

# FUNDAMENTAL RIGHTS OF ACCUSED IN POLICE CUSTODY IN PAKISTAN: A COMPARATIVE STUDY WITH USA AND UK.

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**Abstract:** Human rights are the rights of individual against the state and offices following up in the interest of the state to deal with the rule of law. Violations of human rights at the hands of police became a serious concern for international moreover nation social thinkers and general populace. In Pakistan, where the violations have exceeded all levels of torture, little attention has been paid to systematically research study and address the problems. A number of violations are forced disappearances even threaten the integrity of the state of Pakistan. Custodial deaths, Torture extra-judicial killings, inhumane and cruel treatment of the accused, custodial rape, detention longer than permitted by law, illegal detention are some the bad and heinous practices which have eroded the general public confidence in police and enforcement mechanisms of state. Law has virtually become an instrument of oppression within the hands of influential and powerful. This research aims at unearthing the explanations behind violations of human rights of accused by police and tends to appear into the structural and operational flaws inside department of local government to recommend useful reforms. Since satisfactory research has been conducted while keeping in sight the victim side of the matter, the research tends to require into its account perceptions of police officials to grasp the hidden dimensions of the matter. Researchers have interviewed police officials of assorted rank and files to gather primary data to achieve pragmatic conclusions. Recruitment, training, and on-job experiences are ascertained to get hold of the compelling reasons behind such atrocities.

**Keywords:** Human rights, Encounters, Custodial deaths, Illegal detention, Torture in custody, Violations.

## Chapter No. 1 Introduction

### 1.1 Introduction:

Human rights are the rights as defined by prominent political philosophers and the social thinkers are the 'in-alienable rights' of individual against the state likewise as other individuals. Human rights have attracted much controversy in recent additionally as distant past particularly after the evolution of recent nation state and subsequent monopoly over violence by state. The term inalienable right explicitly defines the rights under any circumstances which are inviolable. Police is that the foremost prominent and interactive kind of state's power to which individuals are subjected and it's where the protection of rights is guaranteed or denied. Human rights are elaborately defined by international legislative instruments and each one U.N. member states are signatories to those instruments. Pakistan has already given many undertakings for the implement and enforcement of human rights and also discourages their violations. A part from international obligations, there are sort of constitutional provisions which clearly state the basic human rights. This research aims specifically at the rights of the accused person, their enforcement and violations while keeping visible the prevalent practices in Pakistan. Some significant privileges of the blamed incorporate option to be viewed as honest until demonstrated liable, right to life, option to be introduced under the steady gaze of a suitable court (magistrate just in case of Pakistan) within twenty four hours of arrest, right to grasp the reasons of his detention, right to consult a counsel, rights against bodily harm, right against forced confession, right to the privacy at home, another right to the human treatment at the hands of police officials.

Most of these rights are blatantly violated by police officials in Pakistan, these violations vary from physical torture and derogatory treatment to custodial deaths, extra-judicial killings and pretend encounters. The research tends to identify factors behind such persistent violations of human rights by police officials and appears into department of authorities further as wider society to pinpoint the reasons and suggest remedies. Fake FIRs are frequently registered against persons already in custody to shield influential and powerful from prosecution; registration of this sort has also been utilized to settle personal grudges and political victimization. Another practice has been the applying of examination to extract confessions and money which is usually paid by accuser's heirs for the protection of his life and dignity. Low salary and long working hours compel officials of lower ranks to do and do injustice with those under their custody. Women and other people belonging to lower income start being the weakest are more susceptible to such abuses. Law and system has provided for defense against such abuses and has created institution which is entrusted with responsibility to look at such abuses. Unfortunately, such institutions seldom answer complaints during a positive way and collaboration between violators and folks who are to check violations could also be a norm leaving the already suffering victim helpless. Judiciary though credible and honest isn't expeditious in adjourning cases of such abuses and a response so delayed accounts for nothing apart from encouraging the violators because 'justice delayed is justice denied' to satisfy the requirement of up to date age and respond during a very positive because of the strain of growing population the system of policing, investigation and prosecution should be revamped. It is crucial to change the whole criminal equity framework while

keeping in see the security of basic common freedoms and upkeep of the pride of man. Non-enforceability of laws related to fundamental human rights and consistent violations have already eroded trust in criminal justice system, it can further cause rise in criminality and social unrest with a possible to culminate into revolution like situations.

### 1.2 Objective of the Study:

1. To think about the infringement and torment of common liberties in care of police in Pakistan.
2. To comprehend the purposes for the scene infringement of denounced rights by police.
3. To know the current laws at the public, USA and UK level to check and control such occurrences.
4. To know whether the current laws are powerful in forestalling such infringement in care of police.

### Chapter no. 2 Literature Review

Though abuse of human rights has been and still remains a grave problem in Pakistan but research done on this subject isn't to the number of satisfaction and suggestions made haven't inspired any subsequent legislation, the result is the unabated violations of human rights. 'The Nation' gave a report in 2011 about the violations of human rights in Pakistan by enforcement agencies particularly the police<sup>1</sup>. Jam Sajjad notes that 700 people have died due to police torture while they were in police custody; Punjab is previous all other province with 300 deaths due to torture, all of them have died in lock-ups or privately torture cells. To keep with the report over 12400 people including 1480 women and 700 young girls are subjected to torture in police custody. The figure doesn't present the whole picture because there's much under-reportage during this case. 7000 people were subjected to torture across Punjab and 300 of which breathed their last either in lock-ups or hospitals reasons for such cruelty being illegal confessions, refusal to pay bribe, refusal to fulfill official's desires, tendency to hunt justice through courts by victims.

The report pointed out that 7115 incidents of torture passed in Punjab, also 3780 in Sind, 8110 in KPK Khyber Pakhtoonkhwa and the other 250 incidents of violence occurred in Baluchistan during the number of year 2001-2011. The report further maintains that despite the clear verdict given by justice Javed Iqbal of supreme court to pack up all torture cells, 150 such cells are kept open by Lahore city police alone. Jam Sajjad further holds that this can be often in clear violation of article 14 of the constitution of Pakistan<sup>1</sup>. Another report of the identical paper in 2012 holds that in Punjab province alone police killed one robber after every 24 hours in shoot-outs in various parts of the state and the other most of them were fake, illegal and staged. 360 extra-judicial killings are committed during twelve months of 2012. In 2011, in line with data released by Police department 127 people are killed in various shoot-outs. 29 police officials in 2012 and 28 in 2011 were martyred. Report holds that 'the new police equation of minimizing the wrongdoing by executing the lawbreakers severely didn't improve the lawfulness circumstance inside the territory. Despite the fact that the crime percentages slid in specific classifications marginally but there was no eased

up in wrongdoings against including street burglaries, house dacoit, grabbing and other road violations despite the Punjab police murdering fun social exercises shamelessly inside the presence of disgusting legal executive'. Out of absolute 395006 episodes revealed of wrongdoing in 2012, the police announced 103308 instances of wrongdoing against property including 3099 acuties, 14686 of thievery, 2528 of burglary, 17833 of theft, 8071 steers robbery, 20418 of auto robbery, 6725 of vehicle grabbing, 29828 of other nature. Inside the class of wrongdoing against individual, the police additionally announced 6312 instances of homicide, 7549 of endeavor murder, 20327 of hurt, 15562 of kidnappings, 160 of seizing for deliver, 213 of assault, 2606 of assault, and 7680 of other nature. Research suggests that given the crime statistics, some cops hold the view that extra-judicial killings have didn't bring down the speed.<sup>2</sup> such statistics may lead us to believe Pakistan that there are few legal safeguards against violations of human rights but the case is otherwise, constitution of Pakistan

<sup>1</sup> 30 July 2011, Jam Sajjad, The Nation.

<sup>2</sup> The Nation.

lays much emphasis or stress on the enforcement of fundamental human rights which they're separately restrained in constitution regarding their importance. Constitution of Pakistan states that any law which is repugnant to fundamental rights of mortals is void and existing laws are visiting be brought into conformity with the provisions of fundamental rights.<sup>3</sup> Article 9 states that 'no individual will be vacant life and freedom saves as per law'. Article 10 expresses that not a spirit who is captured will be kept in guardianship without being educated, of the grounds of such capture, nor will he's denied the appropriate to counsel and be safeguarded willingly. Article 10(2) characterizes that every one that is captured and kept in care of police will be created before the nearest officer inside a time of twenty. Four hours excluding the time for journey required supplying the arrested before the magistrate, and not everybody shall be further detained without the authority of the magistrate. Exception has been granted, however, for preventive detention which may be applied only to breach of law associated with the safety and integrity of Pakistan.<sup>4</sup> Constitution states that 'no individual, when denounced will be constrained to be observer against himself.'<sup>5</sup> The constitution defends the assurance of the poise of man and privacy of home. Indian analysts R.N.Mangoli and M.Tarase have uncovered far reaching human rights volitions in India and ensuing quittance of the violators.<sup>6</sup> Analysts fight that 253 cases of human rights infringement were detailed in India in 2008 that only 14 police personnel's were charge-sheeted and just 08 were indicted. 39 and 33 were accounted for under the wrongdoing head of 'coercion' 59 out of 253 were accounted for under the wrongdoing head of 'torment' and 'disappointment in making a move' 25 cases were accounted for under the highest point of 'bogus ramifications'. Asian place for basic liberties in its report in 2009 states that 1184 individuals were murdered in police care on account of torment in a long time (from April 2001 to March 2009). Most of the criminals were killed after being taken into custody within first twenty eight hours. Researchers contend that political interference has corroded the general public trust in police, officials drop cases on the direction of politicians in power and people of politically connected while implicate the opponents of such people. Mangoli and Ganpati elaborately portray the image of varied human rights commissions

<sup>3</sup> Part 2, chapter 1. Article 8. <sup>4</sup> First schedule, part 2, Article 10(4), constitution of Pakistan.

<sup>5</sup> First schedule, Part 2, Article 13, <sup>6</sup> A Study of human rights violations by police in India International journal of criminology

and sociological theory, P401-408, December 2010.

including National human rights commission in reporting and acting against violations, they need established that human rights commissions don't seem to be effective within the sense that they're reluctant to publish actual state of human rights violations in India and don't handle complaints with requisite seriousness. On the role of local department itself and lower judiciary, research has established through collection of empirical data that almost all of the complaints are dropped and some convictions are literally made. The researchers have attention to the role of media in exposing human rights violations particularly in Gujarat and conclude that police is neither efficient nor professional and honest in India enough to guard the rights of ordinary citizens. Abishek Bharti in his research paper 'Police cycles and basic liberties: An Indian criminal system analysis'<sup>7</sup> have contemplated the idea of capture, detainment, torment inside the light of fluctuated public and international legal instruments and actual practices of department of local government in India. Bharti has provided in her paper with the legal safeguards against arbitrary detention, right to consult a legal practitioner and right to stay silent together with option to be delivered inside 24 hours of capture before a judge. The researcher has attributed the evolution and development of fundamental human rights to rendition in India. In his context Bharti has discussed many instances of rendition including 'D.K.Basu versus. State of West Bengal', the judgment during this case has set down clear directions for the method of arresting any accused which include the preparation of a memo by lawman (arresting authority) regarding the place, time and reason for arrest. Supreme Court has clearly laid down within the above mentioned case the proper of the arrestee to the delivery of knowledge to a relative or friend who has an interest in his welfare, right to satisfy a relative or friend in secrecy from police, right to be medically examined at the beginning and end of the detention. just in case of 'Joiner kumar v State of Uttar Pradesh', the Supreme Court held that the abuse of ability to capture might be an infringement of common freedoms, Court held that capture ought to be made when sensible grounds exist for denying a person of his freedom. In another decision surrendered 'A.K.Gopalan v State of Madras' the Supreme Court saw that the right to reasonable pre-preliminary starts from the option to reasonable preliminary, hence capture could be a piece of reasonable pre-preliminary, it further held that

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<sup>7</sup> Selected works of Abishek Bharti, 2008.

branch of nearby government includes an obligation to supply the blamed with sympathetic climate inside jail. Bharti has suggested the consideration of those rights in Indian code of criminal methodology for the higher authorization of common freedoms. In the thesis of N.Krishna Kumar "Pattern of human rights violations in India" has conducted an in depth study of the character of violations and also the incidence of assorted categories of crime including custodial violence and persecution in lock-ups, illegal detention and manipulation of records of detention, torture, custodial deaths, food, clothing and medical aid, dissent of get to board, dissent of opportunity of interaction between prisoner and close and expensive ones. Kumar has concluded that there's sufficient evidence to prove that there's no favor for accused because the regards presumption of innocence until proven guilty. Violations under custody in researcher's opinion include employment of interrogatory, illegal detention, and detention for periods longer than permitted, not permitting to wear proper clothes and refusal to supply food etc. Kumar is of the view that these practices have corroded the general public confidence yet these practices aren't being curbed even when senior officials are fully cognizant of those facts. Researcher suggests that though there are various safeguards which are provided for within the Constitution like writ of habeas corpus and mandamus but mostly the detainee has no knowledge of such legal provisions which makes it easier for police to travel their way. Prolonged detention is geared toward breaking the accused resistance to extract suitable confessions. The practice continues despite the judgment in 'Khatri v State of Bihar', in which, Supreme Court has declared such detections illegal and cognizable. One significant and novel addition in Kumar's thesis is that the research done on suicides committed inside lock-ups, he holds that such suicides aren't real and victim kill because of undue police pressure and inhumane treatment, sometimes police officials even deprive the arrestee of garments and replace them with newspapers or leaves while giving an excuse that the tactic was applied to control detainee from committing suicide. Kumar has made variety of recommendations to revamp the police and policing practices to suit the necessities of contemporary age, the method of revamping includes reforms the least bit levels from recruitment to effective and on-job training enforcement of legal safeguards against the abuses.<sup>8</sup> Cynthia Shain and Gary Corder of the criminology department at university of Kutztown in their

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<sup>8</sup> Pattern of human rights violations, N.Krishna Kumar, 2004.

research titled 'The changing landscape Of police education and training'<sup>9</sup> has tried to measure the effect of schooling on ensuing use and maltreatment of power. Corder and Shain have distinguished between training and education and declared education as more robust thanks to achieve desired goal of lesser incidence of misuse of authority by police officials. The researchers have taken into consideration historical deployments in policing in USA because it has left its legacy and important imprints on policing process within the country, the deprivation of human rights of black serves a basis for bias both within the minds of police officials and members of community and other minorities still minority communities which may be a self-accelerating situation. Corder and Shain have recommended community policing as a positive solution of this case of mutual suspicion and have suggested the enrollment of more taught individuals in police in improving the measure of politeness along with the inventory of higher motivations.

In Pakistan basic freedoms commission is endowed with the errand of investigating the maltreatment of basic liberties, HRCP chief I.A.Rehman has kept up that examination through torment might be a typical practice in Pakistan that the menace of torture could be a colonial legacy which has continued in Pakistan since decades.<sup>10</sup>

He further states that torture is mostly wont to extract confessions from detainees and it's become a social attitude. Most of the inmates in prisons are under-trial and their captivity may be a tat mount to torture similarly. Bushra Khaliq<sup>11</sup> suggests that there are 1300 station houses in Pakistan and a minimum of one person is daily tortured in every police station.<sup>12</sup> She further

maintains that just about 70 percent women in police custody are subjected to sexual violence and other inhumane treatment. The literature reviewed leads us to believe that the violations of human rights are a universal phenomenon but they're graver in Asia and Africa particularly in south Asia. Though legal safeguards exist to shield the normal people from such abuses but such laws don't seem to be enforced strictly and police personnel make use of loop holes to hold on the violations. All of the above mentioned literature may

<sup>9</sup> Published in international journal of police practices and research, 2007.

<sup>10</sup> Human rights commission report on torture.

<sup>11</sup> Focal people Anti Torture Alliance Pakistan (ATA).

<sup>12</sup> Human Rights Commission of Pakistan report.

be a praise-worthy work of researchers shedding light on most forms of violations. Literature reviewed also gives us an insight into pattern of violations across various cultures and response to those violations by legislators and other concerned authorities. Bharti and Krishna has provided us with verity face of the status of human rights in India together with remedies to enhance the case. Corner and Shaun have discussed the connection of education and pattern of human rights violations and abuse of authority by officials. Cordner and Shain have also described the connection between police and vulnerable sections of society, minorities particularly. In Pakistan, Human rights commission of Pakistan has boldly pointed towards the grave situation of human rights and as a routine police practice of violating rights. These studies have focused on the victim side of the matter and have didn't notice perceptions of police officials regarding the violations. This research tends to explore police perceptions on the violations of human rights of accused and appears into structural and operational deficiencies which compel the continuation of such practices within the context of Pakistan. The research tends to supply an alternate perspective on the matter of human rights violations and suggest recommendations inside police department's structure and training to eliminate the potential for violations.

## **Chapter No. 3 Methodology**

### **3.1 Introduction:**

The motivation behind this part is to explain the system to direct research. The decision of system for research depend different elements like nature of wonder, population, its goals and objectives. There are two varieties of research methods qualitative and quantitative to review. The qualitative research is employed to look at phenomenon in nature setting. It's used contextual study of any problem (Ritchie & Lewis, 2003). However quantitative research is applicable when it's study the link between two variables (Singh, 2007). The quantitative method is to check the factual reliable causal relationship between variables with broader generalization. This is an explanatory study to indicate relationship between different variables. During this researchers have an interest to grasp about association between perception about violence of right of accused person and education, job experience, rank and training of police staff. The explanatory research is suitable to check this problem. Populace Varden Bergh and Katz (1999) characterized populace on the grounds that the gathering of people from which an example is drawn for the requirements of a chase. Populace is that the complete assortment of components about which we wish to make a few deductions. The number of inhabitants in this exploration is based all male police staff in Punjab region. The respondents are from various foundations.

### **3.2 Sample:**

An example could be a gathering in a very examination concentrate inside which data is gotten. Or then again a populace chose for perception and examination. It's an agent of a populace taken to show what the outcomes resemble. Sidhu (2003:67) stresses the significance of testing and further clarifies that if the populace is unfathomably enormous, it will be acceptably covered through inspecting. Inspecting procedure are arranged into two, that is likelihood and non-likelihood examining strategies. Testing techniques incorporate critical, delineated, arbitrary and methodical examining. For the point of this examination, critical and delineated testing procedures were wont to track down the right example size. In this research non-probability sampling is employed to gather data. The purposive sampling technique is employed during this research. A purposive sampling is employed the population is predefined group. The expert sampling technique is employed in purposive sampling. Master inspecting could be a type of purposive testing strategy that is utilized when your exploration needs to gather information from people that have specific skill. The respondents have knowledge and experience about phenomenon being studied. A sample of 45 respondents is taken from the population for data collection.

### **3.3 Data Collection:**

Primary data is collected to conduct this research. A survey is conducted to grasp about perception about violence of right of accused person among police staff during their training session. The respondents are across the province.

### **3.4 Data Collection Tool:**

The information assortment instrument is contrived after concentrated survey of writing and conversation with various specialists during this space of examination to remain all factors into account. The overview is added at end.

The very important variables which are considered in tools are: Years of service, training, Education, rank Policing system is important variable having a relationship with perception about human violence against the human rights. Before finalization of information collection tool a polite test is conducted. It's added additional information if something is missing. The aim of polite test is to eliminate errors and add new information.

### **3.5 Analysis of Data:**

The information is investigated by utilizing Statistical Package for the Social Sciences to check connection between various factors in research. The statistical distribution of variables is calculated. Different statistical tools are applied for validation of relationship.

### 3.6 Interpretation of Data:

After analysis of knowledge the interoperation is finished.

## Chapter No. 4 Data Analysis

### 4.1 Years of service:

	Frequency	Percent	Valid Percent	Cumulative Percent
Up-to 5	3	4.4	4.4	4.4
5-10	33	73.3	73.3	77.8
10+ to 15	6	13.3	13.3	91.1
15+ to 20	3	6.7	6.7	97.8
20+	1	2.2	2.2	100.0
Total	46	100.0	100.0	

The table throws light the officials included during this sample depict different age groups and job experiences, 4.4 percent are those that have served in department of local government for a period of 5 years or less, 73.3 percent have a employment experience of 5 to 10 years, 13.3 percent of these included have served for ten to fifteen years, 6.7 percent have spent fifteen to twenty years while only 2.2 percent are those that are in department for quite twenty years.

### 4.2 Rank:

	Frequency	Percent	Valid Percent	Cumulative Percent
Inspector	10	20.0	20.0	20.0
Inspector Legal	7	15.6	15.6	35.6
Sub Inspector	11	24.4	24.4	60.0
Assistant Inspector	14	31.1	31.1	91.1
Head Constable	4	8.9	8.9	100.0
Total	46	100.0	100.0	

The table reveals that officials included during this sample belong to different cadres ranging from head constable to inspector. 20 percent of them are inspectors, 15.6 percent are inspectors in legal branch, and 24.4 percent are sub-inspectors along with 31.1 percent asst. sub inspectors, remaining 8.9 percent are the pinnacle or head constables.

	Frequency	Percent	Valid Percent	Cumulative Percent
M. Phil	4	6.8	6.8	6.8
Masters	18	40.0	40.0	46.7

**4.3 Education:**

Graduation	23	51.1	51.1	97.8
Inter	1	2.2	2.2	100.0
Total	46	100.0	100.0	

The table throws light the levels of qualification of the officials interviewed for the aim of this research. M. Phil was the very best level of qualification and only 6.8 percent of these interviewed had the post graduate degree, 40 percent had a masters degree and 51.1 percent were graduates while remaining 2.2 percent had their intermediate completed.

**4.4 Questions:**

**Q: No, (1)**

**Do you think that training of Police Officials the least bit levels about their power and legal rights of citizens is inevitable?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Agree	31	66.8	66.8	66.8
Disagree	14	31.1	31.1	97.8
not sure	1	2.2	2.2	100.0
Total	46	100.0	100.0	

This table tells that 66.8 percent law enforcement officials think that training of Police Officials in the least levels about their power and legal rights of citizens is inevitable and 31.1 percent policemen afflict this statement while only 2.2 percent respondents don't seem to be sure about the connection within the statement.

**Q: No. (2)**

**Do you think that about our Policing system weighs the importance of non- ethnic, non-racial and non-discriminative attitude towards the accused persons?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Agree	24	51.2	51.2	51.1
Disagree	20	44.5	44.5	95.6
Not sure	2	4.4	4.4	100.0
Total	46	100.0	100.0	

Table shows that 51.2% law enforcement officials think that our Policing system weighs the importance of non-racial, non-ethnic and non-discriminative attitude towards accused persons and 44.5% policemen say that it's not so and a pair of aren't sure about the connection during this statement.

**Q: No. (3)**

**Do you think about our police treat the accused politely, perceive and respectfully him innocent until proven guilty?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Agree	8	15.7	15.7	15.7
disagree	37	82.2	82.2	97.8
not sure	1	2.2	2.2	100.0
Total	46	100.0	100.0	

In this table data shows that our police treat the accused politely, respectfully and perceive him innocent until proven guilty, 15.7 percent policemen agree, 82.2 percent don't agree while 2.2 percent aren't sure about this above statement.

**Q: No. (4)**

**Are our police officials competent enough to follow principles of the human dignity and safety to arrest the alleged persons?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Agree	9	17.9	17.9	17.9
Yes	34	75.5	75.5	93.2
No	2	4.4	4.4	97.8
not sure	1	2.2	2.2	100.0
Total	46	100.0	100.0	

Table shows that 17.9 percent respondents think that it's so and 75.5 percent are positive too while 4.4 percent contradict statement leaving 2.2 percent who have ambiguity that police officials are competent enough to follow principles of human dignity and safely to arrest the alleged persons.

**Q: No. (5)**

**All people dispossessed of their freedom ought to be treated with deference and humankind for the inalienable pride of the individual. Isn't that right?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Agree	35	75.6	75.6	75.6
Disagree	10	22.1	22.1	97.8
Not Sure	1	2.3	2.3	100.0
Total	46	100.0	100.0	

In this table the information shows all people denied of their freedom ought to be treated with humankind and regard for inalienable respect of the person, 75.6 percent police officers agree, 22.1 percent police officers disagree and the other 2.3 percent are not sure about this statement

**Q: No. (6)**

**Do you imagine that kept people ought to be held in authoritatively perceived confinement places and their families and legitimate delegates ought to acquire full data, is that the essential right of the prisoner?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Agree	31	66.6	66.6	66.6
Disagree	4	9	9	75.7
Depends on situation	11	24.4	24.4	100.0
Total	46	100.0	100.0	

Information shows reactions to the explanation that kept people ought to be held in formally perceived confinement places and their families and lawful delegates are to get full data is that the fundamental right of the prisoner. 66.6 percent cops think it should be so while 9 percent hold the alternative view and 24.4 percent believe that it depends upon matters within the above statement.

**Q: No. (7)**

**Do you think that the adolescents are isolated from grown-ups, ladies from men and under-trial from sentenced individual in our Police Stations?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Agree	33	71.2	71.2	71.2
Disagree	12	26.6	26.6	97.9

Not Sure	1	2.2	2.2	100.0
Total	46	100.0	100.0	

The table shows the views of police officials included during this sample regarding the segregation of inmates categorically in prisons. 71.2 percent of these who responded held the view in favor of segregation while 26.6 percent believe that prisoners mustn't be stratified and remaining 2.2 percent don't seem to be sure about it.

**Q: No. (8)**

**It is necessary to supply basic and fundamental necessities of life to the detainees including health, food and clothing?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Agree	40	86.8	86.8	86.8
Disagree	2	4.3	4.3	91.0
Depends on situation	4	8.9	8.9	100.0
Total	46	100.0	100.0	

This statement displays the views of respondents whether it's necessary to supply basic and fundamental necessities of life to the detainees including health, food and clothing within which 86.8 percent policemen hold the opinion that it should be so and 4.3 percent don't think it's a necessity and remaining 8.9 percent hold the view that it depends upon other factors.

**Q: No. (9)**

**The accused are bereft of their basic rights and remedies, why?**

	Frequency	Percent	Valid Percent	Cumulative Percent
To maintain terror	13	26.8	26.8	26.8
To make money	5	11.0	11.0	37.7
As practice	18	40.0	40.0	77.8
Extract Confession	10	22.2	22.2	100.0
Total	46	100.0	100.0	

This table reveals that the 26.8% law enforcement officials think that accused are empty their basic rights and remedies to keep up terror, 11.0 percent of the respondents think that such deprivation is subsequently linked to the urge to form money while 40 percent say it's a practice and remaining 22.2 percent are of the opinion that such abuse ends up in the extraction of confession for the answer of case.

**Q: No. (10)**

**Why does police register cases against those persons in their custody which haven't committed by them?**

	Frequency	Percent	Valid Percent	Cumulative Percent
To show result	7	13.4	13.4	13.4
On political Interference	4	8.8	8.8	22.1
As a practice	0	0	0	0
All of these	35	77.8	77.8	100.0
Total	46	100.0	100.0	

Data shows reason behind registration of cases after detention of accused and 13.4 percent of these interviewed believe that it's to point out results that police is doing its job while 8.8 percent respondents say that it's because of political

interference and therefore the same percentage attribute it as a practice without motive while 77.7 percent believe all three causes to be attributive to the post-arrest registration.

**Q: No. (11)**

**Are the police following a wrong practice by making bogus recoveries from the persons in their police custody?**

	Frequency	Percent	Valid Percent	Cumulative Percent
To strengthen the case.	15	31.2	31.2	31.2
To create a scenario that police is doing its duty	13	28.8	28.8	69.9
Please senior officers.	12	26.7	26.7	86.7
Make for investigative flaws.	6	13.3	13.3	100.0
Total	46	100.0	100.0	

Data arranged within the table gives the opinion of sample as regards to the practice of police in making bogus recoveries. 31.2 percent believe that recoveries are made to strengthen the case while 28.8 percent opined that it's intended to form a scenario whereby people are made to remaining 13.3 percent attribute it to creating for flaws in investigation.

**Q: No. (12)**

**Why would that be a distinction between the hour of real capture and section of capture inside the Roznamcha?**

	Frequency	Percent	Valid Percent	Cumulative Percent
To make money by releasing the same	11	22.3	22.3	22.3
To extract confessions	17	37.7	37.7	59.9
To make sure they face no interference	6	13.3	13.3	73.3
To buy time otherwise unavailable.	12	26.7	26.7	100.0
Total	46	100.0	100.0	

Figures given within the table show the views of these interviewed regarding the motive behind illegal detention of accused for a period of your time before formally enlisting him as detained. 22.3 percent say that it's to create money by releasing the accused un-officially, 37.7 percent believe that it's to extract confessions, 13.3 percent suggested that it's to create sure that there's no political interference if the case is proceeded with and remaining 26.7 percent opine that it's to shop for time otherwise not available.

**Q: No. (13)**

**Examination is that the need of lawman to research the cases – Your opinion?**

	Frequency	Percent	Valid Percent	Cumulative Percent
In the absence of contemporary techniques	31	66.6	66.6	66.6
Prevalent violent mind-set in wider society	5	11.2	11.2	77.9
No progress acknowledged without results	3	6.7	6.7	84.4
Accused only conscious of examination	7	15.6	15.6	100.0
Total	46	100.0	100.0	

Data within the table depicts the responses of sample regarding the rationale behind usage of interrogation in police stations. 66.6 percent suggested that it's because of the non-availability of contemporary techniques of investigation while 11.2 percent have attributed it to the prevalent violent mindset in Pakistani society, another 6.7 percent believe that it's to point out results and no progress is acknowledged without results and remaining 15.6 percent hold the view that the accused is simply alert to examination.

**Q: No. (14)**

**What is the foremost dangerous effect of violation of human rights for the society?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Trust erosion	11	22.1	22.1	22.1
Fear of police	14	31.2	31.2	53.4
Spread authoritarianism	7	15.6	15.6	68.9
Public having more sympathies with violators than police.	14	31.1	31.1	100.0
Total	46	100.0	100.0	

Data given within the table presents the responses of sample regarding most dangerous effect of violations of human rights by police for the well-being of social fabric. 22.1 percent said that it results in trust erosion, 31.2 percent believe that rights are violated to take care of the fear of police while 15.6 percent of these responded maintain that it spreads authoritarianism and remaining 31.1 percent believed that it's cause the cherishing of more public sympathies for violators than for the police.

**Q: No. (15)**

**Do you think that department of local government in Pakistan especially those occupying lower ranks have any adequate knowledge and understanding of human rights of accused person?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	9	17.9	17.9	17.9
Little bit, to not the extent of satisfaction	23	51.0	51.0	68.8
No, they don't have	14	31.1	31.1	100.0
Total	46	100.0	100.0	

Data shows the opinions of these included in sample regarding the extent of data and understanding of human rights of accused person in police officials especially the lower ranks. 17.9 percent maintain that they are doing have requisite knowledge, 51.0 percent believed that they need bit knowledge but not the extent of satisfaction and remaining 31.1 percent recommended that they don't have such information and comprehension.

**Q: NO. (16)**

**Are the training policy and environment of department conducive to educating recruits about the human rights of any alleged offender?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	14	29.0	29.0	29.0
One learns something in training	19	42.1	42.1	71.0
No, it's counterproductive	9	20.0	20.0	91.1

It is inhumane and also the main reason behind subsequent abuses	4	8.9	8.9	100.0
Total	46	100.0	100.0	

Information introduced inside the table shows the assessments of the respondents in regards to the environment of police training institutions in relevancy subsequent abuses by officials. 29.0 percent think that the training is conducive to learning about human rights of accused, 42.1 percent maintain that one learns something in training while 20 percent believe that it's counter-productive and remaining 8.9 percent suggested that the environment of the said institutions is that the main reason behind subsequent abuses.

**Q: No. (17)**

**The percentage of the cases registered against police officials for human rights abuse is incredibly low. Can that be ascribed to public apathy?**

	Frequency	Percent	Valid Percent	mulative Percent
Yes	12	24.5	24.5	24.5
Its fear of retaliation by police	4	8.8	8.8	33.2
Nothing comes out of it.	4	8.9	8.9	42.2
Complaints are often settled unofficially.	26	57.8	57.8	100.0
Total	46	100.0	100.0	

The information inside the table shows the connection between low paces of grievances against police authorities and public apathy towards such violations. 24.5 percent respondents believe that the low rate of complaints is because of the general public apathy, 8.8 percent maintained that it's the fear of retaliation by police which keeps the potential complainants unfree while another 8.9 percent think that nothing comes out if it is said and remaining 57.8 percent suggested that complaints are often settled as un-officially.

**Q: No. (18)**

**Do you think fear of local department is that the main cause behind continued violations of human rights by police and also the subsequent silence after abuses?**

	Frequency	Percent	Valid Percent	mulative Percent
Yes	13	26.8	26.8	26.8
may be	31	68.8	68.8	95.5
No	1	2.2	2.2	97.8
I am not undecided or not sure	1	2.2	2.2	100.0
Total	46	100.0	100.0	

Data within the table relates continued violations of human rights by police and subsequent Silence at the moment to the fear of police. 26.8 percent think that it's the fear of police that maintains the silence, 68.8 percent aren't sure about this relationship while 2.2 percent said it's not the fear of police behind such silence and remaining 2.2 percent held no opinion during this regard.

**Q: No. (19)**

**Keeping seeable the very fact that a really small chunk of population is literate enough to grasp the legal safeguards against such abuses; can unabated violations be attributed to victim precipitation?**

	Frequency	Percent	Valid Percent	mulative Percent
Yes	10	20.1	20.1	20.1
Victim has nothing to try to with it.	4	8.8	8.8	28.8

Literacy rates are literally or very low	23	51.1	51.1	80.0
Colonial legacy prevails	9	20.0	20.0	100.0
Total	46	100.0	100.0	

The data given within the table relates the low levels of literacy and unabated violations of human rights to victim precipitation. 20.1 percent maintain that it's so, 8.8 percent suggested that victim has nothing to try to do with it while 51.1 percent thought that literacy rates are literally very low and remaining 20 percent believed that it's a colonial legacy.

**Q: No. (20)**

**Violations of Human rights of accused person must be sensibly linked to some ends which police wants to meet; can such violations be consider as a means to compel victims to pay for her/his safety both in terms of honor and bodily harm?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	18	37.9	37.9	37.9
You have to pay to be treated well	17	37.7	37.7	75.5
It is a settled fact that you have to pay	5	11.1	11.1	86.7
No, it is not true.	6	13.3	13.3	100.0
Total	46	100.0	100.0	

The data given within the table tends to explore the motive behind violations and also the resulting fulfillment of self-interest in monetary gains. 37.9 percent respondents said that violations are some way to form money, another 37.7 percent maintained that one has got to pay to be treated well while 11.1 percent suggested that it's a settled proven fact that you've got to pay to police and remaining 13.3 percent negated such assumption.

**Q: No. (21)**

**Define institutions devised to keep check and balance upon the authority of police particularly its misuse respond in an appropriate way when the human rights are violated?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes, they're co-operative	13	26.8	26.8	26.8
They are seldom friendly	20	44.3	44.3	71.0
No they don't attend to anyone	6	13.3	13.3	84.4
I had no interaction of this kind.	7	15.6	15.6	100.0
Total	46	100.0	100.0	

Information introduced inside the table will in general expound the assessment of the respondents in regards to the behavior of institutions entrusted with the task to stay a check upon violations. 26.8 percent said that they're co-operative, 44.3 percent maintained that they're seldom friendly while 13.3 percent thought that they are doing not attend to anyone and remaining 15.6 percent responded that that they had no interaction with such institutions.

**Q: No. (22)**

**Is there any possibility of criminal collaboration between police and people entrusted with responsibility to watch violations?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes they work hand in glove	8	15.5	15.5	15.5
They sometimes protect one another.	22	49.0	49.0	64.5
No, there is no such collaboration.	5	11.1	11.1	75.6

Police pays them to safeguard themselves	11	24.4	24.4	100.0
Total	46	100.0	100.0	

Data displayed within the table depicts the opinion of the sample regarding the chance of criminal collaboration between police officials and institutions entrusted with monitoring the human rights abuses. 15.5 % thought that the 2 work hand in glove, 49.0 % believed that they generally protect one another while 11.1 % said that there's no collaboration between them and remaining 24.4 percent reflected that police pays the afterward for resistance.

**Q: No. (23)**

**Do you attribute shortcomings in criminal justice system as consider encouraging police and dissuading victims from litigating against violators?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes, one gets nothing out of litigation	23	48.8	48.8	48.8
Sometimes you've got justice delivered	14	31.2	31.2	80.1
Courts are very helpful.	6	13.3	13.3	93.3
Do not know	3	6.7	6.7	100.0
Total	46	100.0	100.0	

The data during this table tends to relate the shortcomings in criminal justice system to the reluctance of complainants in litigating against violators. 48.8 % respondents said it's so and one gets nothing out of litigation, 31.2 % believed that sometimes justice is truly delivered while 13.3 the handheld the opinion that courts are literally very helpful in cases of violations and remaining 6.7 you're off no opinion.

**Q: No. (24)**

**Given the client list nature of middleman, Pakistani politics, panchayats and also touts come in to replace or twist formal judicial system in dispute resolution, do you believe or true that such middle and informal groups provide shield to police officials?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes, it is the way things work here.	22	46.8	46.8	46.8
They sometimes come in as substitutes	10	22.1	22.1	68.8
No, legal system has nothing to do with them.	14	31.1	31.1	100.0
Total	46	100.0	100.0	

The information given in table above mirrors the assessment of respondents in regards to the job of casual gatherings pertinent goal and protection provided to enforcement agencies. 46.8 percent maintained that it's the way things add Pakistan, 22.1 percent suggested that informal groups sometimes are available in as substitutes and 31.1 percent suggested that they need nothing to try to with criminal justice system.

## CHAPTER No.5 DISCUSSION

### 5.1 The concept of basic human rights:

History of civilization is rife with wars, constructions and destructions, tussles between the weak and therefore the strong, competition among men and between man and nature for survival and self perpetuation birth to fear of life, survival and existence. Within the words of Jean Jacques Rousseau 'It was a war of one against everyone else'<sup>13</sup>. Because the civilization made progress the fear of life was replaced with fear to lose dignity and be empty justice. Greek philosophers like Plato and Aristotle constantly hunted for absolutely the meaning of justice and a mechanism to include the concept into practical system. Modern civilization is way influenced by Greek philosophy and political conceptions. Greek ideas were further modified and polished by European philosophers like philosopher, Thomas Hobbes and J. J. Rousseau and also the ultimately it gave birth to democracy and also the concept of basic human rights against arbitrary power of state and executive whether or not it's a monarch or otherwise. Of the theology, Islam has been the primary and foremost in inculcating the concept of human rights against state.

The notion of fundamental human rights is now internationally recognized as something basic to the upkeep of agreement. State, however, has preserved the correct to apprehend the individuals who challenge the validity of established social norms and therefore the structure of state. While state, in its modern concept, has monopolized the utilization of force within its territorial jurisdictions, this monopoly has its spill over's within the style of violations of human rights particularly those of accused of an offence. Police is that the most manifest variety of state's power whenever it concerns citizens' excesses against one another and also the state; it's where most violations occur and has become a reason for concern for contemporary political and social thinkers still because the wider society.

### 5.2 International Human rights Instruments:

World community has given recognition to fundamental rights through various legal instruments and conventions and, has pressurized national governments to include such principles into their respective constitutions. One such instrument which is of essential significance is that the 'all inclusive Declaration of human rights'<sup>14</sup>. The archive, to which all part state are signatory, accommodates uniformity in poise of human beings<sup>15</sup>, non-separation on the reason of race, sex, religion, spot of beginning or nation of birth<sup>16</sup>, that everyone has right to life, freedom and property<sup>17</sup>, and 'Nobody will be exposed to torment or to coldblooded, unfeeling or debasing treatment or punishment'<sup>18</sup>.

It further gives that no one will be exposed to discretionary capture, confinement or exile<sup>19</sup>, most are qualified completely fairness for formal review by an unprejudiced court, inside the assurance of his privileges and commitments and for any criminal accusation against him<sup>20</sup> and anybody accused of offense will be assumed as honest until demonstrated liable after the inventory of all ensures fundamental for his defence<sup>21</sup>. The Universal statement on common freedoms is that the most thorough archive comprehensive of every major right and might be utilized as a measuring stick to live the infringement. Other important instruments regarding the rights of accused and obligations of enforcement agencies include:-

1. Standard least guidelines for the detainee's treatment (1955)
2. Code of direct for authorization of law authorities (1979)
3. Declaration fundamental standards of equity for the casualties of wrongdoing and maltreatment of force (1985)
4. Body of standards for assurance of all people under any style of detainment or detention (1988)
5. Principles on powerful examination and counteraction of extra-legitimate, discretionary and rundown executions (1989)
6. Basic standards for treatment of detainees (1990)
7. United countries the standard least guidelines for non-custodial measures (1990)

### 8. Basic standards on the utilization of power and furthermore guns by law requirement authorities (1990) 5.3

#### National legal safeguards:

Being a democratic state, Pakistan has also clearly elaborated the notion of fundamental human rights in its three constitutions of 1956, 1962 and 1973 while a most recent contains a separate schedule attached to handle the difficulty. Constitution of 1973 provides for the safety of fundamental rights to the extent that any law that's repugnant to the elements rights are held null and void<sup>22</sup>. The constitution provides for security of person (life and liberty)<sup>23</sup>, safeguards as on arrest and detention<sup>24</sup>, against slavery and compelled labor<sup>25</sup>, Assurance against review discipline<sup>26</sup>, security against twofold discipline and self-implication<sup>27</sup>, sacredness of respect of man<sup>28</sup>, opportunity of movement<sup>29</sup>, Freedom of assembly<sup>30</sup>, freedom of association<sup>31</sup>, freedom of speech<sup>32</sup>, freedom to profess religion and to oversee strict institutions<sup>33</sup>, fairness of citizens<sup>34</sup> and heaps of different rights related with property and property rights. Another huge advancement during this respect is that the section of the bill and resulting constitution of Human rights Commission of Pakistan which is depended with the undertaking of guaranteeing the upkeep of principal common liberties and answers the objections against infringement.

### 5.4 Human rights violations in Pakistan:

Though there are ample safeguards within the Constitution of Pakistan against the violations of human rights yet there's widespread abuse of authority particularly by police officials which is in utter disregard of the concept of dignity of man. Police officials in Pakistan are involved in numerous atrocities committed to accuse while in custody, such atrocities include torture, inhumane treatment, registration of bogus cases, failure to handle genuine grievances, extracting confessions by force, extra-judicial killings, pretend encounters, widespread graft, detaining longer than allowed by the law of land, forced disappearances, tutelary deaths and rape etc. of these violations are committed on everyday and with impunity because those entrusted with the aim of monitoring such abuses are secretly collaboration with the violators. The rationale behind this can be the colonial legacy and frequent inference by politically influential in matters of strictly legal nature, poor living conditions of police officials of lower ranks, long working hours and inadequate salary, lack of motivation and a general apathy towards the notion of basic human rights.

<sup>13</sup> UNO, declaration of human rights.

<sup>14</sup> United Nations universal declaration of human rights.

<sup>15</sup> Article 1, Universal declaration of human rights. <sup>16</sup> Article 2, Universal declaration of human rights. <sup>17</sup> Article 3 Universal declaration of human rights. <sup>18</sup> Article 5, Universal declaration of human rights. <sup>19</sup> Article 9, UDHR.

<sup>20</sup> Article 10, UDHR.

<sup>21</sup> Article 11, Universal declaration of human rights.

<sup>22</sup> Chapter 1, Article 8, First schedule, Constitution of Pakistan 1973.

<sup>23</sup> Article 9, Chapter 1, Constitution of 1973.

<sup>24</sup> Article 10, chapter 1, Constitution of Pakistan.

<sup>25</sup> Article 11, Chapter 1, Constitution of Pakistan.

<sup>26</sup>Article 12, Chapter 1, Constitution of Pakistan.

<sup>27</sup>Article 13, Chapter 1, Constitution of Pakistan.

<sup>28</sup>Article 14, Chapter 1, Constitution of Pakistan.

<sup>29</sup>Article 15, Chapter 1, Constitution of Pakistan.

<sup>30</sup>Article 16, Chapter 1, Constitution of Pakistan.

<sup>31</sup>Article 17, Chapter 1, Constitution of Pakistan.

<sup>32</sup>Article 19, Chapter 1, Constitution of Pakistan.

<sup>33</sup>Article 20, Chapter 1, Constitution of Pakistan.

<sup>34</sup>Article 25, Chapter 1, Constitution of Pakistan.

### 5.5 Police Perceptions:

The research is geared toward checking out the police perceptions regarding the violations of human rights and it's strictly not the perception of victims. Regarding the humane treatment extended towards the accused and respect for the inherent dignity of man, majority of police officials believe that it's the proper of the accused and will be strictly ensured while in actual practice it's not so because police officials seldom look after such delicacies, only a negligible minority has responded That it shouldn't be respected. Regarding the length and gravity of volitions researchers have prohibited each category of violation separately.

### 5.6 Violation of Human Dignity and Inherent Respect:

Police rarely recognize that the charged in guardianship or beneath examination has any nobility and regard in Pakistan. Fairly often the accused is perceived to be guilty even at the pre-trial stage. Though majority of officials have reiterated that the dignity of accused should be respected, while beatings in police stations may be a common practice and sometimes flogging publically is additionally resorted to, which is in clear violation to provisions of the Constitution and international legal safeguards Women and minorities are at a special disadvantage, women particularly are the foremost depressed class in Pakistan and once they are available contact with the enforcement agencies, they're brutally mal-treated, often physically abused. Majority of police officials also do hold the view that dignity of groups of people isn't respected in practice. There are variety of reasons behind such abuses, the foremost being a culture of violence prevalent within the country. Police officials haven't spared even the best public officials after they came in their clutches like jurist Iftikhar Muhammad Chaudhary. The violations mostly occur during stop and search operations when police puts barriers on roads where people acquire the preservation of their respect regardless of to whichever social category they belong, people who are politically influential or well-connected are most vulnerable because police feels that they at a freedom to increase whatever treatment they need towards such people because the victims don't have any access to possible remedies against such abuses. Police resort to questioning during the investigations which is beyond any standards of civility. Fairly often people surrender within the face of such inhumane treatment. Police officials relate it to the absence of recent techniques of investigation which compel them to create for the deficiency by derogating the accused to the purpose that he yields desired results.

### 5.7 Torture:

Torment as characterized by Barker and Carter is any activity by a harmony official without regard to thought process, aim, or vindictiveness that will in general harm, affront, trespass upon human poise, show sensations of Inferiority, as well as disregard a natural right of an individual from the police voting demographic inside the course of performing "police work." Torture is practice most commonly practiced by police to extract confessions, to make money or just in case of girls, to yield to their desires. Police in Pakistan resort to numerous methods of torture including beating at the bare soles of feet, using burning cigarettes on accuser's body, applying roller on thighs whereas 2 men standing on the roller that causes a permanent physical incapacitation, forbidding the suspect from sleeping and intake, keeping the suspect naked, to not mention verbal abuses that accompany such techniques, laying the accused on an ice-block, hanging the accused on a charpoy, the foremost brutal is that the usage of petrol in anal, striking nails in hands and lots of more. While torture may be a common practice yet police officials have described it as inevitability because police haven't any modern techniques of investigation available at their disposal. Within the face of strict performance standards and political still as bureaucratic pressure police officials that of the grade of assistant sub-inspector must produce results, regardless of how such results are achieved, during this situation torture remains the sole option for fast closing of the case. Another motive behind torture is that the extraction of cash, police officials have very low salary packages which don't seem to be harmonized with the rising inflation in commodity market, and officials create low salary with extracting money from the accused either through torture or with the threat of torture. In other words heirs of the accused acquire his/her safety while in police custody.

This practice is so well-established that nobody cares about the legality and ethical nature of paying for the safety of the accused both in terms of bodily harm and respect. During this situation those that are at the lower end of the income margin are at a specific disadvantage because they don't have enough to obtain their safety. This informal remedy, however, is on the market in those cases only within which no political or important person is involved; in cases where politically influential people are involved police doesn't resort to taking bribes which within the land of the pure implies that the accused is on the horns of a dilemma. Political interference ensures that opponents are degraded to a degree that they will never rise again to oppose the powerful, unfortunately police plays its role within the hands of such people. A majority of police officials do hold the firm belief that accused in Pakistan only reply to interrogation, hence, it becomes a compulsion to use those methods.

### 5.8 Custodial-deaths and fake encounters:

Police has frequently resorted in Pakistan to torturing the accused to degree that he loses his grip over life. This type of maximum torture and interrogation treatment isn't how alien phenomenon to department of local government. Majority of such

cases involve investigations of persons accused of robbery, rape, kidnapping for ransom, extortion, assault on police officials, refusal or inability to pay bribe, refusal to confess, refusal to fulfill the desires of police officials and in cases where the politically influential is involved. Murder of accused in fake and concocted encounters is additionally another heinous crime which has been employed by police to eliminate hardened criminals. Loop-holes in criminal justice system allow the genuine offenders to escape unhurt and such people commit crimes of the identical nature and degree again and again which frustrates the police enough to dump them once forever. Judiciary is slow in responding to the criminal cases and also the discharge of accused enables him to commit more crimes, while media creates a hype about the speed of crime with harsh criticism of government department, the senior officials, so on flee from this scenario resort to such unconstitutional and barbarous methods as killing the accused while in custody or staging fake encounters. In Punjab these methods have also been used to eliminate political opponents particularly. Both Custodial-deaths and pretend encounters have colonial legacies where the Imperialists eliminated threats to their rule by resorting to such practices.

#### **5.9 Police training and working conditions of lower ranks:**

Training environment in police training institutions isn't satisfactory but counter-productive. The Officials of the ranks of constable up to assistant sub-inspector (ASI) are humiliated by instructors and also their seniors, and are subjected to derogatory treatment in which de-sensitizes the officials and removes any force of sympathy from their minds for accused. The curriculum of department of local government isn't well-equipped with the fabric on human rights which leaves a knowledge deficit in officials regarding human rights. The ratio of strength of law enforcement agency to population is extremely low (one police man for a population of 1 thousand) which makes it harder for police to try to their duty in a good way, low strength of police officials compels the seniors to utilize services of lower ranks for over 16 hours which is inhumane in itself. A political candidate so frustrated, maltreated at the hands of seniors and being paid in bare minimum is far at risk of violate the rights of the abused. Another practice, which makes it even harder for police to hold on their normal functions, is that the utilization of police personnel's for VIP protocols, many officials are stationed at the offices, resident areas and other sites belonging to the powerful politicians and senior bureaucrats. This practice deprives the department of the many of its employees' services in already scarce numbers. There's no fixed compensation for police officials who are killed while doing their duty and mostly dependents of the deceased find yourself with means of survival, within the face of this reality there's no motivation left for police officials to figure efficiently and honestly. Relegations, Arbitrary transfers and dismissals are a matter of routine which has added salt to injury in demoralizing the police further. Equipment which the police officials are supplied with is strictly checked and scrutinized, officials are forced to shut their eyes when criminals are armed against which they need no defense. In training institutions least attention is paid towards educating the constables to be good public servant, they, however, are compelled to what the police in Pakistan actually is, during this way status is maintained through institutionization.

#### **5.10 When you're captured:**

In case you're captured, you'll ordinarily be taken to a cop, held in guardianship in an extremely cell so addressed. After you've been taken to a cop, you will be delivered or accused of illegal. The law of land on being captured is diverse in Scotland.

#### **5.11 Your privileges in guardianship:**

Your privileges in guardianship the care official at the station house should clarify your privileges. You have the legitimate to:

- get free legitimate exhortation
- Tell somebody where you're
- Have clinical assistance in case you're feeling sick
- See the standards or establishments the police should follow ('Codes of Practice') See a composed notification which is enlightening you regarding your privileges, for example normal breaks for food and to utilize the washroom (you can bring a notification up in your language) or a translator to clarify the notification. You'll likewise be looked and your assets will be kept by the police authority official while you are inside the cell.

#### **5.12 Young individuals less than 18 and weak grown-ups:**

The police should endeavor to contact your parent, gatekeeper or overseer in case you're under 18 or a weak grown-up. They should likewise track down an 'proper grown-up' to return to the station to help you and be available during addressing and looking. A suitable grown-up can be:

- Your gatekeeper, parent or guardian
- A social laborer
- Also another relative or companion matured 18 or over
- A volunteer matured eighteen or over

The grown-up administrations are given by the National Appropriate Adult Network gives proper in England and Wales.

#### **5.13 Your privileges when being addressed:**

The police may examine you concerning the wrongdoing you're associated with - this can be recorded. You don't have to respond to the inquiries yet there can be ramifications on the off chance that you don't. The police likewise should disclose this to you by perusing to you the police alert:

"You don't should say anything. However, it should hurt your guard on the off chance that you are doing not make reference to when addressed something which you later rely upon in court. Anything you are doing say could likewise be given prominent."

#### **5.14 How long you'll be held in authority:**

The police can hold you for as long as 24 hours before they need to accuse you of a criminal offense or delivery you. They can apply to convey you for up to 36 or 96 hours in case you're associated with a critical wrongdoing, for example murder.

You can be held for free for as long as 14 days in case you're captured under the Terrorism Act.

#### **5.15 When you might be delivered on bail:**

The police can delivery to you on police bail if there isn't sufficient proof to charge you. You don't should pay to be delivered on police bail, yet you'll should get back to the station for additional scrutinizing when inquired.

You can be delivered on restrictive bail if the police charge you and think that you basically may:

- submit another offense
- neglect to appear at court
- threaten different observers
- deter the course of equity this implies your opportunity is limited in how, for example they will force a check in time on you if your offense was submitted at evening.

#### **5.16 Giving fingerprints, photos and tests:**

The police have the appropriate to require photos of you. They will in like manner take fingerprints and a DNA tests (for instance from a mouth swab or head hair root) from you moreover as swab the skin surface of your hands and arms. They needn't bother with your consent to attempt to do this. The police need both your consent and furthermore the authority of a senior police officer to require tests like blood or pee, or to require dental impressions. This doesn't have any significant bearing once they take a blood or pee test regarding drink or medication driving.

Data from fingerprints and tests is put away during a police data set. You can check whether your data is put away on the police data set by getting a copy of your police records from your nearby station house. You need to record to your nearby police (England, Wales and Northern Ireland) or neighborhood police (Scotland) to have your own data off from the police data set. They'll possibly attempt this if an offense not exists or on the off chance that anything inside the police cycle (For example how you were captured or confined) was unlawful.

#### **5.17 Legal exhortation at the police headquarters:**

Lawful counsel at the station house as you is on the right track to free legitimate guidance. You have the appropriate to free lawful counsel (lawful guide) in case you're addressed at a police base camp. You'll adjust your perspective later in the event that you switch it down.

#### **5.18 How you'll get free lawful counsel:**

You should be advised about your entitlement to free lawful exhortation after you're captured and before you're addressed at a police office. You can:

- request the police headquarters' 'obligation specialist' - they're accessible 24 hours every day and free of the police.
- tell the police you'd like lawful guidance - the police will contact the Defense Solicitor call-focus (DSCC).
- Request that the police contact a specialist, for example your own one

You might be offered legitimate counsel via telephone instead of a necessity specialist in case you're associated with getting submitted a less genuine offense, for example being jumbled. The suggestion is free and autonomous of the police.

#### **5.19 Being addressed without legitimate exhortation:**

Whenever you have requested legitimate exhortation, the police can't address you until you have it - for certain special cases. The police can make you sit up for legitimate guidance in genuine cases, yet giving a senior official concurs.

The longest you'll have the option to be made to go to prior to getting lawful guidance is a day and a half in the wake of showing up at the station (or 48 hours for suspected psychological warfare).

You have the right to free legitimate guidance in case you're addressed by the police.

#### **5.20 Complaining about your treatment by the police:**

Contact the law implementation office you might want to whine about in the event that you're miserable about how the police have treated you.

Police powers should allude certain types of grievances to the Independent Office for Police Conduct (IOPC).

#### **5.21 What Does It Mean to Be Arrested in USA?**

An individual who sensibly accepts that they're dispossessed of individual freedom and isn't unengaged to leave police authority is considered to be "set to be taken to jail." A suspect doesn't need to be bound or by genuinely controlled to be set to be locked up. Nor do the police should declare the undeniable reality. What is important is whether a reasonable individual inside a similar position would accept that they're not freed to leave.

Consider a woman who drives to the police office and volunteers to address questions. Eventually, the woman quits responding to questions and needs to disappear. The police reveal to her she can't leave the space until the scrutinizing is done, and when she stands up, an authority movement alongside his hand for her to sit down. The police activities add up to a capture.

The police may confine a private in order to give a reference, for instance, for minor traffic infractions or for a couple of criminal offenses. A reference, once endorsed by the suspect, adds up to consent to glance in court sometime in the not too distant future in lieu of a capture. This transitory confinement is reasonable yet isn't viewed as a capture (in spite of the fact that it will in any case trigger the cop's entitlement to go looking the suspect, as clarified beneath).

#### **5.22 How Are People Arrested?**

A capture happens once the police have sufficient proof to decide reasonable justification—a sensible conviction that the suspect has perpetrated a criminal offense. On TV, most captures are typically made when a suspect is straightforwardly noticed performing crime and is captured inside the demonstration (or quickly thereafter). In genuine world, there's regularly more between the criminal demonstrations and furthermore the capture, on the grounds that the police examine the important part or as proof is given. When in doubt, captures made at individual's home require a seat warrant and furthermore necessitate that the police "thump and report" their motivation. Notwithstanding, these principles needn't have any significant bearing in critical circumstances, similar to when proof is additionally obliterated or people are in danger. A seat warrant might be a legal writ given by an appointed authority, in light of proclamations committed to after swearing to tell the truth (and building up reasonable justification).

### 5.23 What Happens Once an Arrest Is Made?

Each individual who is captured inside the U. S. what's more, addressed by police should learn of their legitimate rights (known as "Miranda Rights," talked about underneath). Also, when a private is captured, the police may look through the individual coincidental the capture. That is on the grounds that cops have the appropriate to monitor themselves by attempting to discover weapons and to protect the legitimate argument against the suspect by endeavoring to discover proof that the suspect may attempt to obliterate. This can be even allowed when a lawmaker captures an individual for a minor offense that prompts a reference and not a capture.

In the event that a cop don't have reasonable justification to make a capture, it's conceivable that an adjudicator may proclaim that proof held onto accidental to a capture is prohibited at preliminary.

### 5.24 What's the Miranda Rule?

On the off chance that a suspect is under a capture (in police authority) and being addressed (questioned) by a blamed about the crime, the police should educate suspect regarding certain sacred rights (known as "Miranda Rights") to him. These rights are summed up inside the accompanying proclamation:

"You have the right to remain quiet. You have the right to have a lawyer present once we question you, and on the off chance that you can't bear the cost of a lawyer one are delegated for you. On the off chance that you postpone these rights and examine with us, anything you say could likewise be utilized against you in court. Does one comprehend these rights?"

A suspect needn't be "Micronized" if the suspect has not been captured. The indistinguishable is valid if the suspect has been captured yet has not been addressed. On the off chance that a speculate will not answer inquiries subsequent to accepting a Miranda cautioning, the police may return—commonly inside about fourteen days—and give the Miranda alerts again and check whether they need better karma. In the event that a suspect declares rights under Miranda—for instance, declining to talk except if a lawyer is available—articulations evoked by the police without the lawyer present would ordinarily be unacceptable in court.

### 5.25 How Does an Arrested Person Obtain Freedom?

To acquire opportunity after a capture, either the public authority should excuse the charges against the individual or, expecting that don't happen; the suspect follows legitimate strategies that bring about opportunity. This lawful methodology is remembered delivering the suspect for bail and on the resumes own recognizance or charge ("discharge O.R."). Furthermore, obviously, opportunity could likewise be gotten by demonstrating the speculator's guiltlessness or by getting in a request bartering that permits discharge from authority.

### 5.26 Contact an Attorney:

In the event that you have been captured or have an astounding seat warrant; address a criminal guard legal advisor as quickly as time permits. An attorney can help secure your privileges and encourage you on whether to show yourself in or answer police questions. Your lawyer may assess the conditions of your capture and whether proof may require been gotten unlawfully.

## CHAPTER No. 6 Conclusion

### 6.1 Conclusion and recommendations:

It has been established beyond an iota of doubt that police in Pakistan is involved in heinous practice of violating the rights of the accused in an exceedingly brutal way, contemporary research is in line with this assertion including those of Bharti, Krishna, the state etc. Researchers have found that although police is far criticized for the violations of human rights, there are inherent structural flaws in department of local government which facilitate such violations, if not necessitate. Yet the issues on police department's structural and operational side don't justify the violations of human rights. Researchers, however, have concluded that addressing these flaws and deficiencies has the potential to bring down the speed of violations considerably. It may be argued that the legal safeguards are there to deal with these flaws but in practice when confronted with harsh realities of day to day working they're toothless legal safeguards. Ensuring the upkeep of fundamental human rights is prime need of the civilized world and is important to the sustenance of social fabric but rhetoric can do nothing unless and until those that violate are bereft of the incentives to violate, and given opportunity where their guanine grievances are addressed and it's made more rational for them to take care of fundamental rights instead of violating them. the complete system of policing must revamped and reformed whether it's recruitment, training, salary, senior-junior relationship, education and also the sense of responsibility while handling the accused. While recruiting, education qualifications, degree of aggressiveness, past conduct should tend due consideration. Institutions entrusted with the training of police officials have to be reformed while keeping visible the wants of contemporary civilization and therefore the notion of human rights.

Environment of coaching institutions should be so construed on promote humane attitude in trainees so they'll respect the rights of others while now the environment of the said institutions is counter-productive. Training officers, particularly the instructors, should be carefully chosen as men of dignity and of highest motives in order that they will infuse the identical in recruits. The government should provide the officials with adequate salary packages which are enough to satisfy minimum material needs of officials, raising pay will manifest returns within the variety of improved law and order condition which is important for economic prosperity and to achieve investors' confidence. Resources allocated for local department should be increased so the fashionable techniques of investigation including technological advancement are often brought into use to substitute for torture. The investigation and operations branches of policing ought to be strictly separated. Prison-reforms will help in reducing the rate furthermore as volitions of human rights. Prisons should be equipped and properly designed to satisfy the standards of recent world. Segregation of prisoners can help shielding the casual offenders from coterie criminals and accused from convicted. A campaign for social awareness is important to create the people at large to grasp their rights against state. The extent of violations is partly because of victim precipitation because people submit easily to violators with none protested. Establishment endowed with the errand of observing the infringement of common freedoms ought to be improved to answer proficiently to grievances. Judiciary should decide cases against human rights violations in additional expeditious way so as ensure speedy trials and conviction of offenders. Lots of abuses have their origin in political interference in policing matters; politicians

should be barred from such practices together with putting an end to arbitrary transfers, relegations and dismissals. There has been no stronger guard against arbitrariness and abuse of authority than public vigilance, improving the final level of education and awareness may drastically reduce the amount of violations because the public outrage will stand as a healthy check against violations. Women and minorities are most vulnerable section of population to such abuses, special legal safeguards should be provided for such depressed classes so on minimize their level of vulnerability.

A culture of tolerance is that the need of the hour, social mobilization against authoritarianism in any respect levels will help improve things as no abuse of power is voluntarily surrendered unless forced to try and do so. Working hours of police personnel should be strictly confined to international standard of eight hours per day to cut back the extent of frustration and people who lose in terms of bodily harm within the exercise of their duty should be duly compensated for. Reducing the working hours would force increasing the quantity of officials, currently number of police personnel's available are below the extent of satisfaction, officials mustn't be stationed for VIP protocols soon make them available for public at large.

## 6.2 QUESTIONNAIRE:

The information which is provided shall only be used for research purposes and must be kept strictly confidential.

Name: Rank:

District: Education:

Years of Service: Monthly Income: Rs.

1. **Do you think that the training of Police Officials at all levels about their power and legal rights of all citizens are inevitable?**
  - a. Agree.
  - b. Disagree.
  - c. I'm not sure.
2. **Do you think that our Policing system weights importance of non-racial, non-ethnic and non-discriminative attitude towards the accused persons?**
  - a. Yes.
  - b. No.
  - c. I'm not sure.
3. **Do you think that our police officials treat the accused politely, respectfully and perceive him an innocent until proven guilty?**
  - a. Agree.
  - b. Disagree.
  - c. I'm not sure.
4. **Are our police officials or officers competent enough to follow all the principles of human dignity and safely to arrest the alleged or accused persons?**
  - a. Yes.
  - b. No.
  - c. I'm not sure.
5. **All people is denied of their freedom ought to be treated with mankind and regard for the natural respect of person. Do you know?**
  - a. Agree.
  - b. Disagree.
  - c. I'm not sure.
6. **Do you think that about detained persons should be held in officially recognized detention places or in jail and their families and legal representatives are to receive full information; and is the basic right of the detainee?**
  - a. Agree.
  - b. Disagree.

It depends upon situations and circumstances by government instruction.
7. **Do you believe that adolescents are isolated from the grown-ups, ladies from men and un-sentenced from indicted individual in our Police Stations House?**
  - a. Yes.
  - b. No.
  - c. I'm not sure.
8. **It's necessary to provide basic and fundamental necessities or rights of life to the detainees including health, food, protection and clothing?**
  - a. Agree.
  - b. Disagree.
  - c. It depends upon the situations and circumstances.
9. **The accused person are deprived of their basic rights and remedies, why are?**
  - a. To maintain terror
  - b. To make the money.
  - c. As a practice.

- d. To extract the confessions.
- 10. Why do the police register cases or FIR against those persons in their custody which haven't committed by them?**
- To show the results.
  - On political reference interference.
  - To make the money
  - All of these.
- 11. The police follow wrong practices by making bogus recoveries FIR from the persons in their custody?**
- To strengthen the case weight.
  - To create a scenario that the police is doing its duty.
  - To please senior officers.
  - To make overview for investigative flaws.
- 12. Why is there a difference between entry of arrest and the time of actual arrest in the Roznamcha?**
- To make the money by releasing the same.
  - To extract confessions.
  - To make sure they face no any interference.
  - To buy time otherwise unavailable.
- 13. Is the third degree need of police officer to investigate cases –your opinion?**
- In absence of modern techniques.
  - Prevalent violent mind-set in wider society.
  - No progress acknowledged without results.
  - Accused only responsive to third degree.
- 14. What is most unsafe or dangerous impact infringement of the human rights for the society?**
- Trust or Believe erosion.
  - Fear of police.
  - Spread authoritarianism
  - Public having more sensitivities or sympathies with violators than police.
- 15. Do you think that department of police in Pakistan especially those occupying lower ranks have any adequate understanding and knowledge of human rights of the accused person?**
- Yes
  - Little bit, not to the level of satisfaction.
  - No, they do not have.
  - I don't know what human rights are.
- 16. Are the training policy of police and environment of department conducive to the educating recruits about human rights of any alleged offender?**
- Yes
  - One learns something in training.
  - No, it is counterproductive.
  - Its inhumane and the main reason behind subsequent abuses.
- 17. The percentage of the cases or FIR registered against police department for human rights abuse is very low. Can that be ascribed to the public apathy?**
- Yes
  - Its fear of retaliation by police.
  - Nothing comes out of it.
  - Complaints are often settled unofficially.
- 18. Do you think that fear of police department is the main cause behind continued violations of human rights by police and subsequent silence after abuses?**
- Yes
  - Maybe
  - No, I'm not sure.
- 19. Keeping in view the fact that a very small chunk of population is literate enough to understand the legal safeguards against such abuses; can unabated violations be attributed to victim precipitation?**
- Yes.
  - Victim has nothing to do with it.
  - Literacy rates are actually very low.
  - Colonial legacy prevails.
- 20. Human rights violations of accused person must be rationally linked to some ends which police wants to meet; can such violations be regarded as a means to compel victims to pay for his/her security both in terms of honor and real bodily hurt?**
- Yes
  - You have to pay to be treated well.
  - It is a settled fact that you have to pay.
  - No, it is not true.
- 21. Do states teach concocted to keep check upon the specialist of police especially its abuse reacts in a fitting way**

**when human rights are damaged?**

- a. Yes, they are co-operative.
- b. They are seldom friendly.
- c. No they don't attend to anyone.
- d. I had no interaction of this sort.

**22. Is there any possibility of criminal collaboration between police and those entrusted with responsibility to monitor violations?**

- a. Yes they work hand in glove.
- b. They sometimes protect each other.
- c. No, there is no such collaboration.
- d. Police pays them to protect themselves.

**23. Do you attribute deficiencies in criminal equity framework as figure in empowering police and discouraging casualties from prosecuting against violators?**

- a. Yes, one gets nothing out of proceedings.
- b. Generally you've got justice delivered.
- c. Courts area unit terribly useful.
- d. I don't recognize.

**24. Given the client list nature of Pakistani politics, middlemen, panchayats and touts are available to exchange or twist formal system in question resolution, does one believe such middle and informal groups provide shield to police?**

- a. Yes, it's the way things work here.
- b. They sometimes are available as substitutes.
- c. No, legal system has nothing to try to with them.
- d. I don't know.

**25. Modern investigation techniques don't seem to be in use in common police stations; does one think that the police make use of violence to extract confessions within the face of strict performance standards set by higher authorities?**

- a. Yes.
- b. Sometimes they're compelled to try and do so.
- c. No, confessions don't seem to be linked to performance standards.
- d. I'm not sure.

**26. police officials must work for long hours, living conditions among lower ranks are very poor, can that be an element behind frustrating officers enough to neglect their humane obligations?**

- a. Yes
- b. There is typically shortage of constables.
- c. Overtime is compensated for.
- d. Salary is accordingly high.

**27. Statistics depict that criminality is on an increase in Pakistan, has torture techniques utilized by police fuelled the fire?**

- a. Yes.
- b. Sometimes accused react to torture.
- c. Torture episodes are exaggerated.
- d. I do not know.

**28. Does one think that torture, violent punishments and inhumane treatment makes it harder for an accused person to be re-integrated into the traditional society?**

- a. Yes
- b. Some sections of society don't accept them.
- c. This results in total stigmatization.
- d. People do not mind it in Pakistan.

**29. Repeated and persistent violations of the human rights have portrayed a bad image of police, have these violations or illegality created the trust-deficit between police public at large?**

- a. Yes
- b. In the backward areas alone.
- c. No
- d. I do not know

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## ABBREVIATIONS

PL	Public Law
POA	Power Of Attorney
CJS	Corpus Juries' Scandium
CLSA	Canon Law Society Of America
ALR 2d	American Law Reports, 2 <sup>nd</sup> Series
CRLJ	Criminal Law Journal
AIR	All India Reports
ATA	Anti Torture Alliance Pakistan
UDHR	Universal Declaration Of Human Rights
LLM	Master Of Laws
PLD	All Pakistan Legal Decisions
VS	Verses

Those abbreviations listed on this are in alphabetical order.

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