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A CALL TO ACTION: ENDING THE REIGN OF THIRD-DEGREE TORTURE

INTRODUCTION

Torture is to inflict of severe physical or mental suffering. Torture is an act which has been used throughout the history for many purposes such as coercion, punishment or interrogation. Among the degrees of torture the **Third Degree Torture** is the most severe and uses extreme physical or psychological methods. The term third degree torture is used to describe the harsh and inhumane method by the law enforcement forces to extract information or confession or from the suspect. It is the brutal method by the police officers mainly used during the interrogation of suspect in mainly criminal matters. Unlike first-degree and second-degree torture, which may involve physical or psychological abuse to varying degrees third degree torture has some very disturbing methods and very deep impact on individual relating to physical and mental health. The practice of third degree torture has been widely criticized and is considered as a violation of human rights and legal principles.

The use of third degree torture is illegal in many country and states. Some jurisdiction has made third degree torture as criminal offence. Even in India there are various guidelines and legal prohibitions related to torture. Despite of these prohibitions and guidelines this practice can be seen in various parts of the country.

METHODS OF THIRD DEGREE TORTURE

There are various methods of third degree torture to inflict pain and damage to the victims. Such inhumane methods includes,

Severe beatings in which the victims are subjected to physical assault by officers through fist, batons or other equipments which results in broken bones, internal bleedings and organ damage.

Electric shocks which is used to their sensitive areas of the body which causes long term neurological damage.

Burning in which victims are burned from heated objects or other substances such as cigarettes, hot iron rods or boiling water which leads to damage tissue.

Sexual abuses are in which Perpetrators may use sexual violence as a form of torture, inflicting physical and psychological trauma on the victim through rape, sexual assault or genital mutilation.

Mock executions are where the victim is subjected to believe that he is about to be killed which causes immense fear in them.

IMPACT ON VICTIMS

There are various impacts on the victim which is far beyond the physical realm, leaving indelible scars on the psyche of survivors by the third degree torture

1. Profound **physical injuries** and disabilities, often requiring extensive medical intervention and rehabilitation.
2. Severe **psychological trauma**, manifesting as post-traumatic stress disorder (PTSD), anxiety, depression and suicidal ideation.
3. **Social alienation and stigmatization**, as survivors grapple with the psychological and emotional aftermath of torture, often in silence and isolation.

CONTROVERSIES OF THIRD-DEGREE TORTURE

Even being globally condemned as a violation to human rights, the third degree torture remains a controversial issue, with debate favoring both sides of the parties.

Some people claims and believes that wrong doers must be punished severely so that it would severe as an example to others. They claim that torture in the matters of national security or to prevent some upcoming harm to the society as a whole should be justified.

However, such points clashes with the basic fundamental rights and human rights. They also over look the inherent moral and ethical implications of torture.

There are considerable amounts of debate on the efficacy of third degree torture. There is much evidence that suggest that extracting information and confessions by the means of third degree torture are often false or coerced as victims may only confess to save their skin from further torture and would take blame on them to end torture. Victims may provide false intelligence to end their suffering which undermines the credibility of the information obtained.

It creates a culture of impunity where the officers believe they can act with impunity and without regard for the law or human rights. This can lead to a breakdown of discipline and accountability within the police force, with serious consequences for public safety and security.

LEGAL STEPS ON PREVENTING THIRD DEGREE TORTURE

The use of third degree torture constitutes a grave violation to international law. The offenders may be held accountable. Third-degree torture is recognized as a crime against humanity under international criminal law and individuals responsible for ordering, perpetrating or condoning torture can be prosecuted before international tribunals, such as the International Criminal Court (ICC).

In India, the Supreme Court has issued various guidelines to prevent torture and the government has enacted laws to protect suspect and detainees.

In **D.K. Basu v. State of West Bengal (1997)**, the apex court laid down comprehensive guidelines to be followed by police officers during the arrest, detention, and interrogation of individuals. The Supreme Court of India emphasized the importance of upholding human dignity and preventing custodial torture. The guidelines provided in this case serve as a crucial tool in safeguarding the rights of individuals in custody.

In **Nilabati Behera v. State of Orissa (1993)**, the Supreme Court of India recognized the right to compensation for victims of custodial violence, including torture. The court held that the state is vicariously liable for the actions of its agents and must provide adequate compensation to victims or their families. This decision underscores the state's responsibility to provide redress and restitution to victims of torture.

People's Union for Civil Liberties (PUCL) v. Union of India (2014), In this case, the Supreme Court reaffirmed the prohibition of torture and custodial violence, emphasizing the state's obligation to prevent and investigate such acts. The court emphasized the need for effective implementation of legal safeguards and mechanisms to prevent torture and ensure accountability for perpetrators.

Victims of third-degree torture can seek redress and accountability through regional and international human rights mechanisms, such as the United Nations Human Rights Council or the European Court of Human Rights, which have the authority to investigate allegations of torture and provide reparations to victims.

CONCLUSION

Third-degree torture is a severe violation of human rights and legal principles, inflicting profound physical and psychological harm on victims. Despite

international condemnation and legal prohibitions, it persists in various parts of the world, including India. This brutality undermines justice, dignity, and the rule of law, perpetuating a cycle of violence and mistrust in law enforcement. To address this issue, governments, law enforcement, and civil society must work together to prevent torture, hold perpetrators accountable, and provide support to victims. This requires strict adherence to legal safeguards, awareness-raising, and training on human rights principles. Only through collective action can we create a world where torture is eradicated, and every individual is treated with dignity and respect.

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