COMMENT

Use of pellet guns for crowd control in Kashmir: How lethal is "non-lethal"?

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Abstract

The use of pellet guns during the recent unrest in Kashmir as a method of crowd control has been questioned because of several deaths and numerous injuries. Across the world, these rubber pellets have been shown to inflict serious injuries, permanent disability, and death. The volatility of mob violence, inaccuracies in aim of the pellets, over-use of the pellet guns, and the perception of their harmlessness enhances the destructive potential of these so-called non-lethal weapons. There is also the larger ethical question whether any form of pain, however minimal, could be inflicted to control violent crowds.

Nearly 90 days, 80 deaths and more than 10,000 injuries later, the protests and mob violence accompanied by paramilitary and police action to control them continue in the Kashmir Valley in India (1,2). The unrest that began in July 2016 over the killing of a local insurgent leader by the security forces has brought to the fore the use of pellet guns to disperse the protestors. The use of pellet guns to control the crowds has left nearly 1000 people injured (3). Considered a "less-lethal" or "non-lethal" weapon, rubber or plastic-coated non-live rounds are used across the world to manage agitating mobs with the intention of causing no severe injury or death (4, 5). However, studies across the world (4–7), including from Kashmir (8, 9), have repeatedly shown that the use of these "non-lethal" weapons often leads to serious injuries, permanent disability, and death.

First used in response to the civil unrest in Northern Ireland in the 1970s, such "non-lethal" weapons have been documented to cause injuries and death (10). In India, the paramilitary forces first used pellet guns during mob demonstrations in 2010 in Kashmir, which resulted in the death of 120 people; since then these guns have been used for crowd control in Kashmir (11).

The "non-lethal" guns are reported to be shot guns of 12-gauge pump action, which are primarily used in hunting with a wide range of pellet sizes and numbers (12). The smaller the size of the pellet, the larger the number of pellets in one cartridge; so a No.1 cartridge has a smaller number of bigger size pellets while a No.12 cartridge has a larger number of smaller size pellets (12). In the current protests in Kashmir, mostly cartridges No. 6 (300 pellets of 2.79 mm each) and No. 9 (600 pellets of 2.30 mm each) were used (12). For both these very small size pellets, what matters is the distance from which the pellet guns are fired. Usually, they have a range of around 45 metres and hence are stipulated to be shot only from a distance beyond 50 metres (12,13). If used at closer ranges, the pellets do not have enough time to disperse and travel in a compact group which move at very high velocities, making them extremely harmful, almost behaving like hand gun bullets, enough to penetrate deep and cause severe damage to bone and tissue (12,14).

Apart from keeping a firing distance of more than 50 metres, instructions for using the pellet guns in crowd control only under dire circumstances include aiming for the lower body parts, thus causing minimum injury. These conditions have been outlined in the United Nations' "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials" and India's own laws on crowd control (15,16). But reports have repeatedly shown that these conditions are often impossible to follow given the stressful situations under which crowds have to be managed (5,17). Moreover, studies have indicated that even beyond the distance of 50 metres, the pellets may disperse haphazardly and hit at other parts of the body, even if aimed at the legs (4,18). This wayward behaviour of pellets combined with improper aim and range of use is responsible for severe injuries and death from these non-lethal weapons.

Clinical studies on survivors and victims of pellet gun injuries in Kashmir show that only one-third of the injury sites were the lower limbs, the remaining affected other parts of the body with more than one-fourth hitting the head region (8, 9,19). A study of ocular pellet gun injuries in Kashmir showed that one-third of the survivors permanently lost their eyesight (20). This is consistent with other studies from around the world (5–7). Additionally, often bystanders and those observing from their homes also get hit by the pellets (11). The outcomes of these injuries documented in the literature are amputations, permanent disability or loss of life. Apart from physiological and psychological damage, the costs for treatment, disability costs and loss of livelihoods pose a life-long economic burden on the survivors. Thus, far from being a benign non-lethal weapon, pellet guns have far-reaching human costs.

Various human rights groups including Amnesty International have repeatedly condemned the use of pellets by the security

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forces and have asked for a ban on their use (21–23). The response from the government has ranged from promises to set up a panel to consider alternatives instead of pellets to claiming it a "necessary evil" for crowd control (24,25). The response by the security forces to a petition filed in the Jammu and Kashmir High Court by lawyers to ban the use of pellets was that such a ban would push the use of guns for crowd control leading to more deaths (26). The court ultimately ruled that the use of pellets cannot be banned as it felt that the use of force was necessary to tackle unruly crowds and it was up to the police and security forces to decide what kind of force was to be used (27). Thus, the courts perpetuated the discourse that use of force was legitimate in dealing with mobs and moreover, it was the discretion of the security forces to decide on the nature of the force. Rather than restraining the mobs, the mortality and morbidity caused by pellet guns have propelled more people out on the streets, thus questioning the tactical policy of using pellet guns.

Many law enforcement agencies and paramilitary bodies believe that options such as pellet guns reduce the likelihood of use of more deadly force that would put the protestors at greater risk (28). But a study on police officers from Australia shows that the use of non-lethal weapons is often employed to reduce the level of risk to which the police officers themselves are exposed than to reduce the level of risk faced by the protestors (29). It is also pointed out that the use of "non-lethal" weapons would be much more indiscriminate without exploring other strategies to control the mob that require no force at all because these weapons are considered less harmful (28,30). In other words, access to "non-lethal" weapons seems to encourage their use in situations where they are not required. This point is underscored by the fact that nearly 1.3 million pellets were used by the paramilitary forces in just a month in Kashmir (31). Additionally, in the Indian context, such pellet guns have been used only in mob protests in Kashmir and Manipur, which have active insurgencies (11), but not to control recent violent mob agitations in other parts of the country such as Gujarat and Haryana. This raises the questions whether the disproportionate use of force was an extension of counter-insurgency operations and whether there is lack of political will to address the reasons behind crowd agitations (11, 32).

The use of non-lethal weapons only in self-defence and to protect life is contrary to the UN principles and India's own police laws. Evidence suggests that the self-defence argument is not always valid because there is a wide scope of incorrect use and even misuse. There is the larger ethical dilemma concerning the use of non-lethal weapons: is inflicting some form of pain necessary to deter a person from indulging in violent rampages? Can unruly crowds be effectively controlled only through the use of force? Even the most commonly used crowd control mechanism globally, ie tear gas, is under scrutiny given the range of health issues it causes (33). Moreover, the Chemical Weapons Convention which was adopted in 1997 and to which India is a signatory bans the use of any form of chemical agent (34–35), yet tear gas is still used across the country to manage crowds.

While there is a need to develop strategies to address and manage agitating and violent mobs with minimum force, there are few non-lethal weapons that can do this without inflicting injuries. Not many weapons can cause effects that are temporary and reversible without any medical intervention, yet unpleasant enough to ensure crowd compliance; certainly not pellet guns. The fact that volatile conditions, inaccuracies in the aim of the pellets, over-use of the pellet guns and the perception of their harmlessness exacerbate the damaging effects of these guns. There is an urgent need to debate the use of non-lethal weapons especially pellet guns in crowd management. Highlighting their lethal effects and the counter-effect of fuelling more protests need to be considered to advocate for change in policy on their use. The fig-leaf of "necessary evil" or "protecting national interests" cannot be used to cover up the overwhelming evidence that pellet guns can seriously injure and kill. Public discourse is required on what would be ideal and less-harmful methods to control crowds as well as on how harmless should non-lethal be.

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