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ABOUT US

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EXAMINING LEGAL SAFEGUARDS AGAINST CUSTODIAL TORTURE: A CRITICAL ANALYSIS

AUTHORED BY - GEETHA LAKSHMI. R

INTRODUCTION:

Violent interrogation techniques are now employed in investigations to extract confessions. Custodial violence is defined as violence committed against inmates while they are in custody. The rate of custodial violence has increased recently. Torture in custody has been widely documented, and it frequently results in deaths of inmates. Many crimes go undetected; only a small number are publicised by the media, leading many to believe that the punishment for a criminal must be excruciating agony or torture. Both local laws and international instruments have addressed the subject of custodial torture, and numerous clauses specifically address it. These are covered by the subsequent subtopics.

MEANING OF THE TERM CUSTODY :

Being under guard or being imprisoned for a short period of time, particularly by the police, is referred to as being in custody. According to criminal law, a person is detained in a jail or prison following their arrest or conviction for a crime. Until their prison sentence expires or they are found not guilty of the claimed crime, these individuals are under the jurisdiction of the state. Individuals detained by the state have restricted freedoms and are reliant on law enforcement to provide for their necessities. In order to protect the safety, well-being, and health of everyone under their control, officers have a duty of care. There are two sorts of custody under the Code of Criminal Procedure, 1974 the judicial custody and police custody.¹

Sec 167 of the Code of Criminal Procedure, 1974 deals with it.

Sec 167-Procedure when investigation cannot be completed in twenty-four hours.

S.167 (2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has no jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, a term not exceeding fifteen days in the

¹ Prof N. V. Paranjape – Criminology and Penology

whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction;

Provided that—(a)The Magistrate may authorise the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding—

(i)**Ninety days**, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

(ii)**Sixty days**, where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this Sub-Section shall be deemed to be released under the provisions of Chapter XXXIII for the purposes of that Chapter;

Prisoner: A person who has been found guilty of a crime by a court of law is considered a prisoner. He must serve the full sentence imposed on him by the conviction in prison. A person in custody is someone who has been apprehended on suspicion of a crime, placed under lockdown, and is awaiting trial in a legal setting. Both of these individuals fall victim to the crime of violent imprisonment.

CUSTODIAL VIOLENCE:

This refers to acts of violence against suspects as well as accused people while they are in custody. Custodial violence is defined as "crime by a public servant against the arrested or detained person who is in custody," according to the Law Commission of India. Both involuntary deaths and torture are considered forms of custodial violence.²

Forms of Violence:

Physiological, physical, and mental violence are the three main categories into which Custodial Violence can be divided. Physiological violence includes things like psychologically tormenting

² Prof N. V. Paranjape - Criminology and Penology

the victim, destroying their self-esteem and confidence, and denying them access to basic necessities like food, drink, and sleep. Threats and humiliations aimed at the detained individuals, their friends, or relatives. Physical abuse includes things like using sharp items to scratch the body, lying naked on ice bars, making someone sleep on the floor, and so on, all of which can leave a victim deformed and exhausted. Sexual violence includes many more forms such as rape and verbal abuse.

MEANING OF CUSTODIAL TORTURE:

Torture is the act of causing great pain to a person in order to punish them or coerce them into complying with a directive. Primarily the intense suffering brought about by the coercion of confessions and the fabrication of proof. It's a false belief that by causing them pain, they will confess. According to the Supreme Court, torture in custody is an egregious violation of human dignity and dehumanisation that severely damages a person's personality. Even the Former Supreme Court Justice V.R.Krishna Iyer states "Custodial Torture is worse than terrorism as because the authority of the state is behind it".³

DEFINITION OF CUSTODIAL TORTURE:

The term Torture has been defined by the **World Medical Association** "the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons, acting alone or on the orders of any authority to force another person to yield information, to make a confession or for any other reason".

Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987 is the internationally agreed legal definition of torture:

"Torture means any act by which severe pain or suffering, whether physical or mental, 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

³ www.livelaw.in/amp/law_firms/law_firm_articles/custodial_violence_rule_of_law_indian_evidence_act_national_human_rights_commission

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”.

Rome Statute of the International Criminal Court (ICC)

Article 7 (2)(e) states that “**Torture**” means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Different techniques of domestic torture:

- Hanging the victim upside-down
- Using lit cigarettes to make marks on the body
- Striking the back
- Hitting the bare soles of the feet with cans
- Being submerged in water
- Defecation
- Poking in live electrical cables
- Refusing to provide medical care
- Stroking using iron rods
- Hanging the accused upside down
- Depriving someone of necessities like food, clothing, shelter, a toilet, etc.
- Making them sleep on wet floors
- Using sharp objects to make cuts and scratches
- Using rifle butts as a beating
- Sexual and verbal abuse
- Sexual intimidation
- Molestation and rape

And so forth. A plethora of innovative techniques are now employed to coerce confessions from the accused, even making suspects fall victim to them.

CUSTODIAL TORTURE CAUSES:

The following are the main reasons why there are any forms of custodial violence, including torture:

- The extended trial period allows for more questioning.
- Insufficient expertise and familiarity with utilising scientific techniques in criminal investigations and questioning
- Ineffective oversight and examination of the police station by higher-ranking officers
- Inadequate instruction in handling suspects and accused
- The general public's ignorance of their rights
- No laws prohibiting torture
- No effective jail reforms
- The strain of work on police
- Lack of stringent laws
- A reduction in the transparency of jails
- Lack of proof keeps incompetent police officers from facing consequences.

PROVISIONS RELATING TO TORTURE:

Both the domestic and international law contains provisions for the rights of the arrested person and gives protection to them under various laws.

(i) DOMESTIC LEVEL:

Under **THE CONSTITUTION OF INDIA, 1950:**

Article 20 - Protection in respect of conviction for offences

(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the Act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

3) No person accused of any offence shall be compelled to be a witness against himself.

Article 21 –Protection of life and personal liberty

No person shall be deprived after right to life and personal liberty except according to the establishment of law.

Article 22– Protection against arrest and detention in certain cases.

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall be denied the right to consult, and to be defended by, a legal practitioner of his choice.
- (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate Within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the Place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the Said period the authority of a magistrate.
- (3) Nothing in clauses (1) and (2) shall apply—
 - (a) to any person who for the time being is an enemy alien; or
 - (b) to any person who is arrested or detained under any law providing for preventive detention.
- (4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—
 - a. An Advisory Board consisting of persons who are, or have been, or are qualified to be appointed As, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:
Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or
 - b. such person is detained in accordance with the provisions of any law made by Parliament under Sub-clauses (a) and (b) of clause (7)
- (5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.
- (6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest

to disclose.

(7) Parliament may by law prescribe-

- a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4)];
- b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and
- c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4)].⁴

Under **INDIAN PENAL CODE, 1860:**

SECTION 166 - Public servant disobeying law, with intent to cause injury to any person

Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Section 167 - Public servant framing an incorrect document with intent to cause injury

Whoever, being a public servant, and being, as 3[such public servant, charged with the preparation or translation of any document or electronic record, frames, prepares or translates that document or electronic record] in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Section 220- Commitment for trial or confinement by person having authority who knows that he is acting contrary to law

Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of

⁴ Article 22 of The Constitution of India, 1950

either description for a term which may extend to seven years, or with fine, or with both.

Section 330 - Voluntarily causing hurt to extort confession, or to compel restoration of property.—

Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 348 - Wrongful confinement to extort confession, or compel restoration of property

Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Section 376 – Punishment for rape

(2) Whoever,—

(a) being a police officer commits rape—

(i) within the limits of the police station to which he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(iii) on a woman in his custody or in the custody of a police officer subordinate to him; or

(b) being a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him; or

(c) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a woman's or

children's institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; or

(d) being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; or

(e) commits rape on a woman knowing her to be pregnant; or

(f) commits rape on a woman when she is under twelve years of age; or

(g) commits gang rape, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine: Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.⁵

Section 376 B - Intercourse by public servant with woman in his custody

Whoever, being a public servant, takes advantage of his official position and induces or seduces, any woman, who is in his custody as such public servant or in the custody of a public servant subordinate to him, to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Section 376C - Intercourse by superintendent of jail, remand home, etc.

Whoever, being the superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force or of a woman's or children's institution takes advantage of his official position and induces or seduces any female inmate of such jail, remand home, place or institution to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Section 503 - Criminal intimidation

Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat,

⁵ Section 376 of The Indian Penal code, 1860

commits criminal intimidation.

Section 506- Punishment for criminal intimidation

Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; If threat be to cause death or grievous hurt, etc.—And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or 1[imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Under **THE CODE OF CRIMINAL PROCEDURE, 1974:**

Section 41 C - Control room at districts.

- (1) The State Government shall establish a police control room—
 - a) In every district; and
 - b) At State level
- (2) The State Government shall cause to be displayed on the notice board kept outside the control rooms at every district, the names and addresses of the persons arrested and the name and designation of the police officers who made the arrests.
- (3) The control room at the Police Headquarters at the State level shall collect from time to time, details about the persons arrested, nature of the offence with which they are charged and maintain a database for the information of the general public.

Section 41 B - Procedure of arrest and duties of officer making arrest.

Every police officer while making an arrest shall—

- (a) Bear an accurate, visible and clear identification of his name which will facilitate easy identification;
- (b) Prepare a memorandum of arrest which shall be—
 - (i) Attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made;
 - (ii) countersigned by the person arrested; and
- (c) inform the person arrested, unless the memorandum is attested by a member of his family, that he has a right to have a relative or a friend named by him to be informed of

his arrest.

Section 41 D - Right of arrested person to meet an advocate of his choice during interrogation

When any person is arrested and interrogated by the police, he shall be entitled to meet an advocate of his choice during Interrogation, though not throughout interrogation.

Section 49 - No unnecessary restraint

The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Section 55A – Health and safety of arrested person

It shall be the duty of the person having the custody of an accused to take reasonable care of the health and safety of the accused.

Section 56 – Person arrested to be taken before Magistrate or officer in charge of police station

A Police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police station.

Section 57 - Person arrested not to be detained more than twenty-four hours

No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under Section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Section 163 - No inducement to be offered

- (1) No police officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in section 24 of the Indian Evidence Act, 1872 (1 of 1872).
- (2) But no police officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free Will:

Provided that nothing in this sub-section shall affect the provisions of sub-section (4) of section 164.⁶

Under the **INDIAN EVIDENCE ACT 1872:**

Section 24 - Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding

A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Section 25 -Confession to police-officer not to be proved

No confession made to a police-officer, shall be proved as against a person accused of any offence.

Section 26 - Confession by accused while in custody of police not to be proved against him

No confession made by any person whilst he is in the custody of a police-officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

(ii) INTERNATIONAL LEVEL:

Universal Declaration of Human Rights, 1948

Article 5 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

International Covenant on Civil and Political Rights, 1966

Article 7 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

⁶ Section 163 of the Code of Criminal Procedure Code, 1973

European Convention for the Protection of Fundamental Rights and Freedom, 1953

Article 3 - No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

American Convention on Human Rights, 1978

Article 5 - Right to Humane Treatment- No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

African Charter on Human and People's Rights, 1986

Article 5 - Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987

This convention is commonly called as **United Nation Convention against Torture (UNCAT)**⁷ contains nearly 33 articles in which the concept of **Non - Refoulement**. The term Refoulement means the forcible return of refugees or asylum seekers to a country where they are liable to be subjected to persecution. In which non Refoulement is dealt under article 3 of the convention. Article 2 states the prevention of torture. **Art 3** defines

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

The convention deals with the right to complaint, right to redress etc., Articles 17-24 deal mainly

⁷ www.ohchr.org/en/instruments_mechanisms/instruments/convention_against_torture_and_other_cruel_inhuman_or_degrading_treatment_or_punishment

with the mandate of the Committee against Torture, including article 22 which allows for the Committee to receive and consider individual communications if a declaration by the State Party is made. The number of parties to the convention is 173 and 83 signatories. India has signed this convention on 14th Oct 1997 but still now it has not been ratified it.

COMMITTEE AGAINST TORTURE:

In accordance with Article 17, a Committee Against Torture has been established. It is made up of ten individuals who are recognised as highly competent experts in the field of human rights and who have a high moral standing. Each member serves in this capacity. Parties that are elected will be the experts. Within a year of the Convention's entry into force for the State Party in question, the States Parties are required to report to the Committee on the steps they have taken to fulfil their obligations under it through the Secretary-General of the United Nations (Article 19).⁸ As per Article 24, the committee is required to submit an annual report to the UN General Assembly and the state parties regarding its activities under this convention. The Committee was created to ensure that the Convention against Torture (UNCAT) is effectively monitored, and it encourages states to abide by the convention's international obligations. After reviewing each report, the committee issues concluding observations to state parties outlining its concerns and recommendations. To carry out their monitoring duties, the other three mechanisms

- To take individual grievances or correspondence into consideration; conducting inquiries
- To take into account state complaints

Article 17 to 24 of the United Nations Convention against Torture (UNCAT) deals exclusively about the Committee against Torture

273rd Law Commission report

On October 30, 2017, the Ministry of Law and Justice received the report from the Law Commission of India, chaired by Dr. Justice B. S. Chauhan, regarding the "implementation of the 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through legislation." Although it was signed on October 14, 1997, India has not yet ratified the convention. In July 2017, the Law Commission was tasked with reviewing the case after the Supreme Court made a recommendation. While the Court was considering a case

⁸ [www.ohchr.org/en/instrumentsmechanisms/instruments/committee against torture](http://www.ohchr.org/en/instrumentsmechanisms/instruments/committee%20against%20torture)

involving torture in connection with the death penalty, this recommendation was made.⁹

The Commission suggested modifying the 1973 Code of Criminal Procedure to permit compensation payments in cases of torture. It made this recommendation citing cases where compensation was granted by courts for different types of torture, such as torture committed while a person was being held illegally or while under custody. The Commission suggested amending the Indian Evidence Act, 1872 to make it so that injuries sustained while a person is in police custody will be assumed to have been caused by the police. The police authorities will have the burden of proof to justify these injuries.

SUGGESTIONS TO CURB CUSTODIAL VIOLENCE:

- Installing CCTV cameras and monitoring their efficient operation. CCTV cameras are used to monitor the Higher officials during investigations and questioning.
- Periodic psychological and physical medical examinations are necessary to guarantee that all police personnel are in a fit state of mind to perform their duties.
- The influence of media on public opinion, Even prior to the verdict, the media presents the accused as criminals; more specifically, they portray suspects as offensive criminals.
- Not all police officers torture detainees or cause them great pain during interrogations or investigations; some of them perform excellent work and adhere to strict protocols, which leads to frequent transfers.
- • Police personnel should answer to a new trial body rather than to another police officer in the event that a crime involving abuse of detainees is called into question.
- • A higher level of punishment ought to be meted out to the public servant who tortures witnesses during an investigation.
- • Senior officials should be held liable through vicarious liability for actions taken by their subordinates.
- A system to address police personnel's mental health will be developed.
- All police stations are required to display posters outlining the accused person's rights.
- The application of the 273rd report of the Law Commission of India from 2017.
- By ratifying the United Nations Convention against Torture, India should adhere to international norms.

⁹Law Commission Report Summary Implementation of United Nations Convention against Torture.

CONCLUSION

Even in the present day, there are still more cases of severe and prolonged imprisonment, including deaths in custody. Torture is not limited to those who are already convicted; it also extends to those who are simply suspected of committing a crime. The majority of cases go unreported; very few are made public. Despite the fact that both domestic and international law contain numerous provisions, they are not consistently upheld. It is unfortunate that state employees were responsible for this crime, since it is the police's primary duty to investigate and address complaints about crimes involving citizens.

In this instance, inmates are harmed by police, jail officials, and other parties; although the police are the party to whom the complaint is directed, the investigation is largely ineffective. Therefore, agencies other than the police must conduct the investigation into custodial violence. India will not subject anyone to torture or other cruel, inhumane treatment or punishment if it ratifies the Convention Against Torture. The public wants to punish those who commit serious offences with greater severity. When these laws are enforced properly the offence can be controlled.

