

# Licence

**F**OREIGN JOURNALISTS are always appalled by the Indian middle class's attitude to what we call 'encounter killings'. When the term was first invented, it denoted actual encounters in which policemen were challenged by criminals and then opened fire in self-defence. Now, however, it has come to refer to any kind of extra-judicial execution.

For instance, it is no secret that police forces, when they have a notorious gangster in custody, prefer to bump him off rather than wait for the judicial process which usually takes five years and at the end of which the gangster walks free, having bribed or intimidated the witnesses.

So it is with paramilitary forces and terrorists. When a Pakistani agent is captured, more often than not, the authorities simply kill him and claim to have acted in self-defence. Far better, they say, to have him lying in an unmarked grave somewhere than sitting in an Indian prison waiting for somebody to hijack a plane to demand his release. Had the forces killed off Masood Azhar, Omar Sheikh or Latram, we would not have had to release them in exchange for the passengers on IC-814.

Anybody who is concerned about civil liberties cannot fail to be shocked by the callousness of this approach in which policemen and soldiers are given the

power to shoot anybody they like dead. For many years, I bitterly opposed encounter killings, both of gangsters and of terrorists on civil liberties grounds.

But the older I get, the more willing I am to accept the middle class position that this is often the only way to ensure that society is rid of murderers and terrorists. Nevertheless, I am still not cynical enough to approve of all encounter killings. It is not just the abuse of the judicial process that worries me; it is also the power we place in the hands of our policemen and soldiers.

Two incidents over the last fortnight have convinced me that I am right to be worried. The first is the case in Delhi where the police force's "encounter specialist" has been accused of functioning as a gun-for-hire on behalf of property dealers. Apparently, the officer in question intimidated citizens by declaring "tumhara encounter kar doonga". The Delhi edition of the *HT* broke the story on Friday, complete with tapes of threatening calls made by the officer.

The incident has made it to the front pages because this encounter specialist has frequently been paraded by the Delhi Police as one of their top terrorist-busters. But there are many precedents. Nearly a decade ago, the Delhi Police killed innocent businessmen on Barakhamba Road, mistaking them for gangsters. Then, one of the policemen

shot himself in the arm and planted the weapon on the dead businessman so that the police could claim that they had been attacked. In Bombay, cases of mistaken identity are common. Usually, even when an innocent *chanawallah* is shot dead, the police try and pretend that he was a dreaded gangster in disguise.

The second incident worries me even more because it does not involve Indian policemen but concerns London's Metropolitan Police, long regarded as the finest police force in the world.

All of us will have read about the shooting of a terrorist suspect at Stockwell tube station after the London blasts. At first, the police declared that the dead man was definitely connected to the bombers. Then, they conceded that they had shot him by mistake but excused themselves, arguing that (a) he looked Asian and thus could have been a Pakistani; (b) that he was wearing a thick jacket in hot weather, leading them to conclude that he was hiding a bomb; and (c) that when challenged by police officers, he jumped over the station's turnstile, ran down the escalator and rushed into a waiting train. If they had not shot him in the head, they said, he could have detonated the bomb concealed in his clothing.

Later, they conceded that a tragic mistake had been made. The dead man was not a Pakistani at all but was a Brazilian

## COUNTERPOINT

*Vir Sanghvi*



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# To Kill

who had no connection to the bomb blasts. However, the police insisted, he had jumped the turnstile and run down the escalator leading them to conclude that he was a criminal. Moreover, there was the matter of that thick woollen jacket.

Investigations by ITN, a London television news provider, reveal that nearly everything the Metropolitan Police said in defence of their conduct was a lie. Apparently, they had found a gym membership card in a rucksack left behind by one of the failed bombers in the second round of tube bombings. The rucksack contained a gym membership card which listed a certain address.

Policemen staked out that address and when a man was seen leaving the block of flats, concluded that he might be a terrorist. The officer who was supposed to watch the building told authorities that he could not have been sure of the identity of the suspect because at the time the man left the building, "I was relieving myself."

Based on the misidentification by a sloppy piddler, policemen then followed this unfortunate Brazilian as he boarded a bus that took him to Stockwell tube station.

Contrary to what the police would later claim, the man was not challenged when he entered the tube station. CCTV footage shows that he picked up a copy of

the *Metro* newspaper and ambled down the escalator. The police version that he jumped the turnstile and sprinted down to the train is a lie.

Once the Brazilian neared the platform, he noticed that a tube train was waiting, its doors open. It is at this stage that he rushed but this was only because he was scared of missing the train. He had still not been challenged by the police.

According to the Metropolitan Police, officers pushed the man to the floor near the doors and then shot him as he struggled. In fact, the Brazilian went and occupied a seat inside the carriage. It was while he was sitting in the train, minding his own business and posing no threat to anybody, that an undercover officer tackled him. Two other policemen then fired seven bullets into his skull.

Pictures taken by the police's own forensic scientists show the pool of blood near the seat where he was shot. They also show us the body of the man who was (a) light-skinned and therefore unlikely to have been mistaken for a Pakistani and (b) wearing jeans and a denim jacket. He was not wearing the heavy woollen jacket that the police later claimed made them suspicious.

It is not my case that the police killed him for some ulterior motive as our own encounter specialists sometimes do. Nor do I want to indulge in the usual Indian gloat, you know the sort of

"so White Man, you lecture us on human rights while shooting innocent people yourself" stuff that we are all tempted to say in such situations.

My point is much more limited in nature. When you give policemen the power to shoot or kill without having to account for their actions, you let loose a monster. No matter whether the victims are in Stockwell or Barakhamba Road, there is always a grave risk that innocent people will be killed. Worse still, policemen all over the world are almost exactly the same. Rather than admit that they screwed up, they will concoct false stories and accuse the hapless victim of having behaved in a manner that evoked suspicion.

I don't expect I will dent the middle class consensus on the need for encounter killings. But when you look at the behaviour of our encounter specialists in Delhi and the cold-blooded murder in Stockwell, surely it is obvious that we need some checks and balances? No civilised society should give anybody a licence to kill.

Otherwise, we will end up like the Bombay Police in the 1990s. That was when Dawood Ibrahim tired of having to hire hitmen. It was far easier to just bribe the police's encounter specialists to bump off his rivals. That way, not only did Dawood get what he wanted, but the policemen also won medals.