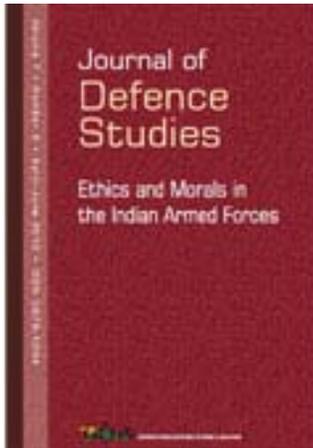


Institute for Defence Studies and Analyses

No.1, Development Enclave, Rao Tula Ram Marg
Delhi Cantonment, New Delhi-110010



Journal of Defence Studies

Publication details, including instructions for authors and subscription information:

<http://www.idsa.in/journalofdefencestudies>

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To cite this article: Vivek Chadha (2013): Role of Morals, Ethics and Motivation in a Counter-insurgency Environment, Journal of Defence Studies, Vol-7, Issue-2. pp- 49-68

URL: http://idsa.in/jds/7_2_2013_RoleofMoralsEthicsMotivation_vchadha

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Role of Morals, Ethics and Motivation in a Counter-insurgency Environment

*Vivek Chadha**

Morals, ethics and motivation are the bedrock of the Indian Army, since it is considered more than a profession: a way of life. These qualities are put to test under most conditions of soldiering; however, there cannot be a more difficult environment than involvement of an army in protracted counter-insurgency (CI) operations. The conditions faced pose peculiar challenges, which force a soldier to adapt. This adaptation can potentially become a morally corrupting influence unless the ethical standards of a force and its moral bearings continue to guide actions. This is also an important determinant for leading a motivated army in such operations. This article assesses the circumstances and peculiarities of CI operations, the linkage between morals, ethics and motivation, impact of poor implementation of these values, and the measures to sustain a high-value system. Finally, it analyses the impact of these factors on the realities of CI operations.

The Indian Army has been involved in CI operations for more than five decades after independence.¹ This is probably amongst the longest continuous deployment of any army in such operations in the twentieth century. The deployment of the Army in CI operations has tested many an operational skill over the years. However, amongst the most fundamental questions that such people-centric deployments have raised is the relevance of morals and ethics in such operations.

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ISSN 0976-1004 print

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Journal of Defence Studies, Vol. 7, No. 2, April–June 2013, pp. 49–68



One could argue that morals and ethics are equally important in conventional wars, just as these are in the everyday life of a soldier. This would imply that there is no requirement for special emphasis or reiteration of these qualities in sub-conventional conditions like CI operations. The experience of the Indian Army, and for that matter armies across the world involved in such operations, proves otherwise. This stems from the peculiarities of CI operations, which make the circumstances under which armed forces operate distinct. Despite this apparent reality, there has been little discussion of the subject in a structured manner. This lacuna in research is not only evident in the Indian context but also in the larger domain worldwide.

Amongst the few initiatives in this regard was the establishment of the Army Centre of Excellence for the Professional Military Ethic (ACPME) in the United States (US). However, in a paper titled, 'Time for "Bottoms-Up" Approach to Military Ethics', Major Eric D. Magnell of the US Army highlights the limitations of work done at ACPME, given its focus at the academic level on 'theory and normative ethics'.² He felt the need to translate doctrinal principles into ethical tools for the CI environment. A similar sentiment is echoed by a team of writers, led by Don M. Snider, when they say, 'Current Army doctrine and scholarly research do not provide a construct for examining the Ethic, nor do they analyze how the Ethic changes with society's cultural shifts, evolving wars, or other external shocks'.³

The largely doctrinal work is in contrast with the simple guidelines often issued by guerrilla leaders. Mao laid down the 'three rules and eight remarks' for guerrillas:⁴

Rules:

- All actions are subject to command.
- Do not steal from the people.
- Be neither selfish nor unjust.

Remarks:

- Replace the door when you leave the house.
- Roll up the bedding on which you have slept.
- Be courteous.
- Be honest in your transactions.
- Return what you borrow.
- Replace what you break.
- Do not bathe in the presence of women.
- Do not without authority search those you arrest.

This article argues that unless morals and ethics become an important contributing factor for forces operating in CI operations, not only will the state lose the battle for the hearts and minds of the people, the armed forces will also suffer irreparable loss to its ethos, which has held it together despite individual breaches of conduct in the past.

WHY ARE CI OPERATIONS DIFFERENT

The discussion on morals and ethics and their relevance during the conduct of CI operations stems from factors which differentiate it from conventional war. First, more often than not, a conventional war is a national effort, which witnesses the moral, material and psychological support of the entire nation behind the armed forces. The outpouring of public support was not difficult to judge in the backdrop of the Kargil conflict, which witnessed the galvanization of the nation behind its armed forces. People came out on the streets to cheer military convoys moving towards the borders. Soldiers recalled from leave and moving without reservation in trains were not only offered seats by fellow passengers, they were also forced to eat with the people as a mark of respect. Far-flung corners, often in the news for insurgency, saw large processions to honour the heroes who had fallen in battle. Overnight, soldiers had become the real-life heroes of their grateful countrymen. However, this image undergoes a more than subtle change in CI operations. More often than not, there is divided opinion on the justification of the insurgency. By virtue of this division, there are sections of population which perceive the state as an oppressor. And since the breakdown in civil administration brings in the Army to control what is generally a volatile situation, it is seen as the agent of state oppression. Thus, there is a possibility of armed forces being estranged from the local population at the very commencement of operations. And since the intensity of operations is usually high in the initial phase of deployment, the situation only becomes worse. This has been witnessed in every single conflict in which the Army has been involved in the country. When the Indian Peace Keeping Force (IPKF) was deployed for Operation Pawan in Sri Lanka, it was described as the 'Innocent People Killing Force' on the walls of Chennai (then Madras) railway station. For an Army tasked to protect people in a foreign land, to be labelled as 'killers', required a strong institutional code of conduct and motivation to continue risking life and limb, despite a seemingly ungrateful section within the country.

Second, unlike conventional wars where the civil population is

evacuated from the war zone, CI operations witness conflict in populated areas. This situation is further aggravated when insurgents intentionally choose to use the people to camouflage their movement and identity.⁵ This results in cases of collateral damage and casualties in crossfire. Despite the clear intent of insurgents to shift the blame onto the Army for casualties in crossfire, the ensuing propaganda squarely targets the Army, further alienating it from the people. An analysis of internal conflicts in the country would reveal that singular high-profile incidents, irrespective of an objective assessment of the cause, become reference points for the Army's transgressions.⁶ It takes very high levels of motivation to sustain the negative orientation of large sections of population in the very area where soldiers risk their lives for the very same people.

Third, CI operations and aid to civil authorities during natural calamities are amongst the few instances where the Army comes in close contact with the people during the course of their duty. However, unlike humanitarian support during calamities, the Army's contact with the population in CI operations is over protracted durations and generally in areas which are difficult to access. The area is also characterized by the failure of routine administration and law and order. This makes the men in uniform by far the most authoritative symbols of the state. While for most, this provides the necessary connect with the problems of the common people, however, close proximity to the population can also lead to a perceived sense of power. This could result in exploitation of the people if strict checks and balances are not maintained by the chain of command and the ethics of soldiering are no longer guiding factors for the conduct of soldiers.

Fourth, unlike conventional wars where short durations and clear victory in battle brings glory and fame for life, CI operations, despite being a constant attrition against the will and skill of a soldier, rarely compensate for the vagaries of conflict. A frustrated soldier, taught the black and white of victory or defeat in war, faces the gray zone of a perpetual conflict. It is not rare for officers and men to do multiple tenures of two to three years in the same CI conflict, only to witness a frustrating stalemate. This is further aggravated when overzealousness or the quest for personal glory leads to sacrifice of means to achieve tangible ends in terms of 'kills'.⁷ It requires leaders of high moral values to sustain a seemingly endless conflict with limited tangible results.

Fifth, in a conventional war, the enemy only judges his adversary on the basis of his battlefield prowess. A professional body of men will be feared

and respected for their military capability on the battlefield. However, in CI operations, even as the military aspect holds true for the battle of wits between the insurgents and soldiers, it is not entirely applicable for the population at large. While the military successes of the Army facilitate neutralization of terrorist influence in an area, the population, however, judges a battalion deployed in an area more by its behaviour and interaction with the locals. This reality has been recognized by the US forces deployed in Iraq and Afghanistan. Major Celestino Perez writes: 'The ethics of war and nation building "among the people" is much more complex than the ethics of performing consolidation and reorganization on a desert objective after a tank battle'.⁸ It is for this reason that phrases like 'eye for insurgent and heart for innocent' were coined for the conduct of operations in a CI environment. The morals and ethics of a force are, therefore, more crucial factors on which a force is likely to be judged.

Sixth, the Army has its complete array of arms and ammunition in war. They are taught to exploit the capability and lethal characteristics of each weapon system. However, the very concept of CI operations is based on 'minimum force'.⁹ This goes against the very fundamentals of a soldier's training for conventional wars and takes years of re-training, experience and motivation to master.

Seventh, wars are governed by Geneva Conventions¹⁰ which are, at the best of times, difficult to follow given the challenges of battlefield conditions. However, in CI operations, the Army is required to function within the framework of laws.¹¹ This contrasts a far greater degree of operational flexibility in war as compared with CI operations since soldiers are answerable for their conduct to the government, people and courts of law. Thus, every action that is taken comes under scrutiny and can be questioned for its validity and intent. This, at times, creates an environment for soldiers where political one-upmanship, local issues and terrorist-engineered accusations lead to battles in courts of law, rather than the operational areas.

Eighth, soldiers face the most important ethical dilemma when they are deployed for CI operations and fight their own countrymen. This is all the more difficult when battalions which have troops hailing from the very same area are deployed for operations. In the past, one of the most controversial operations undertaken by the Indian Army involved the storming of the Golden Temple in 1984. This place of worship is considered by Sikhs to be amongst their most holy and revered shrines. The operation was led by a Sikh officer, Major General (later Lieutenant

General) K.S. Brar, and overseen by yet another Sikh, Lt. Gen. R.S. Dayal.¹² In addition to these officers, a number of other Sikhs were involved in the planning and conduct of the operation. Similarly, the IPKF in Sri Lanka comprised of a number of Madras battalions which had troops of the same ethnicity as Tamils in Sri Lanka.¹³ It is only the highest sense of duty and motivation that can overcome the moral dilemma faced by soldiers of operating against people of the same ethnicity.

Ninth, small team operations are not very common in war where units and formations are thrown into battle in large numbers. However, more often than not, CI operations witness the employment of small teams, led by relatively junior officers and men. This accentuates the feeling of isolation. It requires the highest level of motivation and propriety to function in such an environment.

Tenth, troops face a constant uncertainty of fighting an invisible enemy within the population. There is little to distinguish the innocent people from terrorists who can merge with the population, and sympathizers and overground workers who continue to support terrorist activity, despite knowledge of government agencies. This leads to attacks, and fatalities, from unexpected quarters, bringing the fear of the unknown amongst the soldiers.¹⁴ It is only a steadfast approach in the initial days of deployment, a high state of morale and motivation, which can guard against reprisals against the population in frustration.

LINKAGE BETWEEN MORALS, ETHICS AND MOTIVATION

Morals deal with standards of conduct in terms of right and wrong. Ethics relate to a social code of conduct. And finally, motivation deals with the stimulus to do something. Having seen the challenges peculiar to CI operations and some of the inherent contradictions, it is evident that only motivated troops can undertake the vagaries and challenges posed by the environment. For the largest volunteer army in the world, where the tradition of soldiering is a deep-rooted sentiment, this can only be achieved if the task at hand is seen and recognized as ethical. However, CI operations challenge this premise because of the circumstances under which operations are conducted. It would be useful to analyse an incident which could have taken place in any CI area.

A patrol is moving through a rural populated area. As the patrol passes by a market, it is fired upon from a house where terrorists have taken shelter. The populated area places limitations on the ability of the patrol to fire back. The terrorists take advantage of the locals in the area

and the close proximity of houses to make good their escape. Three of the soldiers in the patrol suffer injuries. One of the soldiers is critical. Even as the evacuation procedure is put in motion, there is growing clamour amongst the soldiers to teach a lesson to the owner of the house who had provided shelter to the terrorists. One soldier suggests that the house be blasted with a rocket launcher. A second sees it as a good opportunity to burn it down in the garb of an encounter. The patrol leader can see the anger and frustration building up in his soldiers and is in a professional and moral dilemma.

Given the tacit involvement of the villager in abetting the ambush that injured three of his men, the patrol commander is faced with a difficult decision. Should he allow his men to give vent to their anger and hit the house with rockets, or call for the police and hand over the accused to them in accordance with laid down procedures? While ethical behaviour dictates the latter course of action, there may be military commanders who could exercise the former option in order to appease their command and ensure that such incidents do not re-occur.

Unlike most situations, under the given circumstances, what is ethically incorrect might just appeal momentarily to the mob mentality of soldiers who feel betrayed by the house owner. They will, therefore, justify the retaliatory action against injuries to their fellow soldiers and draw motivation from the reprisal. It is situations like these which test the mettle of a leader in CI operations. He will need to go against what the soldiers view as common situational wisdom. He should dissuade the soldiers from any collateral damage and convince them that such actions can only hurt the long-term interests of the Army and the battalion as it would further alienate the population. This alienation will strengthen the terrorists and could, yet again, result in locally supported actions against the battalion. Therefore, some morally correct and ethical actions might demotivate soldiers momentarily and might even become the source of frustration. However, it is for a leader to understand that short-term popular steps should not dictate actions as tactical operations can well have long-term strategic implications. A 2007 Military Health Advisory Team survey of 2,000 US soldiers in a highly active combat zone in Iraq provides empirical evidence of such behaviour. The study found:

Approximately 10 percent of soldiers and Marines report mistreating noncombatants or damaging property when it was not necessary. Only 47 percent of the soldiers and 38 percent of Marines agreed that non-combatants should be treated with dignity and respect.

Well over a third of all soldiers and Marines reported that torture should be allowed to save the life of a fellow soldier or Marine. And less than half of soldiers and Marines would report a team member for unethical behavior.¹⁵

Such incidents reinforce the nature and quality of leadership required in CI operations. It also highlights the contradictions that are faced by young officers as part of their responsibilities. Such incidents indicate the requirement of maturity far beyond the years of most officers dealing with such situations. It also reinforces the need to consistently educate troops regarding the gray zone in which a number of operations are conducted. Since the very nature of CI operations throws up situations which require innovative decision-making and localized command and control, it is important that moral and ethical behaviour becomes the basis for conduct of individuals and units. The challenges will often present situations where a leader will have to use his experience and wisdom to decide on the right course of action keeping in view the contradictions of reality.

Yet another aspect which often comes to the fore in CI operations is the basis for actions taken by a leader. It is not difficult for the soldiers to assess the motivation for the actions of their commanders. While going beyond the prescribed norms to risk lives is considered acceptable in pursuit of organizational interest, a similar initiative for personal gains, awards and advancement is likely to be seen in poor light. Thus, besides the moral values associated with a specific action, it is equally important to analyse the motivation behind it. An example from a typical CI environment will better amplify the co-relation.

A brigade has been tasked to carry out CI operations in its area of responsibility. This not only entails neutralization of terrorists in the area but also assisting the population through people-friendly welfare measures. As part of the task, one of the battalion commanders sets targets for 'kills' for his command as he realizes that his tenure is coming to an end and a push in the number of 'kills' is likely to enhance his chances of making the next grade. The soldiers of the battalion are deployed day and night and given hints for using all means available to achieve their targets. A second battalion of the brigade establishes a good intelligence network through their people-friendly approach and emphasis on conducting operations only on hard intelligence, with minimum collateral damage. Both battalions achieve success; however, there is a distinct difference between the two. In the first case, troops end up alienating the population. Officers and junior leaders are pushed into the background, even as the

commanding officer rushes to take all credit for the success. The low moral and ethical standards followed result in anonymous letters, giving details of suspect encounters. In the second case, the population is won over by the battalion and support for terrorism wanes in the area. The troops and junior leaders are motivated as a result of clean and ethical means employed for operations. The commanding officer achieves success indirectly, through the good work and success of the men under his command who were guided to follow an ethical path.

This example clearly illustrates the co-relation between morals, ethics and motivation. It further proves that the success of a CI campaign hinges on the practice of ethical behaviour since it not only supports the aims of CI, but helps motivate soldiers operating under difficult circumstances.

IMPACT OF POOR MORALS, ETHICS AND MOTIVATION

Unlike conventional war, tactical incidents can have a strategic impact in CI operations. The concept of strategic soldier, or strategic corporal, could not be more relevant in any environment than CI.¹⁶ This reality is increasingly being recognized due to a number of factors, which have propelled the actions of a soldier onto the centre stage of strategic decision-making. First, CI operations are being undertaken under the glare of the media. This ensures that actions of soldiers are not only under observation, they also tend to get reported live across the country. Given the nature of electronic journalism, this reportage is also accompanied by spot assessments, which influences the sentiments of local, national as well as international viewers. Therefore, negative actions tend to get amplified, thereby transforming individual errors into strategic disasters. The incident in Afghanistan, involving the incineration of the holy Koran, is an appropriate example.¹⁷ The US soldiers received information that detainees at the Parwan Detention Centre were using the books to pass secret messages. The translator went on to inform that the books carried text which was extremist in nature. Based on this information, the books were moved to the Bagram Air Field. On 20 February 2012, these books were burnt. This happened despite the advice of Afghan soldiers to the contrary. The incident sparked protests across the world and led to 30 deaths. It witnessed two US soldiers losing their lives in reprisal attacks. The resultant protests also led to an apology from the White House.¹⁸ In this case, the unethical behaviour was more an example of the lack of social sensitivity than a deliberate attempt at hurting the sentiments of the locals.

Second, the Army fights a CI conflict on the basis of popular support. Given the antipathy existing amongst some sections of the population, it is a challenging task to gain this support. Therefore, any incident that takes place even in the remote corner of an area tends to negatively impact the overall image of the Army rather than the individual soldier. Amongst the most striking instances in the recent past was the Manorama Devi incident in Manipur.¹⁹ The case is still in the Supreme Court and pending a final verdict. Without attempting a value judgement on the facts of the case, the incident certainly proves that individual incidents can have far-reaching impact on the perceived moral and ethical standing of the Army in the local, national and international context.

Third, there is negative impact of poor morals, ethics and motivation within the Army at various levels. Just like positivity and courage are contagious qualities, so are poor morals, ethics and motivational standards. Cases of poor moral standards tend to spread across the cross-section of a unit very fast, corrupting years of ethical standing in a matter of months. While immediate gains seem to create an artificial state of temporary satisfaction, it is not long before the lack of values impacts the motivation of a unit and destroys its professionalism.

HOW HAVE THESE UNCERTAINTIES BEEN OVERCOME

The Indian Army is deeply tradition bound. This facet of the Army is not new. While it was strengthened during the establishment and evolution of the British Indian Army, its roots run deep into India's civilizational ethos.

Religious Education

Soldering is not only a military profession, it is also considered an extension of religious duty. Perhaps the most important illustration of the centrality of the warrior's duty is found in the Bhagavad Gita. The treatise is set on the battlefield of Kurukshetra, where the armies of the Pandavas and Kauravas are positioned opposite each other. Arjuna, the Pandava prince, seeing his brothers and uncles on the opposite side refuses to take up arms against them. However, Lord Krishna, on the battlefield of Kurukshetra, gives his message for warriors. While he addresses a number of issues, from the perspective of the Army, two aspects, which are often cited for soldiers in fighting battalions, deserve emphasis. The first highlights the importance of righteousness in battle. Krishna says: 'However, if you do not engage in this war of righteousness then abandoning your natural spiritual duty and reputation you will incur sinful reaction.'²⁰ The second

important teaching deals with selfless duty. Krishna says: 'You certainly have the right for prescribed activities but never at anytime for their results. You should never be motivated by the results of the actions, nor should there be any attachment in not doing your prescribed activity.'²¹

Besides Hindu scriptures, Sikh gurus have also emphasized on the importance of duty as a soldierly attribute. Guru Gobind Singh's famous prayer starts with: '*Deh Shiva Bar Mohe Eha, Shubh Karman Se Kabhu Na Taroon*', which translates as,

'O Lord grant me the boon, may I never ever shirk from doing a good deed.'²²

These religious teachings are also reinforced through weekly '*mandir* parades', which emphasize upon soldierly attributes and conduct. Similar lessons for fighting a righteous war are drawn from Christian and Muslim scriptures as well as teachings. In some cases where units have a mixed composition, teachers from all four religions give their sermons, thereby cementing the multicultural ethos of the Army.

Regimental System

One of the biggest strengths of the Army's institutional mechanisms is its regimental system. The system, which often witnesses troops hailing from the same region, neighbouring villages and communities, binds soldiers through a social contract. This social contract between them, their community and the leadership ensures that in addition to the military discipline imposed by the system, a moral and ethical discipline is also enforced by the norms of social behaviour.

An example, a Maratha Light Infantry battalion draws its martial and social strength from Shivaji, the great Maratha warrior and king. From the battle cry in his name to his deeds of valour and guile on the battlefield, Maratha battalions take pride in being the bearers of Shivaji's traditions. Similarly, a Sikh or Sikh Light Infantry battalion looks up to their Gurus, who are not only the source of religious teachings but also unsurpassed valour on the battlefield.

Professional Education

The professional education of a soldier is different from every other profession in the country. Even as recruits and gentlemen cadets undergo their respective training to become soldiers, professional training is deeply influenced by different symbols of soldiering. Amongst those quoted

most often from the pre-independence era were, 'Naam, Namak, Nishan: Be Honourable, True to your Salt, and Uphold the Flag'.²³ At every stage of training, the importance of adhering to human rights, behaving as the people's army, importance of aid to civil authorities and the role and rules for CI operations are emphasized. This is reinforced during the localized pre-induction training in battalions and the more formal training in pre-induction schools. Not only are classes held to convey the importance of these issues, these are also tested during mock exercises.

Case studies are employed as a method for imparting real-life experiences within units and in training establishments. Every training document at the formation, training establishment and Army level reinforces this vital aspect of behaviour in CI operations, which is, therefore, an extension of the ethical code of conduct in the Army.

Strict Code of Conduct

The Army has established a strict code of conduct for soldiers in CI operations based on experience over the years. Amongst the foremost are the 10 commandments which highlight key aspects of CI operations as follows:²⁴

- No rape.
- No molestation.
- No torture resulting in death or maiming.
- No military disgrace.
- No meddling in civil administration.
- Competence in platoon/company-level tactics in CI operations.
- Willingly carry out civic action with innovations.
- Develop media interaction.
- Respect human rights.
- Only fear God, uphold dharma and enjoy serving the country.

This code of conduct is accompanied by a detailed list of do's and don'ts for every stage of operations (see Annexure). The initial list was prepared by the Army to establish guidelines and rules of operational conduct. This was subsequently amended by the Supreme Court to give it the necessary safeguards, and was sanctified as part of its ruling in the Naga People's Movement of Human Rights, etc. *vs* Union of India case.²⁵ The list contains an exhaustive aide memoir for soldiers and, if followed in letter and spirit, ensures compliance with well-established ethical norms. It also ensures professional conduct by the forces in CI operations. A brief

assessment of some of these guidelines will further illustrate steps taken to ensure morally acceptable behaviour.

Actions during operations require troops to minimize collateral damage and ensure a people-friendly approach (Para 2(c) and (d)). This is done by reducing damage to property, entering only those houses which are connected with unlawful activities and carrying out search of women by lady police personnel. Para 3(k) requires medical aid to be administered to those injured in encounters, which includes militants and unarmed civilians. Use of physical force is strictly prohibited. The aspect of minimum force is strongly reinforced. Harassment of people, especially of women and children, or any form of communal bias is forbidden. Finally, acceptance of gifts and awards is not allowed. It is evident from these guidelines, some of which have been highlighted, that the emphasis on morals and ethics is an integral part of the Army's functional ethos in CI operations. It is also backed by legal enforcement, based on the Supreme Court judgement.

An assessment of the regimental and religious binding forces, and laid down commandments and dos and don'ts points towards an interesting union of traditional values on one hand, and guidelines and rules required to be followed on the other. The role of morals and ethics in CI operations is a combination of these. However, irrespective of the guidelines laid down, unless the moral fabric of the leaders and the led is strong, backed by unshakable traditions of ethical behaviour, guidelines will remain pieces of paper carried in the pockets of soldiers but not in their hearts. Therefore, for an army to be successful in CI operations, its ethics, developed over decades, will always be more valuable than codes of conduct.

ARE CI OPERATIONS GOVERNED ADEQUATELY BY MORALS, ETHICS AND MOTIVATION?

The Indian Army is one of the most experienced armies in the world having been involved in CI operations for over five decades. The article has underscored the circumstances and peculiarities of CI operations, the linkage between morals, ethics and motivation, impact of poor implementation of these values, and the measures to sustain a high value system. This raises the question: how successful has the Army been in guiding CI operations based on these values which have been identified as the basis for successful conduct of CI operations? There would normally be an urge to correlate success in CI operations to these factors to produce

empirical evidence of their importance. This would be misplaced since morals and ethics remain important, intangible contributory factors for the results of CI operations; however, they are certainly amongst the most critical for retaining the fibre which binds an army as a force guided by righteousness and morality. Therefore, any assessment made in this article is based more on personal experience and observation of events over the years.

The Indian Army is undoubtedly a more professional force today than it was in the past. This is a result of far greater emphasis on professional military education and the desire of leaders to pursue a professional career, just like any other professional in the society. However, there has also been a simultaneous manifestation of corrupt values prevalent in the society, which undoubtedly reflects on the Army. These are most visible at two levels. The first is in the Army's senior leadership which has displayed weakness in not only showing the way but also in going the right way themselves.²⁶ A hierarchical organization like the Army can only continue to deliver when each level can look up at the next and draw strength and motivation from it. Unfortunately, this has not happened, and the Army's senior leadership probably remains the weakest link in its chain of command. The second factor is the inability of a small section of leaders to place organizational interests ahead of their own. This has led to the exploitation of the intrinsic strength of the Army to fulfil personal ambitions of higher rank. Amongst the manifestations of this ill has been a greater emphasis on achieving tangible successes, like terrorists killed in operations, which pose the challenge of crossing the line on occasion to achieve 'targets'.

This might seem a contradiction with the preceding sections. It is, therefore, important to assess it in the right context. There has been a general decline in values in the Army which reflects in cases of corruption²⁷, expensive lifestyles²⁸, and representations for personal advancement in courts of law, amongst others. However, it is the emphasis on morals, ethics and the result of a motivated Army that the weaknesses at senior levels of command have been quarantined from regimental life, which is the essence of any army in CI operations. Reinforcing this reality, Lt. Gen. Satish Nambiar says:

When armed forces go into battle or to deal with insurgents and terrorists, it's not the national flag, the Constitution, or such other aspects that provide motivation. It is something as basic as loyalty to the battalion or regiment, and to one's comrades. The *izzat* of that

group becomes the driving force. That aspect is not affected by such scams.²⁹

The professional standards of soldiering, and emphasis on morals, ethics and motivation, have successfully undertaken the challenge of CI operations in the past, and while pride and motivation could be impacted in the long run by the run of negative publicity, the record of the Army in CI operations is likely to stand firm.

CONCLUSION

There is growing realization that upright conduct is not only the foundation on which generations of any army derive their moral bearing, it is also the basis for success in CI operations. The people-centricity of such operations require soldiers and units to become a part of the solution to local problems, rather than the problem. Terrorism and insurgency feed on popular support. Therefore, unless every soldier ensures that this support is weaned away from the insurgents, success will continue to elude the government. This reversal in loss of support, which usually leads to an insurgency, can only be achieved through high morals and ethical behaviour. And it is the high moral values of leaders, and this ability to ensure ethical norms, which will raise the motivational levels of soldiers.

NOTES

1. The involvement of the Army began in 1956 in Nagaland and has continued since.
2. Magnell, Eric D., 'Time for a "Bottom-Up" Approach to Ethics', 5 April 2010, available at http://usacac.army.mil/cac2/cgsc/repository/dcl_ThirdPlaceEssay_1001.pdf, accessed on 8 February 2013.
3. Snider, Don M., Paul Oh and Kevin Toner, 'The Army's Professional Military Ethic in an Era of Persistent Conflict', Strategic Studies Institute, available at <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=895>, accessed on 21 February 2013.
4. Mao Tse-tung, *On Guerrilla Warfare*, available at <http://www.marxists.org/reference/archive/mao/works/1937/guerrilla-warfare/ch06.htm>, accessed on 11 February 2013.
5. 'LTTE War Crimes: Human Shields', *Spur Victoria*, available at <http://www.spur.asn.au/index.php/77-spur/197-ltte-war-crimes-human-shields1>, accessed on 11 February 2013; and 'Afghanistan Taliban "Using Human Shields"—General', *BBC*, 17 February 2010, available at http://news.bbc.co.uk/2/hi/south_asia/8519507.stm, accessed on 11 February 2013.

6. Incidents like the Oinam on 10 July 1987 (Anjuman Ara, Begum, 'AFSPA and Unsolved Massacres in Manipur', *twocircles.net*, available at http://twocircles.net/2010nov03/afspa_and_unsolved_massacres_manipur.html, accessed on 11 February 2013) and the 1991 Kunan Poshpora incident become rallying points for the population, irrespective of the final judgement on the cases. See 'Government Forgets Kunan-Poshpora "Gang-rape" Re-investigation', *Greater Kashmir*, 21 December 2012, available at <http://www.greaterkashmir.com/news/2012/Dec/21/govt-forgets-kunan-poshpora-gang-rape-re-investigation-58.asp>, accessed on 11 February 2013.
7. The word 'kills' was banned by the Army in 2005. See Josy Joseph, 'JJ Singh: A True Officer and a Gentleman', *The Times of India*, 11 February 2005, available at http://articles.timesofindia.indiatimes.com/2005-02-11/india/27838142_1_chief-of-army-staff-new-army-sikh-army-officer, accessed on 11 February 2013.
8. Snider et al., 'The Army's Professional Military Ethic in an Era of Persistent Conflict', n. 3, quoting Major Celestino Perez, PhD, former Assistant Professor, Department of Social Sciences, United States Military Academy (USMA), currently serving in Iraq, from 'The Warrior Morality Embedded in FM 3-24: Counterinsurgency', unpublished manuscript, undated.
9. *Manual of Military Law*, available at http://indianarmy.nic.in/Site/RTI/rti/MML/MML_VOLUME_1/Chapter_7/106.htm, accessed on 11 February 2013.
10. International Committee of the Red Cross (ICRC), *Geneva Conventions*, available at <http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/index.jsp>, accessed on 11 February 2013.
11. The Army functions under the Armed Forces Special Powers Act (AFSPA) as applicable for respective disturbed areas. Soldiers can also be charged under the Indian Penal Code on sanction from the central government.
12. The details of the incident have been recounted by Lt. Gen. K.S. Brar in *Operation Blue Star: The True Story*, New Delhi: UBS Publishers, 2000.
13. Major Parmeshwaran of the Mahar Regiment was awarded the Param Vir Chakra in Sri Lanka for exemplary courage. The officer was a Tamilian, a fact which in no way deterred him from carrying out his assigned mission.
14. A number of soldiers have faced the challenge of innocent-looking locals unleashing sudden attacks on soldiers. The present Chief of Army Staff, General Bikram Singh, was at the receiving end of a similar attack when an old man took out a weapon from under his *phiran* and shot the General, who was then a brigade commander, at close quarters.
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- Secretary of Defense (Public Affairs), News Transcript, 4 May 2007, available at www.defenselink.mil/transcripts/transcript.aspx?transcriptid=3958, accessed on 8 July 2008.
16. See Lynda Liddy, 'The Strategic Corporal: Some Requirements in Training and Education', *Australian Army Journal*, Vol. II, No. 2, pp. 139–48, available at <http://www.google.co.in/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDEQFjAA&url=http%3A%2F%2Fsmallwarsjournal.com%2Fdocuments%2Fliddy.pdf&ei=QYwYUaW6E8jorQeosYCwBQ&usg=AFQjCNFLkboDAAiwi9q9H5HEEhqKXwIvw&bvm=bv.42080656.d.bmk>, accessed on 11 February 2013.
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ANNEXURE

LIST OF DOS AND DON'TS DIRECTED BY THE SUPREME COURT

Dos

1. Action before Operation
 - (a) Act only in the area declared 'Disturbed Area' under Section 3 of the Act.
 - (b) Power to open fire using force or arrest is to be exercised under this Act only by an officer/JCO/WO and NCO.
 - (c) Before launching any raid/search, definite information about the activity to be obtained from the local civil authorities.
 - (d) As far as possible co-opt representative of local civil administration during the raid.
2. Action during Operation
 - (a) In case of necessity of opening fire and using any force against the suspect or any person acting in contravention of law and order, ascertain first that it is essential for maintenance of public order. Open fire only after due warning.
 - (b) Arrest only those who have committed cognizable offence or who are about to commit cognizable offence or against whom a reasonable ground exists to prove that they have committed or are about to commit cognizable offence.
 - (c) Ensure that troops under command do not harass innocent people, destroy property of the public or unnecessarily enter into the house/dwelling of people not connected with any unlawful activities.
 - (d) Ensure that women are not searched/arrested without the presence of female police. In fact, women should be searched by female police only.

3. Action after Operation
 - (a) After arrest prepare a list of the persons so arrested.
 - (b) Hand over the arrested persons to the nearest police station with least possible delay.
 - (c) While handing over to the police a report should accompany with detailed circumstances occasioning the arrest.
 - (d) Every delay in handing over the suspects to the police must be justified and should be reasonable depending upon the place, time of arrest and the terrain in which such person has been arrested. Least possible delay may be 2–3 hours extendable to 24 hours or so depending upon a particular case.
 - (e) After raid make out a list of all arms, ammunition or any other incriminating material/document taken into possession.
 - (f) All such arms, ammunition, stores, etc., should be handed over to the police station along with the seizure memo.
 - (g) Obtain receipt of persons and arms/ammunition, stores, etc., so handed over to the police.
 - (h) Make record of the area where operation is launched having the date and time and the persons participating in such raid.
 - (i) Make a record of the commander and other officers/JCOs/NCOs forming part of such force.
 - (k) [*sic*] Ensure medical relief to any person injured during the encounter, if any person dies in the encounter his dead body be handed over immediately to the police along with the details leading to such death.
4. Dealing with Civil Court
 - (a) Directions of the High Court/Supreme Court should be promptly attended to.
 - (b) Whenever summoned by the courts, decorum of the court must be maintained and proper respect paid.
 - (c) Answer questions of the court politely and with dignity.
 - (d) Maintain detailed record of the entire operation correctly and explicitly.

Don'ts

1. Do not keep a person under custody for any period longer than the bare necessity for handing over to the nearest police station.
2. Do not use any force after having arrested a person except when he is trying to escape.
3. Do not use third-degree methods to extract information or to extract confession or other involvement in unlawful activities.
4. After arrest of a person by the member of the armed forces, he shall not be interrogated by the member of the armed force.
5. Do not release the person directly after apprehending on your own. If any person is to be released, he must be released through civil authorities.

6. Do not tamper with official records.
7. The armed forces shall not take back a person after he is handed over to civil police.

**LIST OF DO'S AND DON'TS WHILE PROVIDING AID
TO CIVIL AUTHORITY**

Dos

1. Act in closest possible communication with civil authorities throughout.
2. Maintain inter-communication if possible by telephone/radio.
3. Get the permission/requisition from the Magistrate when present.
4. Use little force and do as little injury to person and property as may be consistent with attainment of objective in view.
5. In case you decide to open fire:
 - (a) Give warning in local language that fire will be effective.
 - (b) Attract attention before firing by bugle or other means.
 - (c) Distribute your men in fire units with specified Commanders.
 - (d) Control fire by issuing personal orders.
 - (e) Note number of rounds fired.
 - (f) Aim at the front of crowd actually rioting or inciting to riot or at conspicuous ringleaders, i.e., do not fire into the thick of the crowd at the back.
 - (g) Aim low and shoot for effect.
 - (h) Keep Light Machine Gun and Medium Gun in reserve.
 - (i) Cease firing immediately once the object has been attained.
 - (j) Take immediate steps to secure wounded.
6. Maintain cordial relations with civilian authorities and paramilitary forces.
7. Ensure high standard of discipline.

Don'ts

1. Do not use excessive force.
2. Do not get involved in hand-to-hand struggle with the mob.
3. Do not ill-treat anyone, in particular, women and children.
4. No harassment of civilians.
5. No torture.
6. No communal bias while dealing with civilians.
7. No meddling in civilian administration affairs.
8. No Military disgrace by loss/surrender of weapons.
9. Do not accept presents, donations and rewards.

Source: http://www.upr-info.org/IMG/pdf_COHR_IND_UPR_S1_2008anx_Annex_XXII_AI_Briefing_on_AFSPA_in_Manipur.pdf, accessed on 9 July 2012.