

2017-Paper QUESTION-6

Critically examine the major challenges faced by the criminal investigation process in Pakistan. Discuss how these challenges impact the delivery of justice and suggest ways to address these issues.

1) Introduction

"It is the process of collection and analysis of evidence to identify and prove the guilt of an offender"

Criminal investigation is the backbone of a criminal justice system. It is a core method to identify the cause of crime and criminal behaviour. For an effective criminal justice system, it is more important for 'Criminal Investigation Branch' to be more potent. This potential to effectively

investigate the crime can be obtained by adopting the key principles of criminal investigation. As crimes are the most rampant leeches to suck the peace of Pakistan, so a potent and competent investigation Branch is in high demand to prevent them. However, this appears more than a dream, as it is facing numerous challenges which are reducing the efficiency of criminal justice system. Additionally, these challenges are impacting the delivery of justice, thus affecting public's trust on state. To overcome these challenges and ensure the delivery of justice, several key reforms are needed.

2, Problems of Criminal Investigation System in Pakistan

= Pakistan is facing numerous problems of criminal justice investigation system which are hampering the delivery of justice, and are undermining the credibility of law enforcement.

These issues are deeply rooted in institutional deficiencies, lack of resources, and massive corruption.

(a) Overall problem of police organization

= The primary problem is identified in the police structure as they are plagued with various insubordinations, poor and outdated practices. It is overburdened with weak management to investigate a crime properly.

(b) Disappointingly low Budget

= In Pakistan, this fact makes one really disappointed that extremely low budget is allocated to law enforcement hindering their ability. Due to low budgets, such branches have to face the problems of fuel, vehicles, modern investigating tools, and forensic labs etc.

(c) Non-separation of watch and ward from investigation

== In Pakistan, double duty has assigned to police: law and order (watch and ward), and crime investigation. This dual responsibility is reducing the capacity of police to thoroughly investigate a crime.

(d) Non-availability of specialists

== While investigating a crime, special expertise is required like forensic analysis, cybercrime expertise, and interrogation techniques. Unfortunately, Pakistan lacks such trained specialists, and local police is responsible for such investigation which is not equipped with such skills.

(e) Shortage of staff

== Another reason for the weak criminal

Investigation system is the limited staff which is exponentially decreasing its efficiency. The law enforcement cannot manage ~~the~~ and address the criminal cases, resulting in delayed investigation which often compromise the evidence. This is further weakening the criminal justice system.

(18) Lack of Independence

= Another corroding factor of criminal investigation system is the lack of independence of investigating officials. They often face severe pressure from influential figures, who are forcing them to manipulate the case and delay the investigation.

(19) Corruption

= corruption is rampant in Pakistan which has not only rotten

the investigation process, but also has eroded the public's trust on system. Some government officials take bribe to divert the true essence of the case, and make it favourable for the one who corrupts the officials.

h) lack of competence

= There is not any regular conduct of training for police which can develop their skill, and enhance their efficiency. police uses the old methods to investigate the crime on the substructure of their own judgement rather than the new methods.

ii) Reliance on old method of investigation

= In Pakistan, usually the investigation method is heavily dependent on

eyewitness testimony. Such investigation may be prone to manipulation, and the false allegations may lead to wrongful investigation.

(J) Lack of Infrastructure

= Another hampering factor in the path of thorough investigation is the lack of infrastructure. This may lead to the loss of evidence as it is not efficient for amenities. Thus, lack of infrastructure is causing the law enforcement to lag behind in the most important field identified as Criminal Investigation.

(K) Non-optimal Use of Technology

= As criminal investigation system has revolutionized globally, but Pakistan still lags behind to equip modern technology.

in the field of surveillance, forensic database etc.

(b) Delayed Adjudication

= Pakistan's adjudication system is notorious for its delayed delivery of justice. Some cases remain unsolved in court for many years which is not only ~~but~~ resulting in delayed justice, but also staining the justice system of Pakistan.

(m) Use of Torture

= In Pakistan the old method of extracting evidence through torture is not only illegal, but also lead to wrongful acquittals. It can weak the prosecution's case due to false or forced confession.

The aforementioned challenges are impacting the delivery of justice in Pakistan in numerous ways which are discussed in the following points:

- The combination of the low budgets, staff shortage, and delayed adjudication are resulting in prolonged trials.
- Wrongful acquittals and convictions are eroding public's trust on the criminal justice system.
- Corruption in judicial system is damaging the credibility of law enforcement.
- Practices like brutal torture is violating the human rights.

Reforms to Address these Issues

To address these issues and to improve the criminal justice system some key reforms are needed:

a) Increase in Budget and Resources

Law enforcement agencies need increased funding to improve infrastructure, hire more staff, and equip new investigating tools. This will improve and enhance the overall working of thorough investigation.

b) Separation of watch and ward

To achieve a thorough investigation criterion, there is a need to separate law maintaining law and order from investigation department. By doing so, a specialized team will be assigned to criminal investigation.

c) Training and competence development

Regular training programs and for police and investigators would help in building competence in modern investigative methods.

d) Anti-corruption Method Measures

Anti-corruption measures is ~~an~~ crucial for improving the criminal justice system through conducting fair investigation without any political influence or personal preference.

e) Increase in Forensic Laboratories and Technological Advancement

Increase in forensic laboratories and technological advancement can assure the better working of criminal investigation processes.

f) Judicial Reforms

Judicial reforms such as hiring more judges and introducing digital case management systems would help reduce the backlog of cases.

Conclusion

= As criminal investigation is referred to as the backbone of criminal justice system, so it should be fair, quick, and equitable. Unfortunately, Pakistan lacks the crucial properties of effective criminal investigation due to manifold facets. This shortcoming of Pakistan is becoming the strength of various crimes which need to be addressed effectively.