimes Pakistan Perspective' 147).

3.12. Problems to Investigation Officer

The investigating officer can't be held entirely accountable due to the following reasons;

- Insufficient finances provided for investigation purposes are some real restrictions that hinder an investigating officer from conducting an efficient investigation.
- Security threats against the investigating officer in high-profile murder cases where the accused is also a powerful person or a member of a terrorist group.
- An underpaid investigative officer frequently feels pressured to accept bribes.
- The investigating officer is frequently not repaid for unpaid expenditures.
- A rigid duty schedule and ambiguous duty hours.
- foreign participation in the form of a donation to the police force results in a policy change that serves the interests of the donors.
- Homicide investigations are not taught to professional investigators.
- 30 to 40 cases must be handled concurrently by one investigating officer. They are less focused when they are overloaded.
- There was no recognition or prize from the department for the top investigation.
- The media frequently portrays the bad side of the police, which undermines both their credibility and morale.
- Political influence presents another difficulty. To influence an investigation, politicians aim to pick a kind investigating officer.
- While top-rank police personnel are given access to professional and international training facilities, junior-rank police officers conduct the majority of investigations. To allow investigating police to receive professional training as well, this policy must be changed.
- Because most investigating officers lack knowledge of the law of evidence, there is no pre-trial meeting between the investigating officer and the public prosecutor. Investigating officers are hesitant to testify at trial even though the court follows all appropriate procedures.

Sometimes, an investigating officer who has been relocated to another location disappears during a trial. Additionally, the victim and other prosecution witnesses are unaware of what was written in their statements during the investigation because such statements are never read to them (Police Executive Research Forum, Critical Issues in Policing Series: The Changing Nature of Crime and Criminal Investigations (2018)).

3.13. Problems with Police Rules 1934

Police Rules 1934 only explains the structure of the department of police it does not strengthen the knowledge of the police officer regarding the investigation process. The process of investigation improves by adding clauses regarding the process and techniques of investigation according to the Modern Era (Contents Chapter, 'THE PUNJAB POLICE PROMOTION RULES 1934').

4. Discussion for Solutions

This body of research on criminal investigations has demonstrated that, in general, police criminal investigations are not sufficiently developed or sincere to yield novel results for society. It urgently needs to be improved by strengthening the entire police force following scientific principles and societal demands, particularly its investigation system under research-oriented planning and implementation. To get rid of corruption and political participation in the department, the necessary training arrangements will need to be made with a lot of hard work and revolutionary thinking. It is crucial to make it robust and a significant source to give the populace common access to justice, the application of the rule of law, and a sense of security. It is also vital to offer the facilities and backing for criminal investigations. the hiring of qualified detectives and other investigators! officers and the creation of a modern institution to train them in various investigative sectors.

- Access to frequent transportation that allows for quick arrival at the crime scene and additional investigation.
- The presence of an investigation kit allows for the prompt preservation of any evidence found at the crime scene.
- The preservation of evidence in criminal investigations by the use of modern equipment, such as computers, audio/video, etc.
- It's crucial to preserve the verbatim of the accused during the inquiry by using a bugging device.
- The use of cameras and crime scene photographs, etc.

In the present time in Pakistan, the rankers IO are not well aware of using smartphones in capturing crime scenes once they open their camera in smartphones, they are disabling to off them. In modern times when your investigator is in such a condition, the investigation is also affected very badly which benefits offenders. The recruitment process must be updated by changing the qualification of the IO like a forensic and law expert will conduct an investigation. District-level forensic groups that visit crime scenes right away, gather evidence, and send it to forensic labs should be established. Furthermore, forensic science requires the development of a scientific infrastructure. The public should have access to a toll-free hotline and website for their complaints regarding investigations. An official other than a police officer should be in charge of this complaint cell. The professional development of investigating officers should receive enough funding. Additionally, yearly workshops on contemporary investigative methods must be held.

During the inquiry phase, the general public, especially those who witnessed the incident, should cooperate. To change the public's perception of police, the media should also highlight their positive qualities. Incentives and salaries for investigative officers should be raised to discourage corruption. It should be mandated that psychological departments carry out psychological culprits, witnesses, and the complainant are all questioned.

4.1. Development of Investigation Protocols

The development of diverse protocols in the form of rules, instructions, or required practices is crucial for the proper investigation of various offenses. For instance, a murder investigation should go beyond the legal requirements of obtaining injury statements, compiling inquest reports, and doing postmortems. Along with descriptions of the various investigative procedures, there should be a clear policy declaration addressing procedural and investigative proceedings.

4.2. Punishment of Investigator for Corrupt Practices

It is necessary to punish investigators severely to have a deterrence effect when they alter or destroy evidence. It is crucial to take into account if the destruction of the evidence was done on purpose before punishing an investigator. This is because parties often accuse police officers without evidence, and sometimes serious ineptitude goes unpunished. Punishment standards ought to be rational and transparent.

4.3. Proper Training & Continuous Professional Development

Given how swiftly technology is evolving, investigators require continuing training. The current system will continue to deteriorate if incentives are not provided based on merit. To sum up, improper police investigation practices in Pakistan have rendered our criminal justice system ineffectual. To investigate various crimes, investigators must have specialized training. Investigations in Pakistan will never generate the greatest results unless the detectives have a professional, impartial attitude and investigate the case based on the facts, as opposed to bending the facts to get the desired results.

5. Conclusion and Recommendation

The study highlights the flaws and challenges in police investigation in Pakistan. It highlights the need for comprehensive reforms to address these issues and improve the efficiency and reliability of criminal investigations. By implementing recommended measures such as increasing training, adopting modern investigative techniques, strengthening forensic laboratories, improving coordination, and implementing quality assurance mechanisms, the investigation process can be significantly improved. These reforms not only enhance the capacity of investigators but also strengthen public confidence in the criminal justice system.

Police departments and legislatures must recognize the importance of investing in the development of investigative activities to ensure a fair and efficient criminal justice system in Pakistan. Instead of focusing on objective and circumstantial evidence, investigating officers largely favor oral testimony. Finding the alleged offenders who perpetrated the crime is the investigation's main goal. The investigating officer must gather information in this way to support his or her court case. Likewise, when there is flawed evidence, a flawed investigation results in a miscarriage of justice. It is important to note that the foundation of a criminal trial is an investigation. Unsolved crimes, fruitless prosecutions, unpunished perpetrators, and even mistaken convictions all point to a persistent error in our criminal justice system, it cannot be disputed. I firmly believe that changes to the criminal justice system should be made beginning with the investigative phase.

There is a need to provide comprehensive and specialized training programs for investigators to enhance skills in evidence collection, crime scene management, interrogation techniques, and the use using modern investigative tools and investigative technology. This will ensure that investigators are well-equipped to handle complex cases and meet international standards. Applying modern investigative techniques: Introducing modern investigative techniques such as DNA analysis, fingerprinting, digital forensics, and CCTV analysis. This will contribute to the collection and preservation of scientific evidence, leading to more accurate and reliable investigations. Strengthening forensic laboratories: Invest in establishing and strengthening forensic laboratories equipped with modern technology. This will speed up forensic evidence analysis and reduce reliance on outdated and unreliable methods.

There is a need to improve coordination and collaboration among the various law enforcement agencies, forensics, and legal professionals involved in the investigation. This will promote information sharing, expertise exchange, and efficient use of resources. Implement a quality assurance mechanism: Establish an internal quality assurance mechanism within the police agencies to monitor and evaluate the performance of investigators. This may include regular testing, peer review, and standardized protocols to ensure best practices are followed.

References

- Abbas Hassan, h. (2011). Reforming Pakistan's Police and Law Enforcement Infrastructure Is It Too Flawed to Fix?'.
Ali Shah SA and Hussain B, a. (2021). Challenges Faced by Police Officers in Forensic Criminal Investigation A Case Study of District Peshawar, Khyber-Pakhtunkhwa. *SSRN Electronic Journal*.
D- CPN and J AM, m. (2018). In the High Court of Sindh, At Karachi.
Faizan K and Abid A, f. (2021). Forensic Investigation of Road Traffic Accident Cases in Pakistan and Types of Physical Evidence.
Government of Pakistan. Pakistan Code of Criminal Procedure'.
Imam Kaleem, i. (2011). Good Governance and Police Administration in Pakistan' *Journal of Political Studies* 133.
In the High Court of Sindh. (2022). Circuit Court, Larkana 302 1.
Investigations Division Office of Internal Oversight Services, i. Investigations Manual' 94, Mateen RM and Tariq A, 'Crime Scene Investigation in Pakistan: A Perspective' (2019) 1 Forensic Science International: Synergy 285.
Moore BMH, m. Trojanowicz RC and Kelling GL, 'Crime and Policing. Ph KPK. Shaheed Benazir Bhutto University' (2016) I 885805.
Police Executive Research Forum, C. I. i. P. S. T. C. N. o. C. a. C. I., m. (2018).
Sahito IH, s. The Criminal Investigation in Pakistan : Trends and Reality Imdad Hussain Sahito Introduction Definition of Criminal Investigation.
Sample–Criminal Investigation, s. The Art and the Science 8th 8E.
THE PUNJAB POLICE PROMOTION RULES 1934, t. Chapter C,c.