



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2021 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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UNCAT and India: It's time to follow up with Promises

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Received 16 July 2021; *Accepted* 01 August 2021; *Published* 03 August 2021

Torture, cruelty, brutality, etc. have been a part of the justice system since the beginning of humanity, and it is now practiced by some very nations and police authorities as one of the most efficient means of obtaining evidence from criminals. However, as constitutional and human rights have evolved, torture is now the most visible infringement of the right to live with dignity as interpreted u/d the Constitution of India i.e., Art. 21.¹ The UNCAT is a move toward making it known that society can no longer tolerate the torture of individuals. India is among those nations in the world that have not implemented a clear anti-torture regulation. The focus of the article is on legislations already existing in India against torture, judicial pronouncements in this regard, and the need for the prevention of torture.

Keywords: UNCAT, justice, torture.

INTRODUCTION

The nature of human rights has a broad scope and has universal application as these are the basic minimal rights that should be provided to each person or individual, by nature of their existence as a human without any kind of discrimination. Thus, these rights are inalienable

¹ Constitution of India, art 21

and they cannot be abridged by anyone regardless of any event. The protection of these rights is to be ensured by the State and its instrumentalities. However, it is seen that the protection of the same has been miserably failed on their part by using mechanisms such as violence, torture, cruelty, and so on, towards the accused or any person to bring back law and order in the society. It is pertinent to say that the police officials do use third degree treatment or torture on the suspected persons or accused, prisoners, detainees in their custody, mainly to get a confession or any statement relevant for their investigation, which is a clear violation of human dignity. Torture as defined by Black's Law Dictionary means, punishing, extracting a confession or info, or obtaining sadistic pleasure by inflicting severe agony on the body or psyche.²

The concept of the prohibition against torture is in harmony with the Int. human rights laws well-established standards, including the right to bodily safety and intrinsic integrity u/d Article 1 of the Universal Declaration of Human Rights (UDHR), 1948³ and Article 10 of the International Covenant on Civil and Political Rights (ICCPR).⁴ The UDHR and ICCPR explicitly prohibit torture, cruel or inhuman, and degrading treatment or punishment under Article 5 of UDHR⁵ and Article 7 of ICCPR.⁶ However, to curb the use of torture completely there is a specific international document, known as the UNCAT and any other Cruel, Inhuman and Degrading Treatment or Punishment, 1987 which aims to prevent torture, cruel and other inhumane behaviour worldwide. As per Article 1 of the UNCAT, the term "torture" mean's "Where any act of serious physically or mentally suffering is done to person, for the intention of getting from the person or a third person information or denomination or for punishing the person for an act committed, intimidating, coerced into him or a third person or for whatever reason, on grounds of discrimination of any kind, has been intentionally inflicted

² Henry Campbell Black, Black's Law Dictionary (9th ed, 2009)

³ 'The Universal Declaration Of Human Rights' (*Undocs.org*, 1948) <[https://undocs.org/en/A/RES/217\(III\)](https://undocs.org/en/A/RES/217(III))> accessed 01 July 2021

⁴ United Assembly, 'A/RES/21/2200 - International Covenant On Economic, Social And Cultural Rights, International Covenant On Civil And Political Rights And Optional Protocol To The International Covenant On Civil And Political Rights - UN Documents: Gathering A Body Of Global Agreements' (*Un-documents.net*, 1976) <<http://www.un-documents.net/a21r2200.htm>> accessed 01 July 2021

⁵ Universal Declaration of Human Rights (n 3)

⁶ International Covenant on Civil and Political Rights (n 4)

on him or her by a person, whether he or she bears physical or mental suffering.”⁷ This does not include pain and distress caused simply by authorised sanctions and by legal penalties.⁸

India became a signatory to the UNCAT on Oct 14, 1997, but India is still awaiting to ratify this global convention. This implies that before ratifying UNCAT; India must enact a Torture Prevention Bill. Therefore, this bill has been proposed by the Law Commission of India⁹, the National Human Rights Commission¹⁰ as well as the select Committee of Rajya Sabha in 2010¹¹. Further, the Prevention of Torture Bill was introduced in parliament twice, firstly in 2010 and secondly in 2017 but the same was lapsed because of the dissolution 15th and 16th Lok Sabha.

OBJECTIVES OF THE CONVENTION

The basic right which every human inherits is that they must be protected against any cruel or inhuman treatment which shall be the duty of all government institutions. UNCAT aims to ensure that countries implement a variety of legislative measures to avoid torture. Every country that becomes part of this is required to take certain steps:

- i. To avoid torture, lawmakers, administrative officers, judges, and others must take political, administrative, legal, and other steps.
- ii. To make sure that torture remains a criminal offence in every aspect.

⁷ 'Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment' (*Legal.un.org*, 1987) <<https://legal.un.org/avl/ha/catcidtp/catcidtp.html>> accessed 03 July 2021

⁸ '22 CFR § 95.1 - Definitions.' (*LII / Legal Information Institute*) <<https://www.law.cornell.edu/cfr/text/22/95.1>> accessed 03 July 2021

⁹ Law Commission of India, *Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation* (Law Com No 273, 2017)

¹⁰ 'Government Urged To Ratify UN Convention Against Torture | National Human Rights Commission India' (*Nhrc.nic.in*, 2021) <<https://nhrc.nic.in/press-release/government-urged-ratify-un-convention-against-torture>> accessed 03 July 2021

¹¹ Karan Thapar, 'India's 23-Year-Old Failure To Ratify UN Convention Against Torture Is Shameful' (*The Wire*, 2020) <<https://thewire.in/rights/watch-indias-23-year-old-failure-to-ratify-un-convention-against-torture-is-shameful>> accessed 03 July 2021

In order to comply with these steps, the Law Commission suggested some amendments in the Cr. P.C., 1973, IEA, 1872 & further draft was submitted on Prevention of Torture Bill, 2017 and this draft will tell the substantial and procedural law on torture.

LAWS ALREADY PREVAILING IN INDIA AGAINST TORTURE

There is no specific legislation against torture existing in India but there are various articles of constitution and provision of CrPC, IEA, Police Act, and IPC which directly or indirectly talks about torture in India.

Constitutional Provisions

- Article 20¹² of the Indian Constitution talks about protection against the conviction of offences in which clause 3 talks about the right against self-incrimination. Self-incrimination means expressing facts based on previous experience of the individual making the statement, implying that the person giving the information is the primary or sole participant in the crime and therefore, the individual should not be compelled to make a statement against him¹³. Brain fingerprinting and polygraphs examinations are pretty much self-incrimination¹⁴. The immunity is given to a person against self-incrimination also serves the goal of reliability¹⁵. It can also be understood that if a person alleged of a crime is called as a witness on his/her behalf during the investigation using intimidation, harassment, or incentives, there are greater chances that the evidence may be misleading or manipulated out of pure despair, apprehension or fear.
- Article 21 of the Indian Constitution states that “no person shall be deprived of his life or personal liberty except procedure established by law”.¹⁶ There is a case in which the Supreme Court of India has said that torture in custody violates the right provided u/d

¹² Constitution of India, art 20

¹³ Constitution of India, art 20, cl 3

¹⁴ *Smt Selvi v State of Karnataka* AIR 2010 SC 1974

¹⁵ *State of Bombay v Kathi Kalu Oghad* AIR 1961 SC 1808

¹⁶ Constitution of India, art 21

Article 21 of the Indian Constitution.¹⁷In the case of *Sunil Batra v. Delhi Administration*,¹⁸the Apex Court held that “fundamental rights do not flee the person as he enters the prison although they may suffer shrinkage necessitated by incarceration”. Furthermore, death in police custody caused by torture is impermissible and offensive to Article 21 of the Indian Constitution, held in the landmark case of *D.K Basu v. State of West Bengal*.¹⁹

- Article 22 of the Indian Constitution provides for protection against arrest and detention in certain cases²⁰ in which clauses (1) and (2) talks about certain cases; one might be protected from imprisonment and even incarceration. After seeing the articles mentioned in Part III of the Indian Constitution i.e., fundamental rights are given to every person, the SC has declared that “each and every individual has a right to life and dignity”²¹, suggesting that torture should never be used against someone who has a right to live with dignity.

Code of Criminal Procedure, 1973

- Section 46(3)²² and Section 49²³ of the Code of Criminal procedure provide that a detainee who has not been alleged with the crime punishable by death or life imprisonment cannot be subjected to greater confinement that is needed to avoid his escape.
- Section 54²⁴ provides for the assessment of a detained person by a medical officer, extending the defence against the infliction of custodial torture and harassment.
- Section 176²⁵ provides for a mandatory magistrate investigation into a suspect’s death while being in police custody.

¹⁷ *Sampat Prakash v State of J&K* AIR 1969 SC 1153; *Kamla Kanhaihalal Kushalani v State of Maharashtra* AIR 1981 SC 814

¹⁸ *Sunil Batra v Delhi Administration* AIR 1978 SC 1675; *Sunil Batra (II) v Delhi Administration* AIR 1980 SC 1579; *In Re: Inhuman Conditions in 1382 Prisons* AIR 2016 SCC 993

¹⁹ *D K Basu v State of West Bengal* AIR 1997 SC 610

²⁰ Constitution of India, art 22

²¹ Constitution of India, art 21

²² Code of Criminal Procedure 1973, s 46(3)

²³ Code of Criminal Procedure 1973, s 49

²⁴ Code of Criminal Procedure 1973, s 54

- Section 316 says that a person who is accused shall not be induced to disclose or withhold any matter within his knowledge by means of any promise or threat.²⁶ Furthermore, section 358²⁷ compensates for those who have been wrongfully convicted.

Indian Evidence Act, 1872

Section 24 provides that a confession becomes irrelevant if it is gained or formed, in relation to the procedure against a person, by any incitation, threat, or promise to prevent any ill of a temporary kind.²⁸ Section 25²⁹ covers that a confession given to a police officer before or not during an inquiry is not acceptable and cannot be substantiated against a person who condemns him to be convicted.³⁰ Section 26 states that an individual in police custody cannot establish his confessions unless he has confessed in the immediate presence of a magistrate.³¹

Section 27 states that how much knowledge the accused knows can be demonstrated.³² The aim of the three interconnected provisions that are Section 25, 26, and 27 was for the drafters to guarantee the voluntariness of confession by prohibiting the use of torture by police on the person in their custody.³³

The Police Act, 1861

- Section 7³⁴ states that appointment, dismissal, etc. of inferior officers. In a case, the complainant was a member of Jammu and Kashmir's State Legislative Assembly and he was unlawfully arrested by police in order to prohibit him from attending the Legislative Assembly conference.³⁵ Thus, the single-judge bench of the SC granted compensation for his unlawful imprisonment. Furthermore, recently the Haryana

²⁵ Code of Criminal Procedure 1973, s 176

²⁶ Code of Criminal Procedure 1973, s 316

²⁷ Code of Criminal Procedure 1973, s 358

²⁸ Indian Evidence Act 1872, s 24

²⁹ Indian Evidence Act 1872, s 25

³⁰ *P N Swami v Emperor* AIR 1939 PC 47: 40 Cri LJ 364

³¹ Indian Evidence Act 1872, s 26

³² Indian Evidence Act 1872, s 27

³³ *State of Punjab v Barkat Ram* AIR 1962 SC 276

³⁴ Police Act 1861, s 7

³⁵ *Bhim Singh v State of Jammu and Kashmir* AIR 1986 SC 496

Human Rights Commission recommended to the State government to give Rs. 7lakh compensation in a case of unnatural death in police custody to the next of kin of the deceased.³⁶

- Section 29 provides penalties for neglect of duty by a police officer who uses unwarranted personal violence on a person in his custody shall be liable to a fine of not more than three months' pay, imprisonment with or without hard labour for a term of not more than three months, or both.³⁷

Indian Penal Code, 1860

- Sections 330, 331, and 348 of IPC³⁸ talk about extorting of confession by way of voluntarily causing hurt and grievous hurt i.e., by means of torture to any person. Also, Section 342³⁹ acts as a deterrence for anyone who wrongfully confines any person.
- Section 376(1)(b)⁴⁰ criminalises custodial rape perpetrated by a public servant, therefore denouncing the misuse of power by any such authorities.

INDIAN JUDICIARY ON THE PROTECTION AGAINST TORTURE

In several decisions, Indian courts have described torture a couple of times, despite the absence of an agreed and legal term. The type of torture varies, varying from intentional and unintentional acts of brutality to feel agitated either by police or other members of the administration. The SC in DK Basu observed that the word torture is not defined in the Constitution or any legislation.⁴¹ It pointed to Adriana P. Barstow's slightly metaphorical concept: "Torture is a wound in the psyche so unbearable that you can almost sense it at times, but it is still so intangible that there is no way to repair it"⁴². Torture is crushing pain in the

³⁶ 'Compensation Ordered In 'Custodial Death' Case' (*The Hindu*, 2021)

<<https://www.thehindu.com/news/national/other-states/compensation-ordered-in-custodial-death-case/article34001207.ece>> accessed 07 July 2021

³⁷ Police Act 1861, s 29

³⁸ Indian Penal Code 1860, s 330, 331 & 348

³⁹ Indian Penal Code 1860, s 342

⁴⁰ Indian Penal Code 1860, s 376(1)(b); *Tuka Ram and Anr v State of Maharashtra* 1979 SCR (1) 810

⁴¹ *D K Basu v State of West Bengal* AIR 1997 SC 610

⁴² Mohd Yasin and Sami Ahmed, 'Torture in India: A Human Rights Perspective vis-À-vis UNCAT' (2019) 2 Gap Interdisciplinarity <[https://www.gapinterdisciplinarity.org/res/articles/\(285-295\).pdf](https://www.gapinterdisciplinarity.org/res/articles/(285-295).pdf)> accessed 07 July 2021

chest that is as hard as ice and as thick as a brick, as crippling as sleep and as gloomy as the abyss. Torture is a combination of despair, terror, anger, and hatred. It's an urge to kill and ruin everyone around you, including yourself".⁴³

Trying to deprive an individual of sleeping impairs the natural performance and effectiveness, which leads to physiological torment because it has a vast detrimental influence, according to *Re: Ramlila Maidan Incident*.⁴⁴ In *Shatrughan Chauhan v. Union of India*⁴⁵ SC stressed the extent of torture in the pronouncement of a death sentence, ruling that an excessive, disproportionate, and fair delay in the implementation of a capital punishment constitutes torture, which is also a breach of Article 21 of the C.O.I, and hence justifies commutation of the capital punishment.

Similarly, the High Courts of different states have shown a proactive stance on prevention against torture. Following the custodial death in the case of *Leonard Xavier Valdaris v. Officer-in-charge*⁴⁶, the Bombay High Court ordered the state government to install rotational CCTV cameras at every police station in the state in August 2014. And the cameras should be installed in such a manner that they would cover the corridors and lock-ups all the time. The State Government told the court in 2016 about a pilot project in which it planned to install CCTV cameras at 25 police stations in Mumbai, but the initiative was never completed. The court also demanded an explanation from the State Government over the addition of murder charges against police personnel arrested in connection with the custodial death case. Later, in February 2019, a division bench of the Bombay High Court ordered the State government to provide a progress report on its previous order to install CCTV cameras at all police stations in order to avoid custodial deaths and torture. Even the Gujarat HC ordered the Judicial Magistrate in Bhavnagar district to file FIRs against the police staff charging with torture to various individuals, including women, who were marching peacefully against limestone mining. The injured victims, including women, were not taken to the hospital and were held in detention until they were brought before the court. According to the victims, they recorded their testimonies alleging custodial torture before the magistrate and submitted them to the

⁴³ *Ibid*

⁴⁴ *In Re: Ramlila Maidan Incident* 2012 (5) SCC 1

⁴⁵ *Shatrughan Chauhan v Union of India* (2014) 3 SCC 1

⁴⁶ *Leonard Xavier Valdaris and others v Officer-in-charge and Others* 2018 SCC OnLine Bom 19118

session's court as mandated, but no action was followed for three weeks, prompting them to take the matter before the high court. As a result, after reviewing medical reports and testimony given to the magistrate by the victims the HC issued the order to the Judicial Magistrate to file FIRs against the accused police officers.⁴⁷

Noting to the same mentioned above even the European Court of Human Rights (ECHR) laid considerations to be observed in deciding the seriousness of care in *Ireland v. the United Kingdom*⁴⁸, in which the ECHR set down criteria to be taken into consideration in evaluating the efficacy of penalties, such as the victim's age, sex, and state of health. When assessing the severity of damage sustained on a victim, his or her overall wellbeing must be considered. The ECHR, on the other hand, found that confining inmates to agitation and trying to deprive them of proper nutrition, and rest led to ill-treatment, but it's not tortured. Since reading this decision, you'll find that the criterion for torture has increased slightly. Some international cases, such as *Labita v. Italy*⁴⁹ and *Selmouni v. France*⁵⁰ have described brutality in similar ways. But, the concept of torture is extremely arbitrary, and there is no clear and quick guideline for defining torture and torture activities.

URGENT NEED FOR PREVENTION OF TORTURE LAWS

As stated above there are various laws in India that directly or indirectly prohibits torture. However, considering the required measures taken to ensure their enforcement, none of these laws have proven to be particularly useful or successful in prohibiting torture. Thus, there is a need for specialized law and specific legislation to resolve the growing problem of custodial torture. The misuse of power by authorities can be seen from the various instances mentioned below-

⁴⁷ 'India: Judiciary'S Action Against Torture In February 2019 | National Campaign Against Torture' (*Uncat.org*, 2019) <<http://www.uncat.org/jurisprudence/india-judiciarys-action-against-torture-in-february-2019/>> accessed 09 July 2021

⁴⁸ *Ireland v the United Kingdom* (1978) 2 EHRR 25

⁴⁹ *Labita v Italy* ECHR 2000 IV (2000)

⁵⁰ *Selmouni v France* (1999) SHRR 403

- As per “The Indian: Annual Report on Torture 2019” mentions that daily five persons die in custody which amounts to a total of 1,731 persons who died in custody in 2019 which includes 1606 and 125 deaths in judicial and police custody respectively⁵¹.
- Even on a variety of occasions, the police have made every move to remove incriminating signs of visible injuries of torture by refusing to perform post-mortem examination or burying the tortured victim’s body in panic without performing compulsory post-mortem.
- The continuation of inhumane punishment shows that India is committed to upholding police brutality, therefore any death in detention highlights the fact that why India needs to ratify UNCAT.

What triggers torture, and what are the options for dealing with it?

People who misuse their positions of power are just one facet of a large bureaucracy. Strategies to mitigate such wrongdoing must consider all variables that relate to the broader climate that allows for such actions, as well as be appropriately placed inside the wider systems and frameworks that regulate the law and order and the justice system. According to the studies, the circumstances susceptible to violence, bullying, and corruption are created by a mixture of political, economic, legal, cultural, and social mechanisms and frameworks. The lowest and most disadvantaged people in society are now at a higher risk of mistreatment, according to research.⁵²

On either side, there is a clear knowledge of what triggers and enables violence and other types of brutality, as well as a wealth of effective practices for improving mentalities, mitigating threats, and responding effectively to events before they become institutionalized. The UNCAT will help to create communities with no torture where individuals are treated humanely, the law and order and orderly behavior develop, and threats are reduced. No state is perfect? But all states should do more and more to improve the conditions of their state.

⁵¹ 'India: Annual Report on Torture 2019' (*National Campaign Against Torture*, 2020) <<http://www.uncat.org/wp-content/uploads/2020/06/INDIATORTURE2019.pdf>> accessed 09 July 2021

⁵² Dr Alice Edwards, 'The UNCAT And India: Perspectives On Ratification' (*Webinar*, 2020)

They are devoted to constant changes in their institutions and cultures, and they are adamant in their opposition to torture as a widely accepted ultra vires practice.

Cases in which India's COVID-19 Lockdown has been tarnished by Police Violence/Brutality and unjustified deaths

As per “The Indian: Annual Report on Torture 2020”, daily five persons die in custody which amounts to a total of 1,680 persons died in custody in the period of 2020 which includes 1569 and 111 deaths in judicial and police custody⁵³. Therefore, the number remains the same or is increasing which leads to an urgent need for ratification of UNCAT. During the last year, with the outbreak of the COVID pandemic and the subsequent nation-wide lockdown, the police brutality reached such an extent that the Kerala High Court took Suo Moto cognizance of allegations of police violence on those who breached lockdown laws on March 30, 2020, saying that it will not allow citizens’ constitutional rights to be violated⁵⁴.

Even there are various cases in which people died because of torture by police such as in West Bengal a person was beaten harshly by the police which resulted in his death just because the said person did not follow the lockdown guidelines⁵⁵. Further in Tamil Nadu a person who kept his shop open during the nationwide lockdown, and did not follow the Government Guidelines, was detained by the police and in the police custody, a baton was inserted into the anus of that person which resulted in death.⁵⁶ It is essential to establish a new norm in government-citizen ties. How do millions of people demand humanitarian protection from mass migration, trafficking, and slavery while the Indian government is reluctant to pass simple laws to shield them from regular abuse committed by their government departments?

⁵³ Report on Torture (n 51)

⁵⁴ Akshita Saxena, 'Kerala HC Takes Suo Moto Cognizance To Monitor State Action, Violation Of Rights, Police Excesses During National Lockdown' (*Livelaw.in*, 2021) <<https://www.livelaw.in/top-stories/breaking-kerala-hc-takes-suo-moto-cognizance-to-monitor-state-action-violation-of-rights-police-excesses-during-national-lockdownread-order-154553?infinitemscroll=1>> accessed 11 July 2021

⁵⁵ 'Covid-19 Lockdown: Man Out To Buy Milk In West Bengal Beaten Up By Police, Dies, Claims Family' (*Scroll.in*, 2020) <<https://scroll.in/latest/957298/covid-19-lockdown-man-out-to-buy-milk-in-west-bengal-beaten-up-by-police-dies-claims-family>> accessed 11 July 2021

⁵⁶ 'Tension Prevails In Tamil Nadu's Sattankulam As Trader, Son Held During Lockdown Die' (*The Hindu*, 2020) <<https://www.thehindu.com/news/national/tamil-nadu/father-son-die-in-judicial-custody-in-sattankulam-tension-prevails/article31897154.ece>> accessed 11 July 2021

Crime incidents involving physical harm and deaths must be registered with the police. This also calls for the passage of a nationwide anti-torture statute, something successive administrations have so far failed to do.

WHY SHOULD INDIA RATIFY UNCAT?

The Indian government signed the CAT in October 1997 even though it did not ratify it. Domestic legislation is currently being harmonized to comply with the CAT. Article 20 (related to the CAT Committee's investigation), Article 21 (related to State complaints), and Article 22 (relating to individual complaints) have all been reserved by India. But in spite of these efforts and after looking at the increase in the number of cases which are being put forth before the Indian Courts, there are ample number of reasons for which it is the time to ratify the UNCAT and follow up the promises -

1. The UNCAT agrees and directs States to successful torture abolition, avoidance, deterrence, and recourse for victims through a gradual development process.
2. Ratifying sends out a message that perhaps the ratifying State and also the international community agree that torture will never be accepted in any situation.
3. UNCAT provides a comprehensive checklist of measures to avoid torture and unpleasant or intimidation, almost unprecedented among human rights treaties, thus allowing States enough freedom to adapt them to their own national background.
4. Ratify procedures often include meetings with a number of organizations, with the aim of enhancing accountability and public confidence in government agencies in the country.
5. Joining UNCAT will help the country put in place protections to deter torture and ill-treatment, as well as provide victims with redress. It allows for the study, improvement, or updating of current rules, legislation, practices, and procedures.

6. Ratification often provides the impetus for improved criminal justice and several other agency recruitments, as well as opportunities for States to share best practices and initiatives.
7. Approval of the UNCAT fosters diplomatic cooperation in fields such as quasi and asylum.
8. Ratification could result in more foreign funding for required economic reforms in major industries.
9. The UNCAT reinforces the law and the application of the law, makes law enforcement more efficient, and makes jails safer and more managed. Therefore Resilience, international trade, and also Sustainable Development Goals are all aided by this.

CONCLUSION

It will be a strong symbol both domestically and overseas to welcome India as a UNCAT Member State, as India is home to 1.3 billion people or approximately 18% of the worldwide people. Just 25 countries remain to ratify UNCAT, a figure that is steadily decreasing. The Prohibition of Torture Bill, 2017, introduced by the Law Commission, is indeed a chance for India to enforce a change in the present desperate situation. India is one of those nations that have yet to ratify the UN Convention Against Torture, and so India lags behind these countries in almost every way. Safeguarding from torture is a matter of Article 21, which is the right to life with dignity as well as crucial FR, so if the world's largest country cannot even guarantee the far more essential FR of its citizens, India is no better than military conflict countries that people face the threat of their regimes. The shift is the most significant impediment to improving the condition. Brutality is still regularly used by law enforcement authorities. It is their most effective force in the battle toward offenders and bringing them under bars. Even during the COVID-19 lockdown period, police officials used to torture and violence as a means to make people follow the lockdown guidelines which also resulted in the death of many persons. Not only is it the most commonly used method, but it is also very powerful. The issue with which the government is concerned is that if this option is no longer

used, the consequences may be much more severe. Rigidity is another reason; that nobody likes transition. If it's individuals, states, or officers, no one enjoys change. Everybody wishes the situation to stay unchanged and consistent, but enacting such laws will cause anyone to adjust. It would induce the officer to modify his or her handling of the suspect. It will reform the way the system in this country deals with suspects and offenders, and it'll all take time; learning fresh, different ways requires work, but nobody really likes to do it. However, leaving one's comfort bubble is the very first move into reform, and enacting committed laws will do just that. It will cause a shift that the nation really needs. As a result, it is past time for India to implement a strict anti-torture law with provides for serious punishments for violations.