

# PREVENTION OF TORTURE BILL 2008

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## Bill

To provide punishment for torture inflicted by public servants or any person inflicting torture with the consent or acquiescence of any public servant and for matters connected therewith or incidental thereto

Whereas India is a signatory to the United Nations Convention Against Torture:  
And whereas it is considered necessary to ratify the said Convention and to provide for more effective implementation:

Be it enacted in Parliament in the Fifty-ninth Year of Republic of India as follows:

### Short Title and Commencement

1. (1) This Act may be called as the Prevention of Torture Act 2008.  
(2) It extends to the whole of India.  
(3) It shall come into force on such date the Central Government may by notification in the Official Gazette appoint

### Definitions

- 2 (1) Words and expressions used in this Act shall have the same meanings assigned to them in the Indian Penal Code.  
  
(2) Any reference in this Act to any enactment or any provisions thereof shall in any area in which such enactment or provision is not in force be construed as reference to the corresponding law or the relevant provisions of the corresponding law, if any in force in that area.

### 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 act which causes:-  
  
(i) grievous hurt to any person; or  
(ii) danger to life or health (whether mental or physical) of any person,

is said to inflict torture.

Provided that nothing contained in this section shall apply to any pain, hurt or danger as aforementioned caused by any act, which is justified by law.

Explanation:- 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.

### **Punishment for Torture**

4. 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-
  - (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 offense or misconduct;
  - (b) on the ground of his religion, race, place of birth, residence, language, caste or community or any other ground whatsoever,shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

### **Limitation for cognizance of offenses**

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 no court shall take cognizance of an offense under this Act unless the complaint is made within six months from the date on which the offense is alleged to have been committed.