Conclusion
This study examines the role of police in communal violence situations in the Indian context. Communal violence is not a strange term in India. It has seen regular occurrence since pre-partition period because, here people of different faith, religion and belief reside together and the differences between them make their society prone to violence and conflict. Religion and religious passion are shown as the main point of conflict but under the garb of religion, many political, social and economic interests are hidden in most of the cases. Colonial British rules exploited their Indian subjects, to continuously keep them divided rather than unite against them, by following the policy of divide and rule. After the Britishers left, the country was divided into two parts i.e. India and Pakistan on the basis of religion.

A wave of communal riots gripped the country. Nasty communal riots broke out in different parts of the country resulting in the death and destruction of life and property on a large scale. Thousands of people had to migrate from one part of the country to another due to which many families were ruined. Then, in the post-partition period, isolated incidences of communal violence occurred in some sensitive cities and towns of the country, which include some major and minor riots. With the rise of Babri Masjid- Ram Janambhoomi controversy and the demand for the building of Ram temple at Ayodhya, the whole country again gripped with the fever of communalism. The communal
violence that broke out in many parts of the country made thousands of people lose their lives. This controversy of Ram temple has been extensively exploited politically by the BJP to help them walk confidently in the corridors of the Indian Parliament. Communal violence is a recurring phenomena in our country with certain selfish motives and vested interests of some people.

Professor Paul R Brass, an American social scientist who has devoted several decades to study communal riots in India, has described that there exists an ‘Institutionalised riot systems’ in India and maintains that this was much more highly developed and elaborately organized within the network of militant Hindu organisations radiating out from the RSS, than from any comparable network of Muslim organization, at least in northern India.'

He further argues that ‘What are called Hindu-Muslim riots in India are, in fact, more like pogroms, and have recently, in Gujarat and elsewhere, taken the form of genocidal massacres and local ethnic cleansing as well’. This is made possible because of the complicity of state police and the failure of political parties in the government, and the administrative and police officers in the districts, to prevent riots or at least to contain them once they begin. I fully endorse with his views that police and politics have a crucial role in the event of communal violence.

When the British Empire started wielding more control and influence on its colonies in South Asia, it modelled policing after the militarist Irish Constabulary rather than the civilian London Metropolitan model. This was
meant to subjugate very large and hostile indigenous populations with a relatively small force.

The British implemented police forces that:

a). answered predominantly to the regime in power and its bureaucracy and not to the people;

b). were responsible for controlling populations, rather than protecting the community;

c). sought to secure the interests of one dominant group;

d). were required to remain outside and distinct from the community;

e). were extremely hierarchical in structure where loyalty was to the leadership and the establishment rather than to the rule of law.

Even after independence from British rule most of South Asian governments have largely retained this hangover policing system. The central government in India has retained the Police Act of 1861 and state governments have generally modelled their respective Acts after it as well.

According to the Indian Constitution, policing is a state subject. Thus, states must enact their own Police Acts, but most states have chosen to simply adopt the archaic 1861 Act. Those states that have enacted their own Acts have often passed legislation that closely resembles the 1861 Act.

This Act, and the kind of policing culture that has been allowed to flourish in independent India, have led to countless abuses by police officers, a
dysfunctional and corrupt service, and a force that is almost entirely divorced from the communities it is tasked with protecting. Successive governments have acknowledged the need for police reform. From 1979 onwards, a number of commissions were set up by the central government to suggest ways to reform the police. The National Police Commission (NPC) was appointed by the Janata government, led by Mr Moraji Desai, after going through the bitter period of emergency from 1975-77. It submitted eight reports in all, the first in Feb 1979 and the last on May 1981. The recommendations of NPC are quite comprehensive and cover almost all areas of police reforms and are capable of rectifying most of the flaws which ails our police system. If they were implemented sincerely then today we would have a different police force but these recommendations have not been implemented and their recommendations have largely been ignored. Again in 1996, two former Director Generals of Police (DGPs) took a different tact, and filed a Public Interest Litigation (PIL) in the Supreme Court of India to direct central and state governments to adopt a set of measures that would address the most glaring deficiencies in the functioning of the police. The petitioners based their requests on the findings of the police reform commissions. However, as with most cases that go before the Supreme Court, the wheels of justice moved very slowly. After 10 years of litigation, which had already followed decades of inaction on this issue, a diluted police reform process finally commenced in India on 22 September 2006. On that date the Supreme Court delivered a historic judgment in Prakash Singh and Others vs. Union of India and Others whereby it instructed the Govt
of India and state governments to comply with a set of seven directives laying down practical mechanisms to kick-start reform. The Court held that given the “gravity of the problem” and “total uncertainty as to when police reforms would be introduced”, it could not “further wait for governments to take suitable steps for police reforms” and had to issue “appropriate directions for immediate compliance.” But, the subsequent implementation of the directives at the state and national levels has been abysmal.

As the Supreme Court was considering the Prakash Singh case, the central government set up a “Police Act Drafting Committee” (PADC) in October 2005 – commonly known as the Soli Sorabjee Committee – tasked to draft a new model Police Act. The PADC was mandated to take into account the changing role and responsibilities of the police and the challenges before it, and drafted a model act that could guide states while adopting their own legislation. The constitution of the PADC was prompted by Prime Minister Dr Manmohan Singh’s concern which he expressed at the Conference of District Superintendents of Police in early 2005: “We need to ensure that police forces at all levels, and even more so at the grassroots, change from a feudal force to a democratic service.” Very shortly, after the Supreme Court delivered its judgement, the PADC submitted its Model Police Act, 2006 to the Home Minister. Although possessing both strengths and significant weaknesses, the Model Police Act complements the Supreme Court judgement in that it provides the detailed nuts and bolts through which the directions of the Supreme Court can be most effectively implemented. However, as with
previous commissions and governmental attempts to address systemic flaws in policing, the Model Police Act has not only been shelved but also ignored subsequently.

This study is an analysis of the role of police in one of the most communally sensitive state of India ie Gujarat, unfortunately the state of the father of Nation, Mahatma Ghandi, is today witnessing recurring caste turned communal violence since mid-1980s. The state has witness many socio-political changes. It was once a stronghold of Congress but has now turned out to be a strong bastion of BJP. It is the only state in India where BJP is in power of its own without the support of allies, as it was in others states or center, from a long time. Thanks to the Ramjanambhoomi movement, the state has turned into a nerve centre for the Hindu nationalist movement and has come to be seen as the Hindutva laboratory. The Gujarat government has allowed its employees to join RSS, One can thus imagine the objectivity and impartiality of Gujarat administration in discharging their duties. As we know the role of police in our country is highly objectionable when dealing with communal riots situation. The role of police in Gujarat is no different. It is rather more outrageous, from their counterparts elsewhere in the country. The criminalisation, politicisation and communalisation of Gujarat police is clear from the fact that state government had given recognition to police union following police agitation of 1979 and some police officers had resigned from the services and took part in active politics. These policeman turned politicians took part in politics on a frankly communal platform.
Gujarat police, which was earlier governed by the Bombay Police Act of 1951, is now governed by Bombay Police (Gujarat Amendment) Act 2007 which was passed on 20 July 2007 by its legislative assembly, has seen much turmoil in the form of collective violence, concomitant social and political disorder and the politisation of police force in the last few decades. There was a police strike in the state in 1985 over political violence.

Moreover, there exists an unhealthy nexus between bootleggers, politicians and policemen. Former Gujarat DGP Julio R Riberio, the renowned “super cop” had rightly stated that ‘the police force here has been ruined due to heavy politicisation. Every transfer used to take place at the behest of politician. Police officer were pressurized to do what politicians wanted’. In his autobiography, Riberio stated that corrupt police officers in Ahmedabad regularly received large sums of illegal money from bootleggers. At the station level, police officers were reluctant to carry out Riberio’s orders to arrest bootleggers who were friends of different ministers, and the police officers had to face their wrath. But these are not the excuses for the dereliction of their duties to uphold the rule of law.

In Gujarat, the Police have been under the influence of the Hindu nationalist political party Bhartiya Janta Party (BJP), which became a leading political force and came to power in 1995 in the state of Gujarat. After February 1998, when Keshubhai Patel came to power, a calculated displacement of Muslims in Gujarat police began. All Muslim officers were
assigned to Law and Order-Crime Investigation rather than given executive post. Eight of the 141 IPS officers in the state, who are Muslims, were deliberately kept away from decision-making posts. As a result of this well-known and blatantly unconstitutional policy of the Gujarat government, the younger batch of Muslim IPS officers who passed out in '92-'93 never got the chance to exercise their executive capabilities; they have never seen executive policing. Gujarat is the only state in the country where IPS officers who are Muslim have never been assigned the post of deputy SP of police.

Gujarat has had a history of repeated communal violence. The first major riot after independence occurred in 1969 in the city of Ahmedabad, after then in the mid-eighties there was a caste turned communal violence. It was Gujarat from where Mr L.K Advani launched his Rath Yatra in September 1990, from Somnath to Ayodhya in UP, leading to a nation wide trail of communal violence in its wake. The time period given to the study of the role of police in Gujarat for this research is from 1992 to 2002. In the year 1992 when Babri Masjid was demolished in Ayodhya, a major riot broke out in the city of Surat. It is a mercantile city of Gujarat, situated on the west coast of India. The ferocious riot of Surat has surprised many because unlike Ahmedabad, it does not have any communal riot history. The Congress was in power at that time and Chiman Bhai Patel was the Chief Minister of Gujarat.

There were two main reasons cited for the eruption of riot in Surat which are as follows:
New Commissioner of Police: - Mr P.K Datta was appointed two months before the incident as the new Police Commissioner of Surat. Datta had a reputation of being a tough cop. He had been cracking down on the bootleggers and other underworld criminals due to which the policemen, especially of lower rank, were infuriated because they paid bribes for getting posting in the city. So the police in general did not obey his order to quell the riot.

Municipal Corporation Elections: - The municipal elections were to be held on 27/12/1993 and a full-scale propaganda was going on at that time. The BJPs main issue was Goonda raj of Congress versus their Ram rajya. To raise communal passions, BJP exploited the prevailing communally charged situation of the country and itching to derive all possible benefits to win the elections.

Thus, the main factor for the inactive role of police during the riot of 1992 was Datta and also police was inadequate in number to control the riot along with other obvious factors.

After the 1992 Surat riot, there prevailed relative peace in the state. Except for a few skirmishes in some parts of Gujarat, no major communal clash between both the communities took place and the rest of the state remained peaceful and calm. But in the year 2002, the unspeakable acts of communal violence, rather communal terrorism took place in the state. It broke all the norms of civilization, rule of law and humanity. It can be defined more appropriately as state sponsored pogrom or massacre. On 27th Feb 2002 a train
carrying kar-sevaks returning from Ayodhya, near Godhra railway station, was attacked resulting in the death of 58 passengers under suspicious circumstances. It was alleged that Muslims residing in the near by areas had brunt the S-6 coach of the train by throwing petrol on it. Gujarat Chief Minister Narender Modi, an RSS parcharak, called it “an organized terrorist attack”. The incident was enough to ignite communal violence which raged for many months, the blood of innocents flowed freely on the streets. Violence spread to 20 out of 26 districts of Gujarat, affecting both urban as well as rural areas. An estimated 2000 men, women and children, mostly from the Muslim community, were brutally murdered and raped. More than 200,000 people fled in terror as their homes and livelihood were systematically destroyed. Following the Godhra incident a decade later, Surat also experienced only six days of violence that led to at least nine deaths. Despite VHP leaders visited and organized couple of meetings in Surat persuading people to follow Ahmedabad but the leader of both the communities, particularly factory owners, made all efforts that the city remain peaceful so that their businesses were not affected.

The role of police is outrageous from top to bottom. It can be defined as ‘at best they were inactive and at worse they participated in rioting’. Chief Minister called a meeting of top police officers, bureaucrats and some member of his Cabinet in Gandhinagar late in the evening of Feb 27 and told them that there would be Godhra backlash and ‘Hindus sentiments must be respected’. The police followed the chief minister’s orders obediently. Many victims
recalled that policemen told them that ‘we have no order to save you’ when they approach them during riots.

The majority of Gujarat policemen, by abdicating their responsibilities revealed not just their unprofessional character and conduct but also exhibited themselves as inhumane and immoral force. In the longer term, the failure of the law and order machinery to act fairly and swiftly, often against politicians and their cadres, reflects the erosion that has taken place in the criminal justice system. Amidst all this there were also events in which policeman, on whom we can proud of, upheld the rule of law despite all odds, such as former ADGP (Intelligence) S.B Shreekumar, Vivek Srivastava, SP, Kutch, Praveen Gondia, DCP Zone IV, Ahmedabad City and Rahul Sharma, SP, Bhavnagar etc. They were not influenced by any provocation or administrative pressure, rather they upheld the law of the land and worked firmly against the perpetrators of communal violence and proved that they are committed to the constitution rather than to the ruling party. But these ‘disobedient’ police officers were punished by the ruling establishment in the form of transfer and punishment posting and those police officers who maintained a purposeful inaction and partisan approach towards the mobs were rewarded with key and important postings. The partisan exercise of state authority was more evident in the discriminatory application of the draconian law like POTA which was exclusively applied against the minorities. Muslims youth, even teenagers, were sent to languish in jails for years without bail and not a single accused of
communal violence from majority community was booked by the state government under POTA.

After the massacre, commissions of inquiry, as usual, were set up to inquire into the incident. The Gujarat government first announced the establishment of a commission of enquiry to probe the Godhra and post-Godhra carnage in March 2002. The initial announcement itself was seen as a partisan act. In its first official announcement on the matter, the state government declared that the commission would be headed by a single judge, Justice K.G Shah, a man whose secular credentials were already somewhat suspected. The appointment of a single judge to investigate a volatile issue in a lawless state and that too, by a person who had been suspected of biased conduct in previous matters related to communal violence in Gujarat, led to nationwide protests and this ultimately forced the government to modify its decision by including Justice G.T Nanavati. Justice Nanavati’s inclusion on the enquiry panel was a corrective step. In 2008, the Nanavati commission came out largely in favour of the Gujarat government’s aspect by endorsing the ‘Petrol theory’. The Nanavati commission, right from the start, had flaws in its working. The Hunter Commission, which probed the Jalianwala Bagh mass murder, had recommended punishment and demotion of the then British officials responsible for the incidents but Justice Nanavati has stated in the press that he did not see a police hand in the riots. It is at once shameful and dangerous to note that a probe held in independent, democratic and secular India under a Justice system is not even as honest as the Hunter episode during
colonial India. The inquiry of this commission is still going on and that final report of the commission is yet to be submitted. Another inquiry was conducted by U.C Banerjee committee which was appointed by the then Railway Minister Mr Lalu Prashad Yadav. It came to the conclusion that the fire in the train would have probably started from inside. But Gujarat High Court ruled out this panel as illegal, and in violation of the commission of Inquiry Act, 1952. NHRC also conducted an inquiry into the massacre of Gujarat 2002, and squarely blamed that 'the Modi administration failed in its duty to protect the rights of the people of Gujarat' and it was the result of NHRC efforts that the 'Best Bakery' was transferred from Gujarat to Maharashtra for trail.

Communal violence and its aftermath in India have always been characterized by injustice and partisanship by state authorities. The carnage of 2002 stands apart not only because of the unprecedented denial of relief and rehabilitation, but also because of the extent of the open, deliberate and defiant subversion that it witnessed of the criminal justice system, with the complicity of all its arms, ie the police, the prosecution and the judiciary. Getting justice became more and more difficult for the victims of massacre and one of the most important reason for the recurrence of communal violence in India is the absence of punishment for the perpetrator of the crime of communal violence. It happens in Gujarat that once the trail began, prosecution was frequently shoddy and partisan, and it was not unusual for public prosecutors to be active members of the Sangh and affiliated organizations. In most cases the accused were not arrested, under the specious claim that they were 'absconding' while
they openly walked freely, threatening and intimidating the witnesses with impunity. This is the reason due to which Supreme Court decided to conduct the trial of some famous cases, like Best Bakery case outside Gujarat. The observations of the Supreme Court in this case apply to the majority of the cases that the role of investigating agency was careless and partial. It was tainted, biased and not fair. Witnesses, victims and survivors allege that the police did not record their testimonies properly, deliberately omitting details and the names of the accused. After finding the ruling establishment as apathetic and indifferent with the victims of riot some individuals along with their NGOs had to step in to help in the relief and rehabilitation of the victims of riot like Mr Harsh Mander of Aman Birādari, Ms Teesta Setalvad of Citizen for Peace and Justice, Mr Mukul Sinha of Jan Sangharsh Manch. etc. These NGO are working tirelessly and fearlessly for the right of the victims of riots in the hostile environment of Gujarat.

Not satisfied with the investigation process in the state the Supreme Court of India has constituted the special investigation team (SIT) to reinvestigate nine infamous cases of massacre in which life and property was extensively damaged by establishing six fast track courts. The Supreme Court has appointed SIT in response to a petition filed by Ms Zakia Ahsan Jafri whose husband was brutally killed in the Gulbarga Society case. The SIT has arrested many senior police personnel as well as politicians. It also summoned chief minister Modi in the said case. This is for the first time in the history of communal violence in India that the chief minister of a state has been asked to
appear before a SIT. The work of SIT has seen many ups and down. SIT is still working and it will yet to submit its final report.

The atrocious and partisan role of Gujarat Police does not end with calming down of the riots. There were several fake encounters conducted by the Gujarat police Anti-Terrorist Squad (ATS) in the aftermath of massacres in which several Muslim youths with some criminal background were gunned down by the Gujarat police in staged encounters. In almost all of the cases Police branded them as terrorist backed by Pakistan’s ISI on a mission to kill the chief minister Narender Modi and other prominent BJP, VHP leaders to woo their political bosses. In most of these encounters, top brass of the police is involved. This was revealed with the arrest of three IPS officers including D.G Vanzara (DIG, Border range). These incidents happened to be for the first time in the aftermath of any communal violence in India. This shows that there is an established clear nexus between police and politicians to work for each other.

The role of media also works for, as well as against the government. The local media, Gujarati daily newspapers like Sandesh and Gujarat Samachar along with certain local Cable channels had been on the fore front of running a hate campaign against the minorities and acted as rumour mongers by publishing news and stories to arise communal passion in the state but the media groups outside of Gujarat has did a commendable job of exposing brutalities and arbitrary use of power by the police and politicians during and after the carnage. Tehelka correspondent Ashis Khetan exposed clearly the
perpetrator of carnage in its operation ‘Kalank’ by risking his own life. Until
the summoning of Narender Modi by the SIT, he was put virtually on trail by
the media. It is media that has really put the perpetrator of Gujarat carnage in a
restless state.

So after analyzing the role of police in the Gujarat carnage a very
disheartening and discouraging picture of the police emerges. The role of
police in the 2002 riot was found to be deliberately more inactive and partisan
as compared to the 1992 riot. This amply proves that the police in our country
are heavily influenced by the ruling political establishment. It is a pity that
policemen who swear to uphold the constitution and rule of law behaved in
such a manner that was paradoxical, not only to the rule of law but also to
human conscience. It is true that the Indian police have, by and large, lost their
credibility vis-à-vis the minorities and this is no longer a matter of opinion. The
fast spreading virus of communalism in the force is a stark reality, which has
troubled well-meaning members of the service for several decades. The matter
has engaged the attention of police leaders for long and has been debated at
length in umpteen in-house meetings, seminars and conferences. The human
rights activist, social activist, concerned citizens, upright police personnel,
public-spirited people, media groups and civil society should launch a
movement to liberate our police from the shackles of political control and to
help them shed their biased attitude. Until then, we will have to live with riots
and communal violence that will continue to shake our faith in the police force
as a guardian of society.