

CAN THE STATE ASSUME THE RIGHT TO KILL?

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No, we will not discuss Vikas Dubey. But we need to revisit occasionally that very shadowy zone where the state assumes the power to liquidate certain citizens. We know that this is one of the three unique traits that distinguish the state from all other organisations, including those more prosperous or powerful. These are the legitimate right to impose taxes (everyone else ‘charges’ people); the inherent right to requisition men, materials, places and buildings (as during elections or wars); and the third is its basic right to kill. It thus declares all other killings are homicides and prosecutes the perpetrators, leading occasionally to capital punishment, after due trial and the process of law.

Besides, this most critical authority of the state is meant for foreign attacks and extended to internal rebellion and ‘liquidation’, in the name of tackling the “war against the Union of India”. But neither the judiciary nor the rational section of the people can ever agree with the claim that encounter killings are just a further extension of this dreadful syndrome. At this point, let us recall the first ‘mainstreaming’ of large-scale liquidation that was carried out in 1971-72 against the original Naxalites of Bengal. The Naxalites were in the throes of their class war and had appropriated to themselves the right to kill at will.

The gory beheadings and the hit-and-run killings of hapless police constables and other perceived class enemies by ‘action squads’ had converted life in Kolkata to brutal, bloody and short. The major strike-back was ‘Operation Steeplechase’ in mid-1971 when the police and armed forces unleashed reprisals on an unprecedented scale, methodically and remorselessly, without any due process of law. Those like us who lived through that terrifying period know how young men were tied to lampposts and shot point blank. Later, as an administrator, one was proudly shown exhibits of the very successful operation against urban guerrillas at the Counter Insurgency and Jungle Warfare School.

It was entitled ‘Calcutta 1971’ which was, quite eerily, the same name that Mrinal Sen had chosen for his very disturbing film on police brutality in contemporary Kolkata. Hazar Chaurarsi’s mother can suffer endlessly but the state had “gotten over its problem” and re-established its authority. The same

fate awaited those who had almost hacked Punjab from the Union of India in the 1980s and 1990s, amidst unspeakable atrocities and horror. It was only after pro-Khalistan terrorists had literally slaughtered several hundred innocent citizens, mainly in Punjab and Delhi, that the state hit back—with unconcealed vengeance.

Indira Gandhi paid with her life for having stormed the Golden Temple and stepping up action to liquidate terrorists, but terrorism lingered on. In August 1995, Punjab CM Beant Singh and 17 others were blown off by a Khalistani suicide bomber. The point is, unlike Bengal where a painful surgery worked, Punjab's ulcer bled for a dozen years more. But then, the state clawed its way back and seized Punjab — again, at a huge human cost. It is not that this is restricted to India. It is a recurring feature of the entire Third World and the inhuman brutalities wreaked in Bosnia and its neighbours prove that Europe is not immune. This month itself, Human Rights Watch has reported that more than 180 male corpses have been found in Djibo, a town in the north of Burkina Faso, obviously resulting from 'extra-judicial killings'.

To understand the heartless institution called the state, we may look back at the most powerful theorist in this domain, Thomas Hobbes. This 17th century English philosopher was obsessed with rescuing humanity from terrifying chaos, lawlessness and endless strife in "the state of nature". He viewed the state as an authoritarian Leviathan created by its citizens, surrendering a part of their liberties to strengthen it—to rule over them. The other great philosopher, John Locke, was less paranoid and spoke more of human rights, but the state that he advocated had freedom in "the mutual preservation of their lives, liberties and ... property". The third theorist, Rousseau, was clear that the state emerges from a "social contract" with citizens but his state could go to more extremes to ensure that the "general will of the people" prevailed over dissidents.

But these propositions are quite old and constitutional democracy has evolved much since then, through battles, revolutions and world wars. Vigilance over the modern state has sharpened and the 'hue and cry' factor cannot be ignored. In 1919, Jallianwala Bagh hardly stirred the world but 70 years later, the Tiananmen Square massacre drew universal condemnation. Yet, when Daya Nayak eliminated 83 "notorious gangsters in Mumbai through his encounter killings", he became the stuff of legend. A rotten, failed judicial system is largely factual, but as long as public support exists for such 'encounters', they

are difficult to stop. They satisfy innate desires for reprisals and bottled-up bloodthirstiness that lie deep within society.

These are, however, only attempted explanations and civilised society can never accept them as justifications. History has proved, time and again, that a murderous state soon turns upon the citizenry it is duty bound to protect. The genetic propensity of the state to assume an acquired right to kill has to be shackled—or else we will all be locked in a cage with a Godzilla gone berserk.