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PERCEPTIONS AND PRACTICES: AN EMPIRICAL STUDY OF THE WORKING RELATIONSHIP BETWEEN PRACTICING ADVOCATES AND POLICE PERSONNEL IN CASE-HANDLING

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ABSTRACT

The effective administration of justice depends on the adequate coordination and professional interaction of the several parties involved in the criminal justice system. Practicing advocates and police personnel have distinct but connected roles in the management of cases, and the character of their working relationship can influence communication, access to case material, procedural coordination and the overall effectiveness of case handling. This empirical study explores the perceptions of the working connection between practicing advocates and police officials in managing cases and their practices in this regard. The study uses a non-doctrinal research methodology and a structured questionnaire to examine the perception of respondents regarding the promptness of police response, access to documents related to the case, professional courtesy, communication, coordination, cooperation irrespective of personal acquaintance or professional influence, effect of external pressure, the significance of cordial professional relationships, joint training programs and overall satisfaction with existing cooperation. The replies show a variety of views on these dimensions, suggesting the professional relationship has both positive experiences as well as points of concern. The findings emphasise the necessity of good communication, timely access to important information, professional courtesy, unbiased cooperation and increased coordination between attorneys and police personnel. The study also shows the benefits of structured interaction and cooperative training programs in building mutual trust and professional understanding.

INTRODUCTION

The administration of justice is a complicated process that involves several institutions and professional actors with different but related functions. Police and legal practitioners are among the main actors in the criminal justice system.¹ Police are crucial in maintaining public order, preventing and investigating crime, gathering evidence and helping to enforce criminal legislation. Practicing advocates are vital in providing legal counsel, preserving the legal rights of persons and supporting courts in the proper administration of justice. Both have different professional responsibilities but many a time the two roles overlap especially while dealing a legal case.

The interaction between practicing advocates and police personnel is an important but comparatively less researched facet of the criminal justice system. Advocates may have opportunities to engage with police officials during the course of a case at different phases of the investigation and procedural development. Such communication may include status of a case, procedural issues, legally authorised access to information and other topics related to the representation of clients. The kind and quality of such professional engagement can significantly affect the efficiency of case handling and the overall functioning of the justice system.

The professional relationship between advocates and police personnel should be founded on mutual respect, adequate communication, professional independence and an understanding of their different roles.² Cooperation between the two professions does not mean that either profession should compromise its own role. In contrast, good cooperation is possible if each professional group fulfils its functions within the limits of law and professional ethics, maintaining proper communication at the institutional and professional level. This is particularly relevant in criminal processes, as delays, communication difficulties or misunderstandings between multiple players may impair the effective evolution of a case.

The present study aims to explore the working interaction of professional advocates and police personnel in an empirical perspective. It is concerned with grasping the professional views and practices concerning case handling and looks to find possibilities for co-operation and scope

¹ The Constitution of India articles. 21, 22, 39A.

² The Advocates Act, No. 25 of 1961, 7(1)(b), 49 (India) (providing for standards of professional conduct and etiquette for advocates).

for improvement. The study investigates practical aspects of advocate–police interaction and seeks to contribute to a better understanding of professional coordination in the criminal justice system. The study is significant because a working system of justice calls for not only sound laws and institutions, but also constructive professional interaction among the persons responsible for the implementation and facilitation of those laws. Better communication, mutual understanding, professional respect and institutional coordination between advocates and police officers could allow for more efficient processing of cases, without infringing upon the independent activities of either profession. Therefore, empirical investigation of this link may provide important insights for enhancing professional practices and contribute to the effective administration of justice.

CONCEPTUAL FRAMEWORK OF ADVOCATE–POLICE RELATIONSHIP

Meaning of Professional Relationship

A professional connection refers to a formal relationship between individuals or institutions who execute different functions in a certain professional or institutional setting. The relationship between practising advocates and police personnel in the criminal justice system is one of contact between two different professional groups with different responsibilities but a shared link in the administration of justice. This type of relationship implies communication, mutual respect, professional cooperation and observance of legal and ethical norms.

Role of the Practicing Advocate

In criminal issues, Advocates may have dealings with investigative authorities in connection with representation of accused persons, victims or other parties. Such connection may include communications relating to procedural issues and other material legitimately obtained in the course of a case. However, the work of the advocate continues to be controlled by professional ethics, legal duties and the duty to protect the legitimate interests of the client, while respecting the administration of justice.

The role of Police Personnel

The Police Personnel occupy a central place in the criminal justice system. Their duties include prevention and detection of offences, investigation of cases, collecting of evidence, identification of those involved in offences and the fulfilment of other activities stipulated by

law. The Police also play an important role in maintaining public order and in the administration of criminal justice. In the course of investigating and dealing with cases police personnel come with many different parties including complainants, accused, victims, witnesses, advocates and judges.

Nature of Advocate–Police Interaction

The relationship between Attorneys and Police officials is generally a consequence of the exigencies of case handling. Advocates may need to interact with police authorities about procedural matters, the status of cases and information that can be made available by law. Police officials may, in turn, deal with advocates when investigating and in other procedures relating to the administration of criminal justice. How this contact is carried out will depend on the type of case, the stage of the proceedings, the professional expertise of the persons engaged and the circumstances in which the interaction takes place.

Importance of Professional Cooperation

Co-operation between advocates and police personnel can contribute to the efficient functioning of the criminal justice system. Good cooperation can help effective communication, eliminate unnecessary misunderstanding and assist the orderly course of situations. But cooperation should not be construed as favouritism or a compromised professional independence. Both professions need to preserve their own obligations, while respecting the valid roles of the other.

Communication and Coordination

Communication is an important component of professional communication. Good communication can help to cut down on misconceptions and enable the flow of information in legally acceptable ways. Communication between attorneys and police officials, in relation to processing cases, may be useful in addressing procedural concerns and improving understanding of the roles of the respective professionals. Coordination is also necessary because criminal trials sometimes include numerous phases and institutions.

Professional Independence

The independence of the profession is critical to both advocacy and policing.³ Advocates

³ State of Bihar v. J.A.C. Saldanha, (1980) 1 SCC 554 (India)

should be free to represent their clients without undue interference, and police personnel should be able to conduct authorised investigations without undue influence. A healthy professional relationship should therefore promote cooperation without generating dependence, special treatment or undue influence. Professional independence also increases the public's faith in the justice system.

Conceptual Grounding of the Present Study

The present study conceptualises the advocate-police relationship as a professional interaction, defined by communication, cooperation, coordination, mutual respect, professional independence and institutional trust. The relationship is seen in terms of practical case handling rather than simply the formal legal authorities and duties vested in each profession. The conceptual framework serves as the basis for the empirical dimensions of the relationship studied in the next portions of the study.

LEGAL FRAMEWORK GOVERNING THEIR PROFESSIONAL ROLES

Constitutional structure

This nexus between practicing counsel and police personnel works within the larger constitutional framework of administration of justice in India. The Constitution of India provides for fundamental rights and lays forth rules for the functioning of institutions engaged in criminal justice process. Constitutional guarantees of equality, personal liberty, protection against arbitrary State action and access to justice are particularly crucial for the responsibilities performed by police authorities and legal practitioners.⁴

Article 21 - Right to life and personal liberty

Article 21 states that no person shall be deprived of his life or personal liberty unless according to the procedure prescribed by law. The clause has become a basic protection against the arbitrary exercise of State power. The investigation, arrest and other police operations must therefore be carried out within the framework of established legal procedures and standards of fairness.⁵ Advocates in criminal cases play a vital role in safeguarding the legal rights and interests of those whose liberty may be at risk.

⁴ The Constitution of India articles. 14, 21, 22, 39A.

⁵ Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (India)

Article 22 - Rights of those arrested and detained

Persons arrested or detained have constitutional safeguards under Article 22. Such safeguards include the right to be notified of the circumstances of arrest and the right to consult and be defended by a legal practitioner of one's choice within the parameters of the constitutional system.

Article 39A - Justice for all and free legal aid

Article 39A mandates the State to assure that the operation of the legal system promotes justice on a basis of equal opportunity, and to offer free legal assistance, by suitable legislation or otherwise, to ensure that possibilities for securing justice are not denied to any citizen by reason of economic or other impairments. The provision is a reflection of the constitutional commitment to access to justice and recognises the role of legal help in the justice delivery system. Advocates consequently play a crucial role in ensuring that persons are able to successfully exercise their legal rights.

Police Personnel Legal Framework

Functions and powers of the police officers when dealing with criminal cases are mainly provided in the criminal procedure law and other relevant laws. The main procedural law relating to criminal investigation and other processes is The Bharatiya Nagarik Suraksha Sanhita, 2023. Police authorities are to execute their powers in conformity with statutory provisions and accepted standards of criminal process. The Police play an important role in the investigation of offences, including the receipt of information relating to offences, investigating, collecting evidence, examining relevant persons and doing other procedural procedures as permitted by law. They involve the exercise of statutory powers subject to legal safeguards and judicial review.

Legal framework concerning Advocates

The primary legislation that governs the legal profession in India is the Advocates Act, 1961.⁶ The Act provides the statutory basis for the legal profession and sets up the institutional structure for the regulation of advocates. Advocates must follow professional norms and principles of professional conduct. An advocate's role is more than advocacy of a client. Advocates are officers of the court and have professional duties to the administration of justice.

⁶ The Advocates Act, No. 25 of 1961,

Advocates should act within the bounds of law and professional ethics while safeguarding the legitimate interests of clients.

Independence of Advocates and Police Officials

Advocacy and policing work as they should when the professionals are independent. An attorney should be free to represent his client without undue interference and police personnel should be able to undertake authorised investigations without undue external influence. Therefore, the relationship between the two professions should be professional cooperation but not personal dependency.

The Legal Framework and the Present Study

The legal framework defines the various tasks and obligations and professional limitations of advocates and police officials. But the mere presence of legal standards does not necessarily explain how these professional relationships work in the practical case management. The present study thus empirically investigates the working connection between practicing advocates and police personnel. The legal framework is the normative basis for comprehending their professional tasks, and the empirical part of the study aims to explore how the connection works in practice.

CHALLENGES OF ADVOCATE–POLICE PROFESSIONAL INTERACTION

The interaction between practicing advocates and police personnel is a key component of the criminal justice system. Each profession has its own specific role, yet when collaborating on situations, their roles often overlap. Various legal, institutional, procedural and interpersonal issues can influence the efficacy of their professional connection.

Gaps in Communication

Effective communication is the key to proper handling of legal cases. Differences in professional approach, information availability and mode of communication may create challenges for advocates and police officials. Poor communication might lead to misinterpretation of the procedures and can impede the smooth flow of the cases.

Variations in Professional Opinions

Advocates and police personnel view legal matters through various professional lenses. Police personnel are mostly concerned with investigation, evidence collecting and enforcement of criminal law. Advocates are concerned with legal representation and protection of the interests and rights of their clients. These distinctions are inherent in their professional duties and do not necessarily mean conflict.

Delays in Procedure Communication

For criminal situations, timeliness is vital. There are certain procedural criteria and time limits in the legal process. Delays in communication between attorneys and police authorities may cause practical difficulties in dealing with case related matters. Such delays may stem from administrative processes, workload, institutional communication structures or varying professional agendas. Clear protocols for legitimate communication and exchange of information can help to prevent unnecessary delays.

Access to Legally Available Information

Advocates can need access to information and documents for effective representation of their clients. Police authorities have also got reasonable responsibility to protect investigative material and the secrecy of specific information. There may be practical obstacles in balancing these interests. Access to information should thus be subject to appropriate legal provisions and established processes.

Misconceptions about the Professionals

Differences in expectations between advocates and police personnel might lead to professional misunderstandings at times. An advocate may view a matter from the perspective of legal representation; a police officer may view the same matter from the perspective of investigation and public order. Such discrepancies can be dealt with through professional communication and acceptance of institutional obligations. Differences of a professional nature should be resolved in legal rather than personal terms.

Influence from Outside

The independence of criminal investigation might be influenced by several types of external influence. Concerns as to the impartial performance of investigative tasks may be the result of political, administrative, societal or other influences. The law compels police personnel to use

their statutory authorities in a lawful manner. Similarly, advocates must maintain their independence in their professional capacity and representing their clients.

Professional Disagreements and Conflict

Disagreement among professionals is an inevitable part of an adversarial court system. Advocates may contest investigation conclusions or seek remedies for their clients, while police officials may defend the validity of investigative acts performed within the scope of their statutory power. This kind of dispute is not need to be taken as enmity between the professions.

EMPIRICAL FINDINGS ON ADVOCATES' AND POLICE PERSONNEL'S RELATIONSHIP IN HANDLING CASES:

The empirical study provides some insight into the practical nature of the working interaction between advocates in practice and police officials in the management of cases. The answers point to a connection that is shaped by a number of interdependent elements such as professional communication, responsiveness, access to case information, professional courtesy, coordination, impartiality, contact with the institution and mutual trust. The data suggest that the advocate–police interaction is not simply antagonistic or collaborative but a complicated professional connection influenced by the roles and experiences of the two groups. Empirical results reveal that communication is a key foundation for advocate-police engagement. Effective and professional communication enables the sharing of legally allowed information and supports advocates and police officials with procedural concerns. The replies indicate that communication is an important factor in preventing misconceptions and ensuring a more effective professional engagement during case handling. The results also show that communication should be formal, professional and in line with legal and institutional standards. Uncertainty can be created by informal or unclear channels of communication, yet structured communication can help develop deeper professional understanding.

The study suggests that the responsiveness and accessibility of the police personnel are important dimensions of the professional relationship. Advocates may have to communicate with investigative authorities over valid case-related matters, and the way in which that communication occurs may affect the perception of professional cooperation. The findings underscore the need to design acceptable systems through which legitimate professional contact can take place without undue interference with investigative activities. Being consistent

and clear in your professional interactions might help build stronger confidence between the two professional groups. The findings point to an important role for professional civility and mutual respect in shaping the advocate–police relationship. Both professions serve recognised duties in the justice system but their objectives and institutional responsibilities are different. Treating each other with respect can decrease unnecessary professional friction and foster a more constructive environment for handling cases. The results show that disputes in professional duties need to be resolved through professional conversation, not personal conflict. The empirical results underline the significance of neutral professional collaboration. The rapport between advocates and police personnel should be on the basis of legitimate professional obligations and applicable legal procedures and not on acquaintance or professional influence. The findings imply that impartiality is a vital component in preserving public trust and professional reputation. Treating people equally and professionally can build institutional confidence and limit suspicions of preferential treatment.

The study suggests that external factors may contribute to perceptions of advocate–police cooperation. Concerns about professional independence and impartiality may arise as a consequence of political, administrative, social or other forms of external pressure. The findings underscore the need for protection of the independent function of both professions. Law enforcement officers must be allowed to conduct authorised investigations without undue influence and advocates must be able to independently represent their clients and raise valid legal issues. The empirical findings reveal that pleasant professional interaction is considered as a crucial aspect of effective handling of cases. Cordial relationship should be understood in terms of professional respect, appropriate communication and cooperation and not in terms of personal familiarity or preferential treatment. Constructive professional engagement can contribute to communication and help to avoid avoidable misunderstandings. This study thus reinforces the significance of keeping professional relationships courteous and within appropriate legal and ethical bounds.

The results demonstrate the importance of formal professional interaction between advocates and police officials. Misunderstandings about obligations and expectations may arise from differences in professional roles and institutional cultures. Structured contact, seminars, sensitisation programs and professional training can provide chances for both groups to comprehend their different functions. Initiatives like this can help improve communication, increase mutual understanding and lead to more effective professional cooperation. The

research results reveal that perceptions of the advocate–police relationship are multi-dimensional. The connection displays characteristics of co-operation, communication, professional courtesy, coordination and institutional contact, but also mirrors worries about professional independence and outside influences. The findings reveal thus, that the relationship should not be described as simply positive or negative. Its efficiency depends on the style of the performance of professional duties and the degree of communication and cooperation within the framework of law.

The empirical finding overall is that the link between practicing advocates and police personnel is an important professional component of case handling and the larger administration of justice. The efficacy of this connection is predicated upon communication, response, professional civility, coordination, impartial cooperation, mutual respect and safeguarding of professional independence. Thus, the empirical findings underscore the necessity for a balanced strategy in which advocates and police personnel work together on legitimate professional problems within the ethical, legal and institutional limits of their positions.

SUGGESTIONS AND RECOMMENDATIONS

The empirical study emphasises the necessity of building a strong professional relationship between practicing attorneys and police officials for effective case management and greater coordination within the criminal justice system. The following proposals and recommendations are made with a view to enhancing professional communication, institutional collaboration, mutual trust and respect, while maintaining the independent functions of each profession. There is a need to advocate professional civility as a necessary norm of interaction between advocates and police officials. Both professions should recognise and appreciate the legitimate functions of each other's profession. Police personnel should be professional in their dealings with advocates and advocates should respect the investigative duties and institutional authority of police officials. Professional differences should be addressed through the legal and proper channels.

Professional cooperation should be based on legal obligations and professional responsibilities, not on personal acquaintance or persuasion. The police personnel should treat the advocates equally irrespective of their personal or professional relationship but should follow the same professional standards. In such manner the advocates should come before the police authorities through the proper professional channels, and should not ask for any advantage by personal

influence. Such an approach can help to improve fairness, transparency and confidence in the justice system.

Institutional safeguards need to be enhanced to insulate the police from undue political, administrative or other outside pressures. Investigative judgements should be based on law, facts and established procedures. The need to maintain professional independence is central to ensuring impartiality in investigations and building public trust. There should be appropriate accountability measures available where there are allegations of improper interference.

Advocates and police personnel should be encouraged to have regular combined training and professional engagement programs. Such programs may concentrate on criminal process, techniques of investigation, professional ethics, constitutional rights, contemporary advancements in law and practical challenges encountered in handling of cases. Joint programs can be an opportunity for the two professions to comprehend each other's obligations and to establish stronger professional trust. There should be periodic engagement between members of the Bar and the police administration. Professional gatherings, seminars and consultation forums might be an occasion to address procedural challenges and to find practical answers. Regular interaction can also counteract preconceptions about the roles of the two professions and foster positive professional involvement.

CONCLUSION

The working relationship between the practicing advocates and police personnel is a key feature of the proper operation of the criminal justice system. The two professions have different roles, their duties commonly overlap in the management of legal situations. The study also emphasises the necessity of empirically testing this link rather than only at the formal legal framework. The practical experiences and perceptions of attorneys and police personnel shed light on the nature of professional contact in the day-to-day processing of cases. The quality of this relationship depends on key variables such as communication, cooperation, availability, professional behaviour and respect for institutional limits. Ultimately, a good advocate-police relationship should not be one of agreement or personal cooperation, but of legality, professionalism, mutual respect and respect for institutional boundaries. Reinforcing these principles helps in more efficient handling of cases, preservation of legal rights and the broader purpose of ensuring fair and effective administration of justice.