



Case Study – 3 : Encounter Killings

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A seasoned criminal with many murder charges on him has escaped from a jail. There is a likelihood that he will kill more people while he is on the run.

Mr. A who is the police inspector in the area has found links to trace the criminal's presence in his area. Mr. A has a reputation of a being an encounter specialist since he doesn't believe much in the efficacy of judicial trials as they are time consuming. It is likely that Mr. A will do the same this time. His subordinates, though, disapprove of encounter killings as a routine measure, dare not oppose him due to hierarchical pressure. A constable Mr. C doesn't want to participate in the encounter operation, but due to the fear of being terminated he is left with no choices.

Given the above situation, consider the following questions:

1. What are the moral issues involved in this situation?
2. Though encounter killing is legally valid is it morally correct too? If yes, how?
3. How is Mr. C participating in the encounter morally valid?

Solution

The moral issues involved in the above situation are:

The right to life and fair justice, even for a seasoned criminal.

The extent to which humanitarian concerns can be bypassed so as to maintain law and order.

An individual being forced to participate in a specific work against his/her voice of conscience.

The culture of extra-judicial killings in a just society.

An individual's (in power) discretion to determine the type of justice to be given to a criminal.

Encounter Killing is not legally correct as even in the case of Ajmal Kasab, he was tried and when proven guilty then hanged. Extra-judicial killings can be validated only on grounds of self-defence, killing in warfare or in extreme cases to protect lives of innocent people and to maintain law and order. The Indian judicial system discourages such killings even for Army and the court marshal of the officers involved in Pathribal killings (2000) enunciate it more strongly. In the Indian administrative setup, police officers are like shields for innocent people and the sword of justice lies with the judiciary.

Even morally it is not right, as it sets a wrong precedent for the future and in the future, even innocent under trials might be killed to close a case or as a case of revengeful killing. Further, as Mahatma Gandhi had said, "An eye for an eye makes the world blind." Thus, the killing doesn't necessarily end crime in a society.

The participation of the constable in the operation is valid on following moral grounds.

As a public servant, he must submit all his inclinations to the call of duty.

In this case the virtue of integrity, i.e., his faithfulness to the organization must be given more importance than his voice of conscience.

If he refuses to participate, it will adversely affect the overall morale in the team.

His condition of service demands that he should follow orders from his superiors without complaint.