**India’s torture record is dire – but Britain has little to crow about**

On the 70th anniversary of its independence from British rule, India will be subjected to the sort of assessment that all post-colonial nation-states are forced to undergo on such occasions, in which they are judged on how “far” they have come since the end of what their European colonisers liked to view not as a lengthy period of forced occupation, exploitation and violence but rather of “tutelage” in the values and virtues of European civilisation – and are invariably found wanting.

Nowhere is such a perceived lack greater, perhaps, than in the realm of human rights. Post-colonial states are routinely critiqued by Western governments and human rights NGOs for their failure to uphold what are declared to be universal values. Such critiques are often spurred by, and help to reinforce, underlying assumptions about the incivility of racial “others”.

This is not to say that such critiques should not be made, or that either human rights abuses or attempts to deny them should not be challenged and fought vociferously against, such as Indian Attorney General Mukul Rohatgi’s recent claim, at the United Nations Human Rights Council in Geneva, that “torture is completely alien to Indian culture”.[[1]](#footnote-1) Considering that no less than 591 people died in police custody in India between 2012 and 2015,[[2]](#footnote-2) that torture, sexual violence and disappearances have been practiced on a horrific scale by the Indian armed services,[[3]](#footnote-3) and that the torture and mistreatment of minorities by public vigilante groups, often in collusion with the police and other officials, has become ubiquitous since the rise to power of Narendra Modi and his Hindu nationalist Bharatiya Janata Party three years ago,[[4]](#footnote-4) such a claim is clearly grotesque. But since assertions about the purported lack of civility of non-western peoples were central to the justifications made by European colonial states for their conquest and colonisation of vast swathes of the planet, and that innumerable “interventions” have been made in formerly colonised regions of the world in the name of humanitarianism and human rights,[[5]](#footnote-5) such critiques need to be placed in a broader historical and geographical context.

**The role of torture in upholding racial superiority – including colonial rule**

Although torture is generally regarded as a barbaric remnant of the history of the west, long since abandoned, with its contemporary use confined to non-democratic or non-western states, in reality it simply came to assume different forms. For as torture as a form of public spectacle and means of demonstrating and enforcing state sovereignty began to disappear in the western world

it became increasingly privatised and assumed new forms as a means of disciplining recalcitrant subjects.[[6]](#footnote-6) But this does not mean that torture completely disappeared as a public spectacle. As the history of lynching in the United States or, more recently, the torture of prisoners by American troops at Abu Ghraib reveal, the public torturing and display of violated non-white bodies has been employed as a means of manufacturing and maintaining white racial superiority.[[7]](#footnote-7)

If torture therefore was and remains central to the operation of modern democratic states,[[8]](#footnote-8) as well as to the management of racial others, it should come as little surprise that it was ubiquitous in states that were occupied, despotic, exploitative, and organised according to a strict racial hierarchy in which the rulers had little sympathy with, or understanding of, the ruled – namely in European colonies. In the case of colonial India, torture was a standard means of extorting confessions by police who, at the lowest ranks, were often illiterate, and who were so poorly paid that they were forced to resort to extortion to avoid an existence of permanent semi-starvation. It was also widely utilised in revenue collection to extract high revenue demands from impoverished peasants.

While officials in both India and Britain claimed to be shocked when torture erupted into scandal, as it did in the mid-nineteenth century and again in the early twentieth, its role in the construction and maintenance of British colonial rule was well known from the late eighteenth century, and although there were innumerable commissions, reports, investigations and parliamentary enquiries dealing with torture in India the colonial regime ultimately did little to eradicate it. This is because it largely benefitted from torture. Torture made the police “a terror to well disposed and peaceable people”, as a deponent to the 1854 Madras Torture Commission observed, which was undoubtedly advantageous for an alien regime that was ultimately dependent on force to maintain its sovereignty.[[9]](#footnote-9) It also enabled the colonisers to displace the blame for torture from their own system of administration to the colonised, in particular to the purported “rapacity, cruelty and tyranny” inherent in Indian “character”.[[10]](#footnote-10)

So while we should condemn India’s appalling human rights record when it comes to torture, as well as its ongoing failure to ratify the United Nations Convention Against Torture twenty years after becoming a signatory to it,[[11]](#footnote-11) to do so without acknowledging the history of torture perpetrated by western democratic states, including in contexts such as colonial India, is not only to ignore the genesis of such modern torture regimes, but to perpetuate the racial assumptions that made colonialism possible.

1. <https://scroll.in/article/836872/attorney-general-mukul-rohatgi-says-torture-is-alien-to-indian-culture-is-he-right> [↑](#footnote-ref-1)
2. <http://timesofindia.indiatimes.com/city/pune/cutting-both-ways-debate-on-anti-torture-law-rages-on/articleshow/58901442.cms> [↑](#footnote-ref-2)
3. <https://www.theguardian.com/world/2012/jul/09/mass-graves-of-kashmir> [↑](#footnote-ref-3)
4. <http://iheu.org/india-turning-into-nightmare-for-minorities/>; <http://en.southlive.in/india/2017/06/30/torture-of-minorities-new-normal-in-india-modi-govt-must-stop-its-nationalist-policing-says-asian-human-rights-commission> [↑](#footnote-ref-4)
5. http://isrf.org/about/fellows-and-projects/martin-thomas/#project70bf-a2a8190f-35b9. [↑](#footnote-ref-5)
6. <https://monoskop.org/images/4/43/Foucault_Michel_Discipline_and_Punish_The_Birth_of_the_Prison_1977_1995.pdf> [↑](#footnote-ref-6)
7. <https://www.opendemocracy.net/media-abu_ghraib/article_2149.jsp> [↑](#footnote-ref-7)
8. <http://press.princeton.edu/titles/8490.html>; <https://nyupress.org/books/9780814752791/>. [↑](#footnote-ref-8)
9. <https://library.soas.ac.uk/Record/570240> [↑](#footnote-ref-9)
10. <https://library.soas.ac.uk/Record/570240> [↑](#footnote-ref-10)
11. <http://timesofindia.indiatimes.com/city/pune/cutting-both-ways-debate-on-anti-torture-law-rages-on/articleshow/58901442.cms> [↑](#footnote-ref-11)