UN Convention on Torture

What is the issue?

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Two decades after signing the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, India is yet to ratify it.

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Why India need to ratify early?

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- In recent times there is a fresh note of urgency attached to the need for early ratification, as the country has pending requests for the extradition of its nationals from other countries.
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- For, as pointed out by the Supreme Court, the absence of a stand-alone law prohibiting torture may prevent many countries from agreeing to India's extradition requests.
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- The court also noted that India was subjected to close questioning during the **Universal Periodic Review of its human rights obligations at the UN Human Rights Council in Geneva**.
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- It cannot be forgotten that an extradition request relating to Purulia arms drop case suspect Kim Davy failed owing to the apprehension that he may be ill-treated in India.
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- In an era of increasing international cooperation on criminal matters, India will be better served if it is seen as adhering to international treaties, especially its obligations under the **Convention against Torture, which it signed in 1997.**
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Does India have the provision already?

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- Provisions relating to causing hurt or grievous hurt, especially with a view to extracting a confession, criminal intimidation and wrongful confinement already exist in the Indian Penal Code.
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- However, the idea of a stand-alone law ought to be ultimately seen as a more tangible way of expressing commitment to eliminating torture.
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- A concrete step towards enacting a law was made when the **Prevention of Torture Bill, 2010**, was passed by the Lok Sabha in 2010, but it was referred to a Select Committee in the Rajya Sabha.
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- In its report submitted in the same year, the committee recommended exhaustive amendments to the Bill to make it consistent with the language and intent of the Convention. Thereafter the Bill lapsed.
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- The government says it has referred the matter to the Law Commission for an authoritative view.
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What should be done?

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- Given the pervasive nature of custodial violence and its complex policing requirements, the present legislative and administrative framework is obviously inadequate to prevent torture in a country of India’s size.
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- It is imperative that a strong law that criminalises torture, imposes stringent punishment for it and contains liberal provisions for those suffering torture to complain against their perpetrators, prosecute them and be compensated and rehabilitated, is passed at the earliest.
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Source: The Hindu

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