

Central Acts on Torture

Indian Penal Code, 1860 (No. 45 of 1860) (Relevant Provisions)

Section 44, 166, 167, 220, 330, 331, 340 – 348, 349-58, 376(2), 376 B to 376 D, 503 and 506
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Code of Criminal Procedure, 1973 (No. 2 of 1974) (Relevant Provisions)

Section 41, 49, 50, 53, 54, 56 - 58, 75 -76, 154, 160, 163, 164, 176, 313, 315, 357
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Indian Evidence Act, 1872 (No. 1 of 1872) (Relevant Provisions) Section 24 – 27
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Protection of Human Rights Act, 1993 (No. 10 of 1994)
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[As amended by the Protection of Human Rights (Amendment) Act, 2006 – No. 43 of 2006]

<u>Constitution of India</u>

<p>Article 20. Protection in respect of conviction for offences – (1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.</p>
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<p>(2) No person shall be prosecuted and punished for the same offence more than once.</p>
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<p>(3) No person accused of any offence shall be compelled to be a witness against himself.</p>

<p>Article 21. Protection of life and personal liberty – No person shall be deprived of his life or personal liberty except according to procedure established by law.</p>

Article 22. Protection against arrest and detention in certain cases.- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply –

(a) to any person who for the time being is an enemy alien; or

(b) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless –

(a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:

Provided that nothing in this sub – clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub – clause (b) of clause (7); or

(b) such person is detained in accordance with the provisions of any law made by Parliament under sub – clause (a) and (b) of clause (7).

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe –

- (a) The circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);
- (b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and
- (c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).