

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 258
TO BE ANSWERED ON 12.12.2018**

Convention Against Torture

258.: SHRI A.P. JITHENDER REDDY

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the steps taken for torture prevention following the Law Commission's 273rd report;
- (b) the comments received from State Governments on Law Commission's 273rd report;
- (c) the steps taken towards ratification of Convention Against Torture after India accepted recommendation of 24 countries in the third Universal Periodic Review in 2017;
- (d) the status of the proposal to amend section 330 and 331 of the Indian Penal Code; and
- (e) the action taken in the case of G.N. Saibaba based on the statements made by the UN Special Rapporteur on the rights of persons with disabilities, Special Rapporteur on situation of human rights defenders, Special Rapporteur on right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 28 June 2018 ?

ANSWER

MINISTER OF STATE FOR LAW & JUSTICE AND CORPORATE AFFAIRS

(SHRI P.P. CHAUDHARY)

- (a) to (d) To ratify the "United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment " 'The prevention of

Torture Bill, 2010' was introduced in the Lok Sabha on 26.04.2010 and passed by the Lok Sabha on 07.05.2010. when the bill was taken up for consideration in Rajya Sabha it was referred to the select committee which recommended certain additions and modifications in the Bill. However the Bill lapsed on dissolution of the 15th Lok Sabha on 18th May, 2014.

2. Thereafter a proposal was formulated to amend the existing sections 330 and 331 of the IPC to include 'torture' therein. This was forwarded to Law Commission of India, on 31.05.2017, seeking his comments on the adequacy and legislative intent of the proposed amendments. The Law Commission after examining this Ministry's draft formulation vide their D.O letter dated 30.10.2017 has submitted its 273rd report on implementation of "United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment" wherein they have recommended for a standalone legislation and to make consequential amendments in the Code of Criminal Procedure, 1973 and the Evidence Act, 1872. The Law Commission of India has also presented a draft bill titled "The prevention of Torture Bill, 2017".

3. As the Criminal Laws are in the concurrent list, this report of the Law Commission along with the draft Bill was circulated to all the State Governments /UTs on 28.02.2018. Till date comments of 4 States (Meghalaya, Jharkhand, Sikkim and Himachal Pradesh) & 2 UT (Chandigarh and Andaman and Nikobar) have been received wherein they agree with the recommendations given by the Law Commission. Rest of the State Governments /UTs have again been reminded on 27.11.2018 to furnish their views on the Law Commission's report. A decision in the matter can only be taken after the receipt of the comments/view of all the State Governments.

(e) The information is being collected and will be laid on the Table of the House.