



Research Journal of Psychology (RJP)

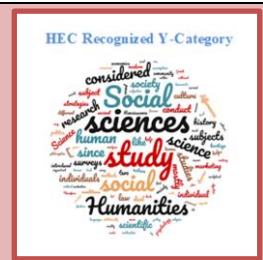
Online ISSN: 3006-7219

Print ISSN: 3006-7200

Volume 3, Number 1, 2025, Pages 461 – 478

Journal Home Page

<https://ctr.rjmss.com/index.php/19/about>



Legal Reforms for Prevention of Custodial Torture in Pakistan

Mahnor Baig¹, Zuntiqaam Ul Hassan² & Dr. Imtiaz Ahmad Khan³

¹Visiting Lecturer, Department of Law, University of Sahiwal, Pakistan, Email: mahnor6249@gmail.com

²Visiting Lecturer, Department of Law, University of Sahiwal, Pakistan, Email: zuntiqaamdaha@gmail.com

³Associate Professor, Chairperson Department of Law, University of Sahiwal, Pakistan,
Email: imtiazahmad@uosahiwal.edu.pk

ARTICLE INFO

Article History:

Received:	February	02, 2025
Revised:	February	27, 2025
Accepted:	March	02, 2025
Available Online:	March	05, 2025

Keywords:

Custodial Torture, Police Brutality, Human Right Violations, Convention against torture

Corresponding Author:

Mahnor Baig

Email:

mahnor6249@gmail.com

ABSTRACT

Custodial torture is an evil which is world-wide phenomenon. The custodial torture is also under limelight of basic fundamental rights envisages in constitution. Torture is used to extract evidence from the accused persons which is violation of basic rights like right to life, dignity. Custodial torture might be in police custody or in judicial custody. This research is to identify that how systematic torture carried out by law enforcements agencies under the shadow of investigation and what kind of legal reforms are necessary to prevent custodial torture and humiliating behaviors for the accuse persons. The qualitative methods will be adopted for purpose of collecting data. This research will provide help to legislature to sort out issues regarding torture.



Introduction

Custodial torture is a manmade phenomenon perpetrated on individuals in absence of any discrimination of caste, sex and state of health. Custodial torture is not limited to any segment of population but also applies to the economically disadvantaged part of the society (Raval, 2023). Today the major issue in the world is the torture, it is ultimate offence against humanity. Torture not only infringe the political and legal obligation but also jeopardize the unity between states which is crucial for regulating tranquility and steadiness (Islam and Meer, 2022). In Pakistan, police and other law enforcement officials often torture people. Torture and other forms of torture including rape, ill treatment continues the curse on the face of democratic state. Now today it has attained a stage that we may easily call it that it is endemic and spread throughout the country. It is truth that mostly the cases of police brutality are not because of individual aberration

but rather due to the systematic nature (Sinha, 2020). Torture by police is the common practice in Pakistan, perpetrators of torture granted impunities.

If we trace back the history it is the fact that when the powers given are in the hands of those persons who are unfit and left unchecked, it creates an unfair power dynamic that allows these said peoples to misuse the power. That's why the abuse of power leads to the violation of human rights. Every human being is born with the right of life and liberty, even if a person detained his other fundamental rights cannot be neglected on the ground that he is detained. An atrocious human rights violation known as "custodial torture" is a pernicious aspect of all legal and judicial systems around the world. Inflicting physical or psychological harm on those who are in the care of law enforcement or being kept in detention facilities during judicial proceedings is a repugnant behavior. A fundamental human right, the prohibition against torture is inscribed in numerous international agreements and treaties. Despite these safeguards, incarceration torture is still a serious and extremely troubling global issue (Commission, 2009).

The torture derived from the Latin term *tortus torquere* which means the act of twisting arm. Torture is an act of inflicting pain either it is physical or mental on the organism in order to compel some action or to fulfill some desire. And the term custody means that at any time when the individual's freedom of movement has been denied by law enforcement agencies during arrest and detention, prosecution and sentencing. Torture is the knowing and the intentional act, without any intention or negligently causes pain to someone not considered as torture (Gondal, 2017). Torture can also be defined as an act of impose will by the strong over weak, the ambit of concern in all custodial crimes is extended to infliction of body pain but also consider the mental agony which the victim undergoes (Singh, 2020). Custodial torture can also be defined as it is crime by the public official against the arrested and detained person by using third degree methods, by harassment, by using in dignifying language, sleep deprivation, deprivation from food water and not allowing access to family or lawful legal consent. Custodial torture is the worst form of the violation of human rights and becomes the alarming trouble in Pakistan (Ul Mustafa, 2017).

Custodial torture is one of the globally recognized problems which considered that it is the brutal form of human kind. It happened in the guardianship and refers to the situation where the protector of citizens itself violates the human rights and they take the disadvantage of their authorities and power. Custodial torture is a like a black spot on the entire police department. Custodial deaths and torture take place when the police arrest the person and investigate the person, most of the time accused is suspected, committed crime which is non bailable. It is often seen that police tortured the accused to make confessions by which he gets promoted on the basis of solved cases. Brutal atrocities conducted by the law enforcement agencies increasing day by day even a weak pass hardly without the incident of custodial torture. Police in Pakistan performs the function of judiciary and punish the suspected but by law they don't have the right to inflict brutal punishment assuming the role of judiciary. In Pakistan police not only torture the people for interrogation but also the people take it for granted as a daily routine work (R.S. Saini, 1994).

Pakistan criminal law does not contain the proper definition of torture according to the United Nations Convention Against Torture. According to the constitution of Pakistan article 14(2) contains the word only torture for the purpose of extracting evidence. It means that it only prohibits the act of torture for the purpose of extracting evidence. PPC and CRPC also do not contain the word torture. Section 337K provides the term hurts. Police officers who torture anyone in detention face punishment under Article 156(D) of the police code from 2002. This law solely punishes police officers, not public officials (Shahnawaz and Abad, 2011).

Three such anti-torture proposals are on hold in Legislative body in 2015, many of which were in the both houses. These three bills each have distinct conspicuous characteristics. The torture, custodial death, and rape law of 2014 was enacted by the senate in 2015; however, it expired because it wasn't passed within the allotted 90 days. The torture, custodial death, and rape bills were due to be passed within six months of the national action plan for human rights' introduction in 2016 by the federal minister for human rights. However, this bill was also not adopted at the joint session of parliament (Akbar and Bhutta, 2012). After consulting with specialists to align the legislation with the pertinent convention, the Pakistani government subsequently said that the torture and custodial execution bill 2018 had been created. 2020 saw the bill's introduction by senator Sherry Rahman after a two-year delay. The development was approved by the senate's working committee on basic human rights in July 2020 and was formally introduced in the senate in 2021 (Mirza et al, 2012).

Legal Framework for prevention custodial torture in Pakistan

Pakistan's current legal landscape on torture in custody, existing national torture laws, and the need for comprehensive legislation that defines and criminalizes torture in custody in line with international standards. The goal of torture is to rob the victim of their genuine dignity and of their personality. The United Nations has consistently denounced torture as one of the most terrible atrocities committed by humans. Torture is expressly forbidden by all applicable instruments of international law as a crime, and it is never acceptable. This ban also forms a component of customary international law, which means that it holds true for all members of the global community, regardless of whether their government has joined any conventions outlawing torture or not. Any form of systematic or pervasive torture is a crime against humanity (Redress, 2018).

According to Article 1 of the Convention against Torture, torture is any act that involves intentionally inflicting severe physical or mental pain or suffering on a person in order to elicit information or a confession from that person or a third party. This act must be carried out by, at the direction of, or with the consent of a public official or other person carrying out official duties. The prohibition covers a variety of actions, such as stomping on your feet to deliver electric shocks to delicate organs, being submerged in water and coming dangerously close to drowning, as well as being practically strangled by plastic bags tied around your head. Flogging, smoking, getting needles put under one's nails, having their bodies cut up, and being suspended for a long time by their arms or legs. International law forbids any abuse, whether it results in less severe physical or psychological suffering or falls short of the required degree of mistreatment, even if it does not satisfy the definition of torture. Unlawful ill-treatment includes things like being made to stand with your legs spread apart against a wall, being exposed to bright light or while blindfolded, being denied sleep, food, or water, being forced to stand or squat, or experiencing intense shock. In other words, any physical force used to intimidate, coerce, or "break" a person while they are being questioned is forbidden and is considered cruel treatment. It states unequivocally that no one has the right to suffer from cruel, inhumane, or degrading treatment. The restriction does not just apply to behaviors that result in harm or suffering to the body.

Threats made against family members or other loved ones are examples of behaviors that might create psychological discomfort. On April 17, 2008, Pakistan ratified the UNCAT, which prohibits torture and other cruel, inhuman, or degrading treatment or punishment. Standards for international human rights. However, more than ten years have passed, and Pakistan has yet to put the law into effect, either by passing new laws or amending the existing ones. Although the Art. 14 sec 2 (Assembly, 1973) there is no explicit law prohibiting torture in Pakistan, despite the fact that Art.

14 sec. 2 (Assembly 1973) expressly forbids the use of torture to gather evidence and that Art. 9 specifies that no one shall be deprived of life or liberty unless in compliance with the law. There have only been two initiatives in Parliament since 2008 to define and outlaw torture in jails, and both have run into delays and internal opposition. A bill known as the Torture, Death, and Rape (Prevention and Punishment) Act 2015 was introduced by Senator Farhatullah Babar (Commission, 2009).

Because it was not passed within the Constitution's 90-day window, the bill did not win the National Assembly's endorsement. The Torture and Death in Custody Act, 2020 was subsequently introduced in 2020 by Senator Sherry Rehman as yet another effort to define and prosecute torture. Unfortunately, internal opposition and a lack of support in parliament also caused this idea to fail. Torture is a frequently employed technique in police custody to elicit information and confessions. There is no legal basis for UNCAT or for prosecuting police officers who abuse detainees and prisoners. In Pakistan, reports of mistreatment in detention, fatalities, and injuries are growing alarmingly. One frequent instance is the custom of lower court judges who willingly let detainees to be held in custody even when it is obvious that every detainee will be subjected to torture. The Pakistani Code of Criminal Procedure allows judges to ask the investigative body to support a request to arrest the accused rather than hold him in judicial custody, but the courts do not even have such minimal protections (Government of Pakistan, 1898).

Although Article 14 of the Constitution specifically forbids the use of torture to collect evidence, there is no particular law against torture in Pakistan. However, many legal experts and academics contend that Articles 339, 340, and 349 of Chapter XVI of the Criminal Code, in particular, encompass the concept of torture. However, torture as an "act of torture" within the meaning of the Convention against Torture is not a specific crime in Pakistan,

Domestic jurisprudence on torture is weak in Pakistan. Evaluation of the exercise of the right under Art 14 Sub-article 2 of the Constitution is minimal so far. when there is an allegation of torture, the burden of proof lies with the victims and there are no independent investigative bodies with a mandate to investigate an allegation of torture(Commission, 2022).

Incorporating torture into Pakistan's Law

Ill-treatment is punishable under the major treaties which are considering the human rights world widely provide a binding effect. The Assembly of international affairs passed the law which was binding on many of the states. Following the ratification of this Convention, Pakistan ratified the United Nations Convention against Torture in 2010 after signing it on April 17, 2008. HRC asked Parliament to take appropriate steps in relation to its obligations. The Legislative assembly of Pakistan make a body which work independently just for the sake of observing basic fundamental rights. This body has been engaged with analyzing legal abuses which contradict the most basic liberties of individuals. At the first duration, it therefore have the potential to defend these key principles of privileges and do basic investigation and deliver input to the state on these promotes, but sadly owing to the internal volatility of the status of the government of the nation of Pakistan, this can incomprehensible and therefore did not offer any concrete mechanism for the gross violations of human rights standards that ultimately led to this (Gondal, 2017). The signatory contract is not directly part of the Pakistani judicial system, as the country applies a "dual system"; for the implementation of the contract. Consequently, Pakistani national legislation has to exist for the terms of the contractual relationship to take impact.

Establishment of the Pakistan Human Rights Commission

When Pakistan ratified the Convention against Torture and adopted an international position protecting its civilians, it passed legislation creating this statute. They also had the authority to uphold and further civil liberties. The 2012 law gave the Committee a wide range of authority, including the ability to defend and advance human rights. It was also granted the authority to create policies and regulations. This group needs no license for its probing operations. Still, a Law of Assembly restricts the commission's authority in cases where governmental safety personnel are implicated in or implicated in fundamental entitlements abuses, and it also prevents the commission from resolving claims (Islam and Meer, 2022).

Criminalizing Torture in Pakistan

In 2015, three similar bills banning and criminalizing torture were before Parliament; two of them in the Senate and one in the National Assembly. Farhatullah Babar, a PPP senator, presented the Torture, Detention, and Rape (Prevention and Punishment) Act 2014 in the Pakistani Senate. The Torture, Detention, and Rape (Prevention and Punishment of Detention) Act 2014 was approved by the Pakistani Senate in March 2015. Not submitting data within the required 90-day window. Then, in January 2017, it was sent back to a joint session of Parliament (Parliament, 2014).

The Torture, Death in Prison, and Rape in Prison (Prevention and Punishment) Act's approval was given a six-month deadline in the National Human Rights Action Plan that the Federal Ministry of Human Rights unveiled in February 2016. The Torture Law was one of seven bills that were on the joint session of Parliament's agenda in March 2016. Bill No. has not yet been taken into consideration in the joint session of Parliament, despite almost five years having passed. The National Assembly's Subcommittee of the Interior Committee passed a law very much like this in 2017. Parliament has not yet given its blessing, though. The Government of Pakistan's commitments under the National Plan of Action and international law are flagrantly violated by the failure to enact an anti-torture law.

Analysis of Existing Laws against Torture

Law Concerning Torture and Arrest (Prevention and Punishment) According to the Pakistani government, during stakeholder meetings on harmonizing national legislation with the Convention's provisions, it created the Torture and Detention Law (Prevention and Punishment). The definition of torture and its penalties are covered by this bill. Despite the Federal Minister for Human Rights' promise to do so in January 2019, the National Assembly's following session did not see the presentation of this measure. Since then, the National Assembly has met eight times, including three combined sessions. Government actors, such as civil society officials, have been consulted; however, civil society players have not been consulted and have not seen the draft law. The Government of Pakistan recently claimed that the Torture Act 2018 would end cases of detention and rape (prevention and punishment) by the National Assembly/Senate in its June 2020 Voluntary Commitment as part of its application for the United Nations Human Rights Council. In Parliament, the bill has not yet been introduced. The Senate Functional Committee on Human Rights, however, already approved Senator Sherry Rahman's Private Deputies Bill in July. Sherry Rehman, a senator from the opposition Pakistan People's Party, introduced Bill 2020. The measure was approved by the Senate Committee on Human Rights in July 2020. The Senate Committee Report was finally sent to the Senate on February 1, 2021, more than seven months after it was first due. Police torture would be made a criminal for the first time if the bill is approved by

Parliament. The bill still needs to go before the enlarged Senate for a final vote one year after it was submitted before it can be presented to the National Assembly.

Incorporation of International Custodial Laws in Pakistan

Recognizing the intrinsic value and worth of every individual is essential to preserving security and stability as well as ensuring an improved social existence for everyone on the planet and vigorously defend human rights. There are many treaties and human rights treaties that grant people the right not to be tortured. So far, there is no clear definition in any of the torture treaties, including the definition of the word torture. The first fundamental liberties agreement to specifically forbid interrogation and similar brutal, uncaring, or cruel punishment Article 7 and Article 10 are the two portions that contain the limits. The purpose of these measures is to safeguard the natural and psychic rights of every human being. The law against inflicting torture and ill-treatment or Punishment (Lippmann, 1994) attempt by countries around the society to develop a system of avoiding torture. In constructing system, lawmakers had to develop strategies to address problems of inaction, and had to enact a jurisdictional requirement that previously restricted or even weakened other international human rights treaties (Nigel S. Rodley, 2002). In numerous instances, the legal process outlined in the initial Tradition provides a constructive solution to these problems. Over the course of time, torturing has been used routinely and sporadically in many nations. It is a basic attack on the human person. Since 1948, when the Declaration was ratified, has been a strong supporter of the prohibition of torture (Habib and Guant ,2005). The provision prohibiting torture is found in a number of humanitarian protocols and related human rights guidelines, and it remains commonly accepted as an idea of worldwide law. The concept of the prohibition of ill-treatment in has a special status of jus cogens in international law, it is about the "irrevocable norm"; International law that applies to all states, whether or not they have agreed to a particular treaty.

Regarding the prevention of torture in detention and the protection of human rights, Pakistan has laws and international commitments. Custodial torture, however, continues to be a major problem in the nation despite these legislative protections, and there have been requests for stronger enforcement of these rules. Several pertinent Pakistani laws and obligations regarding torture while in custody are deals in constitution and other laws as well. The Pakistani Constitution upholds a number of fundamental freedoms, including the right to life and the outlawing of torture and other inhumane practices. The Constitution's Article 14 declares that "the dignity of man and, subject to law, the privacy of home, shall be inviolable. The PPC makes torture and other cruel treatment crimes. The PPC's Section 337-A addresses "Shajjah," which is the term for wounds brought on by torture.

The penalty for inflicting harm through unlawful means, including torture, is covered by Section 337-F. Furthermore, improper imprisonment is punishable under Section 348 of the PPC. The CrPC contains rules governing how people who have been arrested should be treated. As was already mentioned, every individual detained must be advised of their entitlement to a medical examination under Section 50 of the Criminal Procedure Code. The Police Order was an attempt to update and modernize Pakistan's police force. The significance of upholding human rights and the demand for police accountability were highlighted. To combat abuses and improper behavior by police officers, it asked for the establishment of police complaint authorities. Ratification of International Treaties: Pakistan has ratified a number of international agreements that forbid torture and other inhuman or humiliating treatment of any kind. Among these is the UNCAT, which prohibits torture and other cruel, inhuman, or degrading treatment or punishment. By ratifying

these accords, the state is obligated to take concrete steps to deter and punish instances of torture in detention.

Despite these legislative restrictions and international agreements, it has been difficult to put anti-torture legislation into effect and enforce them. There have been worries regarding the lack of an efficient investigation and conviction of perpetrators of custody torture, which is still being reported.

The Concept of Torture in the Convention against Torture (CAT)

Among the most important human rights concerns in the world is ill-treatment, the most recent crime against humanity. Harm is a serious threat of global unity and collaboration, which are essential for preserving worldwide stability and peace. It also infringes both legal and political duties. None of the several international legal documents that forbid torture offer a thorough and affirmative definition of the practice. Enactment, 1984 codifies the ban on cruelty found in standard international laws. The convention's first section offers a structure of regulation that falls into two main categories and makes an effort to define torture. Government attempts fall under the first grouping, while the final group outlines the Party's overall state organization's authority and how this meeting might be implemented(United Nations, 1987).

Interpretation of UNCAT Article 01 1984

All three primary human rights mechanisms—the Inter-American Convention for the Defense and Punishment of Torture, UNCAT, and the United Nations Declaration against Torture—have different definitions of torture. Actually, there isn't a single human rights convention that defines torture in detail. Actually, they simply forbid mistreatment and torture. The recent precedent and the introduction of new ideas into the workings of international criminal law are the reasons for this topic's revisitation of international criminal tribunals, in particular the International Criminal Tribunal for the former Yugoslavia (ICTY), operating on the basis of legal provisions which do this Do not report the offense.

Police and other uniformed officers have been known to use torture to extract confessions, with free warrants, as there are loopholes in current legislation due to the deficiency of a effective law. International law has advanced significantly since the United Nations' foundation in light of the numerous convention sessions that have been held. International law also includes the United Nations Convention against Torture. After the Convention, the practice of torture became less common; today, the organization of torture while incarcerated breaches both Article 3 of the 1949 Geneva Convention and the United Nations Convention against Torture, to which Pakistan is a signatory.

International law advanced rapidly following the founding of the United Nations as a result of numerous meetings and the creation of treaties. The United Nations Convention against Torture (UNCAT), one of the agreements, has also become international law. After this convention, the practice of torture became less common. Today, the organization of torture with imprisonment violates both Article 3 of the 1949 Geneva Convention, which also limited torture, and the UN Convention against Torture, to which Pakistan is a party. The Geneva Conventions penalize torture, which is an unalienable right in both peace and war and whose violations are seen as crimes against humanity. Since protected persons are not allowed to be subjected to force or coercion in order to collect information from them, torture has also been used to extract confessions or other pertinent or valuable information, which is prohibited by Article 31 of the

Fourth Geneva Convention. It should be recalled that the Bill of Rights served as the cornerstone for the defense of human rights (including UNCAT) and was a significant step toward the unanimity with which these rights were proclaimed by world leaders. Article 5 of the Declaration (UDHR) has spoken out against torture ever since it was first adopted. The International Covenant on Civil and Political Rights (ICCPR) of 1 then specifically states in Article 7 that "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment." Additionally, Article 4 of UNCAT requires parties to make torture illegal under national law (Haseeb et al, 2021). Pakistan was one of the first nations to ratify the aforementioned convention. Pakistan pledges to do all practical and logical measures to reduce the use of torture. The fact that Pakistan was far behind in completing this important work, however, made the situation there grim and bizarre. The Pure-Blood Nation of Pakistan has incorporated torture in its judicial system, which seems incongruous and has not succeeded in tightening the noose against torture when accused is in the lockup of investigative agencies. Key institutions are encouraged to use unjustified torture because of glaring legal flaws.

In order to stop the abuse of police authority, the Police Law urgently has to be revised. This would help to contain the weight that mankind is currently carrying. Additionally, it states on the wall that police reforms would be a long-term solution; in the interim, it is crucial to put into effect laws making all forms of torture illegal, to establish legal protections for witnesses and torture victims, and to establish independent agencies to look into cases of torture outside of the purview of the 176 PPC investigations (Code, 2017). The police force, which views torture as a useful tool for preventing crime, clearly needs change. Without a doubt, educating the police and other law enforcement officials can help them understand that their role is to protect civilians, not to rule them. The situation on the right horizon will change by itself whenever their point of view shifts. If government employees acted like government employees, it would not only reduce the forces of evil but also encourage public collaboration and faith in these institutions.

Holding such awareness-raising workshops will undoubtedly result in change in the short term. If carried out in accordance with international standards, frequent training programs would be more beneficial for law enforcement organizations. The Standard Principles for the Training of Law Enforcement Officers established by the United Nations should be seen as a set of guidelines that can be modified to meet the social and administrative needs of our society.

It is an open secret that the government is committed to complying with UNCAT obligations, such as the definition of torture. The two torture laws were introduced by a PPC senator once in 2014 and another five years later, however, neither could see the end of the dark tunnel. The International Covenant on Civil and Political Rights of the United Nations requires the government to uphold its responsibilities. Rights and ratified the Convention against Torture. The federal government can define "torture" in this sense; many forms of cruel, inhuman, and humiliating treatment need to be taken into account under national legislation. In light of this, Pakistan should likewise swiftly ratify any pertinent anti-torture agreements. Reviewing incarceration for torture is nothing more than a fancy tale until torture is defined and made illegal by the laws of a given nation. To combat the spread of torture, compliance with UNCAT commitments must be ensured by demystifying them and providing the necessary provisions. In addition to adding a new provision, as described in Chapter 3 of this paper, existing law must be brought into compliance with UNCAT. There are many regulations that lag behind UNCAT. As detailed in the previous section, the relevant PPC, CRPC and prison regulations will be modified and tightened. For example, Article 47 of the CRPC gives the police a free hand to exercise any power against a

murder suspect to arrest anyone even amounting to murder or dating. These regulations need to be changed in line with UNCAT to achieve the desired result (Haseeb et al, 2021).

Accountability Mechanism of Custodial torture in Pakistan

Human rights organizations report a substantial rise in police torture instances, but there is no accurate information on deaths in police custody in Pakistan. According to reports, Punjab, Pakistan's most populous province, has a higher prevalence of the culture of police torture than other regions of the nation. The subject of dying in a prison in a South Asian nation was brought up by Ayubi's passing. The killing of Ayubi while in police custody is not the first instance of police brutality. In Pakistan, torture in prison is a widespread occurrence. A culture of impunity is fostered by the lack of consequences for excessive police behavior. The police force in Pakistan is frequently understaffed and ill-prepared to handle the problems of the contemporary world. Police need to be modernized, and there needs to be a fair and efficient system in place for holding those responsible for prisoner deaths and other rights breaches accountable. Human rights advocates claim that Pakistan lacks comprehensive legislation to outlaw and deter police brutality. The 2002 Police Ordinance forbids torture and penalizes officers who engage in it, but the majority of police officers believe they are above the law (Adil, 2019).

Pakistan's national preventative mechanism is shaped by a number of constitutional and other legal laws. However, the prevention of incidents of torture is not achieved by this approach.

Constitution Islamic Republic of Pakistan 1973

Article 4: The right of a person to receive treatment that complies with the law. It is crucial that no action be taken that could endanger a person's life, liberty, physical integrity, reputation, or property unless it is permitted by law.

Article 9: Protection of individuals. Except as required by law, no one may be deprived of their life or freedom.

Article 10: Guarantees of arrest and detention. No one who has been detained may be kept in custody without being promptly informed of the circumstances surrounding the arrest, and he or she may not be denied the opportunity to speak with and be represented by a lawyer of their choosing a just process. A person has the right to due process and due process to establish his basic rights and duties or to initiate criminal actions against him in. (Assembly, 1973).

Qanoon-e-Shahadat Order, 1984

Article 38: There is no need for evidence in a police officer's confession. A police officer cannot use a confession against a suspect in court.

Article 39: The admissions made by the accused while under arrest cannot be proven to him. No admission of guilt by a person in the custody of a police officer may be used as evidence against that person unless it is made in the immediate presence of a justice of the peace, subject to Section 40

Article 40: How much information has been obtained from the accused can be proven (QSO, 1984).

Anti-Torture Preventive Framework

When a fact is revealed to be discovered based on information obtained from an accused person who was in the custody of a police officer, such information as to whether or not the was a confession relates to it clearly points to a fact discovered in such a way that it can be proved in Section 156(d), Penalty for malicious trespassing, search, arrest, confiscation, torture, etc. Supreme Court Ruling: Volume III, Section 12 of Chapter 11-B: Respondent's Right to Consult Friends and Advisors Pakistan. It is challenging for victims of torture to prevail in trials because to the awkwardness of anti-torture laws, the intricate design of institutionalized preventive systems, and the lack of independent and impartial oversight. To establish an impartial monitoring system for police activities, for instance, and to offer accountability measures for reporting violations to the police, the Police Regulations 2002 was enacted. In accordance with Section 35 of the Police Regulations of 2002, complaints of police neglect and abuse must be handled in accordance with the following guidelines: If Zila Nazim has reason to believe that a police officer was the victim of negligence or negligence-related abuse, or if the EU Public Safety Committee contacts Zila Nazim on its own initiative or in response to a complaint from a victim of police abuse or negligence, Zila Nazim may deny the police commissioner of the district the authority to take corrective action, including recording the first informational report of a violation that can be identified, and Zila Nazim will inform the competent authorities at the district level Committee according to "e"(2) The District Police Chief or relevant competent authority shall promptly take Countermeasures and, if necessary, may suspend the relevant officer, investigate the and take appropriate action to the extent permitted by law. The NCHR argues that the lack of independent control and the system's complicated and feeble institutional measures to prohibit torture have rendered the system useless (Chaudhry, 2013).

Most torture takes place when people are denied their freedom. For organizations and institutions that keep track of human rights, this presents a significant difficulty. According to Pakistani criminal law, detention facilities include jails, police custody, and police custody. The Prisons Act of 1894, the Police Act of 1861, and the Cr.PC of 1898 govern them. Prison visits by official and unauthorized visitors to verify and guarantee regulations compliance are covered in Chapter 38 of the Prisons Handbook. To ensure adherence to the regulations and supply inmates with housing, food, medical facilities, etc., it is necessary to reinforce the prison inspection mechanism because the current system is ineffective.

It should be emphasized that until recently, when the Pakistani Supreme Court outlawed it, caning was permitted under prison laws and was used in numerous prisons. Similar to this, solitary confinement is frequently used in jails and is regarded as harsh if it is used for an extended period of time. The recognized legal duration of detention of the accused is 24 hours according to Article 61 Cr.PC. Thereafter, the police can obtain the temporary detention of Justice of the Peace No. under Article 167 of the Criminal Procedure Code for a total of a number of days that exceeds 14. However, because to a lack of an efficient procedural arrest process and legal gaps, the police hunt for justifications to extend this period in contravention of the law.

The Pakistan Prison Code, 1978's Rules 552 to 562 give detainees enough space to visit with family and friends. However, the state of these gathering places is rated as appalling. It is advised that appropriate amenities like fans, chairs, etc. be offered. To ensure the comfort of convicts and their friends and family, be available in conference rooms. Minors may also visit their loved ones in jail if they are accompanied by their parents or legal guardians. The Criminal Procedure Code is the main part of the law in Pakistan which regulates all aspects of the three levels of criminal

procedure: investigation, inquiry and trial. The police play an important role in all three phases of the criminal process, but their primary responsibility is to conduct a free, fair, and due process of investigation into a crime. During such an investigation, the police can arrest criminals and suspects of crimes. Chapter V of the Cr.PC concerns the prisoner's powers and the guarantees that the police must comply with in order to protect the prisoner's interests. Section 41, Cr.PC gives any police officer the power to arrest an individual without a warrant or warrant from a magistrate, provided the parameters set out therein are met. Article 46 defines the nature and modalities of arrest. Explain that no formality is required when detaining a person. Section 49 states that police shall not exercise more restraint than is necessary to prevent a person from escaping. Section 50 requires any police officer who arrests an individual without a warrant to provide complete information about the offense for which he or she was arrested and the reasons for the arrest.

The police officer is also required to inform the arrested person that they are entitled to and can obtain bail if they are arrested for a criminal offense that is eligible for bail. Section 50A states that any person taken into custody has the right to have a person of their choice informed of their arrest and whereabouts so that they can arrange appropriate assistance during the investigation and trial. Articles 53, 53A and 54 provide procedural safeguards for an accused who is arrested by the police for his medical examination. Section 56 contains a mandatory provision requiring a police officer to make an arrest without a warrant conditional on bail in order to bring the detainee to justice without undue delay.

Torture under International Criminal law

Accompanying the regulations of war, the concepts of jus cogens (universal authority) and personal accountability for violating international law emerged as states claimed unlimited authority for executing war crimes. The Commission on Responsibilities, established at the Paris Peace Conference in 1919, listed torture as one of the world's sins. In addition to violence and assassination organized terrorist acts, rape, and hostage execution, the practice of torturing people was listed as a violation of the laws and customs of war. However, the Nazi Charter, sometimes known as the Nürnberg Charter, which provided the legal foundation for the Nürnberg trials, made no explicit reference to brutal treatment, criminal acts, or acts against civilization. A combatant who received authorization executed or tortured in flouting the universal laws of battle was not recognized as a defense for such heinous conduct, according to the ruling in the most recent of the cases, but occasionally the tribunal makes mention of torture in its rulings. Following the Nuremberg trials, the US army held twelve proceedings between 1946 and 1947 under Control Council Law No. 10, Punishment of Persons responsible of War Crimes, Crimes against Peace and Against Humanity, 194529, prosecuting 185 members of the German elite, including members of the SS, civil service, officer corps, and the Gestapo. It states that's the following actions are all considered crimes: Criminal acts against humanity. Atrocities and crimes, such as murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population, or persecutions on political, racial, or religious grounds, whether or not they violate domestic laws of the nation where they are committed.

The UN Resolution 1966 (2010) established the Mechanism for International Criminal Tribunals and was subject to another significant document, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY).

The medical industry, the military, and the industrial sectors. It criminalized torture and widened the Nuremberg Charter's definition to include. Transitional arrangements will apply to (ICTR).

Torture or other inhumane treatment, including biological experiments, was listed as a grave offense in Article 2 of the ICTY Statute. Geneva Conventions violations were serious. The ICTR was created specifically to bring people to justice. Accountable for committing genocidal acts and additional IHL violations in the territory of Rwanda, as well as for the Rwandans who committed acts of genocide & other similar offenses between 1 neighboring state. 1994 January and 1994 December 31.³⁴ The statute's Article 3 included the inclusion of torture as one of the crimes against humanity, along with accompanied by homicide, eradication, enslavement, expulsion, and imprisonment, and rape, when perpetrated frequently and consistently against the general populace.

Universal Declaration of Human Rights in Sense of Pakistan

The misuse of police and government authority, as well as degrading treatment of prisoners, are not exclusive to this nation and have drawn the attention of the international community. The dilemma is almost universal, and the issue is pervasive. In order to uphold people's dignity, it is important to recognize that human rights, including universal rights, are paramount, everlasting, sacred, and transcendental in nature. In order to realize the necessity of preserving and advancing the inherent dignity of every member of the human family, human rights are recognized and upheld. Apathy toward civil rights leads to horrible crimes that offend humanity's conscience. The United Nations Charter stipulates that everyone's civil rights must be protected in order to advance the human rights. The United Nations' citizens have reaffirmed their belief in the fundamental rights of all people, human equality, and the Charter (Alam, 2019).

It excludes any pain or suffering those results primarily from, is a natural consequence of, or follows from legal sanctions. Everyone has the right to life, liberty, and personal security, as stated in Article 3. No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment, as stated in Article 5. According to Article 11, a suspect in a criminal case is assumed innocent until proven guilty. It is intended to protect him from any harsh punishment from the parties responsible for the situation. Despite religious decrees, the violence persists; in addition, every civilized country expresses outrage and takes action to stop it. Today, severe mental discomfort is just as important a problem as severe physical trauma in all facets of jail violence. Trauma and human suffering shouldn't be protected by the law. Such mistreatment is a blatant infraction of one's inalienable human rights. The fundamental principle of criminal law and national justice is that everyone is presumed innocent until and until they are proven guilty beyond a reasonable doubt. Every citizen has the right to competent legal representation and protection from the moment of his arrest through the conclusion of his conviction, and even after that.

Barriers in the implementation of custodial laws in Pakistan

In Pakistan's criminal justice system, torture in custody is a frequent occurrence and is frequently seen as an unofficially sanctioned component of the investigation as per section 14(2) of the Constitution as well as an alternate method of punishing the prisoner. Officials in Pakistan, particularly those in law enforcement and the security forces, use torture and other cruel, inhuman or degrading treatment or punishment against those for whom they are responsible, regardless of the victim's age, gender or medical condition (Commission, 2009). Although there are many different types of prison torture, they frequently involve severe force (physical torture), threats and intimidation (mental torture), sleep deprivation, and humiliation. These not only amount to serious human rights violations, but they also transgress Pakistan's commitments to several international agreements, most notably the United Nations Convention against Torture and Other Cruel,

Inhuman or Degrading Treatment or Punishment (UNCAT), which the nation ratified in 2010 and became a signatory to in 2008. UNCAT specifically emphasizes the need for national legislation that makes torture a crime. Law 2022 on Torture and Death in Custody was finally passed after five failed attempts (Prevention and Punishment) finally received Presidential approval in November 2022. There were numerous attempts to pass a law criminalizing torture in Pakistan under UNCAT before the Torture and Custodial Death (Prevention and Punishment) Act 2022. Sadly, none of them were successful (Act 2022). Legislator Maiza Hameed proposed a bill in 2014 to the National Assembly, however it was rejected by the Senate. An anti-torture bill was submitted in the Senate by former senator Farhatullah Babar in 2015, but it never made it to the lower chamber (Act, 2022). A similar bill was submitted by Senator Farooq Naik in 2015, but it was also defeated. The Torture and Detention (Prevention and Punishment) Act 2018 was drafted by the federal government in 2018, which was another effort. Senator Sherry Rehman introduced the Torture and Custodial Death (Prevention and Punishment) Bill 2020 somewhat later in the year, in 2020. In each of these instances, the relevant bill was either not passed in or the 90-day window for forwarding it to the lower chamber of Parliament was missed in, causing the law to become inoperative. Pakistan has complied with its international commitment to define and make torture in detention illegal domestically with the most recent iteration of this Act. To evaluate how useful and effective this draft law can be in ending the torture of prisoners in Pakistan's prisons and holding those guilty accountable, it is crucial to analyze it (United Nations, 1987).

Overview of Torture and Custodial Prevention and Punishment Act 2022

The law is applicable to the entire country of Pakistan and has 20 provisions that cover a wide range of subjects, including crimes and their punishment as well as investigations, trials, and prosecutions of officials who are suspected of torturing people. More significantly, for the first time, "torture" is defined by law. The statute also prohibits pointless adjournments that would prolong a court hearing. And stipulates that deferments longer than 30 days cannot be granted for administrative reasons. The Federal Investigation Agency (FIA) can receive reports of abuse in jail thanks to the Complaints and Investigation Mechanism provided by the Act. According to Article 2, a "complaint" is a report made verbally or in writing to the AIF alleging that a public official or someone performing official duties has violated this Act. Any person may submit such a complaint. According to the law, a "complainant" is any individual (or that individual's agent) who files a complaint based on reliable information concerning a crime. (Raj, 2021). If a complaint has been made in accordance with the Act, the inquiry must be finished within 30 days of the complaint's receipt. After the investigation is finished, an extension of up to five days may be given in situations that call for extra time.

The preliminary investigation report is given to the judge of fact before the hearing even starts. The law gives three weeks to finish the procedure. Within 30 days of receiving a copy of the Session Court Order, you have the option to appeal it to the Apex Court. The FIA has sole authority to carry out the duties outlined in this Law, including: B. Receiving and looking into complaints, making arrests, conducting investigations, and reporting to the hiring authority. The Court of Sessions conducts the court proceedings for the offenses listed in the Act. The law also stipulates that the National Human Rights Commission (NCHR) shall oversee the investigation of the complaints. The Penal Code of Pakistan imposes the same punishments for mutilation, murder, and rape as it does for other offenses involving deprivation of liberty such as assault, execution in jail, and rape while in custody. But it is important to think about whether crimes committed under ordinary circumstances can be punished similarly to crimes committed while in the custody of public officers. This second group of crimes presumably lays more blame on the accused for

abusing their position than on the crime itself. The media frequently promotes this law, and relevant government personnel are frequently the targets of attacks. Training sessions to increase understanding of the legal concerns. In Pakistan, transgender individuals, women, and girls are all at risk of being tortured while detained. (Act, 2022).

Role of the FIA

In an earlier version of the law, cases of torture resulting in the deprivation of liberty were subject to the NCHR's sole investigative authority. However, Section 5 now gives the FIA control over the entire procedure. When there is such a clear conflict of interest, it is expected of officials to hold their coworkers accountable. This creates a moral hazard, impairing impartiality and making it impossible to assume general accountability for the accomplishment of that task. This law's execution could experience major issues as a result of the lack of financial resources. The FIA currently lacks a department specifically designed to look into and address claims of torture. Despite the fact that the law went into effect on 1 November 2022, no department or unit dedicated to investigating crimes under this law was ever created. This seems to suggest that the law's implementation has not yet begun or is not moving along at an acceptable rate. It can scarcely be expected that the law will be followed in letter and spirit unless a special FIA department is established by law to examine the violations underlying FIA torture in detention, and suitable resources are not assigned for that purpose. It is comforting to learn that all public authorities, including judges, military personnel, police officers, and other public officials, are subject to the FIA's jurisdiction under the Federal Investigation Agency Act of 1974. However, since many of them operate within a system that supports prison torture, it is crucial to consider whether high officials can actually be held accountable. (Act, 2022).

Role of National Commission of Human rights

Although NCHR lacks the necessary infrastructure, it is in the greatest position to look into complaints of torture as an independent agency. According to Section 5 of the Act, the NCHR will be in charge of overseeing the FIA investigation process. It does not, however, explicitly describe how this supervision will be carried out, and NCHR will not be given any cash or additional resources to carry out this oversight job. The NCHR's territorial authority is also restricted to Islamabad's Capital Territory. Therefore, such monitoring cannot be conducted in instances of torture outside of this region.

Proceedings against Accused of Torture

The FIA is required to notify its competent authority of the nature of the proceedings against the accused agent after an investigation has been opened and the accused agent has been taken into custody. Failure to post bail is also prohibited by law, and any evidence gathered in these ways is immediately inadmissible in court. An officer will not be allowed to serve in the same department, or at all, depending on the circumstances, if after an investigation a credible case of torture is brought to them. It is troubling that there are no stand-alone penalties outlined in the law. Instead, it prescribes it based on the current Penal Code. Because of this, the extraordinary character of the torture used in the imprisonment is not acknowledged, and even the death sentence for is suggested under Section 302, which could cause misunderstanding with Pakistan's brutal application of the death penalty for and failing to adhere to the standard. The death penalty being reserved for the "most serious crimes". In fact, Pakistan's Human Rights Commission ruled that the death sentence

was fundamentally incompatible with the country's international pledge to oppose torture and other cruel, inhuman, and degrading treatment.

Challenges for Complainant

In the absence of specific anti-torture laws and an independent reporting and monitoring mechanism through which to lodge complaints against government officials, conduct impartial investigations, and provide effective protection services for complainants and witnesses, survivors, complainants and witnesses cannot take any action against members of a powerful state institution. Let us take the example of the police: police services today are subject to little or no oversight by an independent authority. Police remain one of the main perpetrators of torture that led to the deprivation of liberty of people during arrest, detention and detention, and despite theoretical scrutiny by prosecutors and courts, no practical scrutiny takes place. There is general impunity in these matters, maintaining an institutional culture that views torture as part of the normal process. This culture has permeated all actors in the criminal justice system. No authority, including prosecutors or the courts themselves, seeks to determine whether torture has taken place; Even if the matter were raised in court (which is extremely rare for fear of retaliation and in the absence of a lawyer), courts are unlikely to order serious action lacking any political pressure, for a high-profile case it does or case to do media value. Even when prosecutors challenge the pre-trial detention of, they often fail to address the issue of police torture. All complaints against torture must be filed with the police, which means that complaints must be filed against those against whom they were filed. This makes this complaints procedure completely inaccessible. In many cases, police fail to register complaints against colleagues and supervisors, and complainants fear harassment and retaliation. For example, in February 2019, the police refused the family of political leader (victims and fatalities of police brutality) to bring charges against the officers concerned. It was only in the face of widespread protests that Senate Human Rights Committee ordered an FIR to be filed against him (Musawai n.d, 2009).

Furthermore, where victims and their families dare to come forward to the police, little or no serious action is taken against them. In August 2019 video went viral of Amjad Zulfiqar being held in a private torture cell in Lahore and dying after was severely beaten by police. The three police officers involved were suspended and no further action was taken. Registered police condemned the practice; However, most of the admitted that the use of severe torture for "investigative purposes" was both the norm and a necessity for them, showing how ingrained these practices are in the National Police.

Legal standards and Barriers to remedy

Both federal and international law in Pakistan forbid torture and police abuse. Additionally, the state is required by international law to punish offenders, compensate victims, and hold offenders accountable. However, interviews reveal that it is very difficult for torture victims in Pakistan to obtain compensation for the injury they have endured at the hands of the police. The Pakistani laws that forbid torture are described in the first section. The institutional, legal, and practical challenges that victims encounter when seeking compensation are then covered in this section. The main barrier for some victims is their fear of being punished by the authorities, of being directly threatened by the police, or of harming their own or their family's reputation. Holding the cops accountable is also made difficult by the legal system. The legal system in Pakistan needs to make it easier for victims to file complaints and offer clearer punishment for those who commit acts of torture. In order to ensure that abuses are adequately investigated and to alter the police's culture,

independent police oversight needs to be enhanced. All police officers must be made aware by police leadership that no abuse or retaliation would be tolerated. The structure and culture of the police department appear to be deeply interwoven with torture and other forms of abuse. Large-scale adjustments are necessary to put an end to these pervasive abuses, prevent future exploitation by police, punish offenders, and ensure victims are handled fairly.

Legislation as Obstacle

Pakistan has ratified both the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Both agreements outlaw torture and other forms of cruel, inhuman, or degrading treatment. These international conventions not only prohibit torture, but also require positive action to be taken to prevent torture and punish the perpetrators. Torture is officially forbidden by Pakistan's constitution as well. The use of torture and excessive force by the police is prohibited by a number of laws in Pakistan. Compensation for torture victims faces severe barriers in Pakistan. Real reform is hampered by institutional, legal, and practical barriers. Reforming Pakistan's police service is challenging due to its intricate organizational structure. Victims of torture find it challenging to speak up in cases of torture due to clumsy anti-torture regulations. Last but not least, non-legal concerns such as direct police threats or the victim's fear of reprisals for reporting abuse can discourage victims from submitting a complaint (Gul, 2018).

Conclusion

Torture in custody remains a serious human rights issue in Pakistan and requires urgent attention and comprehensive reforms. Although Pakistan is a signatory to the United Nations Convention against Torture (UNCAT), it has yet to effectively address this issue through specific legislation and accountability mechanisms. The lack of a solid legal framework led to persistent detentions for torture, leading to widespread ill-treatment, injuries and even deaths among detainees. To address this serious problem, Pakistan needs to integrate international detention law, particularly UNCAT, into its legal framework and fulfill its obligations under international human rights treaties. This requires comprehensive legislation that clearly defines and criminalizes torture leading to imprisonment. In addition to legal reforms, institutional changes are also needed to strengthen the justice system and protect victims' rights.

A critical issue that needs to be addressed is the culture of impunity in the police force, where cases of police brutality and torture often go unpunished. A transparent and effective accountability mechanism must be put in place to hold those responsible to account and break the cycle of torture in prisons. It is also important to recognize that victims of torture include not only adults but also vulnerable groups such as women, transgender people and people with mental and physical disabilities. Protecting the dignity and rights of all human beings is essential for a just and humane society.

In summary, Pakistan needs to work with the civil society and the international community to pass comprehensive legislation, implement institutional reforms and cultivate a culture of accountability. By adopting these necessary measures, Pakistan can effectively combat torture in prisons, bring justice to victims and uphold fundamental human rights principles, ultimately leading to a society where torture is not tolerated and where the dignity of every individual is respected.

References

1. Act, T. and C. D. (2022). Bill. *Torture and Custodial Death (Prevention and Punishment) Act, 2022, 8.5.2017*, 2003–2005.
2. Adil, K. (2019). System of Police in Pakistan; An Overview. *Research Paper*.
3. Akbar, M. S., & Bhutta, M. H. (2012). Prison Reforms and Situation of Prisons in Pakistan. *Social Sciences Review of Pakistan*, 1(1), 32–41.
4. Alam, A. R. (2019). A constitutional history of water in Pakistan. *Jinnah Institute: Islamabad, Pakistan*.
5. Assembly, N. (1973). *Constitution of Pakistan*.
6. Chaudhry, R. (2013). *Policing, Custodial Torture and Human Rights: Designing a Policy Framework for Pakistan*. <http://cppg.fccollege.edu.pk/wp-content/uploads/2013/01/PB.pdf>
7. Code. (1898). *Pakistan Code of Criminal Procedure*.
8. Code, pakistan penal. (2017). *The Pakistan Penal Code, 1860*. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64050/88951/F1412088581/PAK640502017.pdf>
9. Commission, E. (2009). Criminalising Torture in Pakistan : The Need for an Effective Legal Framework. *World Organization Against Torture Justice Project Pakistan*.
10. Commission, H. R. (2022). *Report 2022-03*.
11. Gondal, A. R. (2017). Torture an Undefined Word in Pakistan. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3003508>
12. Gul, R. (2018). Our Prisons Punitive or Rehabilitative? An Analysis of Theory and Practice. *Policy Perspectives: The Journal of the Institute of Policy Studies*, 15(3), 67–83. <https://doi.org/10.13169/polipers.15.3.0067>
13. Habib, M., & Guant, A. (2005). *Detainee Says He Was Tortured While in U . S . Custody*. 2–5.
14. Haseeb, M., Rehman, H. U., Noreen, N., & Shah, M. (2021). Implication Of UNCAT On Pakistani Law : Critical Analysis. *Webology ISSN 1735*, 18(6), 7962–7967.
15. Islam, S., & Meer, H. (2022). Traditional Journal of Law and Social Sciences (TJLSS) Legal Analysis on Act of Torture based on International Law and its Incorporation into Pakistani law. *Traditional Journal of Law and Social Science*, 1(1), 39–50.
16. Mirza, F. H., Memon, A. A., Adil, S. E. e. R., & Paryar, H. A. (2012). Audit of custodial deaths in Karachi--an autopsy-based study. *JPMA. The Journal of the Pakistan Medical Association*, 62(8), 752–755.
17. Musawai. (n.d.). *End Impunity for Torture*.
18. Nigel S. Rodley. (2002). the Definition(S) of Torture in International Law. *Current Legal Problems*, 55(5), 467–493.
19. Parliament. (2014). Bill in Senate. *Bill Against Inhuman and Degrading Punishment*, Viii, 1–10.
20. QSO. (1984). *Relevancy of Facts*.
21. R.S. Saini. (1994). Custodial Torture in Law and Practice With Reference To India. *Journal of the Indian Law Institute*, 36(2), 166–192.
22. Raj, P. (2021). *Custodial death critical analysis*. 20(5), 1860–1867. <https://doi.org/10.17051/ilkonline.2021.01.198>
23. Raval, U. H. (2023). Indian Judiciary and Custodial Torture. *Journal of Survey in Fisheries Science*, 10, 2097–2106.
24. Redress. (2018). *The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment A Guide to Reporting to the Committee against Torture*. September, 1–24. [https://redress.org/wp-content/uploads/2018/10/REDRESS-Guide-to-](https://redress.org/wp-content/uploads/2018/10/REDRESS-Guide-to-477)

- UNCAT-2018.pdf
25. Shahnawaz, M. S., & Abad, Q. (2011). Torture : Challenges to Domestic and International Criminal Law. In *Pakistan Horison*.
 26. Singh, S. K. (2020). *International Journal of Professional Development Custodial Torture : A Preventive Framework Available at : www.ijpd.co.in Indexing : SIS , DRIJ , OASI , IFSIJ International Journal of Professional Development Available at : www.ijpd.co.in Indexing : SIS . 9(1)*.
 27. Sinha, A. (2020). Custodial Violence And Human Rights: Constitutional Perspective. *ILkogremtine Online-Elementry Education Online, 19(2), 2195–2205*. <https://doi.org/10.17051/ilkonline.2020.02.696804>
 28. Ul Mustafa, A. (2017). A Critical Analysis of Pakistan’s Compliance with the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: An Alternative View. *SSRN Electronic Journal, April, 1–17*. <https://doi.org/10.2139/ssrn.2957128>
 29. United Nations. (1987). *Optional Protocol*.