

Tackling illegal police firing in India

THE KILLING of Altaf Ahmad Sood, a class XII student on January 2, 2012 at the NHPC premises at Boniyar village of Baramulla district of Jammu and Kashmir in the firing by the Central Industrial Security Force (CISF) personnel has exposed illegal direction issued by the CISF directorate for the use of fire-arms to protect the installations. He was part of a mob of 400 villagers who took to the streets and later gathered near the local power station to protest against long hours of power outages.

On September 30, 2011, the CISF deputy inspector general, Shikha Goel reportedly issued a circular stating that the CISF directorate had noted that some units were "failing to take proactive action" in protecting and securing the undertakings and that the CISF personnel should effectively protect the installations against mob violence, particularly where there is a delay in arrival of the local police or the magistrate.

The CISF circular is blatantly illegal. Section 129 of the Criminal Procedure Code (CrPC) provides that if protestors of an unlawful assembly do not disperse, they, if necessary, are to be arrested and confined. If it is still not possible to disperse, the CrPC further provides that the law enforcement personnel should use "as little force, and as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons", with the authorisation by the magistrate.

In clear violation of the CrPC, the first thing security personnel do is to use lethal weapons while dealing with protests which may turn violent. In most cases, police shoot without au-



SUHLAS CHAKMA

India must issue a circular to make it mandatory to use plastic coated bullets before the use of live bullets

thorisation of the magistrate. Even when the police are authorised by the magistrate, they usually shoot above the waist level to cause maximum damage i.e. a loss of life or impairment for life instead of causing minimum harm.

The Indian practice is in sharp contrast to the practice in Britain which designed its bullets to be fired at the ground so that they would bounce up and hit the legs of demonstrators. In 1989, the British government further replaced its rubber bullets with the plastic ones for dealing with the protests in the Northern Ireland as the rubber bullets were considered too dangerous.

Each year the right to life of many citizens of India is



A file photo of the June 22, 2011 incident involving KMSS protesters in Guwahati where a child was killed in police firing.

violated in the disproportionate use of fire-arms by the law enforcement personnel.

According to the statistics of the National Crimes Records Bureau, in the last five years a total of 1,462 civilians were killed in police firing i.e. 472 in 2006, 250 in 2007, 317 in 2008, 184 in 2009 and 239 in 2010. In 2010, the occasions necessitating police firing were largely related to 'riot control' in 50.8 per cent of all police firing cases.

The patterns of police firing in India do not also meet the United Nations standards on the use of fire-arms. Rule 9 of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990 states

that: "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

Human life is too precious to be taken away by the trigger-happy law enforcement personnel. The governments which are concerned about

the right to life of their citizens have been using rubber and plastic bullets to reduce death and serious injuries.

Even the rubber bullets have been found dangerous. A study by the British medical doctors on the effects of rubber-coated bullets used by the Israeli police force during riots by Israeli-Arabs in northern and central Israel in early October 2000 found that Israeli Police often fire from too close and aim poorly.

The study published in *The Lancet*, a medical journal, in March 2002 concluded that: "Resistance of the body surface at the site of impact (elastic limit) is the important factor that ascertains whether a blunt or penetrating injury is inflicted and

its severity. Inaccuracy of rubber bullets and improper aiming and range of use resulted in severe injury and death in a substantial number of people. This ammunition should therefore not be considered a safe method of crowd control".

In India, the use of rubber bullets is an exception while the use of live bullets is the norm. The state governments usually order inquiries to placate the situation once some protestors were killed. However, the use of force is often justified on the ground of mob violence.

Since it is impossible to prove disproportional use of live bullets in case of violent protest, the inquiries often end up in exonerating the police personnel even if they aim to kill. In the police firing on the protestors of land acquisition in Pune on August 9, 2011 captured on camera showed that the police fired to kill and not to control the crowd.

In the aftermath of Sharpeville massacre on March 21, 1960, even the Apartheid regime of South Africa started using the rubber bullets. If India is committed to ensure the right to life of its citizens, it must issue a circular to make it mandatory to use plastic coated bullets before the use of live bullets.

After the Himachal Pradesh High Court disapproved of the use of live bullets to tackle the monkey menace in January 2011, the Himachal Pradesh State Wildlife Department started using rubber bullets since May 2011. There is no reason as to why the guarantees for the right to life of the monkeys cannot be extended to human beings.

The writer is director, Asian Centre for Human Rights