

# Pakistan: Roots of custodial deaths

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**There have been many ineffective campaigns against deaths in police custody in the past, and we should like to hope that the present public outrage will lead to some concrete steps to rid the country's criminal justice system of one of its major flaws.**

The signs, though, are not very promising. A man's death in custody was attributed to a heart attack and a woman's to haemorrhage. Death caused by fear of torture cannot be accepted as natural. A police comment on Salahuddin's death by torture was that he was making big money, ie torturing him was justified. Now the use of smartphones at police stations has been banned across Punjab; this will not end torture in custody. In fact, people will be deprived of a source of information about police excesses. Obviously, police officers, at least many of them, are surprised at the outcry over a routine practice that has always been known to the top police echelons and the government — in fact, has often been encouraged by both.

The recent excesses by the Punjab police include deaths in police stations and torture at unauthorised detention centres. Let us begin with the first category of incidents.

Deaths in police custody occur when suspects succumb to torture, which is all that investigation and interrogation mean. All suspects are tortured to extract confession. No article of the Constitution is abused more than Article 14 (2) which, unfortunately, bars torture only if it is used to extract evidence.

There is evidence to establish that there have been alliances between politicians and policemen to kill citizens.

The way the law enforcement agencies have been kept unaware of modern, non-violent means of investigation betrays a streak of sadism in the state's mindset. Deaths at police stations will continue so long as the archaic, torture-based methods of investigation remain in vogue.

That suspects are often tortured at unauthorised places of detention has been known to the government and citizens for decades. These torture dens have been found in police functionaries' official quarters, rented premises and even in a mosque.

Some years ago, a private torture chamber, complete with an array of instruments of torture, was discovered in a posh locality of Lahore. The matter came up before the Lahore High Court. Senior police officers succeeded in confusing the issue by pleading a shortage of police stations, which, incidentally, was true. Police stations had been set up in the Punjab capital in one-room shops and in houses taken over without the owners' permission. The high court proceedings failed to chastise the defiant officials. However, the furore in public circles made them somewhat more careful, though they have not completely gone out of business.

Recently, an HRCP councillor went to a police station to look into a torture complaint. A junior official told him that the detainee was present within the police station, but the SHO who had just arrived had confidently declared, "No, I am keeping the criminal at a private house to expedite the

investigation”.

The question as to why it has not been possible to eradicate custodial deaths can be dealt with on two planes. Firstly there is a mountain of evidence to establish that there have been alliances between irresponsible political authorities and trigger-happy policemen to kill citizens in prisons and in the streets. If politicians in power can deal with their critics/rivals without wanting them killed in police encounters, this form of custodial death could decline substantially.

Secondly, a mess has been made of police reform. Many reform proposals were debated over the past five decades, while the files have been gathering dust. For decades, the British-made Police Act of 1961 was denounced as unsuitable for a free and democratic Pakistan, but no attempt was made to discard it till 2002 when the new Police Order was enforced. This law was never sincerely implemented though. The security of tenure granted to the provincial police chiefs was withdrawn and the chief minister who got this done replaced the provincial police chief several times within a year. The scheme of public oversight through citizens’ liaison and complaint commissions was never properly enforced. The section about action on public complaints was deleted. Now, different provinces are relying on heavily doctored versions of the Police Order or the Act of 1861.

The country surely needs a new people-friendly police law that will offer citizens firm protection against custodial death.

The roots of custodial death, however, lie outside the police domain. For about a decade, the state has been lowering its respect for citizens’ rights to life, liberty and security. Laws have been made to provide for long periods of detention without trial. The killing of journalists and other human rights defenders, as well as enforced disappearances, are glossed over without remorse. The state is not - bothered about a moral justification for its system of rule, and relies more on force than reason. It has also become more vengeful than ever.

As a result, people are becoming more and more violent and brutalised. They cannot settle even petty differences through peaceful exchanges, and reason has been replaced with firepower. Children are beaten to death by parents and teachers. Besides, protesters against custodial deaths are limited to the victims’ families. No death in custody has bought the people out into the streets in thousands, as happens in many other parts of the world.

A bill to ban corporal punishment has been pending in the Senate for years for want of clearance by the Council of Islamic Ideology and the relevant Senate committee’s approval. What will the world say about a country where corporal punishment is defended as part of the people’s (or some senators’) culture?

Death in custody, killing of children by parents and teachers, and pumping of bullets into the corpses of missing persons are symptoms of a terribly sick society and a state that has lost its way. Nothing short of radical changes in the system of governance and social structures will enable the people of Pakistan to redeem themselves as a civilised community.

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