

**NATIONAL ASSEMBLY SECRETARIAT**

**REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE TORTURE AND CUSTODIAL DEATH (PREVENTION AND PUNISHMENT) BILL, 2022**

I, Chairman of the Standing Committee on Interior have the honor to present this report on the Bill to provide protection to a person during custody from all acts of torture perpetrated by public officials [The Torture and Custodial Death (Prevention and Punishment) Bill, 2022] (Government Bill), referred to the Committee on 29<sup>th</sup> September, 2021.

2. The Committee comprises the following: -

1.	<b>Raja Khurram Shahzad Nawaz</b>	<b>Chairman</b>
2.	Mr. Sher Akbar Khan	Member
3.	Mehar Ghulam Muhammad Lali	Member
4.	Mr. Raza Nasrullah	Member
5.	Khawaja Sheraz Mehmood	Member
6.	Mr. Rahat Aman Ullah Bhatti	Member
7.	Malik Karamat Ali Khokhar	Member
8.	Sardar Talib Hassan Nakai	Member
9.	Ms. Nafeesa Inayatullah Khan Khattak	Member
10.	Mr. Muhammad Akhtar Mengal	Member
11.	Nawabzada Shazain Bugti	Member
12.	Malik Sohail Khan	Member
13.	Rana Shamim Ahmed Khan	Member
14.	Syeda Nosheen Iftikhar	Member
15.	Mr. Nadeem Abbas	Member
16.	Ms. Maryam Aurangzaib	Member
17.	Syed Agha Rafiullah	Member
18.	Nawab Muhammad Yousuf Talpur	Member
19.	Mr. Abdul Qadir Patel	Member
20.	Mr. Asmatullah	Member
21.	Sheikh Rashid Ahmed	Ex-Officio Member
	Minister for Interior	

3. The Committee considered the Bill as introduced in the National Assembly placed at **Annex-A**, in its meetings held on 01-12-2021, 02-02-2022 and 16-02-2022. The Committee recommends that the Bill as introduced may be passed by the Assembly. Dissent notes of Honorable Members Malik Sohail Khan, Agha Rafiullah, Mr. Abdul Qadir Patel and Mr. Asmatullah are placed at **Annex B**.

Sd/-  
**(Tahir Hussain)**  
Secretary  
Islamabad 30<sup>th</sup> May 2022

Sd/-  
**(Raja Khurram Shahzad Nawaz)**  
Chairman  
Standing Committee on Interior

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

*to provide protection to a person during custody from all acts of torture  
perpetrated by public officials*

WHEREAS, Pakistan is a party to the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishments 1984 and it is imperative to make law for its effective implementation;

AND WHEREAS, the Constitution of the Islamic Republic of Pakistan guarantees the dignity of man as mentioned in Article 14;

AND WHEREAS, it is expedient to enact a law for the prevention and criminalization of all acts of torture;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**- (1) This Act shall be called the Torture and Custodial Death (Prevention and Punishment) Act, ~~2020~~ <sup>2021</sup>.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

**2. Definitions.-** (1) In this Act, unless there is anything repugnant in the subject or context,

- (a) "Agency" means The Federal Investigation Agency constituted under the Federal Investigation Act, 1974 (VIII of 1975);
- (b) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (c) "complaint" means allegations made orally or in writing to the Agency that a public official or a person working in an official capacity has committed an offence under this Act;
- (d) "complainant" means any person filing a complaint, upon having reliable information of the commission of an offence under this Act, or his representative as the case may be;
- (e) "concerned division" means the Ministry or department to which the business of the Act stands allocated;
- (f) "custody" includes all situations where a person is detained or deprived of his liberty by any person, including a public official or by any other person working in an official capacity irrespective of legality nature and any place of such detention.

Explanation I.-It includes judicial custody and all forms of temporary and permanent restraint upon the movement of a person by law or by force or by other means; and

Explanation II.-A person shall be deemed to be in custody during search, arrest and seizure proceedings;

(g) "cruel" or "inhuman" or "degrading treatment" means and includes any deliberate or aggravated treatment inflicted by a public official or a person acting on his behalf against a person under their custody, causing suffering, gross humiliation or degradation of the person in custody;

(h) "custodial death" means the death of a person while in custody, directly or indirectly caused by and attributable to acts of torture committed upon the deceased while in custody;

Explanation I.-Custodial death includes death occurring in police, private or medical premises, in a public place or in a police or other vehicle or in jail. It includes death occurring while a person is being arrested or taken into detention or being questioned; and

Explanation II.—Custodial death also includes all cases where the death of a person after his release from custody is directly caused by and may be substantially attributed to acts committed upon the deceased while in custody;

- (i) “custodial rape” means and includes any person taking advantage of his position and committing rape or sexual abuse on a person in his custody or in custody of a public official subordinate to him;
- (j) “Government” means the Federal Government or the Provincial Government, as the case may be;
- (k) “malafide complaint” means a complaint filed against any person, including a public official with malafide intentions or other ulterior motives or to harass such person or public official;
- (l) “person” shall have the same meaning as assigned thereto in section 11 of the Pakistan Penal Code, 1860 (Act XLV of 1860);
- (m) “public official” for the purpose of this Act means every person who holds any office by virtue of which he is empowered to place or keep any person in confinement, every officer of the

Government whose duty it is, as such officer, to prevent offences, to investigate, and to give information of offences.

Explanation- Wherever the words "Public official" occur, they shall be understood as every person who is in actual possession of a public office, whatever legal defect there may be in that person's right to hold that position;

- (n) "torture" means an act committed by which severe physical pain or physical suffering, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions; and
- (o) "victim" or "aggrieved person" means any person who alleges that an offence under this Act has been committed against him.