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Lecture- 35



Use of torture by police

The Asian Centre for Human Rights estimated that from 2002 to 2008, over four people per day died while in police custody, with "hundreds" of those deaths being due to police use of [torture](#).³³ According to a report written by the Institute of Correctional Administration in Punjab, up to 50% of police officers in the country have used physical or mental abuse on prisoners.³⁴ Instances of torture, such as through a lack of sanitation, space, or water have been documented in West Bengal as well. ³⁵

A report by the National Campaign Against Torture (NCAT), an international human rights body revealed as many as 1,731 [custodial deaths](#) recorded in India in 2019. Victims were mostly from vulnerable communities, Dalits, Muslims and Adivasis.³⁶ During the 10-year period to 2019-20, the National Human Rights Commission (NHRC) reported, on average, 139 police custody cases and 1,576 judicial custody cases annually. In the eight years to 2019-20, the NHRC reported more than 1,500 judicial custody deaths each year.³⁷

Religious violence

Main article: [Religious violence in India](#)

Communal conflicts between religious groups (mostly between [Hindus](#) and [Muslims](#)) have been prevalent in India since around the time of its independence from [British Rule](#). Communal riots took place during the [partition of India](#) between Hindus/Sikhs and Muslims where large numbers of people were killed in large-scale violence.

The [1984 Anti-Sikh Riots](#) was a four-day period during which Sikhs were massacred in India. According to some estimates state that more than 2,000 were killed. Investigations by various committees appointed both by the government and independent civil societies have found complicity on the part of Indira Gandhi's Congress party.³⁸ Other incidents include the 1987 [Hashimpura massacre](#) during communal riots in [Meerut](#), where it was alleged that 19 members of the [Provincial Armed Constabulary](#) shot 42 Muslim youths in cold blood, and dumped their bodies in a nearby irrigation canal, 1992 [Bombay riots](#) and the [2020 Delhi riots](#), which resulted in the death of about 51 people, 36 among whom were Muslims and 15 were Hindus.³⁹ It is commonly believed that the riots were incited by a threatening speech and an ultimatum targeted towards peaceful [anti-CAA protesters](#) by [Kapil Mishra](#), a BJP politician from Delhi.⁴⁰ The Supreme Court of India blamed the Delhi police for "unprofessionalism" during the Delhi riots and directly indicated that the police was waiting for the Central Government of India led by the [Bharatiya Janata Party](#) to give them instructions, instead of acting independently and conscientiously. In the hearing, Justice K.M. Joseph said - "Look at how police acts in the UK. If somebody makes an inflammatory remarks, they swing into action. They don't wait for orders. Police should not be looking for here and there for nods".⁴¹

According to official figures, [2002 Gujarat riots](#) ended with 1,044 dead, 223 missing, and 2,500 injured. Of the dead, 790 were Muslim and 254 Hindu.⁴² Unofficial sources estimate that up to 2,000 people died.⁴³ There were instances of [rape](#), children being burned alive, and widespread looting and destruction of property. It is believed to have been incited by the [Godhra train burning](#), where 59 people (who were mostly returning from [Ayodhya](#) after a religious celebration at the [Babri Masjid demolition](#) site) were burnt to death.⁴⁴ Subsequently, circulation of false news in local newspapers alleging [ISI](#) hand in the attacks and that the local Muslims conspired with them,⁴⁵ and also about false stories of kidnap and rape of Hindu women by Muslims further inflamed the situation.⁴⁶ Numerous accounts describe the attacks to be highly coordinated with mobile phones and govt. issued printouts listing the homes and businesses of Muslims. Although many calls to the police were made from victims, they were told by the police that "we have no orders to save you. In many cases, the police led the charge, using gunfire to kill Muslims who got in the mobs' way. A key [Bharatiya Janata Party](#) state minister is reported to have taken over police control rooms in Ahmedabad on the first day of the carnage, issuing orders to disregard pleas for assistance from Muslims. Portions of the Gujarati language press meanwhile printed fabricated stories and statements openly calling on Hindus to avenge the Godhra attacks. Also in many cases, under the guise of offering assistance, the police led the victims directly into the hands of their killers.⁴⁷ The then [Chief minister](#) of Gujarat, [Narendra Modi](#) was cleared of the accusations levied against him by a local court based on the investigation carried out by a Special Investigation Team.⁴⁸ However, this report was challenged by Zakia Jafri, whose husband Ahsan Jafri, a former Congress politician, was killed by a mob in Ahmedabad city. Ms. Jafri claimed the investigation had revealed sufficient evidence to implicate Mr. Modi and 62 others.⁴⁹ The Supreme Court of India, subsequently turned down a plea challenging the clean cheat given to Modi.⁵⁰ The 2020 report by the [United States Commission for International Religious Freedom](#) designated India as a [Country of Particular Concern](#).⁵¹

Caste related issue

Main articles: [Caste system in India](#), [Caste politics in India](#), and [Caste-related violence in India](#)

Contemporary India, however, has seen the influence of caste start to decline. This is partly due to the spread of education to all castes which has had a democratising effect on the political system. However, this "equalising" of the playing field has not been without controversy. The [Mandal Commission](#) and its quotas system has been a particularly sensitive issue. It has been argued by Professor Dipankar Gupta that the role of castes in Indian elections have been overplayed.⁵²