**The custodial helm police**

**[Muhammad Ghias](https://nation.com.pk/Columnist/muhammad-ghias)**

February 22, 2021

Custodial death is part of the civilian society which is governed by the Rule of Law, handled by the police, in Pakistan. The moment the police arrest the accused, the security and safety of the individual must be protected until he is in custody. The life of a citizen cannot be put in abeyance, subjected to torture or exposed to any other illegal tactics of subversion. If the forces resort to torture and use third degree interrogation methods upon a suspect during their physical remand session, it will leave a very poor impression not only of the local police but will also create a bad impression of the Senior Officers, ranging from Divisional SP to the IGP.

Under the code of CRPC, Police Officers have wide powers to arrest and detain suspects under section54 and in many other offences where the physical remand of an accused is secured. This remand may be contested by way of credible information for the recovery of something in the relevant case. In this context, the investigation Officer, under section 167, must bring the accused before a Magistrate within 24 hours of the arrest. Thereafter, upon obtaining the remand, the fate of accused in terms of merit and safety cum security rest with I.O.

[321 officials sacked for corruption in Afghanistan](https://nation.com.pk/22-Feb-2021/321-officials-sacked-for-corruption-in-afghanistan)

As back as ten years ago, the Police was accused of torturing a suspect during remand and keeping them in illegal custody by way various ways including hanging the suspect upside down. As a result of such torture, the suspect died. Consequently, a criminal case was registered and the arrest of the alleged Police Officials was ordered. However, just like in the case of a hundred other cases, the relevant parties came to an amicable settlement that facilitated the preparation of the discharge report for the officials. This meant that a zero conviction rate came to light.

Fortunately, the government has introduced a bill in the Senate, called the Senate bill No xII-2020, to control and prevent torture and custodial death in the recent year. According to the bill, whoever commits or abets or conspires to commit the offense of custodial death shall be punished with imprisonment for life and a hefty fine. Furthermore, any statement which appears to have been obtained as a result of torture, shall be considered as inadmissible and invoking it as a piece of evidence is illegal. The bill also contracted the offense as non-compoundable and non-bailable offence.

[India stalling non-proliferation efforts in South Asia](https://nation.com.pk/22-Feb-2021/india-stalling-non-proliferation-efforts-in-south-asia)

Endorsing the above referred contents of the bill, Police Officials or a private person involved in torture should legally and departmentally be taken to task. However, at the same time, it also warrants merit in such cases where Police officers alleged are innocent and must be exonerated expeditiously during the course of inquiry or in the criminal case registered. With due apology, there are instances wherein delays were met with the conclusion of the case of innocent Police Officials deliberately, owing to some ulterior motives by the lower staff. Therefore, in my opinion, inquiry proceedings in such cases where Police Officials are found Innocent should be finalised within the due course of time. This will also serve in the larger interest of their legitimate income which is usually lessened to some extent during their suspension of service.

In recent years, keen observations about those who had died in custody were made. The trend which was noticed was that those suspects were mostly drug addicts. They were addicted to heroin, hashish or some other toxic substances which was later revealed in their post-mortem reports. Majority of the time, their deaths were caused due to a heart attack or renal failure, courtesy of a chronic drug addiction.

[Argentina’s president decries ‘unforgivable’ vaccine scandal](https://nation.com.pk/22-Feb-2021/argentina-s-president-decries-unforgivable-vaccine-scandal)

What is important is that above all, whether a Police official or a private person, all should be considered innocent until proven guilty under the law. Furthermore, the deaths of suspects while in police custody should not only be evaluated as a death that happened due to torture as there might be some other reasons as well.