
A Study on General Awareness on Power of Police to Investigate Under Criminal Procedural Code Among Individuals from Different Place of Living

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Abstract: For decades, across the country, there has been an ongoing debate on the powers and the steps taken for law enforcement by the police. Statistics prove that people oppose the steps taken by the police even when it is done under their official capacity. Though the CRPC, has given a well crafted and apt powers to the police for the purpose of investigation, several media reports prove that individuals are against the process of investigation carried out by the police this situation seems magnified in the case of rural areas, and thus an ambiguity arises as to whether the procedure requires amendment or are the general public not aware of the same. The study aims to find out the general awareness of individuals on the powers of police to investigate under crpc, using non probability convenience sampling and chi square tests. The study reveals that individuals in the urban areas are aware that the police may extend the duration but the individuals in rural areas are not aware of the same. In case of cognizable offence order of magistrate is not necessary, individuals in the urban areas are aware of this power whereas those in the rural areas aren't aware. The people living in urban areas are aware that the police officer has got the power to subject the victim and the accused for medical examination but it is not in the case of rural areas. Thus it could be stated that there is a relationship between Awareness of General Public on Power of Police to Investigate under Criminal Procedural Code and place of living. It could be recommended that that awareness programs may be organized in rural areas by police and lawyers so that the negative perception over the police may change

Keywords: Police, Investigation, CRPC, place of living, awareness

INTRODUCTION

The primary duty and responsibility conferred to the Police is to protect life, liberty and property of citizens. It is for the protection of these rights that the Criminal Justice System has been constituted assigning important responsibility to the Police(Katz, 1980). They have various duties to perform, the most important among them being maintenance of Law and Order and investigation of offences(Bradford, 1998). The police are charged with the responsibility of protecting precious Human Rights of the citizens('Trials: Power of Court to Compel Physical Examination of Witness', 1924; Bradford, 1998). Whenever their threat of offence or a threat of one's human rights is foreseen it is to the police officer who rushes for help. Unfortunately the contribution of the police in this behalf is not realized and only the negatives of the police department are brought into limelight, highlighted and criticized('Trials: Power of Court to Compel Physical Examination of Witness', 1924; Bradford, 1998; Kim Kyung Rak and Rak, 2015). The negative contentions must be cleared and the police department must be respected as they play the most difficult role even at the cost of their lives in the process of protecting the rights of the citizens. The policemen, therefore, happen to be the most visible representatives of the government(Great Britain: Parliament: House of Commons: Home Affairs Committee, 2012). In the case of anticipated danger, crisis and difficulty, when a citizen does not know, what to do and whom to approach, the police station and a policeman happen to be the most appropriate and approachable unit and person for him(Motschall and Cao, 2002; Great Britain: Parliament: House of Commons: Home Affairs Committee, 2012). The police are expected to be accessible to the public, interactive with those in help and dynamic organisation of

any society. The roles, functions and duties of a police in the society are varied, and multifarious at the same time they are also complicated. The police are expected to play a twin role in a society that is maintenance of law and maintenance of order. However, the ramifications of these two duties are numerous, which result in making a large inventory of duties, functions, powers, roles and responsibilities of the police organisation (Pynes, 2001).

Chapter XII of the Code of Criminal Procedure, 1973 (Cr.P.C.), deals with the Information to the Police and their Powers to Investigate (Mughal, 2012). Such powers are related to all cognizable and non-cognizable matters as well as matters related to suicide, killed by animals or accidents etc. All the powers of police are inherent and are not to have encroached through any means. (Ranchhoddas and Thakore, 2004)

For decades, across the country, there has been an ongoing debate on the powers and the steps taken for law enforcement by the police statistics prove that people oppose the steps taken by the police even when it is done under their official capacity (Ranchhoddas and Thakore, 2004; Longstaff and Graham, 2008). In this case a natural lacuna arises as to whether individuals are aware of the rights conferred to police to investigate under CRPC. The situations seem magnified in rural areas. Our team has rich experience in research and we have collaborated with numerous authors over various topics in the past decade (Deogade, Gupta and Ariga, 2018; Ezhilarasan, 2018; Ezhilarasan, Sokal and Najimi, 2018; Jeevanandan and Govindaraju, 2018; J et al., 2018; Menon et al., 2018; Prabakar et al., 2018; Rajeshkumar et al., 2018, 2019; Vishnu Prasad et al., 2018; Wahab et al., 2018; Dua et al., 2019; Duraisamy et al., 2019; Ezhilarasan, Apoorva and Ashok Vardhan, 2019; Gheena and Ezhilarasan, 2019; Malli Sureshbabu et al., 2019; Mehta et al., 2019; Panchal, Jeevanandan and Subramanian, 2019; Rajendran et al., 2019; Ramakrishnan, Dhanalakshmi and Subramanian, 2019; Sharma et al., 2019; Varghese, Ramesh and Veeraiyan, 2019; Gomathi et al., 2020; Samuel, Acharya and Rao, 2020)

Therefore this research is done with an aim to find out the general awareness of individuals on the powers of police to investigate and its relationship with age groups.

REVIEW OF LITERATURE

Investigation in case of cognizable offences

Section 154 of the Code necessitates that, every information with respect to the commission of any cognizable offense is to be decreased to composing either by the police in-control or any under his bearing (Elliott and Fagan, 2017). All such information is composed will be perused to and be marked by the individual giving it. The information which is diminished to composing is known as 'first information'. 'First Information Report' isn't referenced in the Cr.P.C., however these words are comprehended to mean information recorded under this area. The primary object of the first information report is to set the criminal law in the movement and to set the examination procedure in reference to the supposed offense (Shah, 1999; Elliott and Fagan, 2017). The FIR is a basic bit of any criminal preliminary so as to validate the evidence. The object of demanding the filing up of the FIR is to get earlier information in regards to the conditions in which wrongdoing was submitted, the name of real guilty parties and the part played by them just as the names of eye-witnesses (India. National Human Rights Commission, 2007).

Section 156 of the Cr.P.C. gives power to the police officer or the investigating officer to investigate a cognizable case without the order of the Magistrate (India. National Human Rights Commission, 2007; Donnelly and West, 2019). However he can carry on investigating the case only where the Court has the jurisdiction over the local areas.

Investigation in the case of Non Cognizable Offences

Section 155 of the Code manages the information in case of non-cognizable offenses and their examination (Sethi, 1954). All the information obtained under this section will be recorded by the cop in control and will be entered in such books as might be recommended by the State Government. As per section 155 (2), a cop isn't allowed to investigate a case identifying with the non-cognizable offense without the order of the Magistrate who has the power to try such cases. A police officer shall secure the power to investigate when he gets the order and can practice the examining power same as he practices in any cognizable issue. In any case, no officer has the power to arrest any individual in the non-cognizable offense except if he has the warrant to arrest. Further, according to section 155 (4), if any case includes at least two offenses among all, in that one is the cognizable offense, the whole case will be considered to be a cognizable case. No safeguard would lie in such cases minor on the premise that others are non-cognizable offense and the police or investigating officer will have the power to investigate the way as endorsed for the cognizable offense (Cardozo, 2012).

Procedure

Section 157 of the Code builds up the system to be pursued for examination. The section necessitates that prompt notice of each accusation or information alluded to an officer responsible for a police station of the commission of a cognizable offense will be sent to the Magistrate having jurisdiction (Rao and Correya, 2011). A police officer when he gets information or has motivations to associate the commission with any cognizable

offense is required to report the Magistrate who has the jurisdiction to try such cases. The Magistrate is empowered to take the insight of such offense and order to any subordinate officer to investigate the spot, realities and conditions of the case and take vital measures for the revelation and the arrest of the accused (Richardson, 2014). The report is sent to the Magistrate as to keep him side by side of the examination so he may give suitable bearings. Section 157 requires a police officer to 'forthwith a report' which means that the report has to be sent immediately. Uncertainty does not render the case a provision for delay but rather would put the Court on protection.

Powers of Police officer to Investigate

Attendance of witness:

Section 160 of the Cr.P.C. empowers the police officer to require the attendance of witnesses who are within the jurisdiction of such police station. However, in the case of male person below the age of 15 years or above the age of 65 years or woman or physically or mentally disabled person, the attendance of such person will be required at his place where he resides ('PROCEDURAL ISSUES OF PROOF IN CRIMINAL CASES ACCORDING TO ARTICLE 264.1 OF THE CRIMINAL CODE', 2018).

Examination of witness

Section 161 of the Code empowers the police officer who has the power to investigate to examine the witness and reduce the statements of the witness in writing. This section also gives power to police to record the statements in audio-visual electronic form. Moreover, a woman police officer shall record the statement of the woman, who is a victim or against whom an offence is committed (Grubac, 2012; 'PROCEDURAL ISSUES OF PROOF IN CRIMINAL CASES ACCORDING TO ARTICLE 264.1 OF THE CRIMINAL CODE', 2018).

Preparation of charge sheet

A police officer has got the power to submit a charge sheet after the process of investigation. It also includes a copy of FIR, statement of the complainant, witnesses, panchnama, dying declaration etc (Friman, 2004).

Other powers of a police officer

- a. Police officers have the authority to extend the custody of the accused up to 15 days when the investigation is not completed within 24 hours.
- b. The custody of the accused could be increased beyond 15 days with the permission of the Magistrate on sufficient grounds. At the same time, custody shall not increase beyond 90 days in a case where the offence is punishable with death or life imprisonment or 10 years imprisonment and 60 days in any other offence.
- c. To make the medical examination of a rape victim.
- d. The accused may also be subjected for medical examination (Nolan, 2013)

Statement of problem

Though the CRPC, has given a well crafted and apt powers to the police for the purpose of investigation, several media reports prove that individuals are against the process of investigation carried out by the police, and thus an ambiguity arises as to whether the procedure requires amendment or are the general public not aware of the same.

METHODOLOGY

Study area

A. As the researcher intends to understand the awareness of public on power of police to investigate, the study is divided into 3 categories –

1. Awareness on extending the duration of investigation
2. Awareness on Investigation without order of magistrate
3. Awareness on medical examination
4. Awareness of attendance

Methods of study

1. Analytical Method
2. Quantitative method
3. Comparative method
4. Descriptive method

Type of research

1. Applied Research
2. Quantitative Research

3. Explorative Research
4. Comparative research
5. Descriptive research

Data collection

Present study is based on Primary as well as Secondary sources of data, which are as –

1. Primary Sources – Primary data is collected by collecting questionnaire from general public
2. Secondary Sources – Secondary data is collected through literature of N.G.O. reports, Government Reports, Websites, Research Articles, Newspapers

Variable used

1. Independent variable: place of living
2. Dependent variable:
 - a. Public opinion on extending the duration of investigation
 - b. Public opinion on Investigating without order of magistrate
 - c. Public opinion on power of police officer to conduct examination
 - d. Public opinion on police officer power to compel the attendance of witness for the purpose of investigation

Statistical Tool used

1. chi square analysis
2. symmetric measurers

Sample size and Frequencies

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid urban	442	43.7	43.7	43.7
rural	569	56.3	56.3	100.0
Total	1011	100.0	100.0	

Sample size calculation

For the purpose of this study, a sample size of 1011 is chosen where 442 respondents are from urban and 569 respondents are from rural areas.

RESULTS AND DISCUSSION

In this study for each issue a survey is done where a sample size mentioned is taken and the percentage is also mentioned, to determine the validity and the determine the study results chi- square analysis and correlation symmetric measures method is used. when the pearson value of ‘Asymp. Sig’ value is less than 0.05, the alternate hypothesis is considered and when the pearson value ‘Asymp. Sig’ value is greater than 0.05, the null hypothesis is accepted. For determining the hypothesis the variables are cross tabulated.

Hypothesis

H₀: there is no relationship between Awareness of General Public on Power of Police to Investigate under Criminal Procedural Code and place of living.

H₁: there is a relationship between Awareness of General Public on Power of Police to Investigate under Criminal Procedural Code and place of living.

Concept Analysis

Awareness on extending the duration of investigation

Table 1. Public opinion on extending the duration of investigation

Police officers have the authority to extend the custody of the accused up to 15 days when the investigation is not completed within 24 hours. The custody of the accused could be increased beyond 15 days with the permission of the Magistrate on sufficient grounds. At the same time, custody shall not increase beyond 90 days in a case where the offence is punishable with death or life imprisonment or 10 years imprisonment and 60 days in any other offence. The individuals in the urban areas are aware that the police may extend the duration but the individuals in rural areas are not aware of the same.

The pearson chi square value of ‘Asymp. Sig’ is 0.01 which value is less than 0.05, Pearson chi square ‘Asymp Sig’ value is 0.00 which value is less than 0.05, which proves that there is a relationship between independent

and dependent variables. The independent variable chosen is the place of living which is tested against the dependent variable. thus it could be stated that there is a Relationship between place of living and awareness on extending the duration of investigation by police

Awareness on Investigating without order of magistrate

Table2. Public opinion on Investigating without order of magistrate

A Police officer, who has the power to investigate the witness and shall reduce such statements of the witness in writing. This section also gives power to police to record the statements in audio-visual electronic form. In case of cognizable offence order of magistrate is not necessary. Individuals in the urban areas are aware of this power whereas those in the rural areas aren't aware.

The pearson chi square value of 'Asymp. Sig' is 0.01 which value is less than 0.05, Pearson chi square 'Asymp Sig'value is 0.00 which value is less than 0.05, which proves that there is a relationship between independent and dependent variables. The independent variable chosen is the place of living which is tested against the dependent variable. thus it could be stated that there is a Relationship between place of living and power of police to investigate without order of magistrate in the case of cognizable offences

Awareness on medical examination

Table3. Public opinion on power of police officer to conduct examination

The police officer has got the power to subject the victim and the accused for medical examination to get evidence or for the purpose of meeting the ends of justice. The people living in urban areas are aware of the same but it is not in the case of rural areas.

The pearson chi square value of 'Asymp. Sig' is 0.01 which value is less than 0.05, Pearson chi square 'Asymp Sig'value is 0.00 which value is less than 0.05, which proves that there is a relationship between independent and dependent variables. The independent variable chosen is the place of living which is tested against the dependent variable. Thus it could be stated that there is a Relationship between place of living and the power to subject the victim and the accused for medical examination to get evidence or for the purpose of meeting the ends of justice

Awareness on attendance

Table4. Public opinion on police officer power to compel the attendance of witness for the purpose of investigation

The code of criminal procedure gives authority to compel the attendance of the witness within the territorial limits, people living in the urban areas are aware but the people living in rural areas are not aware.

The pearson chi square value of 'Asymp. Sig' is 0.01 which value is less than 0.05, Pearson chi square 'Asymp Sig'value is 0.00 which value is less than 0.05, which proves that there is a relationship between independent and dependent variables. The independent variable chosen is the place of living which is tested against the dependent variable. thus it could be stated that there is a Relationship between place of living and the power to subject the victim and power to compel the attendance of witness for the purpose of investigation

The individuals in the urban areas are aware that the police may extend the duration but the individuals in rural areas are not aware of the same. In case of cognizable offence order of magistrate is not necessary, individuals in the urban areas are aware of this power whereas those in the rural areas aren't aware. The people living in urban areas are aware that the police officer has got the power to subject the victim and the accused for medical examination to get evidence or for the purpose of meeting the ends of justice but it is not in the case of rural areas. Thus it could be stated that there is a relationship between Awareness of General Public on Power of Police to Investigate under Criminal Procedural Code and place of living. The above stated result denotes that Awareness is mainly based on place of living. In the urban areas practices of law or its procedures are explained implicitly to all individuals because of the strict enforcement which is not the case in rural areas.

The current study results are influenced by the educational knowledge of individuals and their concern towards society and law.

The parameters included in the study are Awareness on extending the duration of investigation, Awareness on Investigation without order of magistrate, Awareness on medical examination and Awareness of attendance

When this study is compared to the situation in England it could be found out that, The police officers in England derive their powers from the Police and Criminal Evidence Act, 1984 and Police Act, 1996. All powers of police officers are given to constables. Such constables have the power to enter and search any premise of the person who is arrested for an indictable offence. Indictable offence implies offence of serious nature. The main power which is available to constables is the seizure of the property where there are reasonable grounds to believe that the seizure is necessary in order to protect the property from being lost, damaged, concealed, and destroyed. The constables are also empowered to detain a person either with or without arrest and there is no such relationship between awareness and place of living.

The study recommends that awareness programs may be organized in rural areas by police and lawyers so that the negative perception over the police may change.

Findings

1. The individuals in the urban areas are aware that the police may extend the duration but the individuals in rural areas are not aware of the same
2. In case of cognizable offence order of magistrate is not necessary, individuals in the urban areas are aware of this power whereas those in the rural areas aren't aware.
3. The people living in urban areas are aware that the police officer has got the power to subject the victim and the accused for medical examination to get evidence or for the purpose of meeting the ends of justice but it is not in the case of rural areas..
4. There is a relationship between Awareness of General Public on Power of Police to Investigate under Criminal Procedural Code and place of living.

Recommendation

1. Programs may be organized in rural areas by police and lawyers so that the negative perception over the police may change.
2. Social awareness must be made for the public at large.
3. The police must explain the procedure that is to be followed during investigation to the victim or accused.

Our institution is passionate about high quality evidence based research and has excelled in various fields ((Pc, Marimuthu and Devadoss, 2018; Ramesh et al., 2018; Vijayashree Priyadharsini, Smiline Girija and Paramasivam, 2018; Ezhilarasan, Apoorva and Ashok Vardhan, 2019; Ramadurai et al., 2019; Sridharan et al., 2019; Vijayashree Priyadharsini, 2019; Chandrasekar et al., 2020; Mathew et al., 2020; R et al., 2020; Samuel, 2021)

CONCLUSION

The individuals in the urban areas are aware that the police may extend the duration but the individuals in rural areas are not aware of the same. In case of cognizable offence order of magistrate is not necessary, individuals in the urban areas are aware of this power whereas those in the rural areas aren't aware. The people living in urban areas are aware that the police officer has got the power to subject the victim and the accused for medical examination to get evidence or for the purpose of meeting the ends of justice but it is not in the case of rural areas. Thus it could be stated that there is a relationship between Awareness of General Public on Power of Police to Investigate under Criminal Procedural Code and place of living. The study recommends that awareness programs may be organized in rural areas by police and lawyers so that the negative perception over the police may change.

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Table 1. Public opinion on extending the duration of investigation

Crosstab				
count				
		Public opinion on extending the duration of investigation		Total
		yes	no	
Place of residence	urban	339	103	442
	rural	219	350	569
Total		558	453	1011

Chi-Square Tests					
	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	146.848 ^a	1	.000		
Continuity Correction ^b	145.307	1	.000		
Likelihood Ratio	152.314	1	.000		
Fisher's Exact Test				.000	.000
Linear-by-Linear Association	146.703	1	.011		
N of Valid Cases	1011				

Table2. Public opinion on Investigating without order of magistrate

Crosstab					
Count					
		Public opinion on Investigating without order of magistrate			Total
		yes	No	may be	
5.Place of residence	urban	228	149	65	442
	rural	128	389	51	568
Total		277	617	116	1010

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	30.042 ^a	2	.000
Likelihood Ratio	30.029	2	.000
Linear-by-Linear Association	2.027	1	.155
N of Valid Cases	1010		

Table 3. Public opinion on power of police officer to conduct examination

Crosstab							
Count							
		Public opinion on power of police officer to conduct examination				Strongly agree	total
		strongly disagree	disagree	neutral	agree		
Place of residence	urban	2	77	78	130	155	442
	rural	15	30	230	235	59	569
Total		17	107	308	265	214	1011

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	216.861 ^a	4	.051
Likelihood Ratio	228.819	4	.055
Linear-by-Linear Association	56.522	1	.061

N of Valid Cases	1011		
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Symmetric Measures					
		Value	Asymptotic Standardized Error ^a	Approximate T ^b	Approximate Significance
Interval by Interval	Pearson's R	-.237	.031	-7.734	.061 ^c
Ordinal by Ordinal	Spearman Correlation	-.245	.033	-8.022	.099 ^c
N of Valid Cases		1011			

Table 4. Public opinion on police officer power to compel the attendance of witness for the purpose of investigation

Crosstab					
Count					
		Public opinion on police officer power to compel the attendance of witness for the purpose of investigation			Total
		yes	no	may be	
5.Place of residence	urban	185	106	151	442
	rural	355	158	56	569
Total		540	264	207	1011

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	92.872 ^a	2	.000
Likelihood Ratio	94.029	2	.000
Linear-by-Linear Association	79.321	1	.000
N of Valid Cases	1011		