



EDITORIAL: THE HINDU

GENERAL STUDIES 2: INTERNATIONAL RELATION

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TOPIC: Important International institutions, agencies and fora - their structure, mandate.

Torture shadows India's justice system

Recent Extradition Ruling

- A London high court rejected India's extradition request for Sanjay Bhandari, who is accused of tax evasion and money laundering.
- The court ruled that Bhandari faced a real risk of custodial torture in Indian jails.

Other Judicial Rulings on Extradition

- In the U.S., an individual involved in a major terrorist attack in India appealed against extradition, citing concerns about torture.
- These rulings highlight a legal issue affecting multiple extradition cases involving individuals wanted in India.

India's Position on Anti-Torture Laws

- India advocates against torture internationally but has not ratified the UN Convention Against Torture (UNCAT).
- The Indian Constitution mandates respect for international treaties, but India has not enacted a comprehensive anti-torture law.
- India remains one of the few democratic countries not to ratify the UNCAT, alongside countries with poor human rights records.

United Nations Convention Against Torture (UNCAT)

- Adopted in 1984 and entered into force in 1987.
- Prohibits torture under any circumstances and obliges states to criminalize and prosecute torture.
- Requires states to refrain from extraditing individuals to countries where torture is likely.
- India signed the UNCAT in 1997 but has not ratified it.

Parliamentary and Legal Recommendations

- In 2010, a parliamentary committee recommended enacting an anti-torture law, but no action was taken.
- The Law Commission of India proposed a draft law to criminalize torture in 2017.
- The National Human Rights Commission supports the need for a standalone law on torture.



Judicial Stance on Torture and Legislative Inaction

- The Supreme Court of India has recognized torture as a violation of human dignity under Article 21 of the Constitution.
- Various judgments have called for strong legal protections against torture.
- However, in 2019, the court declined to pressure the government to enact a specific anti-torture law.

Implications for India's International Reputation

- The failure to ratify UNCAT weakens India's ability to prosecute offenders and defend extradition requests.
- Countries refusing extradition to India cite the risk of custodial torture as a reason for denial.
- The lack of an anti-torture law undermines India's democratic values and its role as a human rights defender.

Conclusion: The Urgent Need for Reform

- India must enact a strong anti-torture law to meet constitutional and international obligations.
- Failure to address this issue risks harming India's democratic reputation and legal credibility.
- Strengthening human rights protections will enhance India's position as a global leader in justice.

Source: <https://www.thehindu.com/opinion/op-ed/torture-shadows-indias-justice-system/article69348787.ece>