

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO. 4490**

TO BE ANSWERED ON THE 8TH JANUARY, 2019/, PAUSHA 18, 1940 (SAKA)

COMMENTS OF LAW COMMISSION REPORT

4490. SHRI FEROZE VARUN GANDHI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the details of comments received from the State Governments on the Law Commission's 273rd report titled Implementation of United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation;

(b) whether the United Nations Special rapporteurs have made any statement regarding the rights of persons with disabilities on the situation of human rights defenders, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and on torture and other cruel, inhuman or degrading treatment or punishment on 28 June, 2018; and

(c) if so, the reaction of the Government thereto?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)**

(a): The comments from the State Governments of Jharkhand, Himachal Pradesh, Meghalaya and Sikkim and the Union Territory Administrations of Andaman & Nicobar Islands and Chandigarh on the 273rd Report of the Law Commission have been received. The State Government of Himachal Pradesh has stated that insertion of section 114(B) in the Indian Evidence Act, 1872 requires careful deliberation and have also suggested that amendment should be made in the Code of Criminal Procedure (CrPC),1973 whereby medical examination of the accused in all arrest cases should be made mandatory in order to avoid any false implication of police personnel. Other five States/ UTs have supported the proposal.

(b) and (c): The information is being collected and will be laid on the table of the House.