Police use of deadly force has fascinated criminologists for decades especially in the Western world. While some instances of police killings have been perceived as being acceptable and unavoidable, often they have elicited controversy and anger. The police are more often than not accused of abuse or excess use of deadly force against fellow citizens. If that were the case, few have delved into the question: what makes ordinary, “decent” human beings do horrible things? (c.f. Huggins et al., 2002; Foster et al., 2005a). Further, the question, “how are such ‘wrongdoings’ on the part of state actors justified in a democratic society?” goes a-begging. The questionable use of deadly force by the police, with a monopoly on state violence, is a universal phenomenon and yet police officers’ perspective on this issue has seldom been explored in depth in democratic countries.

This book is about a peculiar feature of Indian policing called encounters. An encounter is a spontaneous, unplanned “shoot-out” between the police and alleged criminals, in which the criminal is usually killed, with few or no police injuries. However the police “cover story” (Hunt & Manning, 1991) from official sources and cited in the media is always the same raising the suspicion that it is a cover-up for facts that might not be legally defensible or permissible. The term encounter is not just police jargon but is part of everyday discourse in India and is used by police officers, media, and public to refer to police use of deadly force in circumstances described by one newspaper report as follows:

‘Mumbai Police pats itself as encounter deaths double’

The Mumbai police call it “proactive policing”. In everyday parlance, it is referred to as an “encounter” between policemen and gangsters that always results in the death of these gangsters. That these encounters do not have a surprise element, instead are planned, to a large extent, by the police, no longer raises eyebrows. But even by their own standards, Mumbai police have been far too “proactive” in 2001 compared to the past few years…In 2000, the total number of alleged gangsters killed in encounters was 49, and the year before that it was 60. The quantum leap to 94 has certainly sent shockwaves through the underworld. Extremely pleased at this leap, Police Commissioner M.N. Singh said: “Organised crime is well under check. This is the final blow.

_The Indian Express_ (December 29, 2001)

Of all types of force used by the police, deadly force is cause of most concern, not only because its consequences are irreversible and irreparable, but because it
“affects citizens’ attitude toward the police and toward the government in general” (Geller & Scott, 1991), as does all inappropriate use of force. It is important to understand why it is that in a free and democratic society like India, the abuse of deadly force is not only tolerated, but in many ways (both overtly and tacitly) encouraged.

I worked as an officer of the Indian Police Service (IPS) in the state of Uttar Pradesh, which is one of the more backward, illiterate, densely populated, and crime-infested regions of the country. My experience, during training and subsequently in the field, led me to believe that the influence of the occupational subculture¹ is ubiquitous and tangible. There is formal emphasis on the rule of law and due process, but these are viewed by police officers more as obstacles to be overcome in the ultimate quest to tackle crime and law & order problems. The “heroes” or “model cops” to be emulated are those who have proved their “bravery” or “toughness” in the field through dealing with one or more “dreaded criminals” in encounters. These messages are rarely articulated explicitly, but are disseminated in more subtle ways, that are nonetheless very powerful. A few young officers even join the police with the aim of joining the ranks of encounter “heroes” and tend to use deadly force with less reservation than is mandatory².

This pattern is not replicated across India as some states have a much better record on the use of deadly force than others. Areas facing serious challenges from Naxalites (communist rebel groups), organised gangs, very high levels of serious crime (e.g. dacoit³-infested areas), and separatist groups or terrorist operations, have a greater tendency to engage in encounters than others. Furthermore, the context and circumstances in which encounters happen are very different in all these different situations.

Certain states in India that were and some that continue to be affected by counterinsurgency, like Punjab, Kashmir, Assam, and other North Eastern states have different experiences as compared to those affected by militant Maoist rebels. Gossman (2002) describes types of “death squads” that operate in various parts of India, differentiating between out-of-uniform police officers who formed death squads in insurgency ridden Punjab; security forces (army, paramilitary forces, and the police) operating in Kashmir and in Assam, threatening and assassinating militant leaders and other opposition figures; and special police squads operating in Naxal-infested areas. The Naxalite movement began in India in 1969 formed by radical Maoists, who believe that the enemy of class struggle, the power-wielders in the existing social order, have to be eliminated even if that enemy (state agents)

¹Several studies have shown that the police organisation has a particular occupational culture, which is shared by almost all police forces across the world. It is characterised by mission, action, cynicism, suspicion, pragmatism, machismo, solidarity, isolation, etc. (Reiner, 2000a).

²Studies by Van Maanen (1973), Hunt (1985) and Harris (1978) found that a similar process of “indoctrination” of new police recruits into the “masculine ethic” and the regaling of war stories featuring violence by instructors was a feature of police training in the USA.

³Dacoity is defined under section 391 of the Indian Penal Code as robbery committed conjointly by five or more persons.
may not have directly harmed them. States affected by the Naxal movement include Bihar, West Bengal, Chattisgarh, Andhra Pradesh, Jharkhand, parts of Orissa, Maharashtra, Madhya Pradesh and is spreading to other parts. In these states, especially Andhra Pradesh, special police squads are alleged to have executed suspected militants and prominent activists in custody and “claim that they have been killed in armed “encounters”; for most of these routine killings, no elaborate cover-up was considered necessary” (Gossman, 2002:262).

Another pattern of encounter killings was well established in Punjab and Kashmir (during the days of insurgency in the 1980s and 1990s) where the “victim” was detained and tortured for several days before being killed (Mahmood, 2000, Pettigrew, 2000). Gossman (2002:268) suggests, “Government practice of providing cash rewards for police who eliminated wanted militants encouraged the police to engage in extrajudicial killings”.

Encounters may be considered by the police to be a natural fallout of routine policing in these “difficult” areas. However, in other parts of the country, especially in some large cities like New Delhi and Mumbai, encounters appear to be used more as a deliberate, short-cut method to bypass the delays and uncertainties of processing “criminals” through the criminal justice system rather than being spontaneous shootouts between organised criminals and the police.

Police encounters are not only “prized” internally by the police organisation and are sometimes rewarded by the government (either with one-rank-promotions, or bravery medals, and/or other privileges), but also enjoy some societal approval in Mumbai. There have been several examples when the police have been publicly congratulated for “acts of bravery” that have ridden society of a “menace”. Most police officers\(^4\) consider their work to be not just a job, but to be a “way of life with a worthwhile mission” (Reiner, 2000a; Skolnick & Fyfe, 1993) – to serve the public and protect society against the forces of evil. Public adulation is a heady stimulant and combined with positive press ratings and organisational approval in the form of allowing such actions to continue unquestioned, can serve to demolish any moral compunctions that the police have towards depriving another person of life.

Police officers are recruited from among ordinary citizens, (albeit at different levels and ranks) and are not inherently evil or natural “killers”. The question then arises: how and why do ordinary people kill fellow citizens? The explanations might lie in their difficult working conditions, the demands of the socio-political milieu within which they operate, combined with a spiralling crime problem that have led to a situation where “criminals” are seen to deserve executions. It could even be the case that since most police encounters are not subject to detailed scrutiny, the decision to invoke deadly force maybe undertaken lightly, or without considering the full impact of the moral and legal aspects involved.

\(^4\)In India a distinction is drawn between the subordinate ranks (men) and senior ranks (officers). However, henceforth the term “police officers” will cover all ranks of police personnel in this book.
There is growing human rights awareness in India and a number of Non Governmental Organisations (NGOs) and pressure groups have over the past few years questioned some of these more dubious police tactics and actions. Over the past decade there has been some public outcry against encounters and criminal action has been initiated against some well-intentioned but misguided policemen involved in encounters.

Police use of deadly force not only has a very significant impact on the right to life of the victim, but it also affects the life of the police officer involved, in many far-reaching ways – from being involved in criminal or departmental proceedings and inquiries to maintaining their moral well-being. Solving the moral dilemma of using “dirty means to achieve good ends” (Klockars, 1991) is something every police officer has to confront during his/her career in some form or the other. The book examines the truly complex nature of the issues surrounding the police decision to invoke deadly force and explores an area that has profound ramifications for policing, police malpractice, and the social and cultural context in which it takes place.

The aim is not merely to uncover or describe police use of deadly force, but in order to understand the use of force,

“One must evaluate them [police accounts] from the point of view of the cops who succumb to these moral hazards of their occupation. Doing so requires that the cops themselves be permitted to speak at length and in intimate detail about these issues. As they do, they often advance extremely complex and sometimes highly seductive moral and psychological arguments for their behaviour.” (Klockars & Mastrofski, 1991:396)

Therefore, an important part of the research is to explore the different ways in which police officers and people whom I call “claimsmakers” perceived and talked about issues around encounters. Various justificatory arguments used by officers clearly indicate that they used a discourse of denial to account for encounters, arguments that not only neutralised their actions but also served useful functions for the audience they were intended for. Thus the discourse of denial served two purposes: first, ameliorating guilt or culpability about the action itself; and second, enabled the public to respond to encounters not as cold-blooded police killings but as part of a justified war on crime.

Encounters have yet to be publicly perceived as a “social problem” – “a social condition that has been found to be harmful to individual and/or societal well being” (Bassis et al., 1982:2) in India. It is therefore imperative to understand how the phenomenon of encounters is socially constructed by “claimsmakers” asking the sorts of questions that Best (1995) explores: what sorts of claims get made; when do claims get made, and by whom; how are these claims received by the intended audiences and under what conditions? By adopting a form of contextual constructionism in the research, this book explores the claims made by officers and “claimsmakers”.

The book is set out as follows:

Chapter 1 reviews the literature on police violence, concentrating on studies of police violence in some western democracies, especially the USA, the UK, Canada, and Australia, as well as in other less-developed democratic countries, in Latin America and Africa. The Mumbai police is situated within this wider literature and
various models (individual, situational, organisational, and structural) to explain the
causes of police violence, that are relevant to the situation in Mumbai are discussed.
The “moral dilemma” that arises in situations that call for solutions to a “means-
and-ends” problem is explored. The content and nature of policing is intrinsically
linked to the use of force, and in many countries has been associated with some
form of racial discrimination. The situation in India, and Mumbai, in particular, is
more nuanced, in that, the use of deadly force by the police is allegedly directed
against “hardened criminals”, but the police are often accused of mainly targeting
criminals belonging to a minority ethnic community.

Chapter 2 discusses actual examples of police shootings in three big cities, New
York, London, and Mumbai in order to draw out similarities and differences in the
way the shootings were presented and perceived in these cities. High profile cases
of shootings that generated controversy, a lot of media interest, and elicited a strong
reaction from the public and the police organisation alike, are discussed in some
detail. The subtle nuances of the way the story is presented by the police, inter-
preted and disseminated by the media and perceived by the public, and the courts
in the three cities highlights the universal nature of the problem of police shootings:
that is the police are perceived as getting away with abuse of deadly force, not just
in former colonies and dictatorial or military regimes but in democracies.

Chapter 3 introduces Mumbai city and its socio-economic and cultural place in
Indian life. The city, its size, population, ethnic composition, importance as a com-
mercial trade centre, its manufacturing and service industries, and its special posi-
tion as the capital of the film industry in India (Bollywood) all demonstrate that
Mumbai has a unique social, cultural and economic position in India. The city’s
contemporary police force has grown out of a colonial legacy of policing based on
the model of the Royal Ulster Constabulary. The structure of the police service, as
well as the administrative framework that provided the context within which
encounters emerged and different power structures operated and influenced the
politics of day-to-day policing are discussed. The chapter traces the growth of
organised crime in Mumbai since the 1970s that led to the use of deadly force by
the police, in scenarios constructed as encounters. It focuses on the growth and
development of some of the leading gangs, and how their activities impacted on
citizens of Mumbai. The twin processes of the politicization of organised crime and
the criminalization of politics in Mumbai are also discussed.

Chapters 4–6 focus on interviewees’ perspectives of encounters, their under-
standing of the term, and attitude towards the legality, morality, desirability, and
acceptability of encounters, individually and organisationally. Police officers’ per-
ception of their role and responsibilities are vital in shaping their attitude towards
encounters and whether they are willing to adopt or condone these actions. Their
perception of how the public respond to the use of deadly force is also important in
understanding their justifications for encounters. Public opinion is reflected to
some extent in the interviews with “claimsmakers”, so called, because these par-
ticular individuals – lawyers, journalists, judges, politicians, Human Rights activ-
ists, and representatives from the industrial associations – actually had made public
claims about encounters over the period of study (1993–2003). These interviews
were used to contextualize the conviction of police officers that society not only
approved of and encouraged their actions in *encounters*, but that there actually was a vocal social demand for such proactive action. While there was no consensus on the moral or legal rectitude of police *encounters*, there was a common belief that *encounters* were very effective as a short-term measure to control spiralling organised crime. There was also a belief that even though police actions were suspected, there was very little anyone could do to prevent or punish “wrongdoing”.

A striking feature of these interviews was the lack of consternation or protest that the police were involved in executing alleged criminals and this appeared to provide the moral impetus to police justifications of *encounters*.

In Chap. 7 perceptions of police officers’ perspectives on *encounters* are put together with Stan Cohen’s Theory of Denial to demonstrate how officers use denial and justificatory accounts to explain the necessity and importance of *encounters* in Mumbai. Police officers have to live with the fact that they used or condoned the use of deadly force as perpetrators or bystanders and that they act as judge, jury, and executioners against alleged criminals. I suggest that classic denial mechanisms are used to justify their actions to themselves and to their audiences.

The final chapter uses “*their*” (interviewees’) reasons to extrapolate “*the*” (structural) reasons for why *encounters* happen (Cohen, 2001:58), why they are tolerated, and identifies agendas for future research. Taking a step back from these stories “the” reasons why police actions were not challenged, and the wider structural and systemic factors that create conditions where killing “hardened” criminals seems to be the last resort for the police are explored. Chapter 8 examines the social and political situation in a commercial, crime-ridden city, preoccupied with protecting its businesses, manufacturing units and service industry as well as safeguarding the life and property of its citizens and speculates on the wider cultural and specifically police sub-cultural factors that made *encounters* both feasible and acceptable. Factors accounting for police abuse of force in Mumbai are compared and contrasted with prevailing conditions in other societies where police executions feature prominently. The experience of different police forces and policy makers in other countries have sought to control police use of deadly force by introducing legal, procedural, cultural, and/or structural changes and their efficacy are discussed. Finally, suggestions for possible solutions to curb Mumbai police’s excessive use of deadly force and protect the right to life are offered.

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