
Role of the Armed Forces in Internal Security: Time for Review

P K Mallick

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Of these four kinds of dangers, internal dangers should be got rid of first; for it is the internal troubles, like the fear from a lurking snake, that are more serious than external trouble.

— Kautilya, 321-296 BC

Introduction

The term “aid to civil authorities” (ACA) is a British imperial usage referring to the process by which local authorities can request the central government to lend assistance in times of emergency. Before independence, dealing with internal security was an important task of the army. For the colonial rulers, internal security was more important than tackling external aggression, for their own survival. They made no distinction between using the army for internal and external security duties.

After independence, the army was required for the more important task of defending the country against external threats. There was a phenomenal increase in the strength of the state armed police, central police forces and paramilitary forces. It was expected that these forces would relieve the army from the task of providing frequent assistance to the civil power. Events of the past decade suggest, however, that the fabric of civil-military relations in India is showing signs of wear as army and paramilitary personnel are being

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deployed in the aid-to-civil role in greater numbers, for longer periods of time, and with increasing frequency. The scope of violence in India has reached unprecedented levels, as has the level of force which the army and paramilitary personnel have employed in restoring order. The local authorities have come to rely more than ever before on the armed forces.

Since independence and, more particularly, during the last 30 years, internal security conditions in the country have deteriorated sharply. Ethical or tribal insurgencies in the northeast, the continuing Marxist insurgencies of various hues in different states; the periodic outbreak of communal tension and violent disturbances, the ideologically and religiously oriented terrorism in different parts of the country and particularly in Jammu & Kashmir (J&K); the mushrooming of organised crime groups, national and trans-national, and their nexus with the terrorists and the exploitation of the resulting situation by Pakistan and its Inter-Services Intelligence (ISI) to wage a proxy war against India have kept the Indian security forces and the civilian population bleeding.

The management of internal security is extremely complex as the internal security scenario is influenced by many factors, including its historical legacy, geography, population size, quality of governance, sense of national unity and pride, economic development, poverty, socio-economic disparities and socio-cultural as well as ethno-religious traditions. Regional and global developments also affect our security interests.

Is there adequate awareness in the central and state leaderships of the new dimensions of the threats to our internal security? Do we have carefully worked out short, medium and long-term strategies to deal with these threats — politically, ideologically, economically, socially and systemically? Do we have a national security apparatus capable of implementing the strategy effectively? The armed forces are already deeply involved in high intensity internal disturbances like insurgency and terrorism. There is a need to review the role of the armed forces in dealing with the internal security (IS) situations. The existing concept of providing ACA, tri-Services responsibilities and integration, civil-military interface, force composition and capability needs to render such assistance has been analysed and an organised structure has been recommended for future ACA activities.

Employment of Troops in ACA

Troops may be called upon to help the civil authorities in any of the following duties:

- Maintenance of law and order.
- Maintenance of essential services.
- Assistance during natural calamities such as earthquakes and floods.
- Any other type of assistance which may be needed by the civil authorities.

The basic doctrine governing the use of the armed forces is contained in the following:

- Instructions on Aid to the Civil Authorities by the Armed Forces, 1970.
- Manual of Indian Military Law, Chapter VII.
- Defence Services Regulations—Regulations for the Army, Chapter VII, paragraphs 301 to 327.

Assistance other than the maintenance of law and order is for humanitarian purposes and in support of society. It enhances the image of the armed forces and improves civil-military relations, hence, it is not being discussed any further.

Guiding Principles

Four guiding principles govern the action of troops acting in aid of the civil authority to restore law and order. These are the Principles of Necessity, Minimum Force, Impartiality and Good Faith.

Principle of Necessity. It enjoins that there should be justification for every action that the troops take while acting in this role. Punitive action, reprisals or action for striking terror are violative of the requirements of this principle.

Principle of Minimum Force. It requires that the least amount of force, commensurate with the requirements of the situation should be used. It is a principle that is often misunderstood by soldiers and civil servants alike. It implies the application of as little force, as warranted by the situation. It does not set absolute limits on the quantum and type of force to be used. This decision is left entirely to the professional judgment of the military commander on the spot. Misplaced concern for human rights and failure to understand the application of the principle of *minimum force* encourage some soldiers to recommend the adoption of police weapons, equipment, methods and techniques of crowd control. This is fraught with grave danger and can lead to the erosion of the credibility of the armed forces as the *instrument of national last resort*. In India where the central police force (CPF) and paramilitary force (PMF) clearly provide the government with a *third force*, the army must remain distinct – a force apart. From time to time, recommendations for the use of non-lethal weapons like stun grenades,

rubber bullets, sticky foam, etc are mooted, on the lines of US Marine Corps usage. They use these non-lethal weapons as part of policing jobs outside the country. It has no relevance in our scenario.

Principle of Impartiality. It implies that troops must not take sides in any dispute. This has particular relevance in the case of communal riots. Ordering troops to fire on their co-religionists or ethnic kinsman poses a stiff challenge to army discipline. The mutiny of over 1,500 soldiers in the wake of storming of the

Golden Temple raised concerns that the army's tradition of impartiality has been put to the test once too often.

Principle of Good Faith. It gets automatically complied with when the previous three principles are observed. No animus should be shown, even indirectly, by troops or their commanders. The Indian Criminal Procedure Code stipulates that all security personnel performing aid-to-civil duties are immune from criminal prosecution, provided they act in good faith. Army personnel are rarely, if ever, prosecuted for exceeding their authority. Instead, offending personnel are handled discreetly within the system of military justice.

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Police

The paramount importance of maintaining the civil face of the government, even while the armed forces of the union are deployed in aid of civil authority, cannot be over-emphasised. The state police is the most visible symbol of administrative authority and its failure to effectively maintain law and order has not only eroded the credibility of the government but has also emboldened criminal elements to persist with their unlawful activities with impunity. Hence, there is a need to restore the fitness, capacity and morale of the state police forces.

Central Police Forces. The primary task of the paramilitary forces should be to complement the army, and of the central police organisations to complement the police. Paramilitary personnel have a delicate mission to perform, considering that they are almost always outsiders rushed to the scene of a local disturbance. While a detached outsider has a certain advantage in being regarded by the local population as an impartial arbiter,

the role also has its drawbacks. The fact that state and local authorities have petitioned the centre to provide police assistance is an admission that the local police have failed in their responsibility of maintaining the peace. This tacit admission of failure characteristically breeds resentment among local policemen. Once set in motion, the process of police demoralisation complicates the efforts to restore the peace. Police officials often withhold cooperation from paramilitary officers who, in turn, reciprocate by showing disdain for the professional capabilities of their police counterparts. Lacking the intelligence-gathering networks, sympathetic contacts with the population, goodwill of the police, and often, a knowledge of the local language, the paramilitary forces have to carry out their peace-keeping mission with little local back-up.

The operational culture of the central police organisations (CPOs) is different. The existing ethos is for guard / check post and protection duties, and their outlook is defensive, not proactive. Their employment is manpower oriented and not as a force in being. The present training of CPOs is still oriented towards constabulary duties, use of the baton and teargas, etc. A cultural change is required in training from lathi charge to high intensity counter-insurgency (CI) operations.

There are, seven central police forces (CPFs) under the union government, viz, Assam Rifles (AR), Border Security Force (BSF), Indo-Tibetan Border Police (ITBP), Central Reserve Police Force (CRPF), Central Industrial Security Force (CISF), Special Services Bureau (SSB) and National Security Guards (NSG). The CRPF is the main force to assist the states in maintaining law and order. The Rapid Action Force (RAF), a specialised wing of the CRPF, deals with riots, especially those with communal overtones, and the like. The AR is primarily meant for border guarding and counter-insurgency roles in the northeastern region of India. Its operational control is with the army. The BSF, ITBP and SSB are primarily responsible for border guarding. The CISF provides security and protection to vital installations, public sector undertakings and government buildings. Its charter has been expended to provide protection to VIPs also. The NSG is a specialised force for counter-terrorism and anti-hijacking operations.

Need for a New Concept

It should be noted that that the Indian Army today has more complex tasks than ever before: to be prepared for the full spectrum of conflicts ranging from maintenance of law and order, counter-terrorism and proxy war, to a scaled conventional war under the shadow of or involving weapons of mass destruction.

— Gen VP Malik (Retd)
“Challenges Before Indian Army,”
SP's Land Forces, July 2004

Proxy War, Counter-Terrorism and Counter-Insurgency Operations

External and internal security are meshed together more than ever before: in proxy wars, counter-terrorism (CT) and counter-insurgency (CI) operations. The Indian Army's commitments in such operations have increased considerably over the years. In the post 9/11 counter-terrorism environment, there is little likelihood of its reduction, despite the fact that the strength of India's paramilitary forces and central police organisations has now considerably increased and these are now better equipped and trained.

The armed forces are being called for internal security duties for basically two reasons: control of communal riots like those post Ayodhya or Godhra and CI operations in the northeast and the proxy war in J&K. What is good for CI operations, may not be the panacea for communal riot control. Civic action is necessary in CI operations but should not be resorted to in communal riot control, as it can be misrepresented as favouring a particular community.

Communal Violence

The communal violence has undergone major changes over the years due to the following:

- Emergence of Hindu fundamentalism and pan-Islamic Muslim fundamentalists.
- Acute polarisation of the population on religious lines.
- Pattern of violence. More brutal, techniques like use of women and children as human shields. Availability of sophisticated arms and ammunition as well as explosives.
- Participation of the middle class in violence.
- Caste violence or “Mandalisation”.

Role of the Indian Army in CI/Proxy War

Counter-insurgency operations must, of necessity, be an intimate mix of military operations, civil actions, psychological operations and political/ social action.

— Lt Gen SC Sardeshpande, *War and Soldiering*

India, like most other democracies, is slow to react to a developing internal threat. Weak resolve, political pressures, bureaucratic hurdles and the lack of inter-agency integration and cooperation prevent the formulation of a clear aim, overall policy and plan. The army's studied and deliberate attitude of aloofness, deprives the government of timely professional advice and assistance. We need to influence decision making. The army should shed its sacrosanct attitude and provide firm, fearless and timely advice. Good governance is not a holy cow. It is of primary concern to the armed forces since it is they who must invariably bear the consequences of ineffective administration and law enforcement. In spite of unnecessary controversy generated by the media on the correct assertion by a former Chief of Army Staff (COAS) that good governance is our business also, we as the major stakeholder should continue to remind all concerned about this issue. History is replete with examples, specially in the northeast, of the army having retrieved the situation, winning the battle and putting the insurgents under sustained pressure, with great loss to our officers and men, only to lose the war in not following it up correctly in the government level. Likewise, the army's dogmatic insistence on being *an instrument of last resort* always can actually interfere with, and jeopardise, operations. Whereas in a maintenance of law and order situation, at the lowest end of the spectrum of internal conflict, the use of the army may only be justified after all the other means have been exhausted. This may not be desirable in a developing counter-terrorist or counter-insurgency operation. Indeed, delays may lead to the worsening of a situation and, consequently, the requirement of greater force subsequently. In a high threat terrorism and insurgency scenario, it denies the army the advantage of early intervention and build-up, and prevents it from adopting a flexible and graduated response.

Though CI operations are prolonged and difficult operations — no armed force in the world likes to get involved in such operations — there are shining examples of success by the armed forces. The British had successes in Malaya and Ireland. We have done it in Punjab, Mizoram, the Naxal uprising in West

Bengal in the early 1970s and the Gorkha National Liberation Front (GNLF) agitation in Darjeeling. Every module is different but a study of these operations will provide interesting lessons. In any future counter-insurgency operation, military action will be conducted under the critical scrutiny of the law, media, human rights organisations, and other international bodies. This implies that the military commander will have a far from free hand. Indeed, in a well-designed counter-insurgency strategy, a military commander is unlikely to direct the overall campaign. It emphasises the focus on people and ideas. Insurgent cohesion is identified and attacked by applying concentrated yet discrete force against critical weaknesses. Surprise, tempo, and simultaneity are used to overwhelm and unhinge the insurgent, bringing about a complete collapse of will and, ultimately, helping to create the conditions for his political defeat.

The army must retain full operational control at all levels, and not let the civil administration or political executive decide the operational response. We must demand that political objectives should be defined periodically and put into written form. The state must play a role in administrative support and facilities. The army must understand the political dimensions of IS. Today's insurgent may be tomorrow's legitimate political leader. We should keep in touch with the third and fourth rung cadres and leaders. Inter-agency cooperation amongst all the stakeholders would help everybody.

Attacking the insurgent's will, the strength from which he draws his cohesion, is likely to be more productive, particularly in the early stages of a counter-insurgency campaign, before the insurgency is consolidated. A sophisticated attack on the insurgent's will strikes at the centre of his philosophy. This should be undertaken as part of a deliberate winning of the hearts and minds campaign. A diagrammatic model of winning the hearts and minds (WHAM) of people is given at Appendix A.

Planning

Counter-insurgency operations are complex and political by nature. Counter-insurgency planning cannot be left to the military alone and must involve all elements of national power. The problem is that historically, the military has taken the lead in all aspects of planning.

Two areas of essential activity that are particularly weak in India are intelligence and psychological operations. The government, lacking confidence, seeks to play safe by running a number of agencies. Their spheres overlap, sources play one agency against another, and information is contradictory. It spawns an

unhealthy rivalry. Military intelligence is not properly integrated and civilian agencies are not responsive. Little, if any, use is made of modern technological innovations in the field of surveillance and intelligence acquisition. The solution lies in the overhaul of the intelligence services: modest reorganisation and improved functioning within the existing constraints are urgently called for.

In IS operations where the battle is essentially for the hearts and minds, the aspects of psychological operations is to be addressed. The new forms of warfare thrive on publicity. The enemy seeks to manipulate the media. The media falls prey to the lure of sensationalism and unwittingly endangers individuals, state and public security. The government lacks an effective and modern apparatus to disseminate *public information*. Of late, the army has taken the initiative in this important issue. But much more is required to be done. Suggested themes for psychological operations for various target groups are given at Appendix B.

Fears expressed about the prolonged and frequent use of the army in operations in ACA are not altogether without justification. Notwithstanding the dangers, an editorial in the *Indian Express* raises several questions: “*How is the army fulfilling its role in IS ?*” “*Why does it not train for its role?*” “*Why does it not build necessary doctrine?*” and “*Why is it allowed to get away with such reluctance, expediency,*” and *it’s not our job*” attitudes towards its IS role? However, these questions are being asked all over the world. In the emerging scenario, wherein internal conflict constitutes the most serious threat to the nation’s security, these are pertinent questions indeed. Former US Secretary of State Madeline Albright, on being opposed by the then Chairman Joint Chiefs of Staff Gen. Colin Powell for employing the US military outside the country, famously asked, “What is the point of having the superb military that you are always talking about if we can’t use it?”

Legal Aspects

Responsibility

As per the Constitution of India, maintenance of law and order is a state responsibility whereas the deployment of the armed forces is the prerogative of the central government. The state government maintains law and order with the help of the police force under the Police Act, 1861. However, when there is a problem beyond the capacity of the state police force, the state requisitions the services of the PMFs/CPOs. If the problem still does not come under control, the state can requisition the assistance of the armed forces as a last resort, to restore order under Sections 130 & 131 of the CrPC. However, a tricky situation may

develop when the governments at the centre and state are not from the same coalition and the central government wants to deploy the army due to the threat to national security but the state government is not in favour of the same. However, in the states where the situation has gone beyond their control, the centre, as laid down in the Constitution, is duty-bound to intervene, notwithstanding the fact that law and order is under the State List. The union government is charged with the responsibility of protecting the states from internal disturbances under Article 353 of the

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Constitution, even though law and order comes under List-II, the State List. The union government can issue directions to the state under Articles 257-258. Action for non-compliance of the directions from the union government can be taken under Article 365. A state government can be dismissed under Article 356, if a situation arises in which the administration of the state cannot be carried out in accordance with the provisions of the Constitution. But even if the centre decides to intervene, the state's role cannot be minimised. The primary responsibility to deal with the security challenges must rest with the state governments. A situation should not be allowed to develop where the state government washes its hands off, or its forces, instead of cooperating with the central forces, actually work against them. The many internal security challenges can be met effectively only with full cooperation between the central and state governments. If such a situation develops, what the army's stand should be, needs to be discussed and formulated now, and not left to future uncertainties.

Main Provisions of the AFSPA

While the armed forces personnel are protected from prosecution (for their actions in aid to civil power) by Section 132 of the CrPC, they have to follow certain dos and don'ts. When the situation further deteriorates, the central government (as well as the governor/administrator of union territory) can declare the area as "disturbed"; the armed forces are then vested with larger powers to deal with the situation under the Armed Forces Special Powers Act (AFSPA).

The main provisions of AFSPA are that any commissioned officer, warrant officer or non-commissioned officer in the armed forces may, in a "disturbed

area,” for maintenance of public order, after giving due warning, fire upon — even causing the death of — any person acting against any law/order in force, prohibiting the assembly of five or more persons or carrying of weapons, or ammunition or explosive substances; if necessary, destroy any arms dump, prepared/fortified position/shelter from which armed attacks may be made, or any structure used as a training camp/hideout for armed volunteers; arrest without warrant any person who has committed/is likely to commit a cognisable offence, and may use such force as may be necessary to affect the arrest; enter and search without warrant any premises to make the arrest or to recover any person believed to be wrongfully confined, or any property suspected to be stolen, or any arms ammunition or explosive substances unlawfully kept, and may, for that purpose, use such force as may be necessary. Under the AFSPA, all persons arrested are to be handed over to the nearest police station with minimum delay, together with a report on the circumstances of arrest. The AFSPA provides immunity to persons operating under the AFSPA from prosecution, without prior sanction of the central government. While there has been a lot of media attention on AFSPA in recent times, the armed forces have to be given special powers for the simple reason that they are being called upon only in extreme circumstances, when all efforts of the state have failed, and they should be allowed to carry out the tasks assigned to them.

A doubt has been raised about the competence of the central government to declare an area as a “disturbed area’, under the Armed Forces (Special Powers) Act. The Group of Ministers (GoM) Report is categorical in stating, “GoM noted that the constitutional validity of the Armed Forces (Special Powers) Act, 1958, including Section 3 which deals with the power to declare areas to be disturbed areas, has been upheld by the Supreme Court of India, in Criminal Writ Petition No.550 of 1982 in Naga People’s Movement of Human Right Vs Union of India.”

Tri-Service Integration

Concept

As per the “Instructions to Aid to Civil Authorities” issued by the Ministry of Defence (MoD), in cases where there is no army establishment, but there is a navy/air force establishment, the responsibility of providing aid for maintenance of law and order lies with the concerned Service. Thus, it becomes imperative for the navy and air force to be capable of providing such

aid. All three Services have their own headquarters (HQs) instructions/orders issued on the subject, but dated the 1960s. These need a review to match our current scenarios and trends. Towards this, a unified approach and methodology is recommended. Presently, the tendency is to call for the army even if it is to come from far away and the air force or the navy are nearby. Even in the case of an emergency in their own fold, like after the tsunami in the Andamans, army units were called to dispose off the dead bodies of air force personnel.

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Although it is not desirable to requisition the armed forces for law and order duties when they are operationally deployed (due to an external threat), it may not be entirely avoidable. In such a scenario, it is better that such requisition is routed and advice sought from a single point central agency, namely, the Chief of Integrated Defence Staff (CIDS). In another scenario, like that in Delhi in 1984 and Ayodhya in 1992, there might be a requirement for concerted and synergised tri-Service response to deal with the law and order situation. The logistics efforts like airlifting of troops, stores, establishment of tele-communications, sending of hospital ships, etc are better coordinated at the CIDS. Thus, it becomes a necessity to have a common concept, training, methodology and equipment profile across the three Services. The Headquarter Integrated Defence Staffs (HQ IDS) is most suited to formulate these. Though CIDS has taken a lead in coordinating disaster management activities between the Services, surprisingly it is silent on the dirty job of IS duties.

Employment

To meet the task in an economical and effective manner, the navy and air force assets could be pooled in along with army assets. Intelligence and databases could be exchanged between the Services at local functional levels also.

Role of Air Force

Though the Royal Air Force (RAF) had been using air power in the Northwest Frontier from 1919 till 1947 with great success, it is quite surprising that the Indian Air Force (IAF) has hardly any role in CI operations where a very large part of the Indian Army is permanently deployed. Even the Indian Navy has

bloodied its Special Forces MARCOS in the Valley. There are only a couple of known cases of the use of air power in CI operations. Once in February 1966, when the Mizo National Front (MNF) armed rebels surrounded a company sized Assam Rifles post in Aizawl, 61 Mountain Brigade with IAF support managed to break the siege. In early 2003 and mid-2004, helicopter gunships were used in Hilkaka and Doda. In all the cases, the operations were an outstanding success.

Air forces can contribute significantly to counter-insurgency campaigns. In addition to surgical strikes against terrorists/insurgents, using precision weapons with exact intelligence, air power should contribute significantly to the campaign by providing constructive effects through information operations, airlift, aeromedical evacuation, and other forms of humanitarian assistance.

Air power provides intelligence, surveillance, reconnaissance (ISR) capabilities that can help locate, identify, and track insurgent forces—missions that are not possible in other Service components. Air and space platforms must be tailored to match the unconventional and small scale of the counter-insurgency effort. This does not mean the platforms must be “low-tech,” only that they must be specifically designed to perform the types of missions required in counter-insurgency rather than adapting “large war” capabilities to the small war environment. Unmanned aerial vehicles (UAVs) and satellite imagery should be suitably integrated.

Civil-Military Interface

It is even more necessary for State Governments to avoid, in the day-to-day administration of law and order, resort to military force. It is from this point of view and also in full knowledge of the commitment of our army that I cautioned the provincial governments in 1947 about the need for self-sufficiency of their police forces.

— Sarder Patel, the then deputy prime minister and union home minister, addressing the annual conference of inspectors general of police in January 1950.

The armed forces in a democratic nation are subordinated to civil authority. Civil-military interaction is a dynamic process, not only during times of crisis but at all times. For better results, this relationship should be cordial and should be based on mutual trust and understanding. But generally the relationship is not as desired. The major reasons are:

- Inadequate intelligence sharing arrangement.
- Egoism.
- Lack of common/joint training.
- Misconception of the civil administration and police that the army is subordinate to them.
- Indifference of civil authority after handing over to the army during law and order problems.

The focus by the Indian state on the armed response to internal security often brings more problems in its wake. It antagonises the people, strengthens the resolve of the disaffected, raises the costs of governance and sows the seeds of future conflict. Even more than its colonial and state-versus-

people nature, the armed response completely ignores the political, social and economic causes of the upsurge. The centre has over the years allotted handsome amounts of funds to the troubled states. Over the years, these have led to abnormalities in the centre-state funding patterns. The northeastern states and Jammu and Kashmir have cumulatively received financial aid on a scale which places their per capita income at levels far higher than that of better governed states. The argument is often raised by the states that poor development levels lead to low internal security margins. If development is a measure of the funds which the centre has poured into the coffers of inefficient states, the conclusion becomes apparent. States do not generate revenues and central grants do not reach the people despite the massive quantities involved. In some states, central grants actually go into the militants' hands through extortion, ransom payments etc. What is, therefore, required is that central funds should be project-specific and released in result-based installments.

There is considerable confusion in the states and at the centre on what constitutes internal security. A wide range of troubles are often termed internal security problems. Insurgency, insurrection, communal strife, sub-national demands for statehood, terrorist acts, ethnic violence, armed political dissent all get listed as either internal security or law and order problems, depending on the local leadership's preference. Each requires a different emphasis in political and economic terms. This is often overlooked and the threshold at which a law and order problem becomes an internal security issue remains unclear. Everything is handled as a law and order

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problem and with an armed response by the state. The state also does little to address the fundamental problems after the armed response restores a semblance of order. The political, social and economic factors which contribute to internal security are rarely looked into.

In all, at least 231 of India's 602 districts are now afflicted by some degree of insurgent and terrorist activity (Maoist — 165 districts; northeast — 54; J&K — 12). The country remains severely under-equipped to deal with these multiple challenges, and the wider and rising challenge of law and order management. At 122 police personnel per 100,000 population, India's police strength is half the UN-recommended ratio, and a third of that of some Western nations. The principal Naxal-afflicted states have ratios ranging between 56:100,000 (Bihar) and 99:100,000 (Andhra Pradesh). There are also endemic resource deficiencies in terms of weaponry, communications, transport and technologies, as well as the restrictive legal and whimsical political mandates under which these forces operate. Unless these deficiencies are addressed, India's disorders may shift about a little, rising in one region, declining in another, but they will persist, and, at some stage, could secure the critical mass necessary to plunge the entire country into a crisis that is beyond its capacities of emergency management.

Training

General

Training is a prerequisite for any action/operation that the armed forces may be called upon to undertake. Most of the training in the armed forces is focussed towards training for its primary role and often the armed forces are unable to lay adequate stress on training for their secondary roles. The training and thinking of a soldier are geared to fight external forces but while acting in ACA, he has to operate in a totally different environment. The deployment pattern and employment of troops is also very different. Troops have to operate mostly in sub-units as against operating in large formations in war. There are also the legal aspects which have to be constantly kept in view. Troops have to function strictly within the framework of the law of the land and be prepared to face a legal inquiry at a later stage. All these considerations highlight the need for proper planning and training for this role.

Aspects Requiring Attention

The major aspects of training of higher commanders must include the ability

to carry out a holistic appreciation of the situation, the genesis of the problem and the changing forms and patterns of violence. The ethos of providing ACA must include the cardinal aspects of minimum use of force, respect for law of the land, presenting a 'human face', upholding the military ethos of the apolitical nature of the armed forces and carrying out civic actions, where feasible. Training of junior leaders assumes greater importance in such situations due to the peculiar nature of employment of troops and requirements interaction with various civil/police authorities and non-governmental organisations (NGOs). An understanding of the culture of the people of the place where the armed forces are going to operate is one of the most important aspects.

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Training Needs

These must include specialised training on acquisition of intelligence, relevant legal aspects, constitutional provisions relating to fundamental and human rights, training related to maintenance of law and order, training in interacting with the media, etc. These aspects can be covered as part of individual or collective training through courses/cadres/seminars, etc. To make the inter-Service cooperation beneficial, and to ensure that they can take on such duties wherever only they are deployed, the air force and the navy will have to be trained to the requisite standards.

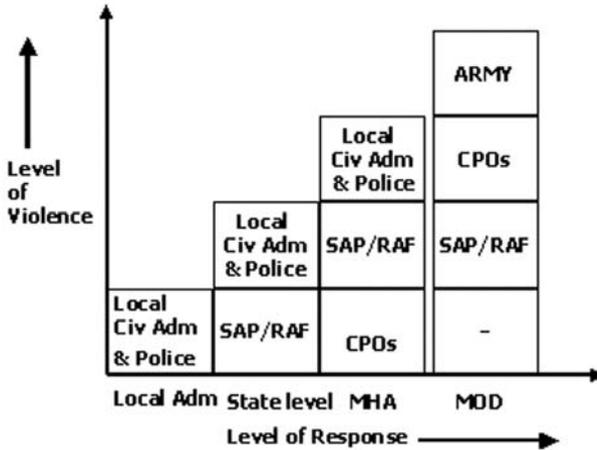
Models for Response to ACA

Proposed Concept

The ingredients of the proposed concept are discussed below:

- **Instrument of Last Resort for Law and Order Situations.** There is a need to formalise the procedure to ensure that the army is utilised for law and order situations as an instrument of last resort. All the forces at the disposal of the state government and the Ministry of Home Affairs (MHA) at the central level should have been exhausted before requisitioning the army for law and order situations. A proposed model of graduated response is given in Fig 1.

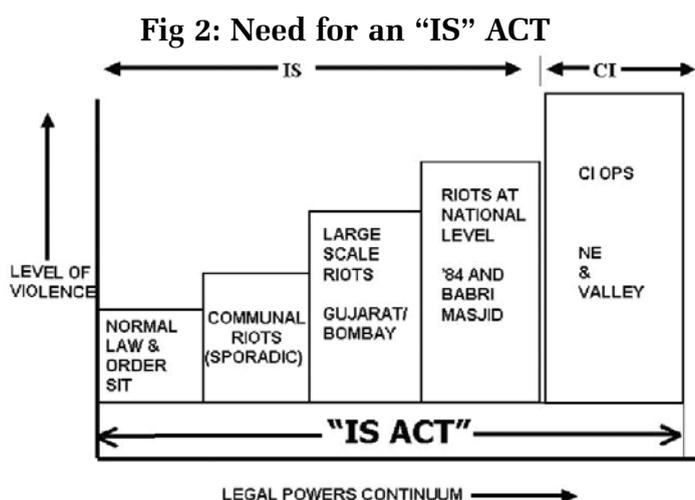
Fig 1: Graduated Response



- **Lowest Level of Requisitioning at State Level.** Magisterial requisitioning is a relic of the colonial era when communications and mobility of force were woefully inadequate. An MoD pamphlet of 1970 states, “When time is short, the magistrate of the highest rank may make a requisition direct to the nearest military authority located in his jurisdiction. The local military authorities are bound to comply with such requisitions.” With the current state of telecommunications, and capability of rapid air mobility, such a provision that was meant to cater for the time lag in seeking permission should be done away with. The lowest level at which the armed forces should be requisitioned for maintenance of law and order should be the chief secretary of a state.
- **Sensitivity Mapping.** As against the allocation of columns to districts as is the concept now, IS plans should be based on sensitivity of various areas to deterioration of law and order. Based on the existing database of past incidents and current intelligence inputs, areas should be graded in terms of sensitivity, and sensitivity maps should be prepared. While some static formations have identified sensitive areas in their area of responsibility, there needs to be a standardised methodology within the respective commands. This would assist in tasking and readiness of forces based on the sensitivity and the anticipated level of violence/lawlessness.
- **Force Composition.** As discussed earlier, the concept of employing the army in company columns often leads to problems of tactical integrity as well as command and control. The decision as to what part of a

unit/formation should be actually employed after being deployed is a command decision. Hence, it would be in the interest of greater effectiveness to consider employment in terms of units and formations, rather than columns.

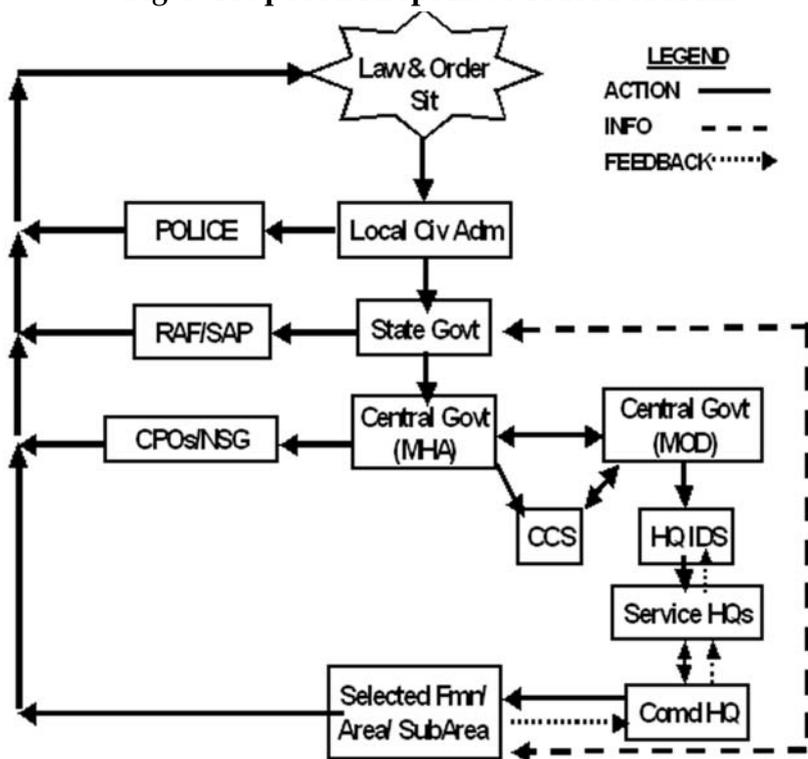
- **Levels of Intervention.** In law and order situations, there is a need to formalise the levels of intervention. The state, which as per the Constitution is responsible for law and order, should utilise all the forces at its disposal before asking for central assistance. At the first level of central intervention, the reorganised “IS Force” should be utilised. Only if the situation still remains critical and the Cabinet Committee on Security considers it essential, should the army be employed to restore law and order.
- **Need for Legislation.** If one considers a statutory continuum with disposal of unlawful assembly at the lowest end and martial law at the highest, the increased levels of violence identified would necessitate statutory support at levels higher than what the CrPC specifies. The provisions that support the use of forces and control of the situation are under various references in different states, as law and order is a state subject. To strengthen the hands of the army in situations of increased violence and to standardise the provisions, all statutes should be collectively enshrined in a comprehensive IS Act. The very act of requisitioning the army for law and order in a given area should legally trigger the application of the “IS Act” in that area. The proposed model is diagrammatically explained in Fig 2.



- **Decision to Derequisition Army.** As per “Aid to Civil Authorities 1970” the decision to derequisition the army rests with the civil authorities, in consultation with the army authorities. As the army is supposed to be employed for law and order only with MoD clearance, status quo should be maintained regarding the decision to derequisition.
- **Tri-Service Integration.** The current concept visualises the army as primarily responsible for IS duties. It is recommended that the air force and navy should be the primary respondents for IS duties in stations exclusively occupied by them. The navy trains for IS duties. There is a need to incorporate training for the air force too. Personal arms, equipment and combat uniform should be made common for such duties.
- **Civil-Military Interface.** Apart from a formal civil-military liaison conference at the state level, there is a need for interaction at the station level, preferably on a quarterly basis. The IS group detachments in every state provide an effective means of interface and intelligence. Increasing manpower could enhance its effectiveness.
- **Media as a Tool of Influence.** The media is a very potent tool in influencing public opinion as also the political leadership. Towards this end, the army should cultivate the media to project its viewpoint favourably.
- **Image of the Army.** The army has an image of being effective and non-partisan. The very presence of the army in its distinct uniform and vehicles has an effect of deterrence and curbs lawlessness. The recent trend of transporting the army in civilian vehicles and the use of combat camouflage fatigues by other forces such as the BSF dilutes this image and must be stopped immediately. The following measures are proposed:
 - ❖ Members of any other force wearing combat dress should not be allowed. CPOs can have their own distinct dress as RAF
 - ❖ When deployed for law and order situations, defence vehicles should be provided for all tasks.

Proposed Response Model. A proposed response model for ACA is given in Fig 3.

Fig 3: Proposed Response Model For ACA



Conclusion

Arrows may not kill a soldier but a successful intrigue can kill even those in the womb

— Kautilya in *Arthashastra*

The country is facing grave security threats in the northeast and J&K. The simmering Maoist issue in parts of Maharashtra, Madhya Pradesh, Andhra Pradesh, Utttaranchal, Jharkhand, Bihar, Utter Pradesh and West Bengal is a live problem. Establishment of a red corridor with Nepal is not a far fetched idea. The bulk of combat units in the army are heavily committed in the Northern or Eastern Command in proxy war/ CI operations, with little respite. The army will have to strive to fulfill its statutory obligations to internal security, demonstrating a high order of responsiveness, innovativeness and flexibility.

The army has to review its strategy of fighting a proxy war in J&K and CI

operations in the northeast. The numbers of security forces personnel, including the army, RR, BSE, CPO and state police employed to counter the proxy war in the Valley are high. Typical of the Pak-centric approach of the central government, the army also has allotted fewer troops for the simmering CI operations in the northeast. Increasing the strength of security forces personnel is not the right choice. The answer lies in getting specific intelligence, and then going in for surgical operations using special forces, precision weapons and air power. Both human intelligence and technical intelligence have to be improved. The sophisticated technical intelligence apparatus of the Indian Air Force and satellite resources must be dovetailed in our intelligence set-up. We must do some serious introspection as to why after so many years of our operations, intelligence is so poor.

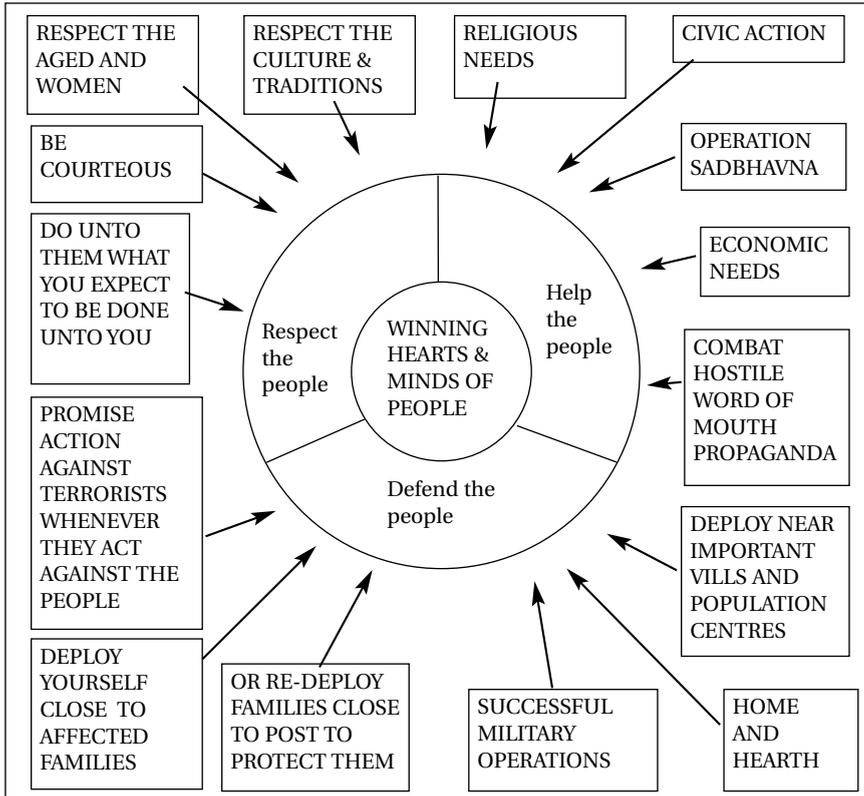
CI operations in the northeast have their own hues. There are examples of MNF leaders like Laldenga joining the mainstream and becoming chief minister and over some years, the insurgency in Mizoram getting controlled, but there are other states where no solution seems to be in sight. How do the security forces function with such governments? Similarly, negotiations take place between the insurgent groups and the Ministry of Home Affairs/Ministry of Defence, keeping the field commanders in the dark. There are no easy solutions.

The MHA has the nodal responsibility for maintenance of internal security in the country and has to ultimately deal with the consequences of any dereliction of responsibility at the local level and must, therefore, play a more proactive role vis-à-vis the state governments. The MHA would also have to catalyse the process of modernising and upgrading the CPMF and the state police forces. Appropriate restructuring of the MHA is called for in order to better equip it to deal more effectively with the problems of internal security.

The state governments should tackle law and order problems with their own forces. With considerable increase in the central paramilitary forces, including the CRPF and BSE, there should seldom be need to call in the army for this duty. The army should only be called when all other avenues available to the state are not adequate. However, when a terrorist or insurgent threat scenario develops, the army should seek intervention as soon as the threat is detected. The concept of operations, planning and training for IS duties at both ends of the spectrum, of restoring the law and order situation to proxy war, must be carried out by the armed forces. The army, when so called out, cannot fail.

Appendix 'A'

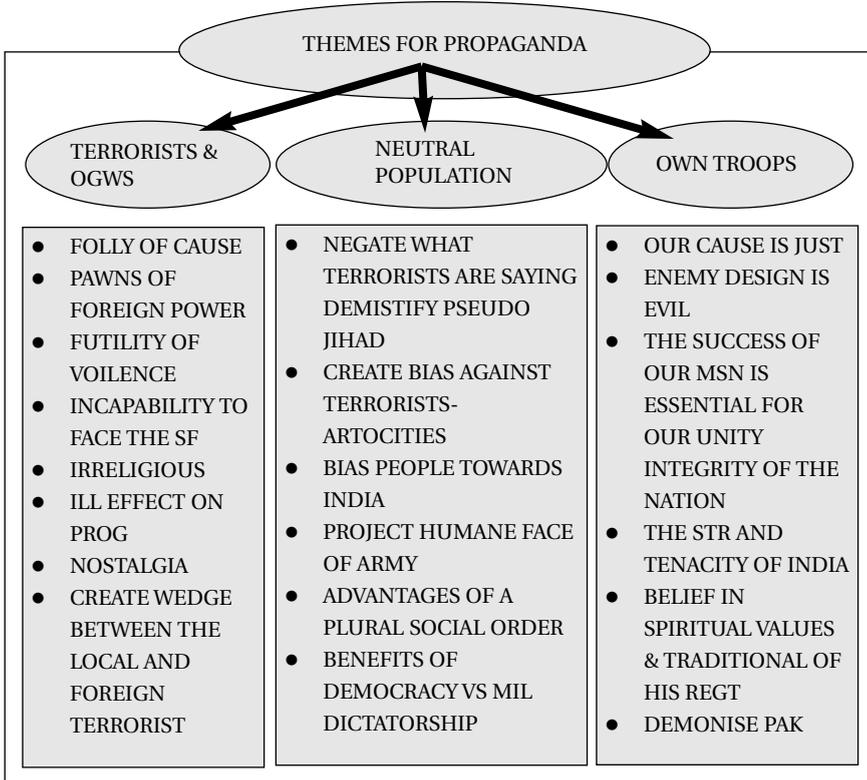
Winning Hearts and Mind (WHAM)



Civic Action and Operation Sadbhavna are not a substitute for civil administration but an augumentor/facilitator and the go-between

Appendix 'B'

Themes for Various Target Groups



Disclaimer: Certified that the views expressed and suggestions made in the article are made by the author in his personal capacity and do not have any official endorsement.

Managing Internal Security: Case for a New National-Level Counter-Insurgency Force

Gurmeet Kanwal

Ad Hoc Employment of Forces

The prevailing internal security environment demands an astute national level conflict management strategy, comprehensive multi-departmental policy formulation and vigorous implementation, while simultaneously ensuring that requisite steps are initiated to address the socio-political and socio-economic problems that lead people to militancy. Under the Constitution,¹ law and order is basically a state subject and, ideally, the constabulary and provincial armed police of the states infested by militancy should be capable of handling all but the most vicious forms of militancy with only short-term supplementary support from the central security forces. However, Pakistan's 'proxy war' and the level and intensity of the militancy in various states have led to the increasing involvement of the central government's police and paramilitary forces (CPMFs) and the Indian Army in bringing the situation under control.

The employment of the central security forces for internal security duties and counter-insurgency operations is mostly ad hoc and diverts their attention and resources from their primary roles. Besides regular infantry battalions and other units of the army, the Rashtriya Rifles (RR), the Territorial Army (TA) and the Assam Rifles (AR), which are under the army's operational control, have been deployed for internal security duties for over a decade. Other central government CPMFs include the Border Security Force (BSF), Central Reserve Police Force (CRPF), Indo-Tibetan Border Police (ITBP), Central Industrial Security Force (CISF) and Sashastra Seema Bal (SSB), the erstwhile Special Service Bureau. Occasionally, elements of forces like the National Security Guards (NSG) have also been employed for internal security duties.

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The employment of a plethora of forces inevitably results in lack of cohesiveness and dissonance in the execution of policy and is bound to lead to institutionally debilitating turf battles. To reduce the employment of the army for internal security duties, the capability of the police and paramilitary forces at the disposal of the state and central governments should be upgraded to enable them to tackle internal security problems. They must develop an army-like ethos and must raise their standards to match the army's levels of proven junior leadership, motivation and training. The army can assist in the gradual transformation of the CPMFs and state police forces provided these forces can overcome traditional inter-Service mindsets and learn to work together in the national interest. The army can provide training to police personnel selected as instructors at its training institutions like the Infantry School at Mhow, its Junior Leader Wing that conducts the famous commando course, the Counter-Insurgency and Jungle Warfare School at Vairengete and at its Corps Battle Schools in Jammu and Kashmir (J&K) and the northeastern states. The army can also provide instructors for short duration teaching assignments at the various police training schools and academies. With the Maoist-Naxalite threat looming large on the internal security landscape, the time has come for the disparate central and state forces dealing with internal security to close ranks and face the challenge resolutely.

After the submission of the Kargil Review Committee Report (KRC), the Cabinet Committee on Security (CCS) had appointed a Group of Ministers (GoM) headed by the home minister to study its recommendations and advise the CCS on their implementation. The GoM, in turn, had appointed four task forces to look into the major lacunae pointed out by the Subrahmanyam Committee in the management of national security. These task forces on higher defence management, internal security, border management and intelligence submitted their reports in the year 2000. Perhaps a single task force on internal security and border management would have been more appropriate as the two issues are operationally interlinked.

The task force on internal security clearly had the most unenviable job of all the task forces. The last two decades of the 20th century witnessed a spate of internal security problems, terrorism and insurgencies in Punjab, J&K and in India's northeastern states. Though law and order is a state subject, the level and intensity of the 'proxy war' sponsored by Pakistan led to the increasing involvement of the central government's CPMFs and the Indian Army in an ad hoc manner for internal security duties and counter-insurgency operations without adequate regard for their primary roles. This task force had identified

the CRPF as the most suitable force for reorganisation as the primary central government force for counter-insurgency operations.

In order to be successful in their new role, CRPF units must be suitably equipped with modern close quarter battle weapons and battalion-level support weapons. Their leadership should be drawn through lateral induction of volunteers from the army, as was done when the BSF was initially raised. Another aspect of necessary reorientation would be to ensure that CRPF units operate as

The employment of a plethora of forces inevitably results in lack of cohesiveness and dissonance in the execution of policy and is bound to lead to institutionally debilitating turf battles.

cohesive battalions under the direct command of the commanding officer (CO) and not as independent companies in penny packets, with the CO being given only administrative responsibility. The nomination of the CRPF as the national-level counter-insurgency force will also enable the other CPMFs like the BSF and ITBP to return to their primary role of better border management. Internal security and border management are inextricably interlinked due to the external dimension to India's ongoing insurgencies and Pakistan's proclivity to infiltrate mercenary terrorists into India through thousands of kilometres of open borders.

For high-grade insurgency operations with foreign support, the Assam Rifles (AR, in the northeastern states) and the Rashtriya Rifles (RR, in J&K) are being employed at present. Both these forces are army-led and are organised into cohesive sector-level headquarters and battalions. The regular army should not be employed for internal security and counter-insurgency duties unless it becomes absolutely unavoidable due to the presence of well-trained and well-armed foreign militants and secessionist tendencies become evident. Even then, it should only be for short-duration surgical operations under the umbrella of the Armed Forces Special Powers Act or its new *avatar* to stabilise the situation, hand it over to the state and, where necessary, the central forces, and return to the barracks. However, the employment of the army for internal security must not be politically motivated, nor should it be contingent on the whims and fancies of state governments. A classic example in this regard is that of Assam with its 'on-off' policy of whistling-in the army and then ordering it back to the barracks before calling for its services again at short intervals. The ill-conceived launching of Operation Bajrang and

Operation Rhino in Assam and then the termination of these operations on political considerations well before the aim could be achieved, are examples of how politics must not interfere with military operations.

Though some BSF battalions in J&K were replaced by CRPF battalions in 2003-04, the central government continues to repose its faith in a 'mix-n-match' policy of committing almost all types of central police forces like the BSF, CRPF and ITBP, along with the army, in counter-insurgency operations. Each of the forces has been raising new battalions in an ad hoc manner. This policy has not produced results commensurate with the force levels employed, as counter-insurgency operations require a very high degree of specialisation and higher-level coordination. There is, of course, a possibility that the central police organisation (CPOs) may eventually achieve greater maturity in handling at least home grown insurgencies and militancies, even if they remain inadequately armed, structured, equipped and trained to fight foreign-sponsored ones effectively. Dealing with the various insurgencies threatening India's security requires a holistic inter-ministerial and inter-departmental approach. Above all, it requires political courage and vision to evolve and implement a comprehensive national policy.

Hazards of Prolonged Employment for Internal Security

A large army force continues to be deployed in counter-insurgency and internal security duties. In May 1998, the defence minister had stated in the Parliament that a total of 1,19,000 army personnel were deployed for counter-insurgency and internal security duties and this figure has remained more or less the same. In reply to Dr. Jayanta Rongpi's Unstarred Question No. 205, answered in the Lok Sabha (Lower House of the Indian Parliament) on May 28, 1998, Mr. George Fernandes had stated:²

At present, 72,000 defence personnel are directly deployed in counter-insurgency/ internal security in J&K, while about 47,000 are deployed in north eastern states. In addition, there are also personnel of supervisory and other formations who are involved in supervisory roles whose number is not included in the above figures.

Prolonged employment of the army for such duties, besides adversely affecting the army's preparation for its main task also imposes an extra burden on the defence budget which, in turn, affects the army's modernisation programmes. In addition, casualties suffered by the army in peacetime affect the morale of the army personnel...

The consistent policy of the government in this regard has been that the

defence forces should be deployed for internal security duties very sparingly and only if the state government is not in a position to handle the situation and the deployment of defence forces becomes absolutely necessary. The Rashtriya Rifles was sanctioned by the government to relieve the army, to the extent possible, from counter-insurgency duties. This has, however, helped only to a limited extent in view of the increased commitment of the army in counter-insurgency operations.

Overall, about 170 regular army and army-led para military battalions are actively engaged in counter-insurgency operations and internal security duties.

At an average of about 900 men per battalion, the figure of 1,19,000 means that approximately 132 infantry battalions are deployed for counter-insurgency and internal security duties. Of these, about 60 battalions are RR battalions. In addition, five to eight infantry battalions of the Territorial Army³ and about 25 to 30 battalions of the Assam Rifles have also been employed for active operations within the country. Overall, about 170 regular army and army-led paramilitary battalions are actively engaged in counter-insurgency operations and internal security duties. To this list, details of the units of CPOs, which are being employed for similar tasks, need to be added to get an overview of the enormity of the effort involved in combating militancy which is mainly Pakistan-sponsored, aided and abetted.

Besides the casualties being suffered almost on a daily basis and their adverse impact on morale, the army's prolonged involvement in counter-insurgency operations has several other major disadvantages. The financial costs of sustaining a successful counter-insurgency campaign are staggering. It was estimated in 1998 that the army spent approximately Rs. 2,500 crore (US \$ 600 million) out of its annual budget on counter-insurgency operations.⁴ This was about 13 per cent of the army's 1997-98 budget of Rs. 19,000 crore approximately (Revised Estimates). The outcome was that the army spent almost 57 per cent of its budget on pay and allowances, about 40 per cent on the maintenance of equipment and the replenishment of ammunition and other essential stores being consumed for counter-insurgency operations, and was left with only 3 per cent for modernisation, including capital acquisitions.⁵ Even the expenditure on the Rashtriya Rifles, amounting to approximately Rs 500 crore annually, was incurred from the army's budget for many years. Quite obviously, the army can ill afford such a high expenditure on counter-

insurgency operations from its budget without its operational efficiency for its primary task being significantly impaired. As the defence minister informed the Parliament (see text of the minister's statement above), the army's modernisation programme has been adversely affected by its prolonged and continued involvement in counter-insurgency duties.

The prolonged employment of troops is bound to have deleterious effects on their morale in the long run. Given the fact that approximately 1,19,000 personnel are involved in exacting and sometimes exasperating and psychologically unsettling counter-insurgency operations and internal security duties, it can be stated that the army has borne the rigours of prolonged employment in these operations stoically and resolutely. The nature of low intensity conflict (LIC) is such that it exacts a heavy mental toll due to the absence of a clearly defined uni-directional threat and the assumed omnipresence of armed militants who may suddenly open fire from the least expected direction. Maj. Gen. Arjun Ray has written: "Troops who operate for protracted periods under stressful conditions are bound to suffer from psychological problems as well as disorders."⁶ There have been several news reports of a number of CRPF personnel deployed in J&K having been afflicted by mental disease. These need to be taken note of as the reported incidents may be advance indicators of a larger malaise.⁷

After 15 years of fighting militancy and terrorism in J&K, the present situation can only be described as a "strategic stalemate." While the army and other security forces undoubtedly achieved notable success in the war waged by proxy by Pakistan by keeping the arteries open and ensuring that trade and commerce could carry on virtually unhindered and the schools, colleges, banks, hospitals and markets could be kept open, the fact remains that the battle of hearts and minds is still far from being won. Clearly, the army needs to review its present counter-insurgency doctrine that is now producing only diminishing returns. Greater reliance on invisible and quiet special forces (SF) operations, marked by surgical strikes based on precise and trustworthy intelligence gathered by the SF personnel themselves, will yield greater dividends.

Possible Solution: Permanent Counter-Insurgency Force

In the near term, the army will continue to be called upon to intervene to establish control over the deteriorating internal security situation and must formulate a long-term strategy to progressively extricate itself from this commitment. The army will need to take a view on whether it should continue to maintain a Rashtriya Rifles force of about 70 to 80 battalions continuously

over the next few decades for internal security operations or demobilise 20 to 30 battalions as the situation improves and retain the option to remuster them if the need arises. As the army is unlikely to get additional funds for internal security operations, it will be more prudent to adopt the latter option so as to be able to utilise the saved funds for qualitative upgradation.

As the experiment to nominate the CRPF as the primary counter-insurgency force of the central government does not appear to be succeeding, a better alternative would be to raise a new national level counter-insurgency force as a strike force for counter-insurgency operations and internal security duties, with the army's ethos and training. Such a force should be raised under the Ministry of Defence (MoD) as an armed force of the union (similar to the coast guard) and should be placed under the army's operational control wherever deployed. This will ensure that unity of command is maintained during combined operations and that the regular army is called out less frequently for such operations. Quite obviously, suitable candidates for such a force are the existing Rashtriya Rifles force and the Assam Rifles force. The RR had 54 battalions in early 2004 and has expanded since⁸ and the AR has about 35 battalions and is expected to have 45 battalions at the end of the present restructuring exercise. Lt. Gen. Rostum Nanavatty (Retd.), former GOC-in-C, Northern Command, and a well-known expert in internal security and border management is of the view that the creation of a "third force" for internal security between the CPMFs and the army will reduce "the dependence of the states on the army... (and) provide the government with the option of a flexible and calibrated response... (its role) should be to assist the army to counter internal threats to national security... In the AR, the nation already has an LIC operations capable IS force with a proven record... The AR should be redesignated and should assume responsibility for IS operations countrywide."⁹

The advantage of such a force will be that the army can once again devote itself to its primary role of safeguarding India's territorial integrity. Conventional military operations require a lean, lethal and wired army with revolution in military affairs (RMA) capabilities for conventional operations under a nuclear overhang, whereas internal security duties require a different type of organisation at the battalion and sector levels, specialised weapons,

As the defence minister informed the Parliament, the army's modernisation programme has been adversely affected by its prolonged and continued involvement in counter-insurgency duties.

surveillance and communication equipment and entirely different training, with emphasis on winning the battle of hearts and minds. However, the army will need to continue to remain prepared for its secondary role of providing aid to civil authority for internal security in case the overall situation places greater demands on the new national-level counter-insurgency force than it can effectively handle. Judicious management of resources should ensure that such employment is only for short durations.

The RR is a specialised counter-insurgency force of the Indian Army and is organised into Force HQ (commanded by a major general) and Sector HQ (commanded by a brigadier) and battalions. The Force HQ that have been raised are the 'Delta' (for Doda district), 'Kilo' (Kupwara, Baramulla and Srinagar), 'Romeo' (Rajouri and Poonch), 'Uniform' (Udhampur) and 'Victor' (Anantnag, Pulwama and Badgam).¹⁰ The nucleus of the new force in J&K should be based on the existing Force HQ, Sector HQ and 60 to 65 battalions (80,000 personnel) of the Rashtriya Rifles.¹¹ For the rest of the country, including the northeastern states, the Assam Rifles that has about 35 battalions, should provide the nucleus, as it is now a force with an all-India composition.

The new force should be headed by a serving lieutenant general of the army with the designation and status of an army commander, that is GOC-in-C. The size of the force need not be constant and could be varied, depending on the requirement, which should be reviewed periodically by the National Security Council (NSC). In the present situation prevailing in the country, the strength of the force would need to be enhanced progressively to approximately 120 to 150 battalions so that a corresponding number of army battalions can be relieved for their primary role. The new force must be staffed with army personnel on deputation providing leadership so that the ethos, motivation and training standards of the army can be inculcated. The officers could serve on a fixed tenure basis. The rank and file of the force could initially consist of volunteers on deputation from the army and, subsequently, should be recruited directly for a shortened colour service period of seven years. On the expiry of their colour service, all willing personnel must be absorbed in the CPMFs and a firm commitment should be given by the Ministry of Home Affairs (MHA) in this regard.

The new force should be organised into its own Force and Sector HQ, as the RR is at present, and should operate under the control of the Command HQ responsible for counter-insurgency operations in the concerned state, just as the coast guard comes under the command of the Indian Navy during operations. The defence budget will need to be augmented by about Rs 2,500 crore per annum to sustain a Rashtriya Rifles type force of 120 to 150 battalions. While this may seem

like a large amount, it would be a small price to pay for the more efficient management of various insurgencies and militancy movements that are gnawing away at the nation's innards and for providing limited relief to the army from prolonged employment in counter-insurgency operations. It needs to be noted that in the case of the coast guard, funds are provided to the MoD by the Department of Revenue and Banking, Ministry of Finance, and are not included in the defence budget. Such an arrangement could be worked out for the new force.

Being a permanent force, the new force will need to station one-third to half of its battalions in peace stations for which the requisite infrastructure will need to be created. Also, the force will need its own recruitment and training centres, records and pay and accounts office. The force will need to be logistically self-contained during peace-time, though it could be dependent on the army's existing logistics infrastructure in forward areas. The force should be raised under a separate Act of Parliament, as in the case of the coast guard, Assam Rifles and the National Security Guards. The terms and conditions and the pay and allowances of the personnel of the force should be akin to those of army personnel. Additional hardship allowances should be sanctioned where necessary.

A better alternative would be to raise a new national level counter-insurgency force as a strike force for counter-insurgency operations and internal security duties, with the army's ethos and training.

Intelligence Coordination

It is a measure of the national seriousness in tackling festering insurgencies that despite almost 50 years of experience, not enough investment has been made to streamline the intelligence apparatus for gaining intelligence about the plans and movements of various militant organisations and their linkages with foreign benefactors. Each type of force involved in counter-insurgency operations has its own intelligence agency and is loath to share information and intelligence with other forces. This results in a disjointed and uncoordinated approach and increases the human and material costs of conducting successful operations. The Unified Command must establish institutionalised intelligence gathering, analysis and dissemination structures at the directional, operational and functional levels so as to achieve synergy in the conduct of operations. The communications must be made compatible and must be secure.

A Joint Task Force on Terrorism was set up to overcome centre-state jurisdiction problems in combating terrorism during the tenure of Mr. Brajesh Mishra as national security advisor (NSA) in the Bharatiya Janata Party (BJP)-led National Democratic Alliance (NDA) government. This task force has identified 56 vulnerable places all over India. In each of these, a Special Action Group (SAG) has been set up. Each SAG comprises six hand-picked state police officials and two Intelligence Bureau (IB) officials for rapid action on information becoming available. The SAGs can draw on the resources of the Multi-Action Group (MAG) at the national level that also has military representation and is in the process of drawing up a data bank on terrorism. However, it has been reported that the SAGs have withered under the present NSA.

Conclusion

Prolonged, large-scale employment of the army for counter-insurgency operations has considerably eroded the army's conventional deterrence capability as it has affected operational preparedness, hampered training for conventional operations and slowed down the army's modernisation plans. This has emboldened Pakistan to continue and even step up its proxy war against India as it perceives the Indian Army to be unprepared to fight and win a conventional war. It is imperative that the involvement of the army in such operations is gradually reduced to manageable limits so that India's conventional deterrence can again be made potent enough to thwart Pakistan's proxy war designs. The CPMFs, with their present structure, are not capable of countering insurgency with secessionist tendencies. A viable solution to the problem is to either designate a revamped CRPF as a national counter-insurgency strike force or raise a new national level force for such operations as a new armed force of the union as part of the MoD, under the army's operational control, to act as a specialised strike force for counter-insurgency operations. The BSF and other CPMFs must go back to their primary roles. The system of a Unified Command needs to be clearly established and arrangements made to share intelligence at all levels within the state.

Finally, all out efforts need to be made to find political solutions to the ongoing insurgencies. The nation's decision-makers would do well to understand that there cannot be a military solution to a socio-political and socio-economic problem. The army and other security forces can only achieve temporary military control over the law and order situation and facilitate a semblance of normalcy to return. Such control lasts only as long as the forces remain *in situ* and, even then, brazen acts of violence by *fidayeen* suicide squads cannot be eliminated. The root

causes of insurgencies require sensitive political handling for resolution and long-term strategies that are not based on vote bank politics.

Notes

1. Law and order is included in the State List under Schedule VII of the Constitution. However, Article 355 enjoins the union to protect the states against “internal disturbances” and “armed rebellion”. It is from this Article that the central and state governments draw their authority to call upon the armed forces to provide aid to civil authority.
2. Members of Parliament have been increasingly expressing their concern at the army’s continuing and increasing involvement in counter-insurgency and internal security duties in J&K and the northeastern states. Heightened tensions along the LoC during 1997-98 and the increasing frequency and intensity of artillery engagements, particularly consequent to the nuclear tests conducted by both India and Pakistan in May 1998, have also been noted with concern by the members of Parliament.
3. “Territorial Army Celebrates 49th Anniversary,” *Sainik Samachar* (New Delhi), November 16-30, 1998.
4. Dinesh Kumar, “Kashmir: Pro-active Policy Needed Along Line of Control,” *The Times of India* (New Delhi), July 21, 1998).
5. Kumar, *Ibid*.
6. Maj. Gen. Arjun Ray, VSM, *Kashmir Diary: Psychology of Militancy* (New Delhi: Manas Publications, 1997), p. 199.
7. A report in the *Business India* Index states that “the number out of every 100 CRPF personnel deployed in J&K who are suffering from mental illness is 13.” The statement is attributed to Mr. Gautam Kaul, former additional director general, CRPF, Jammu, and quotes a study undertaken by the Department of Psychiatry, Nair Hospital, Mumbai, *Business India* (Mumbai), January 11-14, 1999.
8. Rajat Pandit, “Army Gunning for RR Growth in J&K,” *The Times of India*, March 22, 2004.
9. Cited with permission from Lt. Gen. R. K. Nanavatty from his paper entitled “Low Intensity Conflict in India: Restructuring and Reorganising the Army,” presented at the CLAWS seminar on Low Intensity Conflict held at New Delhi on March 23-24, 2006.
10. Rajat Pandit, “Army Raising New RR Battalions for J&K,” *The Times of India*, February 20, 2003.
11. “The army is looking at an increase in Rashtriya Rifles battalions... from 54 to 60 by September (2004) and 66 by June (2005),” in “Army Examines New Doctrine,” *Statesman*, April 15, 2004.

Human Rights Challenge for Security Forces: Diagnosis and Prescriptions

P C Patnaik

Introduction

Human rights consist of those minimal rights that every individual must have by virtue of being a member of the human family¹. Just like each member of an elite club is entitled to certain inherent rights and members expect from each other a degree of inherent dignity and courtesy, the whole of humanity is nothing but a tiny club in our vast universe. In the theory of evolution, if you believe in reincarnation, it is no mean achievement to be born as a human being, as one must have done a lot of good things in one's numerous earlier lives to reach this stage. Even as humans, we take several births, depending upon our deeds. It is believed that people who are greedy, selfish, violent and full of animosity are probably in a low stage of evolution, from wild animal to human being, whereas people who are saintly, well-meaning, compassionate, cool and large-hearted are in an advanced stage. Respect for human rights is nothing but a manifestation of oneself as a true, noble member of this large family. Our former Prime Minister, Mr Atal Vihari Vajpayee said, "The all round well being of mankind (*Vasudhaiva Kutumbakam*) has always been the basic tenet of Indian culture from times immemorial. Our scriptures bear eloquent testimony to this truth. Recognition of human rights is an extension of this philosophy. However, at times, the issue of human rights is used as a peg to malign the state in general and the armed forces in particular. This is not to deny that individual excesses and aberrations may have occurred, but it is not fair to generalise on the basis of these." Whether by terrorists or the security forces, human rights, when denied, can be a source of internal conflict.

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Challenges and Dilemmas

The army can officially kill, but only the enemy; but then, who is the enemy? The nature of the enemy is changing because the gullible citizens of a particular area can be influenced by the enemy. How does one deal with a citizen who is collaborating with the enemy? Terrorists could be citizens of own country, or they could be foreigners. People talk about winning the hearts and minds of the people — but which people? Are we winning the hearts and minds of the terrorists, the potential terrorists or the larger section of people from whom the terrorists are recruited? Are we sure that a portion of the money spent in Operation Sadbhavna/Border Area Development Projects does not go to terrorists, directly or indirectly? It is not easy to flush out the invisible terrorists from the innocuous population.

Some countries support the barbarous form of warfare in the name of *jihad*, with utter disregard for human rights.

The aim is to help to civil administration in restoring normalcy. This would imply the following :

- Identifying the terrorist.
- Thwarting anti-national designs.
- Providing security to the local public/property.
- Causing attrition to foreign terrorists/local terrorists.
- Winning hearts and minds.
- Creating a conducive atmosphere and building confidence.

However, it is easier said than done. Human rights and terrorism are the key issues, which together form the focus of the world today. Some countries support the barbarous form of warfare in the name of *jihad*, with utter disregard for human rights. It puts a sudden stop to the happy lives of many in a flash, as happened to 35 police officers in Kabul recently and hundreds of innocent victims in Jammu & Kashmir, the northeast and Naxalite-affected regions. Every one, including the media and civil administration must cooperate with the security forces (SF) to fight it together. What are the dilemmas that the jawan faces in this warfare? How do we train him for this? Today, in a globalising world, human rights are no longer confined to the territorial borders of any country. People across the border and people in distant America can raise these issues and cause problems for the SF in our country. In such a situation, should we or should we not think about the ways and means to bring about a change? Coming to the dilemma again, there is talk about proportional response. The

problem is, we are talking of it in connection with the SF — how do you account for the disproportionate activities of the terrorists ? You are dealing with an enemy which is not fighting on the basis of rules, regulations and laws or the conventions of the society, Who is going to decide as to what is proportionate and what is not proportionate and when are you going to decide it, *post facto* and debate thereafter ? How do you train a soldier who has to take a decision on the spot? Have you devised any means ? Or is just raising the issue enough? Look at 9/11: 14 or 15 people hijacked civil aeroplanes, made them into missiles, and used fuel tanks as the explosive, attacked the United States' centre of prosperity, the World Trade Centre, and the centre of power, the Pentagon. Fourteen or fifteen people, none of whom were from Afganistan which the United States had bombarded left and right, up and down. Was it a proportionate response ? Was the American attack proportional in Iraq now that no weapons of mass destruction have been found?

There is a lot of resentment against small inconveniences to the civil public due to restricted timings, check posts, mobile check posts/vehicle check posts(MCPs/VCPs), etc. These are small sacrifices one has to make to prevent brutal human right violations by the terrorists. Some of the unlawful human right violations imposed by terrorists on the freedom of citizens are listed below:

- Dress code.
- Curbing spread of modern education: *Madrassa* culture (which has been criticised by President Musharraf too).
- Fear psychosis : Rule by intimidation.
- Forced marriages.
- Extortion.
- Subverting the positive political process.
- Sabotaging development of infrastructure.
- Blocking the will to work.
- Covert censorship of the local media.
- Fomenting a divisive mindset.
- Sabotaging the economy: subvert tourism.
- Spread of AIDS.
- Killing of innocents.
- Torture of children/elders.
- Rape/molestation.
- Collapse of civil administration.

One can safely say that almost 95 per cent of human rights violations are carried out by terrorists. These include the cruellest of torture, slitting of throats,

peeling of the skin and cold blooded murders. In order to prevent this, the government employs the army as under:

- The army is an instrument of the Government of India.
- Enforcement of the 'reasonable restrictions.'
- Enforcement of the provisions of the Armed Forces Special Powers Act (AFSPA).
- At times, allegedly painted as a "monstrous institution of the state."
- Allegations fuelled by large scale media coverage.

Unrestricted individual rights do not, and cannot, exist in any modern state which is facing terrorism. Reasonable restrictions are, thus, in the interest of the nation.

Certain restrictions have to be imposed on the fundamental rights of citizens to induce normalcy. This is because unrestricted individual right do not, and cannot, exist in any modern state which is facing terrorism. Reasonable restrictions are, thus, in the interest of the nation. However, restraint and empathy are the key. Someone has said, "Nearly all men can stand adversity but if you want to test a man's character, give him power." For the SF to function efficiently and fearlessly, the government has enacted AFSPA 58/90. Power brings in responsibilities. The code of conduct of a soldier demand ethics in action. The responsibilities are enormous. It envisages prohibition of:

- Murder.
- Torture.
- Corporal punishment.
- Outrage of personal dignity.
- Rape/molestation.
- Hostage taking.
- Extortion.
- Collective/degrading punishment.

Allegations fly in all directions in case of slight aberrations as under:

- Absence of representatives of civil administration.
- Manhandling/inhuman treatment.
- Custodial death.
- Disposal of dead body without proper documentation/procedure.
- Non-reporting of untoward incidents.
- Discourteous behaviour/high-handedness.

- Lack of respect/compassion towards elders/women/children.
- Collateral damage.

For every action like apprehension, confinement, interrogation, curfew, search and even winning hearts and minds (WHAM) by the security forces, the vested elements keep ready their concocted allegations like arrest of innocent person, wrongful confinement, rape/molestation, torture, murder, harassment, extortion and discrimination, etc.

To defend against these allegations, we must have certain safeguards in place as under:

- Impartial and professional handling.
- Maintain meticulous records of events.
- Presence of a representative of the civil administration. Presence of a lady constable in case it involves women.
- Graduated response.
- Warning prior to escalation.
- Use of minimum force.
- Medical aid to victims of violence on priority, without discrimination.
- Fatal cases : scrupulously follow legal procedure.
- Record live footage, if possible.
- Honesty is the best policy.

Human Rights Training: Service Team Concept

Human rights specific training should be imparted at each stage of training for a jawan/officer. At the unit level, we should follow the services teams concept as under:

- Concept. Training of a group of individuals in a unit that has greater local interaction with the population.
- Desired Characteristics.
 - ❖ Speak local language and know local customs.
 - ❖ For J&K, speak Kashmiri language and know the religions/cultural customs.
 - ❖ Assist in minor human and animal ailments.
 - ❖ Teach games to children.
 - ❖ Knowledge of agriculture/horticulture.
 - ❖ Grasp of all arguments in favour of the government's position.
 - ❖ Ability to convey the idealism of our Constitution.

One can remain firm without being rude. The security forces must be compassionate, courteous and patient in their dealings, without fear or favour

or prejudice to the rights of others. The typical army soldier still remains truthful, honest, courteous, obedient, respectful, hard working, brave and utterly loyal to the organisation as well as the country. That is why they are in great demand by the citizens of all countries where United Nations peace-keeping is in progress. One should endeavour to maintain a clean image always. The SF should operate on three fronts as under:

The security forces must be compassionate, courteous and patient in their dealings, without fear or favour or prejudice to the rights of others.

- Win genuine respect of local populace.
- Make the population realise their dependency on the SF — Operation Sadbhavna/economy/security.
- Create job opportunities for the locals –Territorial Army (home and hearth)/porters.

Certain “must do” points from a practical point of view are as under:

- Train all persons on human right values.
- Use minimum restriction and firepower.
- Don't suspect a local unless he proves to be a terrorist/sympathiser.
- Understand the helplessness of the local population due to coercion/inhuman violence by terrorists.
- Focus on goodwill of your own countrymen.
- Never distinguish between religious communities.
- Ensure that enhanced powers are not misused against innocents. Maintain human rights monitoring and education system down to unit level.
- Deal firmly with cases of human rights violations.
- Remain transparent and report cases immediately on occurrence.
- Be accessible to the media which, in turn, should do truthful reporting.
- Immediate medical aid.
- Handling of dead bodies.
- Avoid operations in inhabited areas.
- If operating in built-up areas, operate only on specific intelligence and surgically.
- Curb retaliatory measures.

Contingencies of various types of situations should be handled as under:

- Fabricated Allegations.

- ❖ Joint operations/presence of neutral observer.
- ❖ Employment of women police.
- ❖ Presence of village elders.
- ❖ Unedited and live footage.
- False Propaganda/Allegation.
 - ❖ Professional media dealings/briefs without compromising security.
 - ❖ Professional and more interactive PR management.
 - ❖ Exemplary code of conduct.
 - ❖ Rebuttal at appropriate level.
- Arrest of a Person.
 - ❖ Handing over to civil police within 24 hours.
 - ❖ Justification of any delay.
 - ❖ Recoveries handing over to police correctly, as per procedure.
 - ❖ Receipt obtained from police.
 - ❖ Medical status to be ascertained and documented.
 - ❖ Diligent recording.
- Interrogation.
 - ❖ Presence of police representative.
 - ❖ No use of force.
 - ❖ No third degree methods.
 - ❖ Release only through civil administration.
 - ❖ Provide medical care if required.

Certain legal issues relevant only in Kashmir are:

- All India cadre in magisterial hierarchy.
- IEA to permit “In Camera” trial of terrorists – avoid witnesses being subjected to reprisals.
- Law to facilitate detention for interrogation.
- Special courts to deal with human rights cases involving the army in addition to human rights courts presently functioning.

Generally, critics have a tendency to see the empty half of the glass and ignore that portion of the glass which is filled. The army has done so many good things in Kashmir, which have contributed to protection or promotion of human rights. But a few adverse cases reported spoil the impression. We have to ensure that the media does not get manipulated — that it does not do a cut and paste job to fabricate a story, maligning the SF: 30 seconds of the Baramulla incident, 10 seconds of the Sopore incidents, 05 seconds of the Kupwara incidents, 01 minute of the Anantnag incident are pasted together to

make a story. The national media is doing a sterling job. It is the vernacular media which needs to act responsibly. The SF must respond positively to well founded criticism, with willingness to change. Certain hard realities about the media as they exist in the Valley are as under:

- Problem of plenty - with little credibility.
- Source of finance controls the ethos.
- Schools of journalism headed by hardliners.
- Variety and frequency of events, vast area of reporting, dependence on stringers — truth becomes a casualty.
- Cable operators controlled by militant organisation or separatists.
- Lack of focus by State Information Department.
- Army's own PR set-up needs to be further revitalised/proactive.

The army has its own human rights cells active at each headquarters. It had established its Human Rights Cell at Integrated Headquarters of the Ministry of Defence (MoD) (Army) nearly six months prior to the setting up of the National Human Rights Commission.

Indian soldiers are natural lovers of peace and village culture, and respect elders and women. Yet 0.0001 per cent of the force deployed doing something opposed to the ethos cannot be ruled out and should be viewed as such without making a mountain out of a molehill. The Indian Army has issued detailed Dos and Don'ts apart from Chief of the Army Staff's ten commandments.

A decade and a half back, shops in J&K used to remain closed in the day time. Now they are open till late at night. The local youth getting recruited by the *tanzeems* has almost become a thing of the past. The winds of change are here and we are pretty close to normalcy. Today, the perception of the locals of a terrorist is of a cruel, monstrous exploiter who blocks development, whereas the army is seen as the harbinger of peace, prosperity and development. Certain public undercurrents are palpable. Some of these are as under:

- Yearning for peace.
- Urge for development and employment.
- Need to spread literacy.
- Communal harmony.
- Improve public distribution system.

Today, the perception of the locals of a terrorist is of a cruel, monstrous exploiter who blocks development, whereas the army is seen as the harbinger of peace, prosperity and development.

- Effective law and order.
- Eradicate corruption.
- Presence of army — harbingers of peace and development in close proximity.

Conclusion

Respect for basic human dignity should come naturally. We as a nation are proud of our heritage of tolerance, restraint and non-violence. Our armed forces, which epitomise sacrifice, valour, devotion and fair play, should set an example in respecting human rights and never misuse their special powers that should only be used selectively.

Human Rights in Counter-Terrorism Strategy

Rahul K Bhonsle

One desires freedom so long as one does not possess power. Once one does possess it, one desires to overpower.

— Paul Nietzsche

An effective international strategy to counter terrorism should use human rights as its unifying framework.

— Mary Robinson, UN High Commissioner for Human Rights

Introduction

India faces the challenge of terrorism in myriad forms, in a geographic spread of over 30 per cent of the country. The security forces have an experience bank of over 50 years in combating terrorism and insurgency. Acceptance of human rights as a primary principle of counter-terrorism (CT) has been universally acknowledged by the military in India. A key issue in human rights (HR) implementation is total commitment of the state and the armed forces hierarchy to fully respect and regard the rights of the people, which cannot be said even of many developed states. A Guantanamo Bay or Gitmo in the Indian context may be unimaginable. The Indian Army, fortunately, has no reason to establish special prisons.

Despite this high awareness, human rights has been regarded as an operative principle rather than a strategy. This has resulted in a defensive approach, providing terrorists an advantage of portraying themselves as fighting for the rights of the people. Many liberals deem a terrorist as a freedom fighter essentially due to this perception wherein ironically the miscreant is seen as representing the

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people's aspirations against the state's injustice. There is, therefore, an underlying need to employ human rights as a strategy in counter-terrorism operations rather than a working principle to provide unstinted benefits of winning the battle for the hearts and minds of the populace. Implementation of such a strategy which is beyond the beaten path may necessitate some discussion.

Vicious Circle of Rights Restrictions in a Terrorism Environment

Free and democratic countries such as India have assured every citizen full freedom through the Constitution. The Indian Constitution is an embodiment of security of the rights of the people through its Preamble which states that the people have resolved "to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation."¹

Ironically, the roots of terrorism lie in deprivation, real or perceived, of some or many of these rights. It is a stratagem employed by the terrorist purportedly to air genuine grievances of the people. In many situations, the disempowered elite successfully utilise a perceived injustice to raise the banner of revolt, exemplified by the Detonator or Foco Theory. In some cases, it could also be the failure of the state to proactively address grievances that is shrewdly exploited by the elite to advantage. This would be amply evident from examples of militancy in India. In Kashmir, a seemingly flawed election in 1987 is considered as the primary cause for the current phase of rebellion.² In central India, it is denial of the right of development which has been flaunted by the Maoists to advantage, while in other areas such as Assam, militancy has become just another way of making a living by the gun. This is a worldwide phenomenon wherein civil wars assume an economic function and the participants see it not as much to win the confrontation but to make maximum money out of it.³

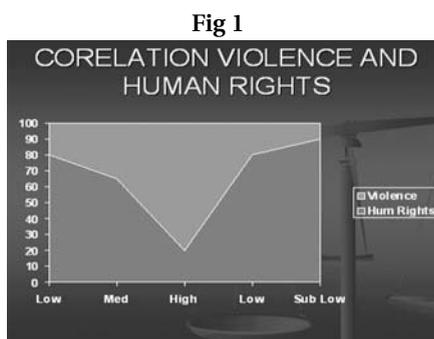
The Weberian model denotes the state as the only and ultimate authority which is authorised to use violence as there is an inherent understanding that the government will use controlled hostility. Besides this implicit endorsement, in India adequate provisions have been made to legalise deployment of armed forces for counter-terrorism. These also replicate conventions provided for in international law and are supplemented by provisions in the Constitution. Some of the statutes are as given below:

- (a) Constitution of India, Articles 352 and 355.
- (b) Code of Criminal Procedure, Section 127 to 131.

- (c) Armed Forces (Special Powers) Acts, 1958 and 1990.
- (d) Regulations for the Army, 1987 Edition, Paragraphs 301 to 307.
- (e) Pamphlet on Aid to Civil Authority, 1970.

In addition, many local statutes such as the Jammu and Kashmir Public Safety Act (1978); Assam Preventive Detention Act (1980); National Security Act (1980, amended 1984 and 1987), and so on, provide legal sanction for use of force by a state.⁴ The armed forces have also been granted protection from direct intervention by the National Human Rights Commission vide Section 19 of the Human Rights Act, 1993.

Having empowered the last man, the armed forces can take emergency action to restore the sanctity of state authority. Being the last resort of the government, the focus is on suppressing militancy by a range of options available to use state sanctioned force to include population control, vicarious deterrence through punitive actions, cordon and search, detention, and so on. Many of these activities deny rights to the citizen in certain circumstances which can be denoted by the principle of proportionality or inversely proportional hierarchy. When the situation is extremely violent, people are willing to sacrifice their smaller liberties to save lives, hopeful that these will be restored once the level of hostilities goes down. This phenomenon is denoted by a graph (Fig 1).



It would be noticed that when violence is high, aspirations for the rights of the people are limited but will rise continuously as the fighting decreases. The normal strategy followed to straighten the convex cone is eviction of a number of militants from the system rather than restoration of rights. The bane of such a strategy is two-fold; firstly, all citizens are treated equally. Thus, the law abiding, non-violent individual next door is at par with the overground worker or even the militant. The other aspect is over empowering of the soldier due to the phenomenon of “desire to overpower” so aptly put across by Nietzsche. This combination of effects, when unchecked, can lead to what is commonly referred to by liberal activists as state terrorism, thereby, directly playing into the hands of the terrorists.

On the other hand, while the state in its attempt to do well, spends extensive resources on development, the theme played out by terrorist propaganda is not so much development as denial of the rights of identity, ethnic salience or livelihood,

thereby, forcing the masses to disown the Constitution. The terrorist becomes a, ‘freedom fighter’ and successfully establishes a vicious cycle of violence through planting improvised explosive devices (IEDs) on roads and tracks used by the common people, grenade attacks in busy market places, and provoking cross-fire in crowded areas targeted at the security forces but in actual fact restricting the rights of the people, leading to a domino effect of snowballing grievances which affect day to day activities. Thus ,a vicious circle of rights denial is established which is difficult to break, thereby, forcing the state onto the back foot, while the terrorists, despite their heinous acts, are able to survive.

Focus of the state on restoration of human rights rather than elimination of terrorists or even development would pay better dividends. Strategising implementation is an issue which needs deliberation.

Virtuous Circle of Rights Enforcement Through Human Rights Strategy

Rights Identification

Breaking any circle to penetrate the inner core is extremely difficult. Breaching the circle of rights denial is all the more complex as it entails human emotions which are manipulated by wily perception managers, the terrorist leaders. In an insurgency or terrorism, the population is the centre of gravity and elimination

Table 1

Location	Ideology Used	Underlying Causes	People’s Aspirations
Kashmir	Religious distinction.	Denial of rights of identity and governance.	Self-governance
Punjab	Religious distinction	Economic marginalisation	Economic equity
Assam	Separatism	Economic marginalisation. Perceived exploitation by aliens.	Economic equity and self-governance.
Naxalism	Communist–Marxist	Economic marginalisation due to poor governance.	Economic equity.
Northeast	Ethnic distinction	Threat of losing unique ethnic identity	Rights to distinctive ethnic identity.

of the terrorist is generally the mission. However, if the mission is changed to restoration of human rights, a different perspective will be obtained. In a democracy, it entails providing people an environment for personal and social development which, in turn, is linked to their aspirations.

The aspirations in a multi-ethnic, multi-religious society such as India cannot be common — they vary from people to people. The first stage of the human rights strategy is accurate identification of people’s hopes. Frequently, there is a mismatch between the ideology used by the terrorists, underlying the grievances and aspirations of the people which leads to focus on the subsidiary rather than the main factors. In the Indian context, a possible framework to explain the same has been provided as per Table 1.

Possible Focus of Human Rights Strategy

The focus of the human rights strategy in the paradigm indicated above needs to be evolved based on an analysis of the factors of ideology, causes and aspirations. This will be situation specific and a suggested model is provided at Table 2.

Table 2

Location	Focus of Human Rights Strategy
Kashmir	<ul style="list-style-type: none"> ● Providing the rights and instruments for self-governance, implying reach to masses. ● Right of movement, access, speech, assembly and protest. ● Right of education and employment.
Assam	<ul style="list-style-type: none"> ● Providing rights and instruments for self-governance. ● Right of education and employment.
Naxalism	<ul style="list-style-type: none"> ● Right of education, employment, development and participation in the processes of local growth and economy.
Northeast	<ul style="list-style-type: none"> ● Respect for unique ethnicity, identity, freedom for self-governance and movement.

Strategic Direction

The higher commander’s mission in a counter-terrorism campaign is to devise strategies to restore the rights of the people. The armed forces are a hierarchical organisation which succeeds through effective strategic direction. Personalities do make a difference even in the supposedly non-feudal armed forces such as the US armed forces. Thus, strategic direction in the

implementation of human rights as a strategy is important. There may be a strategic risk involved in this approach and given the high stakes in competence assessment of commanders in a highly professional environment in the army, it requires men with vision beyond their own tenures to implement the same.

The higher commander will determine three basic issues before providing direction. The first is the people's actual and perceived aspirations; second, the focus of the human rights strategy; and, finally, proportionality. The first two issues have already been covered in the tables above and each commander will have to make his own assessment. Proportionality would be clear when applied to civil rights protests in the Valley or the northeast recently. It would be evident that the rights movement has become shriller as violence has reduced. Recognition of the appropriate level of tolerance on restriction of rights should enable the higher commander to give specific instructions to subordinates on calibration of operations, incorporation of civil elements with the army, and ensure strict implementation.

Other directions would entail clear instructions to use minimum force, limited use of hard core search and destroy operations in populated areas, avoiding speculative operations, reliance on hard core intelligence, and prioritising full freedom of rights to civilians. Specific orders for limiting retaliatory operations, giving right of way to the non-uniformed, and even safe passages would also form a part of this strategy. Personal, unit or institutional egos have no place in such an environment.

In the Valley, for instance, the famous, "lathi and seeti" drill by convoys wherein security forces sought right of way through fast moving civil traffic to avoid being attacked by terrorists was a major denial of rights to the citizen. No doubt, in some ways this reduced casualties during vulnerable periods of convoy movement yet the ill will earned had a highly negative impact. It necessitated firm strategic direction by a corps commander to stop this despicable practice which had been carrying on for many years, thereby, providing much relief to the citizens.

Internalisation of human rights through the "iron fist in velvet glove" fostered by the Chief of the Army Staff General J. J. Singh and strict implementation of the code of the soldier provided in the Sub-Conventional Operations Doctrine as given below,⁵ will also support the higher commander in the mission of restoration of rights.

- (a) Honour – Living up to the honour values of the army.
- (b) Integrity - Do what is right morally and legally.

- (c) Loyalty – Bear true faith to the Constitution, army, regiment, unit and colleagues.

Grassroots Implementation

Suggestions for Implementation

Human rights are frequently seen at the sub-unit and unit level as a constraint rather than an advantage in the conduct of CT operations. Restrictions imposed through the clause of minimum force are particularly galling at the operative level and there is limited appreciation of employment of human rights as a strategy for establishment of peace and order. Successful application of this has been evident in the Valley in some rare cases, particularly in one of the sectors in the North Kashmir areas of Kangan-Ganderbal-Safapora-Sumbal. Once considered hotbeds of militancy, there was peace and tranquillity during the tenure of a sector commander who had the courage to focus on human rights. Peace continued for a long time after he left. The only frustration was felt by the unit and sub-unit commanders who could not show “kills”.

Adoption of human rights as a strategy is a fine-tuned, nuanced approach of protection of basic rights of the general populace, while denial of the same to the malcontents. It is based on the principle of proportionality. It is certainly not giving a free way to the militant or his supporter, but involves calibrated removal of restrictions for the normal law abiding citizen by establishing a differential. This would entail the following steps:

- (a) **Intelligence and Information.** The key facet of implementation is intelligence and information. The aim is not to surrender the initiative to the terrorists but to base operations on detailed population, overground worker (OGW), black, white and grey profiles.
- (b) **Organisational Focus.** The organisational focus would be on establishing peace and tranquillity rather than number of kills. This essential principle has to permeate down the chain and may also require acceptance by the higher authorities. The aim, however, is not to create gaps for exploitation by the terrorists but to avoid harm to innocents.
- (c) **Implementation.** A strategy employing human rights is not demilitarisation or abdication of military responsibility towards security. It implies graded

The higher commander will determine three basic issues before providing direction: the people’s actual and perceived aspirations; the focus of the human rights strategy; and, proportionality.

application, with the active involvement of the local leadership. This will take the form of nuanced enforcement of rights as follows:

- (i) Areas and personnel graded as black would envisage total restriction of the rights of citizens to the extent permitted by the rules of engagement.
 - (ii) Grey areas would have greater freedom.
 - (iii) White areas will see only limited fraternisation operations by own forces, granting full freedom to citizens.
 - (iv) Soft policy towards women and children. Deliberate consideration before the launch of operations which will affect this section of society is essential. Even abandoning operations to prevent indignity to the weaker section of society will earn goodwill.
 - (v) Targeted conduct of operations based on hard intelligence.
 - (vi) Limited use of sweep, search and destroy or large scale cordon and search.
- (d) Rights profiling of individuals based on reliability established over a period should lead to grant of greater freedom. For example, an individual who has been consistently declared as white should have the liberty of walking through check posts without being searched, earning credits each time he has not been part of a violent incident. This will build up his rights credit, motivating more and more people to join the exclusive club through peer pressure. To avoid militant retribution on such individuals, such profiling can be discreet but actionable.

To many this may appear to be an idealistic strategy which would provide space for militants to operate with immunity. However, successful implementation of the same, as indicated above, provides validity. Replacing the dots of kills on a map in the operations room by appropriate shading indicating the rights profile of an area could be the start point for implementation of the strategy. Similarly, the number of people with maximum rights credits in a locality or a village would also denote the limited susceptibility of the people to allurements by militants. Once a critical mass of such people is built up in an area, penetration by terrorists would be well nigh impossible.

Strengthening Perception Management

Perception management is an important facet of the human rights strategy in counter-terrorism. This is not public relations or effective projection of the unit image in the media but building favourable opinion through sound human oriented actions, be it a ban on "seeti and lathi" or respect for women, the elderly and children. A common refrain heard in many circles is that despite

extensive development activities, the state has not benefited by a change in the perception of the masses towards the security forces. This bane will go away through the adoption of a human rights-based strategy for it will enable placing all actions of the security forces in the interest of the people.

Similarly, this will also enable targeting human rights violations by terrorists in a structured manner to build up public perception of wrongdoing. The North Atlantic

The reaction of the army has been prompt in bringing to book those who have been guilty of operating outside the law or have violated human rights.

Treaty Organisation (NATO) and US forces have successfully employed non-governmental organisations (NGOs) such as Human Rights Watch and Amnesty International to propagate widespread violations of human rights in Afghanistan and Iraq. While the media has been reporting many abuses by terrorist organisations such as a recent report on outsourcing of grenade throwing and planting of IEDs to innocents, this has not been effectively weaved into the counter-terrorism (CT) strategy by the armed forces.⁶ Thus, it does not make a decisive impact. Building public opinion through rights protection should, therefore, form an important component of the human resources (HR) strategy

Conclusion

The Indian armed forces have the privilege of legal protection in the conduct of CT operations. This has been very judiciously utilised over the years and the record of human violations is limited. While zero tolerance is ideal, in a human environment, errors of judgement will always occur. The reaction of the army has been prompt in bringing to book those who have been guilty of operating outside the law or have violated human rights. However, these are primarily reactive actions forced upon the security forces by the processes of law or civil society. A human rights-based strategy, on the other hand, will be a proactive, forward looking measure to wrest the rights initiative from the terrorists and establish the genuine concern of the government. Detractors may claim that this would prove time consuming, yet all counter-terrorism actions are extended campaigns, spread over decades rather than months and years. A fresh approach may reduce the daily ignominy of search, questioning and fear that the common citizen undergoes in the affected areas.

Notes

1. Constitution of India.
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