

Police Investigation in Homicidal Cases: Critical Analysis of the Supreme Court Jurisprudence from 2007 to 2017

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Abstract

Homicide is one of the worst crimes. It is violation to the fundamental right of life that is protected under Article 9 of the Constitution of Pakistan, 1973. After a murder, it is duty of investigating officer to find out the criminal. Moreover, he is bound to collect evidence to assist court in deciding the case in a just manner. If he/she collects incomplete evidence then such omission will cause dreadful loss to the prosecution case. In homicidal cases, guilt cannot be established without sufficient evidence. Therefore, in many cases, accused is acquitted because of insufficient evidence. A number of times, heirs of victim suffered just because of investigating officer's negligence and incompetency. In addition, another phenomenon is unavailability of eye witnesses. Eye witness has much importance in testimony but it is too difficult to have an eye witness in every murder case. That is why, prosecution tends to manage fake witnesses, who – later on at the stage of cross examination – are declared untrustworthy and whole structure of prosecution-case falls down. Owing to adversarial system in Pakistan, judges do not take pain to find missing portion of evidence. Nevertheless, it is a well settled law that judge should not act like a silent spectator. Police investigation in homicidal cases is the scope of this study. At the end, recommendations to sort out this issue are also given.

Keywords

Investigation, Homicide, Forensic, Law

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Introduction

In Pakistan, mostly offenders are acquitted in homicidal trials because of insufficient evidence. This insufficiency of evidence is causing injustice, inequity, victimization and breach of human rights. Therefore, flaws in Police Rules and investigation process are required to be removed in order to ensure justice. Developed countries utilize modern science and technology in investigation process to collect evidence but this practice is not observed in Pakistan's legal system.

Besides, lapses in investigation are the most common errors in criminal cases. Most often, important evidence is overlooked. Consequently, police fail to identify the murderer and heirs of deceased feel themselves helpless. Moreover, their lives devastate when murderer of their beloved gets acquittal because of insufficient evidence collected by investigating officer.

According to Sir Robert Peel, identification of offender is the most fundamental duty of police (Newburn, Williamson & Wright, 2008). The basic purpose of criminal investigation is to find out how, why, when, where and by whom an offence is committed. Because, result of killing a human is not only limited to the initial loss of human life but it also creates fear and uncertainty in society. Murder not only oppresses the family members but also the community of the victim who can be treated as secondary victims.

Definitions of Investigation

Definition under section 4(1) of Code of Criminal Procedure 1898;

Investigation includes all the proceedings under this code for the collection of evidence conducted by a police-officer or by any person (other than Magistrate) who is authorized by a Magistrate in this behalf.¹

Investigation simply means all necessary steps taken by police officer to dig out the facts regarding offence or to know whether an offence has been committed or not and if it is actually committed than

¹ Section 4(1) of Code of Criminal Procedure 1898.

who has committed and what are the evidence against him for prosecution.²

In many murder cases, accused got acquittal because of insufficient evidence, for example Ali Sher versus The State.³ In this case, Supreme Court has given the verdict that “Present case was a case of *insufficient evidence* and prosecution failed to prove its case.” In Muhammad Altaf vs. The State,⁴ it is stated that during course of investigation no incriminating evidence was brought on record. Investigation office took no rigors at all to collect incriminatory material against the accused. Investigating officer dealt with the case in a mindless and un-impressive manner which left many aspects of the case plunged in darkness. In, Khalid Mehmood vs. The State⁵, court mentioned that there are omissions in investigation. In short, Supreme Court of Pakistan recognizes the problem and has passed judgments to minimize this issue but implementation of judgement is not being followed yet.

Significance of Investigation in Homicidal Cases

Homicidal investigation has much significance because public sees it as an index of police competency. Public demands that homicidal offender must not only be arrested but also be punished. Otherwise, it will bring chaos in society. Public starts criticism when police remains failed in bringing the accused before justice (Bayley, 1994). For this particular aspect, police investigation in homicidal cases is the scope of this paper.

“Criminal homicide is considered the capital crime and the investigation of murder often seen as the ultimately challenge for detectives” (Brookman & Innes, 2013). Inspector of Constabulary in the United Kingdom states, “The investigation of murder should set clear standards of excellence that all other criminal investigation can follow” (Fashing, 2016).

² Code of Criminal Procedure 1898, p. 135.

³ 2015 SCMR 142 Supreme Court

⁴ 2013 YLR 2230

⁵ 2013 YLR 2076

Obligations of Investigating Officer

It is duty of investigating officer to build up the case of victim party with evidence, enabling court to record conviction. Investigating officer is also bound to bring out truth to light to reach at a just and fair decision and bring real culprits to the book (*Mir Zafarullah Khan Jamali v. State*, 2001). His foremost duty is to proceed towards spot and try to ascertain the circumstances and facts of the offence. He must arrest the suspected offender and collect evidence. He can search and seize things which he deems necessary. Because;

Information is not always freely available to investigator, ... they must be skilled in a range of techniques in order to pursue, locate and recover it... physical material can degrade rapidly for environmental reasons, and memories can become less reliable for psychological reasons... recorded data such as CCTV or financial information can be disposed of or overwritten. (Fashing, 2016)

Rule 25.2 of Police Rules 1934 states that;

An officer so making an investigation shall invariably issue an order in writing in Form 25.2(1) to any person summoned to attend such investigation and shall endorse on the copy of the order retained by the person so summoned the date and time of his arrival at, and the date and time of his departure from the place to which he is summoned. The duplicate of the order shall be attached to the case diary.

(2) No avoidable trouble shall be given to any person from whom enquiries are made and no person shall be unnecessarily detained. The jurisdiction of which the offence was committed, meanwhile, all possible lawful measures shall be taken to secure the arrest of the offender and the detection of the offence.⁶

Investigating officer is required to strive hard in order to unearth the true facts of the case. Investigating officer cannot investigate a case where he himself is party to the case, because his investigation will be

⁶ Police Rules 1934, Rule 25.2

biased and it will be contrary to the principle, “*No one can be a judge in his own case.*”

Theorem

Mr. A is under the charge of Mr. B’s murder. Trial starts and prosecution collects evidence. After 2/3 years of exhaustive proceedings Mr. A got acquittal due to insufficient evidence against him. Murder file of Mr. B closes. No further investigation is carried out to dig out if it was not Mr. A then who murdered Mr. B, who was actual offender and why an evidence against the actual offender could not be gathered? These reasons are needed to be addressed in order to ensure justice and to protect human society.

Issue 1

Police Diary of Investigating officer and Court file for Sale: According to Law, defence side of trial cannot approach police diary. But it is a common practice in Pakistan to purchase photocopy of police diary from *Naib-Court* by bribing him. Similarly, photocopy of court file is also available for sale. Court file consists of all court’s record regarding a specific case. Usually, court file is comprised of prosecution documents, defence documents, police documents, evidence and order sheets. Court files are kept in record room under the custody of court staff called “*Ahlmad*”. In Pakistani courts, it is a common practice that clerk of defence counsel approaches *Ahlmad* and by bribing him he takes court file and returns it after its entire photocopying. Defence counsel studies court file in to read the mind of prosecution and judge. Thereafter, he prepares rebuttal for those documents. This prevailing practice is also causing injustice.

Negligent Attitude of Investigating Officer during Cross Examination

It is duty of investigating officer to collect evidence. No matter, it is forensic, finger print, DNA, weapon, blood, CCTV video, mobile record, etc. Moreover, it is an obligation of investigating officer to abide by all laws provided in Police Rules but many investigating officers commit negligence, sometimes mistakenly and sometimes deliberately. Under

Rule 25.53 of Police Rules, investigating officer is bound to write all his proceedings in police diary on daily basis. During examination in-chief, he records his statement and narrates all proceedings carried out by him during the course of investigation. Later on, he is called for cross examination. During cross examination, defence counsel asks questions from investigating officer regarding his proceedings that he carried out. Defence counsel majorly touches those areas to which they have idea that investigating officer had missed. For this specific purpose police diary and court diary, purchased by him illegally, serve as an effective aid.

A brief sight of cross examination is as under;

Defence Counsel: Tell us the source through which you received the information of murder?

IO: Phone Call.

Defence Counsel: Whatever call you receive on wireless; you record it in Log-Book. Had you recorded the particulars of that specific call in Log book?

IO: No.

Defence Council: Had anyone stopped you by recording the call in log-book?

IO: No.

Defence: Did people in vicinity gathered at the place of occurrence?

IO: Yes.

Defence: Had you made them witnesses?

IO: No, because people were not willing.

Defence: Under section 160 of CrPC 1898, Do you have power to record statement or require the attendance of any person who is well acquainted with the occurrence?

IO: Yes, under section 160 of CrPC 1898, I have this power.

Defence: Had you exercised the power, when people of locality were not ready to become witness?

IO: No.

Defence: Had someone stopped you in not to exercise power?

IO: No.

Defence: It means that omission was wilful.

From above cross-examination it is explicit, how investigating officer behaves in a negligent way during the course of investigation. This behaviour causes serious loss to the case of prosecution.

At the time of cross-examination, no police officer remains present in order to note the wilful omissions of his subordinate. Without being present, it is difficult for police officials to gauge the negligent attitude of their subordinates during cross-examination. Without being present, how a police officer can question investigating officer about his omissions? When police officers are not well acquainted with the negligent attitude of their subordinates, how a disciplinary action against those investigating officers can be expected?

Furthermore, investigating officers frequently take bribe from accused parties and do not share the true version of their statement during examination-in-chief. It is necessary that police officer should remain present at the time of examination-in-chief and cross-examination of his subordinate so that later on he can question him about his performance.

Besides, many police officers perform their duty in bona fide manner but by not following the procedure, their intention is challenged at cross examination stage. Thus, benefit of doubt goes to accused and suffering of victim remains unaddressed like in the case of *Muhammad Saddique vs. State*.⁷

Not only police official but judges also do not question the wilful omissions of investigating officer. Judges do not bother to ask from investigating officer that Mr. ABC, you were duty bound to perform all these tasks, then why have you not discharged these tasks? Practically, some judges sit in court room with not full attention during hearing of

⁷ Ibid.

the case. No matter someone is asking leading questions or investigating officer has done his duty inappropriately? These omissions give benefit to accused and grievances to victim's heirs. Mostly judges are of the opinion that legally they are not allowed to question investigating officer but Supreme Court has clearly stated in one of its judgments that courts should not act only in a mechanical manner and should not sit as silent spectator (*Naseem Akhtar v. State*, 2010). Wherever judge feels justice is not prevailing he will set aside the mere technicalities and take action to ensure justice.

Case Law Study

Haider Ali and Others vs. DPO Chakwal and Others (2015)

In the judgment of this case, Supreme Court expressed certain concerns and stated that investigating officer does not have the idea of:

- (1) Securing scene of the crime so that the place where occurrence has taken place as well as the surrounding area is not trampled or invaded by the general public before the investigating officer has had an opportunity to collect evidence from the place of occurrence.
- (2) How to secure incriminating articles, likes pieces of cloth, fingerprint, blood, fiber, hair etc., from the place of occurrence and its surrounding area.
- (3) How to lift and secure fingerprint from various articles found inter alia at the scene of the crime and to get them examined and matched for the purposes of investigation.
- (4) How to ensure that all incriminating articles are properly secured from the spot and delivered promptly and intact to a forensic laboratory and/or fingerprints expert in safe custody and without being tampered with, and to expeditiously obtain the results from the forensic laboratory so as to be credibly admitted in evidence during the trial. (*Haider Ali v. DPO of Chakwal*, 2015)

Ali Sher vs. State (2015)

A lady murdered her husband with the help of co-accused. Motive was that she wanted to get her daughter married with co-accused against

the wish of her husband. Inimicality exists between complainant and accused. Later on, accused got acquittal due to insufficient evidence. Inadvertence of investigating officer and no usage of scientific technology in collection of evidence led towards insufficiency of evidence.

G. M. Niaz vs. State (2018)

Occurrence happened at a tea stall. The staff and owner of tea stall were not produced before the court as a witness. Post mortem examination was conducted belatedly after two days of his death. Blood stained clothes were not brought by the police on record. No crime empty was produced by the police. Blood stained earth was not taken. Consequently, conviction was set aside.

Ali Bux vs. State (2018)

Accused had suspected that deceased had murdered one of his family members. Despite taking an oath on the Holy Quran about his innocence the accused was not satisfied. Occurrence took place in broad day light and at a place where the same could have been seen by many persons available around the place of occurrence. No independent evidence was brought on record. Crime empties were sent to forensic science laboratory at a stage when their evidentiary value became redundant. It was the fault of investigating officer who sent crime empties with much delay which made their evidentiary value terminated.

Homicide at International and National Spectrum

In the year of 2012, 4,37,000 (half million) people were murdered intentionally around the globe. 36% of total killing occurred in America, 31% in continent of Africa, 28% in Asia, 5% in Europe and 0.3% in Oceania (United Nations Office on Drugs and Crime, 2013). According to Global report 8 out of every 10 victims of homicide in world are male. At international level 43 perpetrators of murder are convicted out of every 100 victims of murder. Polarization at regional level shows that 48 in Asia and, Europe have the highest conviction rate with 81 per 100 victims (United Nations Office on Drugs and Crime, 2013). Thus, countries

having advanced investigating tools and techniques have higher conviction rate.

In 2015, the Supreme Court observed that only in Punjab 65% of criminal cases do not result in conviction. Mostly a person convicted through trial courts, gets release on appellate forums just because of weak investigation and poor evidence. According to another survey, in a major city of Pakistan 40% of reported crimes were registered and 60% complaints were turned away. From 40% of registered crime hardly half of the cases were worked out and presented in court for trial. Among these 40% registered crimes, half of the accused were acquitted because of faulty investigation (Chaudhry, 1997). It is imperative for Pakistan to develop modern investigation technology because;

lack of attention to developing modern investigation and interrogation techniques is another serious issue... Most police training schools are in a deplorable state due to a paucity of funds. The instructors are often officials who were removed from field duties for political reasons, and it is hardly surprising that the performance of a demoralized and side-lined faculty leaves much to be desired. (Abbas, 2011)

In a murder case, accused was acquitted due to non-attainment of DNA evidence by investigation agency.

Lapse in conducting DNA tests was committed by investigating agencies, but the burden of the consequential injustice had to be borne by the victims. This is because the courts in the prevalent adversarial system of proof and evidence do not feel obliged to extend their jurisdiction for the procurement of missing pieces of evidence such as DNA evidence. (Cheema, 2015)

Sufferings of Witnesses

According to Qanun-e-Shahadat Order 1984, testimony of witnesses is treated as substantial evidence. Practically witnesses are reluctant to appear for testimony because of certain reasons;

- They have to wait standing outside the court for long hours.

- No proper sitting arrangement is available. Lack of courtesy and respect is shown to witnesses in court.
- Very often witnesses travel from remote areas for recording statement but in court they are told to visit on another day.
- Travelling and food expenditures are not provided to them.
- Protection to witnesses is a rare phenomenon. Many witnesses are assassinated in hard-core cases. Furthermore, many witnesses live under the fear and threat. Instead of all these hardships their grievances are unaddressed.

Police Rules 1934 and Required Improvements

Opinion of Arsenal and Forensic Officials

According to Rule 25.15, expert assistance is confined to the cases of major importance only. Here proviso of 'major importance' is incalculable, vague and difficult to decide. Therefore, this rule should be in clear form i.e., expert evidence should be taken in every offence wherever it is needed.

Investigation Bag

Rule 25.58 of Police Rules 1934 gives brief account of a bag that is given to investigating officer. This bag does not contain many important instruments that are indispensable for conducting and preserving the evidence. For instance;

- Digital Camera with extra flash memory card
- Crime scene barricade tape
- Directional marker/Compass
- Evidence seal
- Gloves/Masks/Hair covering
- Body fluid collection kit
- First Aid Kit

- Magnifying Glass
- Chalk/Spray Paint/Permanent Markers
- Sketch paper
- Shoe print lifting equipment
- Notebook
- Thermometer
- Waterless hand wash
- Water
- Dummy

Duties Regarding Place of Occurrence

Sub clause (2) of Rule 25.33 states that he would endeavour to save the footprints and prevent people to gather around the dead body. The sub clause is quite important but the question is, are all investigating officers trained enough to secure finger prints and foot prints from crime scene?

Sub clause (5) of Rule 25.33 deals with site plan. Site plan has very much importance in homicidal cases. Here the point to ponder is; is every investigating officer well versant in drawing? In a nutshell, unskilled investigating officers cause havoc at trial stages when material contradiction arises between scaled and un-scaled site plan.

Sub clause (6) of Rule 25.33 states that if surgeon or other medical officer is not available then investigating officer himself note all abnormal appearances on body. But mostly investigating officers are not well versed in medico-legal injuries to note down the nature and level of injuries. Without proper training it is hard for them to differentiate between homicidal and suicidal injuries.

In addition to that crime scene contamination is another problem. At receiving murder information, first step is to proceed towards the place of occurrence in order to prevent crime scene contamination and to gather finger print, foot print, DNA, etc. Generally, contamination comes with public. It not only ruins the evidence but also jeopardizes the

criminal investigation. In short, elimination of contamination in murder is much important because it can make or break the case.

Forensic Science

Forensic science is a touchstone of evidence. It is much helpful not only in collection of evidence but also in testing the veracity of evidence.

“Forensic means the application of scientific knowledge to legal problems” (Prahlow, 2014). It is also an opinion that One can create witnesses, but one cannot fool the men of science. It means people can lie but documents cannot. Science and documents are non-living things and they are free from biasness.

In addition to that chain of custody is also important in evidence. According to Prahlow (2014);

Evidence of whatever type must be carefully and properly documented and evaluated. The nature of certain types of evidence cannot all be collected and preserved indefinitely. An example is a human corpse that is evaluated at autopsy. In such instances, proper documentation is essential in order to re-evaluate the evidence (the body) at a later date. In the case of an autopsy, such documentation is performed via diagrams, photographs, and an autopsy report. There are many other types of evidence that also require collection and preservation; for example, trace evidence such as hairs or fibers discovered at a crime scene. Some forms of evidence are actually consumed or destroyed during evaluation (for example, blood samples being tested for drugs). Maintaining a proper “chain of custody” involves producing and maintaining written documentation which accompanies the evidence and provides an uninterrupted timeline showing the secure location of the evidence from the time that it was discovered until the present time. Any transfer of evidence from one person or secure location to another must be documented. Maintaining this chain of custody helps to ensure that the evidence has not been contaminated or compromised in any way.” (Prahlow, 2014)

DNA (Deoxyribonucleic Acid)

By using DNA, one can detect not only the guilty person but can also release the innocent person from prolonged inquiries and sentence. According to Britain National DNA Database Annual Report 2006-2007, in one year 44,224 crime scene samples matched with one or more suspect sample profiles (National DNA Database Annual Report 2006-2007, n.d.). However, in Pakistan, situation is averse. Here, DNA database do not exist at all.

DNA evidence is treated as expert opinion in Pakistani courts (Cheema, 2015). Worth of DNA admissibility is needed to be maximized to attain more benefits in criminal investigation (Cheema, 2015). DNA database has capability of enhancing the possibility of profiled criminals' arrest because it is a reliable way. It is an opinion in developed countries that maintaining DNA database and taking involuntary DNA is against the constitutional protection against privacy, search and seizure (Cheema, 2015; p.2). Law always safeguards the public interest therefore public interest has precedence over individual's interest. It is also said that DNA expert is similar to medical doctor's opinion. But reality is different. Because, doctor can state the explanation of injuries, cause of death and weapon used but he cannot tell the name of an offender while DNA can exactly tell the name and complete identification of an offender. Hence, worth of DNA is greater than opinion of a medical doctor. Regrettably, Pakistan's legislature is not formulating the law progressively in this regard.

Besides, section 27 of The Anti-Terrorism Act 1997 states that if any investigating officer who wilfully remains failed to conduct investigation properly or does not pursue the case in an appropriate manner, will be punished with imprisonment for the maximum period of two years or with fine. Despite having this provision, usually, courts do not tend to penalize negligent investigating officers.

Problems Faced by Investigating officer

Investigating officer cannot be held wholly solely responsible. Certain genuine constraints also exist which make efficient investigation difficult for an investigating officer. A few of constraints are as below;

- a) Insufficient funds allocated for investigation purpose.
- b) Security threats to investigating officer in high profile murder cases where accused happens to be highly influential or belongs to a terrorist organization.
- c) Insufficient remuneration to investigating officer often compels him to indulge in bribery.
- d) Very often outstanding expenses are not reimbursed to investigating officer.
- e) Hard duty schedule and indeterminate duty hours.
- f) Foreign involvement in the form of donation to police department brings policy shift as per donors' interest.
- g) No professional detectives are trained to investigate homicidal cases.
- h) One investigating officer has to handle 30 to 40 cases at a time. Overburden makes them less focusing.
- i) No departmental appreciation or reward on the best investigation.
- j) Media tends to portray the negative role of police which not only demoralizes police officials but also destroys their credibility.
- k) Political influence is also a challenge. Politicians try to appoint friendly investigating officer in order to manipulate investigation.
- l) Mostly investigations are done by junior ranks police officer but professional and international training facilities are provided to senior rank police officers. This policy needs shift so that investigating officers can get professional trainings too.

Touchstone of Evidence

No mathematical principle can be found in law that can be used as a standard to judge the sufficiency or insufficiency of evidence. Although some guidelines and rules are available in generic form that help judiciary to reach a conclusion.

Judiciary has ample powers to interpret law. Sometimes judicial interpretations create new law that is known as judge-made-law. Judge-made-law is based on some legal principle. Hence, these laws are binding upon subordinate courts. For example, Article 189 of Pakistan's

Constitution states that decision of Supreme Court is binding on all other courts of Pakistan to the extent it is based upon legal principle.⁸

Furthermore, judges also exercise juristic approach in order to determine a legal principle. Those judges, who are well versant in the jurisprudence, have good juristic approach. Juristic approach is a touchstone for the determination of sufficiency or insufficiency of an evidence.

There is a difference between juristic approach and journalistic approach. In journalistic approach, a person is concerned about facts of the case. If he witnessed a murder then he insists on sentence just because of his approach that he had witnessed the murder. He analyses only those things that were in front of him. His vision follows 90-degree angle. On the other hand, in juristic approach a person has broader vision and understanding of jurisprudence. He analyses the facts in the spectrum of 360-degree angle. He keeps in mind the facts of the case as well as the principles of jurisprudence.

Jurisprudence is same but the level of understanding of jurisprudence varies from judge to judge. Recently, a bench consisting of three judges of Supreme Court decided a murder case (*Mst. Nazia v. State, 2018*). Despite having same facts, two judges were in favour of conviction but one was in favour of acquittal. This difference of opinion was not because of difference in facts but it was due to the difference in juristic approach of the judges.

Statutory laws also help out judges to determine the sufficiency or insufficiency of the evidence. It includes conformity between eye witnesses, medical report, site plan and forensic report etc. Other standards include: verifying motive, discharging burden of proof, weapon recovery, circumstantial evidence, identification parade and relevancy of facts. Judges examine the evidence not only at surface level but they adopt deeper appreciation of evidence. They prefer quality of evidence to quantity of evidence. In a nutshell, statutory laws and juristic approach are the criteria for the ascertainment of sufficiency or insufficiency of an evidence.

⁸ Article 189 of the Constitution of Pakistan, 1973.

Conclusion and Recommendations

In a nutshell, faulty investigation is a curable flaw. It needs proper determination and thorough working with strong co-operation among judiciary, police and legislature. Following recommendations can possibly minimize the issue at hand.

Recommendations for Police Department

- Usage of Gloves and hair cover should be declared necessary at the time of crime scene inspection.
- Public access should be made limited to the crime scene. In order to avoid crime scene contamination.
- Mobile data of accused should be obtained in every murder case so that presence of accused at the time of crime could be brought on record by Call Data Record (CDR).
- An award can be announced for the general public for disclosing the very information leading to the apprehension and conviction of an offender.
- For the purpose of encouragement an award or promotion should be given to those investigating officers who collect best evidence in their cases.
- Easy information mechanism should be introduced for general public so that people can quickly report the homicidal occurrence so that investigating officer immediately reach at the crime scene and can seize that area.
- Investigation kit should be upgraded with advance investigating instruments that are earlier discussed under the heading named "Investigation Bag".
- Duty schedule of investigating officer needs to be revised and should be made according to the potential of normal human being. Moreover, watch and ward and investigation duties should be allocated to different groups.
- Punitive actions should be taken against investigating officer if he is found guilty of violating rules and procedure of investigation. Punitive actions will make him vigilant, dutiful and realize him the importance of evidence.

Recommendations for the Government of Pakistan

- A forensic team should be made at district level who immediately visits crime scene, collects forensic evidence and sends it to forensic laboratory. Furthermore, scientific infrastructure regarding forensic is needed to be developed.
- A toll-free number and website should be provided to public for their complaints regarding investigation. This complaint cell should be managed by an official other than police.
- Adequate funds should be allocated for investigating officers' professional trainings. In addition, annual workshops should be held on modern investigating techniques.
- Public should cooperate during investigation phase especially those persons who witness the occurrence.
- Media should also show the positive aspects of police in order to re-arrange views of masses.
- Salaries and incentives of investigating officer should be increased so that they do not tend towards corruption.
- Psychological department should be made to conduct psychological interviews of offenders, witnesses and complainant.

Recommendations for the Legislature

- Detection, collection, preservation and production of evidence is needed to be ensured and detailed mechanism is needed to be determined in police statutes by legislation.
- Clauses in police statutes that are written in open-ended and vague format need to be corrected. For instance, Rule 25.14 of Police Rules 1934. Legislature should provide proper mechanism by answering the questions of who, how, when, where and what.
- Rule 25.33 of Police Rules 1934 is written in generic form. It should explain the procedure.
- Photography and video of crime scene, dead body and locale of injury should be made compulsory.
- Political influence on investigating officer should be ended by adding required provisions in statutes that deal with crimes.

- Procedure of recording dying declaration is provided in Rule 25.21 of Police Rules 1934 is very complex. The complexity can be removed by using modern technology.
- According to Rule 25.24, investigating officer has power to get post and telegraph instruments. But, with modern developments the modes of communication are shifted from post to digital modes, i.e., Email, SMS, Facebook, WhatsApp, Twitter and other social media. The law does not facilitate investigating officer to get the data of persons from social media or telecommunication companies. In this regard power of investigating officer should be increased so that he could get social media and telecommunication data of alleged accused.
- Limitation of notorious criminals about footprints provided in Rule 25.26 of Police Rules 1934 should be lifted and it should be extended to every criminal.
- Judges should direct investigating officer to find out missing portion of evidence. To legalize this rule, legislature should take step.
- Usage of scientific instruments during investigation should be ensured.
- Legislature should ensure witnesses' protection and reimbursement of their expenditures by amendment in legal statute(s).
- Legislation is required regarding formation of computerized list of false witnesses so that false witness cannot reappear for testimony in future cases.

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