

The Role of Investigating Agencies in Strengthening the Indian Criminal Justice System

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Abstract - Enforcing criminal law in accordance with a specific set of procedural standards is made possible by a collection of legal and social institutions. One of the key instruments that the relevant correctional authority has at its disposal to curb antisocial behavior in society is the Criminal Justice Administration. It centers on the management and functioning of the different facets of the criminal justice system. The functions of the various correctional institutions and the duties of investigating authorities in criminal justice administration will be covered in brief. Depending on their responsibilities and the kinds of criminal cases they handle, investigating agencies play different roles. The gathering of evidence by the investigative divisions is part of it. Accordingly, they inspect, gather and represent the evidence before the court of law. The most recent methods of gathering evidence, how the investigating agencies gather evidence, and what happens if the evidence is lost or destroyed will also be covered in the article.

Keywords: Investigating agencies, Criminal Justice, Society, Evidences, Crime, Prosecution

I. Introduction

Criminal law among all legal branches, most directly impacts an individual's daily life.¹ By gathering information, locating suspects, and assembling cases for prosecution, investigative agencies play a critical role in preserving law and order, preventing and looking into crimes, and enforcing justice in India. Their responsibilities include preventing and detecting crimes, dismantling criminal organizations, safeguarding public safety, making sure that the law is upheld, and thwarting threats to national security. Successful prosecutions depend on the comprehensive and scientific gathering and presentation of evidence in court, which is a crucial role. The investigating agencies are to strengthen their administration and maximize their efficiency of solving the criminal investigation. In the Indian criminal justice system, offenders can fight for a trial in the court. This mechanism maintains the nation's law and order. This group of organizations and procedures was put in place by the government to control crime and punish lawbreakers. Laws, organizations, and methods of overseeing criminal justice procedures vary by country.

The criminal justice system can be divided into the state criminal justice system which is for a particular state and crime committing in that state and secondly as the federal criminal justice system which is for the federal parts of India and the matters of one or more states. In this way, these are the two judiciary ways in order to process a criminal trial for any offence. As a result, criminal cases within that boundary fall under the jurisdiction of that area. The goal of an ideal legal system is to create a country where people don't have any fear of crime. This apparatus aids in the fight against crime and consists of judges, attorneys, paralegal staff, and numerous investigative agencies like as the police, CBI², NIA³, state CID⁴, and numerous other preventive and enforcement agencies.

One way to characterize a criminal investigator is as someone who gathers, documents, and evaluates the data and evidence associated with a crime. Uncovering the truth about the circumstances and actions that led

¹ K.D. Gaur, Textbook on THE BHARATIYA NYAYA SANHITA, 2023, p.no. 1, (Lexis Nexis, Gurgaon, 9th. Edn., 2024)

²The Central Bureau of Investigation (CBI) is the domestic crime investigating agency of India. It operates under the jurisdiction of the Ministry of Personnel, Public Grievances and Pensions. It was set up to investigate bribery and governmental corruption, in 1965, available at https://en.wikipedia.org/wiki/Central_Bureau_of_Investigation, Last visited on 1/11/2025.

³The National Investigation Agency (NIA) is the principal counter-terrorism law enforcement agency in India. Established under the National Investigation Agency Act, 2008, it operates under the administrative control of the Ministry of Home Affairs, Government of India. Available at <https://india.gov.in/official-website-national-investigation-agency>. Last visited on 5/11/2025.

⁴ Criminal Investigation Department, is a specialized branch of the police force in India that handles serious and complex crimes, available at <https://www.google.com/search=CID+agency&sca>. Last visited on 5/11/2025.

to a criminal offense is the primary objective of criminal investigations. Four pillars make up our criminal justice system, which works like an intricate network of connections. These can be stated as followings;

- Investigation by police,
- Prosecution of case by the state,
- The court's assessment of guilt,
- To apply correctional measures by prison system.

These agencies work together in this system as the principal method of upholding the rule of law in society as well as under the rule of law itself. Any criminal justice system's cornerstone is fair procedure. By protecting the innocent while prosecuting and punishing the guilty and assisting them in ceasing to commit crimes, this system aims to provide justice for everybody. In the criminal justice system of India, the police conduct investigations, gather evidence, and present it in court to condemn the accused. The judge, on the other hand, serves as a neutral arbiter and fact-finder and, as such, also imposes sentences. Besides the reform of India's criminal justice system providing Nyaya not penalizing.⁵

The correctional facilities are tasked with carrying out the punishment. According to a study titled the Malimath Committee⁶ study, the committee was formed to suggest changes to the criminal justice system and associated constitutional provisions. Additionally, it offers suggestions for how the police, prosecutors, judiciary, and the general public might work together to bring justice. It mostly addresses the fallacies in the crime investigation department's handling of various instances. Individuals do not feel safe today, despite the fact that things have changed and we have made progress toward a better existence. Crime statistics are growing at a very rapid pace, and our investigators are falling far behind since it takes them a long time to solve one specific case.

II. Objectives of Research Paper

The main objectives of the study in this research paper are as following;

- To examine the legal mandate and statutory powers of investigating agencies.
- To understand the role of investigating agencies in ensuring fair, impartial, and efficient investigations.
- To analyze challenges faced by investigating agencies in India.
- To propose reforms for strengthening investigative processes.

III. Research Methodology –

The present study comprises doctrinal methods together with an adoption of analytical approaches. Case study methods are more applied to achieve the objective. This research work is of doctrinal nature. To study the developments at national level, Constitution of India along with the various legislative enactments have been studied as a primary source. Judgments of Supreme Court, of various High Court and lower courts have been taken as a primary source material. Reports and recommendations of various committees and commissions have also been taken into this research. As secondary source material books, journals, academic writings, juristic writings, Committees on reforms of Criminal Justice System, news- paper reports that deal with the issue have been used in the research work.

IV. The Failures in the Crime Investigation System

There are various reasons for the failure in the crime investigation system but one of the primary causes of the crime investigation system's failures is the investigators' improper evidence collection. That is why this research article focuses on various reasons for the failure of investigation system and prosecution such as the roles and functions of investigating agencies, the process of lodging the complaints in the police station, to analyze the failure of the police department to register any FIR, instances of police misconduct, not to follow the latest techniques for collection of evidences and to evaluate the measures not taken by the investigating agencies to strengthen their administration.

The main reason for the failure in the crime investigation system arises because of the investigators as they fail to collect the evidences properly. And the failure of the judiciary, in most cases, to give fair verdict depending upon the facts and circumstances of the cases. The study elucidates lacunas in the present Crime Investigating System in India. There are various cases and examples which have been caused for the failures and

⁵ K.D. Gaur, *Textbook on THE BHARATIYA NYAYA SANHITA*, 2023, p.no. 7, (Lexis Nexis, Gurgaon, 9th. Edn., 2024)

⁶ Malimath Committee was headed by Justice V.S. Malimath, former Chief Justice of the Karnataka and Kerala High Courts. This Committee began its work in 2000 when it was constituted by the Home Ministry, available at https://www.mha.gov.in/sites/default/files/2022-08/criminal_justice_system%5B1%5D.pdf. Last visited on 6/11/2025

loopholes in the Investigating System in India. As a result, it is clear that such errors could have detrimental effects and could actually impede the nation's progress. The criminal justice system is tarnished by unresolved crimes, failed prosecutions, unpunished offenders, and erroneous convictions. With all the safeguards in place in the criminal justice system, it seems quite improbable that someone could be found guilty of a crime they did not commit today. A criminal investigation failure more often leads to the offender evading punishment, even though the imprisonment of an innocent person is a pretense of justice. The key offender can also go free if they are wrongfully convicted. The purpose of this study is to examine the department's shortcomings in addressing the offense. Families of the victims are left in a dismal situation by the police's disgusting demeanor and the amount of time they spend dealing with the bad guys. Additionally, a component of the research is the statistical data that makes up the Investigating Department's fatal condition.

V. The Role of Investigating Agencies

The Police department plays an important role in combating crime, maintaining peace, and order. It derives the power to investigate from the BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, (BNSS)⁷, which deals with the procedural aspects of arrest of an accused person and provides various rights to accused/arrested persons. BNSS is a Procedural Law enacted by the makers / legislators to govern the criminal trial in courts dealing with criminal procedure in India and is significant legal framework in India.

The Police department is basically entrusted a dual role while maintaining law and public order of any state. They also control, preserve, promote and protect human rights and interest of weaker section, backward classes. To register zero FIR and not to just deny the person to lodge the complaint because the place where offence was committed doesn't come under their jurisdiction. It is the primary duty of police force to maintain law and order and also to promote and preserve public order. It is entrusted to protect internal security and prevent commission of a cognizable offence, illegal activities such as gambling, drunkenness, etc., to which many people fall and prey and destroy their life.

Police officers have a wide range of duties and responsibilities, and they might vary substantially depending on the political environment. Typical responsibilities include maintaining public order, enforcing the law, safeguarding individuals and property, and conducting criminal investigations. During their time on duty, officers are expected to handle a range of circumstances.⁸

One of the most widespread organizations in society are the police. When a common man is in need, danger, crisis, or problem and is unsure of what to do or whom to approach, the police station and a police officer are the most appropriate and personable entity and individual for him. It is anticipated that the police would be the most approachable and active institution in any community. The following can be summarized the roles and duties of the police:

- To register First Information Report⁹(FIR) and Zero FIR
- To gather information, locating suspects, and assembling cases for prosecution,
- To collect intelligence relating to matters affecting public peace,
- To check and control of all kind of crimes including social offences, communalism, terrorism.
- To disseminate the same to all concerned agencies, as appropriate on its themselves,
- To facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways,
- To train, motivate and ensure welfare of police personnel,
- To create and maintain a feeling of security in the community, and as far as possible prevent conflicts and promote amity,
- To make patrolling.
- To make Investigation into crimes.
- To make law and order in society.
- Prohibiting the sale of illegal articles.
- To look into other matters relating to national security.

⁷ The abbreviation for the Bharatiya Nagarik Suraksha Sanhita is BNSS, which is enforced on 1st July 2024, available at <https://www.indiacode.nic.in/handle/123456789/20099>. Last visited on 6/11/2025

⁸ Available at http://en.wikipedia.org/wiki/Police_officer. Last visited on 6/11/2025

⁹ Information in cognizable cases under section of 173 of The Bharatiya Nagrik Suraksha Sanhita (BNSS), available at https://prsindia.org/files/bills Acts/bills Parliament/2023/Bharatiya_Nagrik_Suraksha_Sanhita,_2023.pdf. Last visited on 6/11/2025

VI. Powers of Investigating Agencies under different Laws

The different laws are studied and analyzed in the articles such as the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS)¹⁰, The Bharatiya Nyaya Sanhita 2023 (BNS)¹¹, The Bharatiya SakshyaAdhiniyam 2023¹² and The Constitution of India, 1950. Police powers are based on two purposes and are quite broad. These include upholding the rule of law, investigating unlawful activity, and ensuring public order. To ensure that they may deter crime without unjustly limiting people's rights, police powers must be properly calibrated. The police explain most of its powers from code of criminal procedure, 1973(as now BNSS 2023) and the Police Act, 1861.¹³ There are the police's powers regarding the investigationas when someone lodge an FIR under section 173 of BNSS or when the police officer suspect commission of a cognizable offence under section 176 or where a competent magistrate orders the police under section 175 without taking cognizable of the offence on a complaint under section 223 of BNSS. The police have the ability to research cognizable in addition as non-cognizable offences. Police officers can investigate cognizable offence without the magistrate orders. If a police officer suspects commission of a cognizable offences, he has the power to investigate under section 176¹⁴ without filing a FIR. They also have the power to require the presence of witness in order to pursue investigation. Attendance of witness, the police officer who is pursuing the investigation is empowered to require the attendance of the witness shall be such who are acquired with the facts and circumstances of the case. However, the provision of section 179, explicitly mentions that no male below 15 years or above the age of 65 years or women or physically or mentally infirm person, shall be cared to attend at any other place than the peace where she resides. In examination of witness, the most crucial part of the investigation lies within the examination of witness. The statement made by them can hold an individual guilty. The lawman who is investigating the case has been empowered to conduct witness examination. The witnesses are absolute to answer the questions which are related to the case truly. As per section 180 of the code, the police officer who has the power to investigate will examine the witness and write down the statement made by them. There should be no delay on the part of the lawman investigating the case in examining the witness. It is preferred that the statement should be written or the substance of the whole examination should be written down at least. "Preparation of charge sheet as per the BNSS a police officer is empowered to submit a charge sheet after completion of investigation. It includes a copy of FIR, statement of the complainant, witnesses, dying declaration, etc."¹⁵ "According to section 187 of the BNSS police are empowered to extend the custody of the accused up to 15 days when the investigation is not completed within 24 hours. If there are sufficient grounds, the custody of the accused could be increased beyond 15 days with the permission of magistrate. However, the detention of the custody should not exceed 90 days where the investigation relates to an offence punishable with death, life imprisonment, or 10 years imprisonment and 60 days in any other offence."¹⁶

VII. The Failure of Criminal Justice System and its Causes

The failure of the criminal justice system is often attributed to systemic delays, corruption, lack of accountability, and inadequate resources, which collectively undermine justice, fairness, and public trust so as the case of India.

¹⁰The Bharatiya Nagrik Suraksha Sanhita is BNSS, which is enforced on 1st July 2024 and it replaced to the code of criminal procedure 1973, available at https://prsindia.org/files/bills Acts/bills_parliament/2023/Bharatiya_Nagarik_Suraksha_Sanhita,_2023.pdf. Last visited on 6/11/2025

¹¹ The Bharatiya Nyaya Sanhita 2023 (BNS), which is enforced on 1st July 2024 and it replaced to The Indian Penal Code 1860, Available at https://prsindia.org/files/bills Acts/bills_parliament/2023/Bharatiya_Nagarik_Suraksha_Sanhita,_2023.pdf. Last visited on 6/11/2025

¹² The Bharatiya SakshyaAdhiniyam 2023(BSA) which is enforced on 1st July 2024 and it replaced to The Indian Evidence Act 1872, Available at https://prsindia.org/files/bills Acts/bills_parliament/2023/Bharatiya_Nagarik_Suraksha_Sanhita,_2023.pdf. Last visited on 6/11/2025

¹³ An Act for the Regulation of Police , came into effect on 22nd March. Available at https://www.google.com/search=the+police+act%2C+1861&oq=&gs_lcp=EgZjaHJvb. Last visited on 7/11/2025

¹⁴ Section 176 of the Bharatiya Nagrik Suraksha Sanhita (BNSS).Available at https://prsindia.org/files/bills Acts/bills_parliament/2023/Bharatiya_Nagarik_Suraksha_Sanhita,_2023.pdf. Last visited on 7/11/2025

¹⁵Section 213 of the Bharatiya Nagrik Suraksha Sanhita 2023(BNSS).Available at <https://www.indiacode.nic.in/handle/123456789/20099>. Last visited on 8/11/2025

¹⁶Section 187(2) of the Bharatiya Nagrik Suraksha Sanhita 2023, (BNSS), available at <https://www.indiacode.nic.in/handle/123456789/20099>. Last visited on 8/11/2025

Crime has increased and the public is dissatisfied with the way the police and other criminal justice system agencies operate. In general, the reason for the rising crime rate in India is the police's negligence in filing police reports and allowing many criminals to escape punishment, or the length of time that cases are pending in court, which erodes public trust in the system's efficacy. The criminal justice system's failure is not rooted in its ideals but in its implementation and management, without structural reforms, public trust and the rule of law remain at risk.

The prominent causes behind the Failure of Criminal Justice Systems in India are as follows;

- **Corruption and Political Interference** - Law enforcement and judicial processes are often influenced by political or financial interests, compromising impartiality.
- **Ineffective Policing and Investigation** - Police forces may lack training, resources, or motivation to conduct thorough investigations.
- **Custodial torture**, forced confessions, and poor evidence handling lead to wrongful convictions or acquittals.
- **Socio-Economic Disparities** - Marginalized communities often face discrimination and unequal access to legal representation. Wealthier individuals can afford better legal defense, creating a justice gap.
- **Underfunded Legal Aid and Public Defenders** - Many accused persons, especially the poor, rely on understaffed and underpaid legal aid services, leading to inadequate defense.
- **Lack of Victim-Centric Approaches** - Victims are often neglected or re-traumatized by the system. There is limited psychological support, protection, or compensation for victims.
- **Overcrowded Prisons and Inhumane Conditions** - Prisons are filled with pre-trial prisoners who await trial for years. Poor living conditions and lack of rehabilitation programs worsen recidivism.
- **Low Conviction Rates** - In many jurisdictions, conviction rates are shockingly low, especially in cases of sexual violence, corruption, and organized crime. This reflects systemic weaknesses in investigation, prosecution, and judicial decision-making.
- **Delayed Justice** - The legal maxim "Justice delayed is justice denied"¹⁷ is a core concern. Overburdened courts, procedural complexities, and shortage of judges lead to years-long trials, especially in countries like India.

VIII. Police Misconduct and Its Incidents

Police misconduct in India is a multifaceted problem in India which refers to inappropriate, illegal, or unethical actions by law enforcement officers that violate legal norms, human rights, or professional standards. These actions can range from excessive use of force to corruption, custodial violence, and abuse of authority. In this way, the term "police misconduct" describes improper behavior or unlawful acts committed by law enforcement personnel while performing their official duties. It covers incidents of discrimination and even obstruction of justice. Police misconduct can take many different forms, and an officer does not have to be on duty to commit misconduct. Section 29¹⁸ states that a police officer can be punished for "wilful violation of duty or wilful breach or neglect of any rule or regulation or lawful order," which constitutes misconduct.

A few instances of police misconduct include using excessive physical or lethal force, making discrimination-based arrests, harassing people verbally or physically, or selectively enforcing the law. The Most Common Types of Indian Police Misconduct are as mentioned below;

- **Custodial Violence and Deaths:** Physical abuse or torture of suspects in custody, sometimes resulting in death.
- **Fake Encounters:** Extrajudicial killings staged to look like self-defense shootouts.
- **Corruption and Bribery:** Taking bribes to ignore crimes, tamper with evidence, or harass individuals.
- **Abuse of Power:** Intimidation, unlawful detention, or targeting marginalized communities.
- **Negligence:** Refusal to file FIRs or act on complaints due to bias or influence.

❖ There are some latest examples of some Police misconduct and its incidents as given below; State of U.P. v. Jagdeo and Others.¹⁹ There was no acquittal only because of faulty investigation. The High Court overturned the Sessions Court's ruling, clearing eight people of the murder charges against two people. The Supreme

¹⁷ The phrase "justice delayed is justice denied" is famously attributed to William Ewart Gladstone, a British statesman who served as Prime Minister in the late 1800s. Available at https://en.wikipedia.org/wiki/Justice_delayed_is_justice_denied. Last visited on 8/11/2025

¹⁸ Section 29 of the Indian Police Act, 1861, available at https://play.google.com/store/books/details/Taxmann_Taxmann_s_Police_Act_1861_Bare_Act. Last visited on 8/11/2025

¹⁹ AIR 2003 SC 660

Court claims that faulty grounds led to the High Court's acquittal. It said that the investigation was flawed. However, the Supreme Court ruled that the prosecution had a compelling case even if the investigation was flawed. Because they had reasons to support the prosecution's case, the High Court disregarded the testimony of three eyewitnesses. According to the Supreme Court, the majority of witnesses are close friends or family members who had a legitimate purpose for being at the scene of the incident. It is insufficient to disregard the evidence just because eyewitnesses may have had a motive. The witnesses' accounts agreed with each other, and the evidence presented was consistent. The Supreme Court upheld the Sessions Court's decision on this basis.

- ❖ **Ram Bali v State of UP**²⁰- The Sessions Court convicted two accused persons. The High Court acquitted one. The Supreme Court, after analyzing allegations of faulty investigations stated that, "in the case of a defective investigation the Court has to be circumspect in evaluating the evidence. But it would not be right in acquitting an accused person solely on account of the defect; to do so would tantamount to playing into the hands of the investigating officer if the investigation is designedly defective." The defect in investigation pointed out in this case was that the gun was not sent for forensic testing. Therefore the defect in investigation cannot be a ground of acquittal.
- ❖ **Vakil Prasad Singh v State of Bihar**²¹ - Right to speedy investigation is recognized as fundamental right under Article 21 of constitution of India. In this case, the investigation had firstly been done by a police officer who had no jurisdiction over the case. Added to this, after the direction of the High Court, the investigation had been delayed for 17 years, without any sufficient explanation. This was held to have violated the constitutional guarantee for speedy investigation and trial of the defendant, which was given by Article 21 of the Constitution. Hence, keeping in mind the delay, the pending proceedings against the defendant were declared as unwarranted and they were quashed.
- ❖ **Thoothukudi Custodial Deaths**²²- Jeyaraj and Bennicks, a father-son duo, died in Tamil Nadu police custody after alleged torture.
- ❖ **Jamia Millia Islamia Police Brutality (2019) – Delhi**²³
- ❖ **Vikas Dubey Encounter**²⁴- The gangster was killed by UP Police in a controversial encounter while allegedly trying to escape.
- ❖ **Haryana Police Suicides**²⁵- IPS officer Y Puran Kumar and ASI Sandeep Kumar died by suicide amid allegations of corruption, caste bias, and links to gangsters.

IX. Some Prominent Suggestions for strengthening and amending the criminal investigation system of India

There are some important suggestions and remedies for strengthening the criminal investigation and amending system of India. Thus, some following suggestions are proposed to provide free and equitable justice and to check the Police atrocities in society;

- **Police Reforms Based on Supreme Court's Prakash Singh Judgment, 2006**²⁶-To establish Police Complaints Authorities (PCA) at state and district levels to investigate misconduct, separate law & order and investigation functions and to fix tenure of police officers to reduce political interference.
- **Modernize Police Training** - Include human rights, gender sensitivity, mental health awareness, use non-violent investigation techniques, Training in digital evidence and legal procedures.
- **Legal & Institutional Reforms** - Replace the outdated Police Act, 1861, enact a new Police Accountability Law and strengthen internal vigilance mechanisms.
- **Independent Investigations** - All custodial deaths and police shootings should be probed by independent agencies such as judicial magistrate or human rights commission.
- **Use of Technology and Forensic laboratories should be more developed** - CCTV in police stations, digital record-keeping to reduce abuse, Real-time monitoring and evidence collection

²⁰AIR 2004 SC 2329

²¹Vakil Prasad Singh v State of Bihar 2009 Cri.LJ. 1731

²²Available at <https://www.newindianexpress.com/states/tamil-nadu/2020/Jun/27/thoothukudi-custodial-death-tn-govt-hands>. Last visited on 9/11/2025

²³ Available at <https://www.thehindu.com/news/cities/Delhi/court-discharges-sharjeel-imam-in-jamia-violence-case/article66470351.ece> 2019. Last visited on 9/11/2025

²⁴Available at <https://timesofindia.indiatimes.com/india/breaking-news-liveupdates>. Last visited on 9/11/2025

²⁵Available at <https://timesofindia.indiatimes.com/city/chandigarh/Haryana-cop>. Last visited on 9/11/2025

²⁶Prakash Singh v. Union of India, 2006 (8) SCC 1

- **Transparency & Public Involvement**—To encourage citizen oversight via Civilian Review Boards, to promote Right to Information (RTI)²⁷ use for police actions, Conduct public audits and feedback surveys
- **Strengthen Legal Aid & Awareness**—To educate citizens about their legal rights during arrest/detention and to provide free legal aid to those in police custody

X. Conclusion

There is a great need to improve it by strengthening whole the police department, on the scientific basis according to the requirements of the present era, especially its investigation system under a research by oriented planning and its implementation. Therefore, Criminal justice system plays a crucial role in the prevention and detection of crime. Police misconduct is a serious threat to democracy, justice, and human rights in India. While the police play a crucial role in maintaining law and order, accountability and reform are essential to prevent abuse of power. Implementing Supreme Court guidelines, ensuring independent oversight, and modernizing the force can help build a people-friendly, rights-respecting police system.

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