

RASHTRIYA RIFLES IN KASHMIR: INDIA'S COUNTER-TERRORIST FORCE

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Pakistan, being an 'Islamic state' and following the policy of the 'two nation-theory', refused to let Kashmir, which it claimed to be a Muslim state, coexist with India. Movements for independence, or *azadi*, like the Kashmir Freedom Movement and Jammu and Kashmir Liberation Front gained massive support from the local people. In the late 1980s, Kashmir became a victim of state sponsored terrorism perpetrated by Pakistan. This was confirmed by the Central Intelligence Agency (CIA) in 1999. This was, and continues to be, a 'low cost option' for Pakistan by which it could 'bleed India by a thousand cuts'. This operation was named Operation Topac. Praveen Swami lists terrorist groups like the Lashkar-e-Omar, Lashkar-e-Tayyeba, Jaish-e-Mohammad, Harkat-ul-Mujahideen, Harkat-ul-Ansar, Harkat-ul-Jihad-Islami and al-Badr as Pakistan-based Islamic organisations; the Hizb-ul-Mujahideen, Jamaat-ul-Mujahideen, as Pakistan-based, but mainly under Kashmiri leadership; and Jammu and Kashmir Liberation Front as a Kashmiri Islamist group.¹ Pakistan continues to encourage terrorism in Kashmir to engage the Indian armed forces in counter-terrorism or low intensity conflict, thereby degrading India's conventional force prowess by

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1. Praveen Swami, "Terrorism in Jammu and Kashmir", in Sumit Ganguly, ed., *The Kashmir Question* (Great Britain: Frank Cass and Company Limited, 2003).

a process called “strategic fatigue”.² Thus, it not only makes India pay a military price but also an economic price. The *jihadis* were not just local insurgents following conspiratorial strategies but also Afghan *jihadis* also known as *mehman* (guests) militants who were ready to fight the Indian Army. Their belief was that the Muslims comprise the oppressed sections of the world and the oppressors are the non-Muslims or the infidels. Terrorism was conflated with other forms of violence. While the Kashmiri *jihadis* would “open up from more than 100 metres away, the Afghans would come in as close as 30 metres”.³ These religious *jihadis* would indulge in guerrilla warfare. Other tactics would include “bomb blasts, cutting lines of communication, attacks on patrols and the police”.⁴

GOVERNMENT’S REALISATION

It became essential for the Indian government to counter the long drawn cross-border terrorism and, hence, adoption of a comprehensive approach to terrorism was a desideratum. It was decided that attempts would be made to counter terrorism and not combat terrorism, and India would campaign against terrorism and not wage a war against it. The laws of armed conflict state that countries have the right to “resort to military action (*jus ad bellum*), provided that in the process, they can demonstrate just cause”.⁵ The Government of India tried to put substantial military pressures as one of the ‘three-pronged’ strategies to counter terrorism in Kashmir. In 1989, the security forces were given the task of “direct liquidation of the insurgents and their support base *within* Kashmir and the elimination of support of all kinds, especially of the influx of the armed insurgents, from sources *outside* the state”.⁶ The Army was never the first option for the government.

2. Gurmeet Kanwal, “Proxy War in Kashmir: Jihad or State Sponsored Terrorism?”, <http://pak-terror.freesevers.com/webarticle15.htm>, April, 1999.
3. L.N. Subramanian, “CI Operations in Jammu and Kashmir”, *Bharat Rakshak Monitor*, vol. 3(2) September-October 2000.
4. Victoria Schofield, “Hearts and Minds”, *Kashmir in Conflict: India, Pakistan and The Unending War* (New York: I.B.Taurus & Co Ltd, 2010).
5. Quoted in Geraint Hughes, “The Military’s Role in Counterterrorism: Examples and Implications for Liberal Democracies”, *The Letort Papers*, May 2011.
6. Robert G. Wirsing, *India, Pakistan and Kashmir Dispute: On Regional Conflict and its Resolution* (New York: St. Martin’s Press, 1994), p. 147.

However, the inability of the Central Reserve Police Force (CRPF) and the Border Security Force (BSF) and local police to prevent, detect, investigate and prosecute the terrorists coerced the government to deploy the Indian Army to take control over Jammu and Kashmir (J&K). However, it would be unfair to blame the CRPF and BSF for their inability to conduct counter-terrorist operations as neither force is trained for such operations.

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CHALLENGES OF THE ARMY

The Army had to perform dual roles: to guard the Line of Control (LoC) and to counter terrorists in its own land. Counter-terrorism became the reality which the Indian Army had to face on a daily basis in Kashmir. Despite the successful strategies used by the Army during the low intensity conflicts in Sri Lanka and Punjab, the Indian Army had been cautious about using the same tactics and strategies in Kashmir also. The Army wanted to work on the idea of the grid system as it had done in Nagaland or so. However, the grid system appeared to be impossible in Kashmir due to its terrain. Counter-terrorism was a big challenge for the Indian Army as individuals from Kashmir would be in support of the terrorists and cooperate with them in the initial phases. The Indian Army's "prolonged employment in internal security duties" could hinder its preparedness for its most important role, that is, "safeguarding the territorial integrity of India's land borders by defeating aggression and fighting and winning conventional wars against the country's military's adversaries when necessary" and also to wear out "front line weapons and equipment" and put a huge burden on its defence expenditure.⁷ It is natural that "military measures, forces and capabilities that are best suited for counter-terrorism are apt to differ from those that are best suited for other types of contingencies".⁸ The Army had realised that 'physical domination' in an area is very important to counter terrorists. The Rashtriya Rifles was raised as a

7. Brig Gurmeet Kanwal, "Red Terror: Army Must Not Be Deployed", *India Strategic*, July 2010.

8. Cited in Durga Madhob (John) Mitra, *Understanding Indian Insurgencies: Implication for Counter Insurgency Operations in the Third World* (US Strategic Studies Institute, 2007).

paramilitary force, hoping to be funded by the Ministry of Home Affairs. However, due to the lackadaisical interest of the Ministry of Home Affairs, the Rashtriya Rifles was funded by the Ministry of Defence from the Army's budget at a time when the defence budget allocation was being reduced.

ABOUT THE RASHTRIYA RIFLES

The Rashtriya Rifles, the brainchild of Gen B. C. Joshi, was established in 1990 with the permission of then Prime Minister Rajiv Gandhi and is specialised in performing counter-terrorist operations. It was raised as a paramilitary force and is the only common force in which soldiers from all units operate together to counter terrorism in Kashmir. The soldiers and officers belong to the Army regular and, hence, are trained in all kinds of tactics and also in the use of all kinds of weapons. The force is self-reliant, holistic and extremely well structured for counter-terrorist operations. Realising the importance of the paramilitary force, from 1988-99, a separate portion of the defence budget started being allocated for it. The Rashtriya Rifles (RR) is a trained buffer force which not only conducts counter-terrorism operations but also assists the Indian Army during conflicts, as was seen during the Kargil conflict. Hence, not only is it handy for low intensity conflicts but can also provide support during limited conflicts too. The RR has provided active support to the Indian Army by countering terrorists, seeing to it that the roads and lines of communications are not blocked and locating and neutralising landmines. After the Kargil War, it was decided that the RR would conduct the counter-terrorist operations in Kashmir, supported by the BSF and CRPF and only during extreme situations would the Army be called in.

Areas of Operation

The RR has been active in the following areas of Kashmir: Pulwana, Srinagar, Anantnag, Doda, Ganderbal, Kupwara, Pattan, Bandipore and Poonch. The Army's Romeo Force operates in Rajouri and Poonch, Delta Force in Doda, Victor Force in Pulwama, Badgam and Anantnag, Kilo Force in Baramula, Kupwara and Srinagar, and Uniform Force in Banihal and Udhampur. The RR battalions are affiliated to different regiments. For example, 4RR

is affiliated to the Bihar Regiment, 7RR and 22RR to the Punjab Regiment, 10RR to Rajput, 11RR to Dogra, 12 RR to Grenadiers, 13 RR to Kumaon, 15RR to 1GR, 17 RR to Maratha, 21 RR to Guards, 32RR to GR, 36 RR to Garhwal Rifles. In the initial phases, the Assam Rifles was also deployed for counter-terrorist operations in Jammu and Kashmir and was eulogised for the commendable job it did under the Rashtriya Rifles, like 18 Assam Rifles was under the HQ1 Sector of the Rashtriya Rifles, 28 Assam Rifles was under HQ 6 Sector under Delta Force, 10 Assam Rifles and 3 Assam Rifles were under HQ 11 Sector Rashtriya Rifles, and 21 Assam Rifles under 7HQ Rashtriya Rifles.⁹

Table 1

Battalion	Approx Area of Operations	Battalion	Approx Area of Operations
1 RR	Pulwana	19 RR	Kupwara
2 RR	Srinagar	20 RR	Banihal
3 RR	Anantnag	21 RR	Kupwara
4 RR	Doda	22 RR	Sopore
5 RR	Ganderbal	23 RR	Kupwara
6 RR	Kupwara	24 RR	Kupwara
7 RR	Anantnag	25 RR	Surankote
8 RR	Doda	26 RR	Kishtwar
9 RR	Anantnag	27 RR	Poonch
10 RR	Doda	28 RR	Baramulla
11 RR	Doda	29 RR	Baramulla
12 RR	Doda	30 RR	Sopore
13 RR	Pattan	31 RR	Kistwar
14 RR	Bandipore	32 RR	Kupwara
15 RR	Bandipore	33 RR	Bandipore
16 RR	Poonch	34 RR	Badgam
17 RR	Poonch	35 RR	Badgam
18 RR	Kupwara	36 RR	Anantnag

9. Col Anil Shorey, "Assam Rifles in J&K: Great Job", Ministry of Defence, <http://mod.nic.in/samachar/july15-06/h9.htm>

The above table gives us a clear picture of the areas where the Rashtriya Rifles operate. The areas vary from urban to rural ones. All these areas come under the 'disturbed areas' and, hence, in all these areas, the Armed Forces Special Powers Act (AFSPA) has been implemented. This is a big challenge for the Rashtriya Rifles, as in urban areas like Srinagar, they have to implement urban warfare strategies, while in the other areas, they have to implement rural warfare strategies. Hence, they have to be very well trained. Due to the large population in urban areas, conducting counter-terrorism operations in places like Srinagar is a difficult task for the Rashtriya Rifles. Counter-terrorist operations in areas like Wadwan which is a remote area and a difficult terrain in Jammu and Kashmir, was a difficult task which was conducted meticulously by the Rashtriya Rifles.

Motto of the Rashtriya Rifles

With *dhridta aur virta* as its motto, over the years, the Rashtriya Rifles has encountered terrorists dauntingly which has had an incredible impact on the psyche of the militants who were ready for an 'armed crusade' against the Indian forces for an independent Kashmir. The RR was expected to be funded by the Ministry of Home Affairs, but it was funded by the Ministry of Defence. The counter-terrorism operations are performed by extremely well trained and well equipped troops. The Rashtriya Rifles ensured that the regular Army force was not diverted for counter-terrorism operations, thereby enabling the Indian Army to conduct its job of counter-infiltration and border defence.

The Irony

According to Brig Gurmeet Kanwal, the force had done "remarkably well in pursuing counter-insurgency operations to fight Pakistan's proxy war in Kashmir".¹⁰ He also mentioned that the Rashtriya Rifles is the world's "largest counter-insurgency force" and also played a "key role" but has "not got the recognition in the world".¹¹ This has been the biggest irony regarding the

10. Gurmeet Kanwal said this in an interview in News Live on January 15, 2011, in a short documentary on "Rashtriya Rifles- Saviours of Kashmir", by Vishal Thapar.

11. Ibid.

Rashtirya Rifles. It has been labelled as a counter-insurgency force while it does the job of counter-terrorism. Terrorism is defined as a “publicized program of episodic violence targeted upon non-combatant persons and property for the purpose of affecting political attitudes and behaviour”¹² which is prevalent in Kashmir. An insurgency is a political movement to overthrow the existing government, while terrorism is the violent tool used to pursue the goals of the political movement.

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There is a thin line between counter-insurgency and counter-terrorism which the nation often fails to realise. Counter-terrorism is a component of counter-insurgency. The former focusses on combating the tactics and strategy of terrorism while the latter focusses on the responses to political violence carried out by minority groups.

Why Underrated?

The Rashtriya Rifles has achieved tremendous success in counter-terrorist operations. However, the force is often tagged as the ‘Indian Army’ and hence, it loses its individualistic identity. In J&K, RR is the subset of Indian Army operations as the Army also conducts counter-terrorist operations simultaneously. Very few people are aware of the fact that counter-terrorist operations in Kashmir are conducted by a well trained buffer force called the Rashtriya Rifles. Some of the counter-terrorist operations conducted by the Rashtriya Rifles are rated by many as violations of human rights. Organisations like the Red Cross and Amnesty International often highlight the human rights violation conducted by the military in Kashmir which had made the Rashtriya Rifles infamous amongst the Kashmiris and the human rights organisations. The recruitment of the Irish Republican Army increased considerably after vigorous British military actions against the suspects. In Israel, the killing of suspected terrorists resulted in the recruitment of more

12. Herbert K. Tillema, “A Brief Theory of Terrorism and Technology”, in Tushar K. Ghosh, Mark A. Prelas, Dabir S. Viswanath, Sudarshan K. Loyalka, eds., *Science and Technology of Terrorism and Counterterrorism* (New York: CRC Press, 2010).

terrorists. Hence, it was concluded that offensive military actions could result in recruitment of more terrorists in an organisation to fight for the cause of Azad Kashmir. However, not being proactive is not a solution.

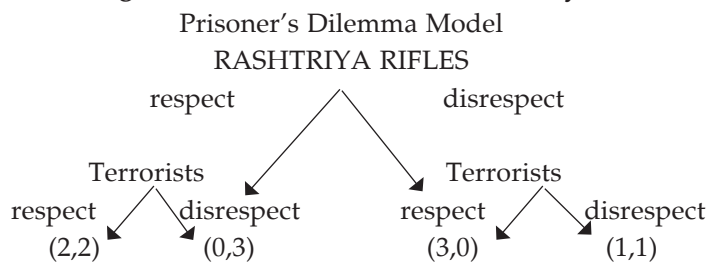
The Rashtriya Rifles employs tactics like “fire” strategies which could include aggressive searches of all the people passing through a check point. However, tactics which could cause collateral damage and are a component of the “fire” strategy are usually avoided unless they are necessary. “Water” strategies are also employed which include tactics which would follow the rules in the eyes of the general population like intelligence driven arrests. Let the strength of terrorist organisations be denoted by ‘x’ and aggressive use of fire strategies be denoted by ‘v’. Denoting that “fire” strategies increase recruitment could be done by $I(x, v)$ where $I_x > 0$, $I_{xx} < 0$ and $I_v > 0$. It is not assumed that terrorism can be solely blamed on overaggressive counter-terrorist operations and, hence, we form $I(0, x) > 0$ as recruitment of new terrorists can occur even when there is no application of “fire” tactics. Elimination of fire tactics could reduce recruitment but does not eliminate recruitment.¹³ The ideal procedure is to employ both fire and water strategies in order to reduce the cost function to a minimum and then use the fire strategy to reduce recruitment.

The media has downplayed the role of the Rashtriya Rifles in counter-terrorist operations. This is because often the term counter-terrorism is confused with anti-terrorism. The media and common people forget that the role of the Rashtriya Rifles is not to implement anti-terrorism strategies which are defensive mechanisms but to implement counter-terrorism strategies which are offensive mechanisms. Sometimes, harm to civilians become unavoidable but unintentional, a doctrine of ‘double effect’ as stated by the military of the United States. Sometimes it might also be difficult and morally unfair to abide by the principles of International Humanitarian Law during counter-terrorist operations, especially when the terrorists are not doing the same which could lead to a situation of ‘dilemma (non) compliance’. Hence, soldiers are often in a dilemma about whether to

13. Cited in Jonathan P. Caulkins, Dieter Grass, Gustav Feichtinger, Gernot Tragler, “Optimizing Counter- Terror Operations: Should One Fight Fire with ‘Fire’ or ‘Water’?,” <<http://www.heinz.cmu.edu/research/292full.pdf>>

follow the laws of armed conflict which, if they do, would leave them with strategic disadvantages at times.

Modelling Counter-Terrorism for the Rashtriya Rifles



In the above model, the Rashtriya Rifles is taken as an example. The model represents the pay-offs between the RR and the terrorists. When both terrorists and the RR respect the laws of armed conflict, the outcome is (2,2) which never happens. When the RR respects the laws of armed conflict, and the terrorists do not, the outcome is (0,3) which is often the case. Hence, the pay-off for the RR then is 0, while for the terrorists it is 3. When the RR disrespects the laws of armed conflict and the terrorists abide by them, the pay-off is just the reverse, 3 for the RR and 0 for the terrorists (3,0). However, this is an impossible possibility. The last situation is the one in which both the RR and the terrorists do not abide by the laws of armed conflict. The pay-off is equal but less than that achieved if both abide by the laws of armed conflict. The pay-off, hence, is (1,1), 1 for the RR and 1 for the terrorists. This is a situation of the prisoner's dilemma where neither side knows what strategy each side would implement. In this case, mutual respect for the laws of armed conflict could result in a higher pay-off for both the RR and the terrorists, however, due to the threat dilemma and lack of information, this does not happen. Instead, either the RR abides by the laws or neither of them abides by the laws. As seen above, the best strategy for the RR is to disrespect the laws of armed conflict in order to gain better pay-offs when it knows that the terrorists would not abide by them. In spite of this, it is seen that the RR usually implements the second model in spite of less pay-offs, and difficulties in implementing it.

The Rashtriya Rifles could use the SIMULTANEOUS DEFEND ATTACK MODEL when both the terrorists and the paramilitary decide their own defences and attacks, without knowing the actions chosen by each other. It must be noted that if an attack model of a terrorist organisation has been successful in the past, it could be followed again in the future. The SEQUENTIAL DEFEND ATTACK DEFEND MODEL where the defender first uses defensive mechanisms and the attacker then attacks after observing the defensive actions and then the defender uses his might to recover from the attack might not be suited for the Rashtriya Rifles.

Since game theories are likely to succeed only in the initial phases, the concept of PROBABILISTIC INVERSION could also be conducive for the Rashtriya Rifles whereby they could estimate the success probability of an attack strategy which would be more likely to succeed or which are the targets which would be more attractive to the terrorists.

A Force for Good

The tactics used in terrorism are different from those used in conventional wars. Terrorists use tactics like kidnapping, assassinations, car bombs, hijacking and hostages and usually target political opponents, and the people at large. Other challenges include no special recognition of war zones by the terrorists and neither do they follow any international or domestic legal bindings. While the Indian Army was busy guarding the Line of Control (LoC) and the Line of Actual Control (LAC), there needed to be a special force raised to deal with terrorism in the interiors of Jammu and Kashmir.

It was important to raise a special counter-terrorist force as, in spite of fencing, sensor technologies, and three-tier deployments, terrorists were still found in Kashmir and arms and ammunitions were often recovered. A political solution for Kashmir seemed to be impossible. However, the region could not have been left in the hands of the less well equipped CRPF jawans. While the terrorist organisations possessed fin stabilised rockets, 60 mm mortars, automatic grenade launchers, advanced communication gear, high power sniper rifles with infrared scopes, and explosives, the Kashmir police was equipped with pistols, obsolete .303 Enfield rifles and bold action

7.62mm rifles.¹⁴ Therefore, there was a need for the Rashtriya Rifles to provide security in the region till a political solution was found. Attempts are always made for adequate integration of the local police forces with the Rashtriya Rifles so that the police forces' capabilities are upgraded and the local people do not consider it to be a war between the Indian government and the terrorists.

There was a tussle of conflict between the philosophies of fighting external enemies compared to internal conflicts. Countering terrorists required a different kind of strategy and, hence, there was a necessity of a specialised and well trained force. Absence of high-tech military advantages resulted in the RR forces being drawn into close range operations. Counter-terrorism was a challenge as it required distinguishing the local people from the terrorists, winning the hearts and minds of the common people and neutralising the anti-national sentiments. Thus, there could be no margin of error in these operations as the soldiers needed to be confident and sure as to whom and what they are firing at, and avoid collateral damage. While the irregular soldiers do not follow any humanitarian law, the RR is obliged to do so, thereby leading to a situation of 'moral asymmetry' which often complicates counter-terrorist operations. It was believed that the Rashtriya Rifles would be able to "protect the lines of communication and supplies from terrorist attacks in Jammu and Kashmir"¹⁵ in the event of a war. The Rashtriya Rifles' contribution to "peace and stability" in Jammu and Kashmir is "immeasurable" and the force has been able to create a situation favourable for civil governance.¹⁶ It has been able to uphold the national security objectives of India to "protect the lives and property of its citizens against war, terrorism, nuclear threats and militant

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14. Thesis by William Scott Latimer, "What can the United States Learn from India to Counter Terrorism", Naval Postgraduate School, March 2004.

15. Kanwal, n. 7.

16. Nitin Gokhale, "Unsung and Unheard, the Rashtriya Rifles Plays a Critical Role", Updated on October 19, 2011, on *Rediff News*.

activists, protecting the country from instability and religious and other forms of radicalism and extremism emanating from neighbouring states".¹⁷ However, the RR had always conducted counter-terrorist operations in its own territory and had not violated the territorial integrity of Pakistan which indulges in state sponsored terrorism in Kashmir, thereby abiding by Article 2(4) of the United Nations Charter. The effectiveness of the Rashtriya Rifles against militants has been more so due to the fact that they are "structured differently, having "six rifle companies" each as opposed to four in regular infantry battalions".¹⁸ The sub-conventional operations strategy of the Rashtriya Rifles has enabled it to get success. The command and control structure of the Rashtriya Rifles is under the loop of the Indian Army, which further enhances its potency. Its efficiency has increased due to the directive style of the command and control system. The troops are deployed dynamically and they conduct swift small team operations which have led to their success. The troops have been well trained in both covert and direct action.

The Rashtriya Rifles face enormous difficulties due to the difficult terrain where the counter-terrorist operations have to be conducted. Given the 1,22,000 sq km of area of operations, and a 700-km-long LoC to maintain, the security forces continue to do a commendable job in Kashmir. Some areas are densely forested, mountainous areas as high as 10,000 feet above sea level. Determined guerrillas would continue to launch attacks, and thereby weaken any kind of strategies laid down for counter-terrorist operations. Jungles could often prevent regular soldiers from applying overwhelming firepower and manoeuvre which was evident in the Vietnam War where the North Vietnamese forces and the Vietcong applied guerrilla tactics in jungle warfare against the South Vietnamese forces and the USA. It also becomes difficult to conduct counter-terrorist operations as the terrorists are heavily armed and well trained. For example, in November 1996, four hideouts, well equipped with arms and ammunition in the Haphruda forest of Kupwara district, were spotted and destroyed under Lt. Col. Rana. In March 2000,

17. "Indian Armed Forces", Ministry of Defence, <http://mod.nic.in/aforges/welcome.html>, accessed on November 18, 2011.

18. Rajat Pandit, "Army in Fix Over Rashtriya Rifles Battalions", *The Times of India*, August 1, 2005.

11 and 31 Rashtriya Rifles, with the help of rockets and 12.7mm machine guns dropped from Mi-17 helicopters of the Indian Air Force (IAF), were able to counter terrorists in the snow-capped mountains of Doda district. In December 2001, Lashkar-e-Tayyeba militants tried to storm the Rashtriya Rifles camp at the Pulwama district but failed in their attempts as the troops were alert and killed one terrorist. Post Kargil War, the security forces also had to deal with a new kind of threat of suicide bombing which was very popular in Kashmir till then. Other challenges could be that encounters are usually for longer durations which require a lot of patience and training. One of the reasons behind these long duration counter-terrorist operations could be that most terrorists find it better to bear arms to defend their religion and ideology than to surrender to humiliation. In January 2010, Army personnel from 52 Rashtriya Rifles and a local area commander of the Lashkar-e-Tayyeba, Abu Hamza, were killed in a 16-hour encounter.

Another major issue is that it is difficult to distinguish a 'disturbed area' from an undisturbed one in Jammu and Kashmir as terrorists could choose any area as a possible hideout. Hence, the RR needs to be omnipresent in Jammu and Kashmir. This often makes it unpopular amongst the civilians. The RR had always been as responsible as possible during counter-terrorist operations. There are times when the RR has refrained from countering terrorists in an area where civilians have been taken hostages, by waiting for the terrorists to wear out their resources, and then attacked them. This was because their main aim is to defeat the strategy of the enemy and not just the enemy.

A major advantage of the Rashtriya Rifles over infantry battalions is that the RR is deployed in 'disturbed areas', with no 'regular turnover'. This is unlike the infantry battalions that keep getting posted every two-three years. Thus, the RR is efficiently able to gather intelligence information quite successfully due to its prolonged stay in the region. This has also enabled the RR to become well acquainted with the terrain of the region. The Rashtriya Rifles has often carried out cordon and search operations. Often, the RR had faced difficulties in gathering intelligence reports and, hence, human intelligence, called *ikhwanis* have been of great help to the Rashtriya Rifles. Ex-terrorists like Parray, Javed Shah, Setha Guggar and Sareer Khan

have not only surrendered but also encouraged other terrorists to give up terrorism. The militants who gave up their guns are also given monetary rewards and incentives. Soldiers have often recovered weapons like the AK-47s, AK-56s, sten guns, sniper rifles, machine guns, explosives, hand grenades, anti-tank mines, rocket propelled grenade launchers, infantry mortars and even anti-aircraft missiles.

Table 2: Jammu and Kashmir Fatalities: 2001-10

	Civilians	Security Force Personnel	Terrorists	Total
2001	1,067	590	2,850	4,507
2002	839	469	1,714	3,022
2003	658	338	1,546	2,542
2004	534	325	951	1,810
2005	521	218	1,000	1,739
2006	349	168	599	1,116
2007	164	121	492	777
2008	69	90	382	541
2009	55	78	242	375
2010	36	69	270	375

Proportionality is a major concern under the law of armed conflict. Hence, for counter-terrorist operations, the level of force used should not exceed the level of force proposed to be used by the terrorists. However, there is another interpretation of proportionality in that the defensive responses should be limited only to those actions which are necessary to defeat the armed attack. The AK-47 is the main personal weapon of the Rashtriya Rifles¹⁹ intended to “neutralise the enemy power”.²⁰ These AK-47s were provided to India by the Soviets. Utmost attention has been given to not allowing the use of heavy weapons, the artillery or the Air Force in

19. “The Remarkable Rashtriya Rifles”, Ministry of Defence, <http://mod.nic.in/samachar/16feb01/html/trish.htm>

20. “Avtomat Kalashnikov AK47”, *Global Security*.

order to prevent “disproportionate use of force and collateral damage”²¹ thereby using ‘minimum force’. The strategy is not about using ‘maximum firepower’, unlike the Army but about maximum effectiveness. This has enabled reduction of collateral damage in the densely populated Kashmir Valley. This is unlike counter-insurgency operations around the world where mortars, artillery and other heavy weapons are used. However, efforts have been made to provide the Rashtriya Rifles with “multiple grenade launchers and hand-held thermal imagers... long range reconnaissance and observation systems” and also “advanced counter-improvised explosive devices”.²² Finding the right alternatives to the AK-47s could be a good option. The jawans have not been very happy with the performance of the INSAS 5.56 which is an indigenous assault rifle. They found the rifle “ineffective” in counter-insurgency operations.²³ However, the CRPF has confirmed that the Israeli made TAVOR rifle is better than the AK-47 as it is more effective and lightweight²⁴. Laser fitted assault rifles would enable soldiers to target correctly. Efforts to modernise the equipment of the infantry and RR units are aimed at increasing their competence of “surveillance and target acquisition at night and boosting their firepower for precise retaliation against infiltrating columns and terrorists holed up in built-up areas”: 200 hand-held battlefield surveillance radars with ranges up to 7 to 8 km where there is a clear line of sight, 2,000 hand-held thermal imaging devices for “observation at night and stand-alone infrared, seismic and acoustic sensors with varying capabilities” have enabled domination over the Line of Control, resulting in a decrease in infiltration.²⁵

JUSTIFYING THE AFSPA

The Armed Forces Special Powers Act (AFSPA) of 1990 gave the forces special and unrestricted powers to carry out their operations under the

21. B. Raman, “Evolution of India’s Counter-Terrorism Capabilities”, *International Terrorism Monitor, South Asia Analysis Group*, May10, 2006.

22. Pandit, n. 18.

23. Shishir Arya, “Saddled with Insas, Army Wants New AK-47s”, *The Times of India*, September 7, 2009.

24. “Israeli Made Rifle TAVOR Better than AK-47: Official”, *One India News*, February 3, 2011.

25. Gurmeet Kanwal, “Modernising the Indian Army”, C:\Users\User\Desktop\599 Gurmeet Kanwal, Modernising the Indian Army.htm

'Disturbed Areas Act'. It could be said that the AFSPA violates the right to life under Article 21 of the Indian Constitution. However, removing the AFSPA from the disturbed areas would tie down the hands of the armed forces in conducting effective counter-terrorist operations. In 2001, the Belarus Parliament approved the Law of the Republic of Belarus on Fighting Terrorism giving counter-terrorist forces the right to enter houses, property and religious places at will, without warrants, in case they suspect these are terrorist hideouts. Every combatant, whether involved in a third generation war or a fourth generation war, has the right to enjoy the 'combatant's privilege', that is, to legally use lethal force against enemy combatants. Cordoning usually has to take place on the target house. Once the civilians are moved outside the house to be cordoned, the forces have to conduct a house entry drill and then the security forces have to look for the hideouts which could be below the kitchen or below an almirah, or in the cowsheds, or living rooms, to list a few. Ambush in counter-terrorist operations needs special skills and the need to apply the principles of *jus in bello* as the terrorists have to be distinguished from the local people. The art of ambush includes 'stealth', 'surprise', 'secrecy', 'devastating precision' which would be impossible if the armed forces are not given special powers to perform the operations. Under Section 4, the armed forces can shoot to kill, the Army can destroy property in case the property is an arms dump, can arrest anyone without a warrant, enter and search without any warrant to arrest or recover arms and ammunition. This has helped them to arrest several suspected terrorists. Under the *lex specialis* of International Humanitarian Law, even citizens may be detained, if they are suspected, and may be interned. Every country tries to combat terrorism within the legal framework, but sometimes human rights violations do take place. This could be seen in the case of Germany trying to combat the Rote Armee Fraktion in the 1970s, and Spain's attempt to combat the ETA. Removal of AFSPA is not a wise option as Kashmir would continue to remain a disturbed area due to Pakistan's state sponsored terrorism. Removing AFSPA could make these areas in Kashmir safe havens for the terrorists.

PARADIGM SHIFT

The use of conventional military doctrines had alienated the Rashtriya Rifles from the local population and the insurgents took advantage of this and, hence, there was a necessity for a new doctrine. The Army has realised the importance of winning the hearts and minds of the people with the help of an “iron fist in a velvet glove”,²⁶ Operation Sadbhavna, “through people friendly projects”.²⁷ The armed forces have undertaken major activities under different operations like Operation Maitree, Operation Sangam and Operation Ujala. Under these, numerous activities like “quality education, women’s empowerment, community development, infrastructure development and health care” have been provided.²⁸ The Rashtriya Rifles have donated books, computers and furniture to government schools. They have organised essay writing competitions for school children, trips to different places of tourist interest, organised sports events, and welfare activities for women so that they may become financially independent, constructed bridges, roads and micro hydel power projects. It is sad that such actions of the Rashtriya Rifles are never highlighted by the West or the organisations upholding the values of human rights.

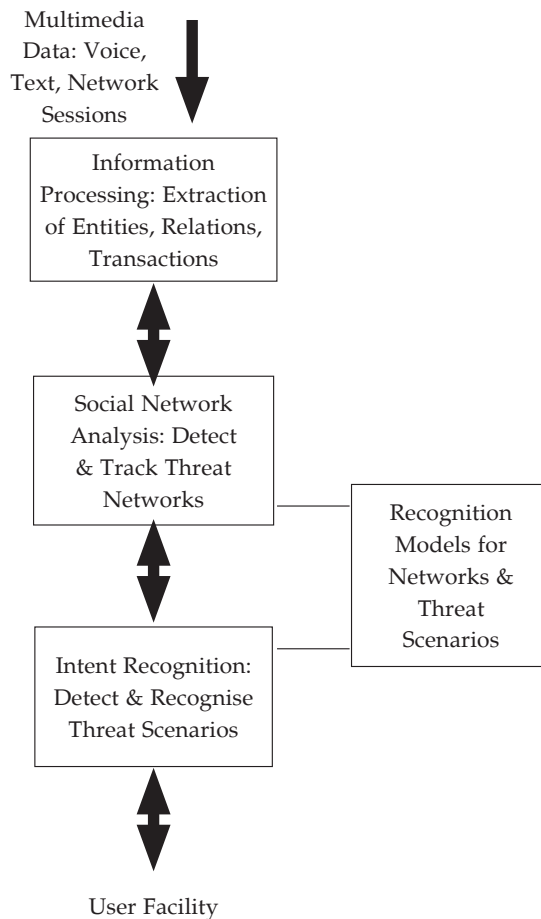
THE FUTURE

The Counter-Terror Social Network Analysis and Intent Recognition (CT-SNAIR) could be implemented where automated tools and techniques would be used to detect and track the dynamically changing terrorist networks and also for recognising the capabilities of the terrorists and their potential intents.

26. “Counter Terrorist Operations”, Northern Command, <http://indianarmy.nic.in/Site/FormTemplate/frmTemp2PRTRM4C.spx?MnId=mq8coVhi57DhADLPilZuKw==&ParentID=DKWYbpO03emHdmtZsgiaJw==>

27. “Operation Sadbhavna”, Ministry of Defence Report, <http://mod.nic.in/samachar/march1-06/h11.htm>

28. “OP Sadbhavna”, Northern Command, <http://indianarmy.nic.in/Site/FormTemplate/frmTemp1PRT3C.aspx?MnId=vDV972EAC0rJ7ijDQk6wwA==&ParentID=nP5JQ3H/1obKeZyBPfjmYQ==>

Fig 1

The Rashtriya Rifles have to deal with a divided Kashmir—Shias, Sunnis and Backerwals—though under a single religious umbrella: Islam. The Rashtriya Rifles has to realise that what started as a movement for an ‘independent Kashmir’ has now altered into an ‘Islamic *Jihad*’ to install the rule of Allah. Often, the local people consider the troops to be outsiders, while the troops consider the local Muslims to be “supportive of the militancy”.²⁹

29. Surinder Singh Oberoi, “Ethnic Separatism and Insurgency in Kashmir”, <http://www.apcss.org/Publications/Edited%20Volumes/ReligiousRadicalism/PagesfromReligiousRadicalismandSecurityinSouthAsiach8.pdf>

The Rashtriya Rifles would face serious challenges in 2014 once the US moves out of Afghanistan and there is a power vacuum. There could be serious threats to Kashmir from the belligerent Taliban. Pakistan could use the Taliban as a tool to counter Indian influence in Central Asia and Afghanistan by causing disturbances in Kashmir. In case the state of Pakistan collapses, there could be a struggle for power, a governance deficit, and the scenario could be even worse. There could be an increase in terrorism, small arms proliferation, drug trafficking, child trafficking, money laundering, etc.

The Rashtriya Rifles needs to train itself not just as a counter-terrorist force but also as a Weapon of Mass Destruction (WMD) counter-terrorist force due to the emerging threats of such weapons falling into the hands of terrorist organisations. Use of Improvised Explosive Devices (IEDs) is very common among terrorist groups. However, in the future, the IEDs could possibly be used in combination with chemical toxics, biological toxins and radiological materials. This could be a big challenge for the RR to deal with. The catastrophic effect of these IEDs could be enhanced by coupling where one IED is linked with another, or boosting where explosive devices are kept one on top of another and the bottommost device is used to fuse, or daisy chaining or by shaped charges. Microwave blasts, radio frequency jammers and chemical sensors could be used as counter-measures to IEDs. Other counter-measures might include laser induced breakdown spectroscopy systems. The Rashtriya Rifles must strategise an effective I&W (Indication and Warning) model for counter-terrorism operations. There is need of an effective Intelligence, Surveillance and Reconnaissance (ISR) system to improve the efficiency of the RR.

A major dilemma in a counter-terrorist operation is whether to kill the leader or the foot soldiers. Killing the leader or the commander is more effective than killing foot soldiers as the leader is more valuable to the organisation and, hence, killing him could jeopardise the command and control mechanisms which could disrupt further terrorist attacks. For instance, the Rashtriya Rifles, along with Kashmir's police had killed Abdullah Uni, the chief operational

commander of the Lashkar-e-Tayyeba (LeT) in September, 2011.³⁰ However, killing the foot soldiers prevents them from becoming leaders in the future or becoming masterminds of various other plots.

Dilemmas can also occur regarding whether to employ active counter-terrorism methods or passive ones. Active methods could include destruction of terrorist training camps, infiltrating terrorist groups or freezing terrorist assets. Defensive mechanisms could include erecting technological barriers, and securing the borders, to list a few. Application of the game theory in counter-terrorist operations could be one of the best options, though confined only to the initial decision-making.

With sophistication in technology, the RR might have to face challenges which they have never faced before. These may include having to deal with dangerous bombs like thermobaric bombs, neutron bombs, and electromagnetic pulse bombs. These can cause severe damage and loss of life and are cheaply available.

With the success of the Rashtriya Rifles in Kashmir, the Home Ministry has persuaded the Union Cabinet to deploy the force even in the Naxal affected areas of Chhattisgarh, Jharkhand, and Maharashtra. For instance, Home Minister Chidambaram wanted to deploy these forces for “static”³¹ duties in these regions. The Rashtriya Rifles would be present there to boost the morale and efficiency of the central paramilitary forces. This is because not only has the Rashtriya Rifles conducted successful operations but has motivated the CRPF and local J&K Police force to perform effectively in counter-terrorist operations. The CRPF commandos now are an asset to the RR and the local police. The CRPF actively took part in the encounter of commanders Abdullah Uni and Abdul Rehman. Even the J&K Police actively take part in the counter-terrorist operations along with the Army and sometimes on their own. The Army however, does not want to disturb the Rashtriya Rifles and divert them to the Naxal affected areas. The Army has suggested that instead of diverting RR troops from Jammu and Kashmir, new RR troops be raised.

30. Srinivasan Jain, “Kashmir: The Riddle of AFSPA”, *NDTV*, November 21, 2011.

31. Quoted in Shishir Gupta, “Rashtriya Rifles to Move from J&K into Red Zone”, *Hindustan Times*, December 2, 2011.

It could be argued that there is no military solution to the problem of Kashmir. While soft power options are always preferred, they could take a lot of time to bring about any change. Terrorism is a politicised term and, hence, to gain widespread support for elimination of terrorism by way of the 'stick approach' rather than the 'carrot approach' might not be possible. However, the situation in Kashmir is such that the consequences of military action are not going to be worse than the consequences of military inaction. With both India and Pakistan becoming nuclear weapon states, nuclear deterrence has worked well in the region based on the concept of mutual assured destruction. This nuclear deterrence has been exploited by Pakistan in its national security strategy to alter the status of Kashmir by using proxy war as a medium. Pakistan knows well that nuclear deterrence had restrained India from launching a conventional offensive against Pakistan. Pakistan's proxy war has time and again been exploited by the dragons to serve Beijing's strategic purposes. The Chinese nuclear and missile shield has enabled Pakistan to continue with its proxy war in Kashmir without getting worried about an Indian retaliation.

Hence, there is a need for an effective counter-terrorist force to prevent India from crossing the limits of its tolerance towards the quotidian proxy war that India is a victim of. It could be said that it is because of a special counter-terrorist force in Kashmir that it has been possible for the Indian Army to be patient regarding the upsurge there and not get involved in a limited conflict with Pakistan. Donald Rumsfeld had once said that terrorists have all the advantages of launching offensives and the only solution is to battle them and root them out as a right to self-defence.

The problem in Kashmir is terrorism, and counter-terrorism needs offensive solutions. Under sustained counter-terrorist operations, the capability of the terrorists is likely to remain low. The RR might not be a better replacement to infantry battalions of the Indian Army, but they are definitely a good replacement for the BSF and CRPF for performing counter-terrorist operations. One might argue that there could be peaceful means to solve the problems, like bringing about development in the region, and so on. However, people fail to realise that in the present situation, without military pressure on the terrorists,

no development work can take place in the region. One must understand that Pakistan as a state that has sponsored terrorism, would not want any kind of development in the region as that would mean the local people becoming benevolent towards the Indian government.