



ASIAN CENTRE FOR HUMAN RIGHTS

Dedicated to promotion and protection of human rights in Asia

ACHR has Special Consultative Status with the United Nations Economic and Social Council

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ACHR's submission to the Parliamentary Select Committee to the Prevention of Torture Bill, 2010

Part I: Recommendations on specific clauses of the PTB, 2010

Sl No	The Prevention of Torture Bill, 2010 as passed by the Lok Sabha on 6 th May 2010	Recommendations of ACHR	Justification for the recommendations
	Torture. 3. Whoever, being a public servant or being abetted by a public servant or with the consent or acquiescence of a public servant, intentionally does any	Whoever, being a public servant or being abetted by a public servant or with the consent or acquiescence of a public servant, does any act or omission which	First, The definition of torture provided in the PTB 2010 does not comply with the UN Convention Against Torture that the Government of India seeks to ratify

	<p>act for the purposes to obtain from him or a third person such information or a confession which causes,—</p> <p>(i) grievous hurt to any person; or</p> <p>(ii) danger to life, limb or health (whether mental or physical) of any person, is said to inflict torture:</p> <p>Provided that nothing contained in this section shall apply to any pain, hurt or danger as aforementioned caused by any act, which is inflicted in accordance with any procedure established by law or justified by law.</p> <p><i>Explanation.</i>—For the purposes of this section, 'public servant' shall, without prejudice to section 21 of the Indian Penal Code, also include any person acting in his official capacity under the Central Government or the State Government.</p>	<p>causes hurt, pain or suffering, whether physical or mental, or death for a purpose including but not limited to:</p> <p>(a) obtaining from him/her or a third person information, a statement or a confession,</p> <p>(b) punishing him/her for an act he/she or a third person has committed or is suspected of having committed,</p> <p>(c) intimidating or coercing him/her or a third person,</p> <p>(d) extortion; or</p> <p>(e) for any reason based on discrimination of any kind, or</p> <p>(f) treating with cruelty, inhumanely or giving inhuman or degrading treatment or punishment is said to inflict torture and other cruel, inhuman or degrading treatment or punishment.</p> <p>Explanation:</p> <p>'Public servant' shall have the same meaning as 'Public servant' as in Section 21 of Indian Penal Code, 1860.</p> <p>Torture shall have the same meaning as provided in the Schedule 1.</p>	<p>through enactment of this Act.</p> <p>Second, by restricting definition of torture to “(i) <i>grievous hurt to any person; or (ii) danger to life, limb or health (whether mental or physical) of any Person</i>”, the PTB 2010 excludes a number of offences recognized under the Indian Penal Code (IPC) such as voluntarily causing hurt (Section 323), voluntarily causing hurt by dangerous weapons or means (Section 325), voluntarily causing hurt to extort property, or to constrain to an illegal act (Section 327), causing hurt by means of poison etc with an intent to commit an offence (section 328). By restricting definition of torture strictly to “<i>grievous hurt</i>”, the Prevention of Torture Bill, 2010 has excluded other forms of hurt recognized under Indian Penal Code.</p>
	<p>Punishment for torture.</p> <p>4. Where the public servant referred to in section 3 or any person abetted by or</p>	<p>(1) Whoever being public servant and having power, control or authority over a</p>	<p>There are various forms of torture and punishment must commensurate with the</p>

<p>with the consent or acquiescence of such public servant, tortures any person—</p> <p>(a) for the purpose of extorting from him or from any other person interested in him, any confession or any information which may lead to the detection of an offence or misconduct; and</p> <p>(b) on the ground of his religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, shall be punishable with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.</p>	<p>person, participates, solicits, incites, recommends, capitulates or encourages, whether implicitly or explicitly, by act or omission, in the infliction of torture and other cruel, inhuman or degrading treatment or punishment shall be punished –</p> <p>(i) with either description of rigorous life imprisonment and shall also be liable to fine for torture resulting in the loss of life or custodial rape;</p> <p>(ii) with rigorous imprisonment of either description for a term of a minimum of fifteen years which may extend to life imprisonment and shall also be liable to fine for torture resulting in permanent disability;</p> <p>(iii) with rigorous imprisonment of either description for a term of minimum of fifteen years which may extend to life imprisonment and shall also be liable to fine for grievous forms of torture;</p> <p>(2) Whoever, being a public servant or being abetted by a public servant or with the consent or acquiescence of a public servant, and having power, control or authority over a person commits an act of other forms of torture, cruel, inhuman or degrading treatment or punishment shall be punished with either description of</p>	<p>gravity of the crime rather than restricting the punishment.</p> <p>For example, section 302 of IPC relating to murder provides for punishment with death or life imprisonment. The NHRC alone recorded 16,836 custodial deaths, or an average of 1,203 custodial deaths per year during the period 1994 to 2008. The punishment for death/murder could be life imprisonment or death penalty with fine, though ACHR opposes. By restricting the punishment to 10 years under the proposed PTB, the Government of India has effectively kept the menace of custodial death out of the purview of the Prevention of Torture Bill, 2010.</p> <p>Further, Section 331 of IPC provides for punishment of either description for a term which may extend to ten years and shall also be liable to fine.</p> <p>Section 109 of the Indian Penal Code provides the same punishment for the prime accused and the abettor unless otherwise specified.</p>
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	<p>Cognizance of offences. 5. Notwithstanding anything contained in the Code of Criminal Procedure,</p>	<p>Notwithstanding anything contained in any other law in force, the Court shall take cognizance of an offence under this</p>	<p>First, in its definition, the Prevention of Torture Bill, 2010 includes 'grievous hurt' as part of infliction of torture. However,</p>

	<p>1973, no court shall take cognizance of an offence under this Act unless the complaint is made within six months from the date on which the offence is alleged to have been committed.</p>	<p>Act in accordance with the Code of Criminal Procedure, 1973.</p>	<p>for normal crimes of 'grievous hurt' there are no limitations under Section 468 of the Criminal Procedure Code".</p> <p>Second, the limitations of six months may give incentive/induce the public servants to detain the victims of torture upto six months to ensure that complaints under this Act cannot be made.</p>
	<p>Previous sanction necessary for prosecution.</p> <p>6. No court shall take cognizance of an offence punishable under this Act, alleged to have been committed by a public servant during the course of his employment, except with the previous sanction,—</p> <p>(a) in the case of a person, who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;</p> <p>(b) in the case of a person, who is employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;</p> <p>(c) in the case of any other person, of the authority competent to remove him</p>	<p>“6. The court shall take cognizance of an offence punishable under this Act except where the public servant referred to in section 3 or any person abetted by or with the consent or acquiescence of such public servant, tortures any person and seeks to justify such torture as “pain or suffering arising only from, inherent in or incidental to lawful sanctions” which shall be justified before such court”.</p>	<p>First, as the Convention Against Torture states, torture cannot be “justified under any exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency”.</p> <p>Second, the PTB, 2010 itself provides “that nothing contained in this section shall apply to any pain, hurt or danger as aforementioned caused by any act, which is inflicted in accordance with any procedure established by law or justified by law”. Therefore, what is essential is protection “against pain, hurt or danger as aforementioned caused by any act, which is inflicted in accordance with any procedure established by law or justified</p>

	from his office.		<p>by law” and not a generalized immunity.</p> <p>Third, Section 24(1) of the Right to Information Act, 2005 provides that the information pertaining to the allegations of corruption and human rights violations shall not be excluded from exemption provided to the intelligence and security organisations specified in the Second Schedule.</p>
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Schedule I. Torture and other cruel, inhuman or degrading treatment or punishment

For purposes of this Act, torture shall include but not be limited to the following:

A. Physical Torture:

- a) beatings, head-bangings, punching, kicking, striking with truncheons, rifle butts, rolling rods/lathis on the body, jumping on the stomach; Phallanga
- b) food deprivation or forcible feeding with spoiled food, animal or human excreta or other food not normally eaten by the victim;
- c) electric shocks;
- d) cigarette burning, burning by electrically heated rods, hot oil, acid, by the rubbing of pepper, salt or other chemical substances on mucous membranes, or acids or spices directly on the wounds;
- e) the submersion of the victim’s head in water or water polluted with excrement, urine, vomit and/or blood;
- f) being tied or forced to assume fixed and stressful bodily positions;
- g) rape and sexual abuse, including the insertion of foreign bodies into the sex organs or rectum or electrical torture of the genitals;
- h) mutilation, such as amputation of the essential parts of the body such as the genitalia, ears, tongue, etc.;
- i) dental torture or the forced extraction of the teeth;
- j) harmful exposure to the elements such as sunlight and extreme cold;
- k) the use of plastic bags and other materials placed over the victim’s head to the point of asphyxiation; and,
- l) other forms of aggravated and deliberate cruel, inhuman or degrading physical treatment or punishment such as forcing him or her to strip or to engage in acts reprehensible to his or her religion or belief system.

B. Mental/Psychological Torture:

- a) blindfolding;
- b) threatening the victim or his/her family with bodily harm, execution or other wrongful acts;
- c) confining a victim incommunicado, in secret detention places or other forms of detention;
- d) confining them in solitary cells or in cells put up in public places;
- e) confining them in solitary cells against their will or without prejudice to their security;
- f) prolonged interrogation of victims so as to deny the person normal length of sleep and/or rest;
- g) maltreating a member of the victim's family;
- h) witnessing the torture sessions by the victim's family or relatives;
- i) denial of sleep/rest;
- j) degrading treatment such as stripping the victims naked, parading them in public places, shaving their heads or putting marks on their bodies against their will;
- k) preparing the prisoner for a show trial, with an end view of ending or even reversing the political effectiveness of the prisoner;
- l) inculcation of generalized fear among certain sections of the population; and
- m) other forms of deliberate and aggravated cruel, inhuman or degrading mental treatment or punishment.

C. Pharmacological Torture:

- a) administration of drugs to induce confession and/or reduce mental competency;
- b) the use of drugs to induce extreme pain or certain symptoms of diseases; and,
- c) other forms of deliberate and aggravated cruel, inhuman or degrading pharmacological treatment or punishment.

Explanation:

Under section 319 of Indian Penal Code (IPC) hurt means "bodily pain, disease or infirmity to any person".

Under Section 320 of IPC grievous hurt means

"First - Emasculation,

Secondly - Permanent privation of the sight of either eye,

Thirdly - Permanent privation of the hearing of either ear,

Fourthly - Privation of any member or joint,

Fifthly - Destruction or permanent impairing of the powers of any member or joint,

Sixthly - Permanent disfiguration of the head or face,

Seventhly - Fracture or dislocation of a bone or tooth,

Eighthly - Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits."

Part II: Recommendations on issues excluded by the PTB, 2010

	ACHR's Recommendations	Justification
1	<p>Criminal liability for torture and other cruel, inhuman or degrading treatment or punishment</p> <p>(1) Torture and other cruel, inhuman or degrading treatment or punishment as defined under this Act shall be a cognizable criminal offence;</p> <p>(2) Whoever being a public servant participates, solicits, incites, recommends, capitulates or encourages, whether implicitly or explicitly, by act or omission, in the infliction of torture and other cruel, inhuman or degrading treatment or punishment, shall be liable for committing an offence under the Act.</p> <p>(3) An order from a superior officer or from a superior in the office or public authority shall not be invoked as a justification of torture and other cruel, inhuman or degrading treatment or punishment.</p>	Complying with Article 4 of the CAT
2	<p>Liability of superior officers/commanding officers</p> <p>Whosoever is the immediate superior officer/commanding officer of the law enforcement personnel or the immediate senior public servant shall be held liable as accessory to the crime for any act of omission or negligence on his/her part that may have led to the commission of torture and other cruel, inhuman or degrading treatment or punishment by his/her subordinates.</p>	Complying with Article 4 of the CAT
3	<p>Criminal offence of using information obtained through torture</p> <p>(1) Whoever being public servant uses information which he/she ought to have known was obtained or alleged to have been obtained through torture and other cruel, inhuman or degrading treatment or punishment commits an offence and liable to imprisonment for a term of minimum of seven years or upwards and fine.</p> <p>(2) It shall not be an offence to use information obtained through torture in connection with any judicial proceedings against a public servant accused of torture.</p>	Complying with Article 15 of the CAT

	<p>Illustration: A tortures B C is provided information about torture of B. C shall not be held liable for prosecuting A based on the information received regarding/through torture of B.</p>	
4	<p>Prohibition on deportation or extradition to torture and other cruel, inhuman or degrading treatment or punishment (1) Notwithstanding anything contained in the Foreigners Act of 1946 or the Extradition Treaties, no public servant shall expel, return, 'refoule' or extradite any person to another country where there are substantial grounds for believing that he/she would be in danger of being subjected to torture. (2) For the purposes of determining whether the grounds referred to in subsection (1) exist, the same shall be determined by the competent court under whose jurisdiction the person normally resides. (3) Where the Government of India receives a request by or on behalf of the Government of any State for the extradition of any person, accused or convicted of the offence of torture as defined under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Minister in charge of External Affairs shall, on behalf of the Government of India, forthwith inform the Government of the requesting State, of the measures which the Government of India has taken, or proposes to take, for the prosecution or extradition of that person, for that offence.</p>	Complying with Article 3 of the CAT
5	<p>Right to medical examination (1) The State Government or the Union Territory Administration shall appoint a Judicial Medical Officer (JMO), who shall be a public servant, in each district to conduct examination/inquiries in medico legal cases and submit the reports for consideration by the courts. (2) Any person who claims to have been tortured during arrest, detention or under custodial investigation or in other situations shall have the right to demand a medical examination by the JMO or an independent registered medical practitioner of his/her own choice. If the arrested person is a female, the medical examination shall be made</p>	The NHRC Guidelines on Custodial Deaths and Custodial Rapes provides for mandatory video recording of the post mortems

<p>only by or under the supervision of a female JMO and in case the female JMO is not available, by a female registered medical practitioner.</p> <p>(3) The medical report, <i>inter alia</i>, shall include</p> <p>(i) Circumstances of the medical examination: name of the subject and name and affiliation of those present at the examination; exact time and date; location, nature and address of the institution (including, where appropriate, the room) where the examination is being conducted (e.g., detention centre, clinic or house); circumstances of the subject at the time of the examination (e.g., nature of any restraints on arrival or during the examination, presence of security forces during the examination, demeanour of those accompanying the prisoner or threatening statements to the examiner); and any other relevant factors;</p> <p>(ii) History: detailed record of the subject's story as given during the interview, including alleged methods of torture or ill-treatment, times when torture or ill-treatment is alleged to have occurred and all complaints of physical and psychological symptoms;</p> <p>(iii) Physical and psychological examination: record of all physical and psychological findings on clinical examination, including appropriate diagnostic tests and colour photographs of all injuries;</p> <p>(iv) Opinion: interpretation as to the probable relationship of the physical and psychological findings to possible torture or ill-treatment. A recommendation for any necessary medical and psychological treatment and/or further examination shall be given;</p> <p>Provided that where the medical report opines no injuries or marks of violence upon the victim, the JMO shall provide colour photographic evidence of the victim's body parts.</p> <p>(4) In case of death in custody, family members and/or relatives of the deceased shall be informed immediately and the post-mortem of the body of the deceased shall be conducted as per the format contained in the Guidelines of the National Human Rights Commission by a panel of independent and registered medical practitioners including the District Judicial Medical Officer or by registered medical practitioners of the choice of the family members of the deceased.</p> <p>(5) The proceedings of the post-mortem shall be videographed and a family member or their representative shall have the right to remain present during the post-mortem.</p>	
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<p>Copies of report of the post-mortem and the videotape shall be supplied to the family members or their representatives within 7 working days from the conduct of the post-mortem.</p> <p>(6) For the purpose of reviewing the videographs relating to death in custody, the State government with the concurrence of the Chief Justice of the High Court, by notification, shall constitute the District Judicial Medical Review Committee which shall be headed by the designated judge of the District Human Rights Court established under the Protection of Human Rights Act, 1993 or the Principal District and Sessions Judge of each district where the Human Rights Courts are not designated. The District Judicial Medical Review Committee shall include a senior lawyer who is familiar with human rights work, a senior panel lawyer from the District Legal Services Authority, two medical experts from different fields of medicine and an expert in visual communication.</p> <p>(7) All the videographs relating to death in custody shall be reviewed by the District Judicial Medical Review Committee once in every month or as and when required to provide observations in each case and where the video taping do not correlate to the medical report provided by the panel of doctors headed by the Judicial Medical Officer, the Committee shall have the powers to summon the panel of doctors who performed the post mortem and undertake measures including ordering for a fresh post mortem or fresh medical examination by an independent panel of at least three doctors having expertise on autopsy and forensic science.</p> <p>(8) Victims of torture or their bonafide representatives including civil society organizations shall have the right to appeal before the District Judicial Medical Review Committee with regard to any dispute pertaining to post mortem and their appeal shall be considered within one week in full conformity with the principles of natural justice.</p> <p>(9) In cases of death in custody or as a result of torture, the body of the deceased shall be preserved until the District Judicial Medical Review Committee approves the autopsy report.</p>	
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	(10) For the purpose of the videography, videographers shall be approved and authorized by the Chairman of the District Judicial Medical Review Committee.	
6	<p>Registration of FIR/complaints/report of torture and other cruel, inhuman or degrading treatment or punishment (authority to receive/register FIR)</p> <p>(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 as amended till date, whenever a complaint of torture and other cruel, inhuman or degrading treatment or punishment is received, the authorities shall register the First Information Report (FIR) mandatorily.</p> <p>(2) Any gazetted officer or head of a Village Panchayat may receive complaints of torture and other cruel, inhuman or degrading treatment or punishment and forward such complaints without any delay to the Officer-in-Charge of the police station in whose jurisdiction the offence has taken place for initiating necessary actions.</p> <p>For the aforesaid purpose, no gazetted officer or head of Village Panchayat shall receive a complaint if the complaint is against him/her or if any complaint of torture and other cruel, inhuman or degrading treatment or punishment is pending against him/her.</p>	
7	<p>Procedures of investigation, inquiry and trial – Any offence under this Act shall be investigated, inquired and tried in accordance with the provisions of the Code of Criminal Procedure 1973, as amended till date. Provided that notwithstanding anything contained in the Code,</p> <p>(1) an offence under this Act shall be investigated by a police officer, not below the rank of a Deputy Superintendent of Police from another Sub-Division where the offence has taken place.</p> <p>(2) any public servant accused of an offence under this Act shall be immediately suspended from the time of registration of the First Information Report and such suspension shall remain in effect until the conclusion of the investigation and no</p>	<p>Complying with Article 12 of the CAT</p> <p>Similar provision already provided under the SCs/STs Prevention of Atrocities Act and Information Technology Act, 2000</p> <p>In a significant step in July 2009, Ashiq Hussain Peer, a soldier with the 160 Territorial Army Battalion was relieved from services within four hours to ensure fair trial.</p>

<p>promotion, award or reward or any other benefit shall be given to the accused until the conclusion of the trial.</p> <p>(3) any inquiry initiated under this Act shall be completed within three months from the date of registration of the First Information Report.</p> <p>(4) any court which takes cognizance of an offence under this Act shall mandatorily conclude the trial within six months from the date of taking cognizance.</p> <p>(5) trial of the cases shall be conducted on a day to day basis unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded.</p> <p>(6) no court which takes cognizance of an offence under this Act shall hold trial by video-conferencing.</p> <p>(7) Section 438 of the Criminal Procedure Code, 1973 as amended till date, shall not apply to persons accused of committing an offence under this Act.</p> <p>(8) Section 360 of the Criminal Procedure Code, 1973 as amended till date or the provisions of the Probation of Offenders Act shall not apply to persons convicted under this Act.</p> <p>(9) a victim of torture and other cruel, inhuman or degrading treatment or punishment or his/her representatives shall be provided a lawyer by the District Legal Services Authority for assistance/representation at every stage of the proceeding including investigation, inquiry, medical examination, bail, trial of the case or hearing on miscellaneous petitions in relation to the case.</p> <p>(10) whenever it is brought to the attention of the trial court by the victim of torture that another criminal case has been registered against him/her in the same or another police station which is related to the same ground or charge, or which has been registered incidental to the complaint of torture filed by him/her, the trial court shall call for the case records in the said connected case and hold trial in both cases simultaneously.</p>	
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	(11) The trial court judge shall submit monthly report in writing to the Principal District and Sessions Judge, who shall further submit a monthly report in writing to the Chief Justice of the concerned High Court about strict compliance with the provisions of this Act.	
8	<p>Special Public Prosecutor</p> <p>For every Court functioning under this Act, the State Government shall by notification in the official gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.</p>	
9	<p>Monitoring of places of detention</p> <p>(1) The designated judge of the District Human Rights Court established under the Protection of Human Rights Act, 1993 or the Principal District and Sessions Judge of every district where Human Rights Courts are not designated shall make at least two surprise visits every month to detention centres and submit reports about the situations of the detainees to the Chief Justice of the High Court.</p> <p>(2) Whenever the designated judge of the District Human Rights Court established under the Protection of Human Rights Act, 1993 or the Principal District and Sessions Judge of every district where Human Rights Courts are not designated, receives specific information/complaints of torture and other cruel, inhuman or degrading treatment or punishment during surprise visits or otherwise in writing, it shall be the duty of the said designated Judge to initiate <i>suo motu</i> proceedings under this Act. Provided that where persons are detained in ‘non recognized’ institutions, surprise visits shall be undertaken immediately following the receipt of reliable information about ‘torture’ in such institutions.</p> <p>Explanation:</p> <p>Place of detention shall mean all places where persons are deprived of life and liberty including police stations, prisons, administrative detention facilities, military detention centres, juvenile detention centres and social care institutions such as psychiatric hospitals.</p>	

10	<p>Burden of proof Whoever being a public servant is accused, charged or prosecuted for committing torture or abetting commission of offences under this Act, the burden of proving that the accused had not committed an offence under this Act shall lie with the accused.</p>	<p>The Law Commission in its 152nd Report on 'Custodial Crimes' recommended that in case of custodial death the onus of proving of innocence be fixed on the police. Further Section 8A of the Prohibition of Dowry Act puts the burden of proof in certain cases on the accused.</p>
11	<p>Protection to victims of torture and witnesses</p> <p>(1) It shall be the duty, responsibility and liability of the Investigating Officer for making arrangements for the protection of victims of torture, complainants and witnesses against all kinds of ill-treatment or violence, threats of violence or any other form of intimidation that may arise pursuant to his/her complaint or investigation. Any such protection shall be made from the time of submission of the complaint to conclusion of the trial.</p> <p>(2) Protection under this section, shall mean, <i>inter alia</i> the provision of physical security, their maintenance including food, clothing and shelter including through the services of non governmental organizations.</p> <p>(3) The Investigating Officer shall inform the concerned Court about the protection provided to any victim, complainant or witnesses under this section.</p> <p>(4) It shall be duty of the court trying the offences under this Act to protect the victim, complainant and witnesses against all kinds of ill-treatment or intimidation as a consequence of his/her complaint or any evidence given. The Court shall also periodically review the protection services being offered to the complainant, victims and witnesses under this Section.</p>	
12	<p>Compensation to and rehabilitation of victims of torture Notwithstanding anything contained under Section 357A of the Code of Criminal Procedure, 1973 as amended till date, a victim of torture shall have the right to fair and adequate compensation, and rehabilitation as provided under the following provisions:</p>	<p>Complying with Article 14 of the CAT</p>

	<p>(1) A victim of torture shall have the right to interim compensation and rehabilitation for pecuniary and non-pecuniary damages suffered due to torture and other cruel, inhuman or degrading treatment or punishment, and the quantum of reparation including immediate medical treatment shall be determined taking into consideration the following factors:</p> <ul style="list-style-type: none"> (i) the grievous nature of physical or mental torture or other cruel, inhuman or degrading treatment or punishment alleged to have been suffered by the victim; (ii) lost opportunities, including employment, education and social benefits; (iii) material damages and loss of earnings, including loss of earning potential; (iv) the age, familial responsibility and condition of the victim's dependents; (v) expenses incurred or likely to be incurred during treatment of the alleged torture-related injuries and psychological and social services. (vi) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services. <p>(2) A victim of torture shall have the right to final restitution, compensation, rehabilitation, guarantees of non-repetition of torture and other cruel, inhuman or degrading treatment or punishment necessary to secure the victim's health, property and security and the same shall be determined based on the factors provided in the aforesaid section.</p> <p>(3) The amount of financial compensation shall be recovered from the accused public servant. Provided that such compensation should not seriously risks the right to life of the dependents of the accused public servant. In case such compensation seriously risks the right to life of the dependents of the accused public servant, the State shall pay such compensation for restoring the victim's health, property, security and dignity.</p>	
13	<p>Education and Information for Prevention of Torture</p> <p>The Central Government, the State Governments and administration of the Union Territories in consultation with the National Human Rights Commission and other</p>	Complying with Article 10 of the CAT

	<p>relevant Commissions shall take necessary measures for providing education and information regarding the prohibition of torture including (i) training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment; (ii) revising the rules or instructions issued in regard to the duties and functions of any such person and (iii) periodically reviewing interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.</p>	
15	<p>Act to override</p> <p>Save as otherwise provided in this Act, the provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.</p>	<p>Similar provision is already provided in the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act</p>
16	<p>Duty of the government</p> <p>Duty of the government for effective implementation of the Act</p> <p>(1) Subject to such rules as the Central Government may make, the State Governments and Union Territory Administrations shall take such measures as may be necessary for the effective implementation of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include,-</p> <p>(i) the provision for adequate facilities, including legal aid to the victims of torture and other inhuman or degrading treatment or punishment to enable them to avail themselves of justice;</p> <p>(ii) the provision for travelling and maintenance expenses to witnesses, including the victims of torture and other inhuman or degrading treatment or punishment during investigation and trial of offences under this Act;</p>	<p>Similar provision is already provided in the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act</p>

	<p>(iii) the provision for the economic and social rehabilitation of the victims of torture and other inhuman or degrading treatment or punishment;</p> <p>(iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;</p> <p>(v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;</p> <p>(vi) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provision of this Act;</p> <p>(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1)</p> <p>(4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.</p>	
17.	<p>Power to make rules</p> <p>(1) Subject to such rules as the Central Government may make, the State Governments and Union Territory Administrations shall take such measures as may be necessary for the effective implementation of this Act.</p> <p>(2) The Central Government shall, by notification in the official gazette, make rules for carrying out the purpose of this Act.</p> <p>(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>	Provided in the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act

