

# A DARK SHADOW ON NEW DELHI'S CREDIBILITY

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'A deeper investigation would reveal whether India's actions align with its values and interests.' | Photo Credit: REUTERS

In the shadowy world of espionage, intelligence and covert operations, the only rule is to never get caught carrying out a mission. In the more visible world of public diplomacy, the only rule is to never get caught telling a lie or denying what might turn out to be true. The recent publication of a [United States Department of Justice indictment](#) against an Indian national for targeting wanted Khalistani separatists in North America, at the behest of a government official who may or may not have been acting alone, is as yet an unproven allegation that must stand trial, but is one that has nonetheless cast a dark shadow on New Delhi's credibility in terms of both covert capacity and public messaging, which must be addressed.

The indictment also comes on the heels of a number of intelligence operations that have been challenged in courts in other friendly countries in recent years: from [the forcible return of a United Arab Emirates princess, Latifah](#), by the Indian Coast Guard in international waters in 2018 that has been criticised by a court in the United Kingdom, to the "attempted kidnap" of [businessman-on-the-run Mehul Choksi from Antigua](#) to Dominica by British nationals alleged to have been working for Indian agencies in 2021, and the conviction of [eight former Indian naval officers in Qatar](#) for espionage, which is now in appeal. While the extra-judicial military court trial against former [Indian naval officer Kulbhushan Jadhav](#) in Pakistan since 2016 has been challenged by India at the International Court of Justice (ICJ), the fact that he was operating his business from Iran, a friendly neighbour, has no doubt been noted. Meanwhile, the circulation of a list of alleged operations against wanted Khalistani and Pakistani operatives not just in Pakistan but also in Nepal, Italy, the United Kingdom and Thailand, has been hailed in the media as proof of the Indian security establishment's global reach. It must be remembered that the government has so far not accepted that it ordered any of these operations, but is not averse to the larger narrative that security agencies have been "empowered" to carry them out.

It is in this context that the government must engage with the troubling questions thrown up by the latest allegations — by the U.S. of a conspiracy to murder [Gurpatwant Singh Pannun](#) in New York, that also indicates a link to the murder of Hardeep Singh Nijjar in Canada, and the [direct allegation by Canada](#), made by its Prime Minister Justin Trudeau on the Nijjar killing. To begin with, the text of the American indictment unravels two conspiracies — one carried out by the Indian who has been indicted, Nikhil Gupta, who was allegedly directed by a senior government intelligence official, and the other carried out by the Federal Bureau of Investigation and Drug

Enforcement Administration, to entrap him by providing an undercover officer to him as the hitman. The fact that the U.S. government did not share all that it knew with India questions the claims made otherwise that the two countries have, between them, reached the pinnacle of security cooperation this year. To not have shared them even when Mr. Trudeau made his statement in Parliament might have spared New Delhi the blushes when the details of the U.S. indictment were published. Instead, despite two meetings between U.S. President Joe Biden and Prime Minister Narendra Modi, four between Minister of External Affairs S. Jaishankar and U.S. Secretary of State Antony Blinken, and several between National Security Adviser (NSA) Ajit Doval and his U.S. counterpart NSA Jake Sullivan, as well as Central Intelligence Agency (CIA) and Intelligence chiefs, the U.S. appears to have cautioned India, but not revealed the full extent of information it had gathered.

For the U.S., it is also obvious that it does not trust the information India has shared on Mr. Pannun, Nijjar and the Khalistani separatist movement, and hence is more focused on the plot against them than it is on curbing their activities. For India, given India's deep concerns with Mr. Pannun's radical rhetoric, even broadcasting a threat against Air India flights, and threats to diplomats and embassies, the U.S.'s actions are a breach of trust.

The actions hark back to the nature of intelligence sharing in 2008, when the U.S. warned India about the impending 26/11 terror threat (November 2008 Mumbai attacks), but did not divulge that the source of the information was Lashkar-e-Taiba operative David Coleman Headley, who even re-entered India with another diabolical plan in 2009. After the U.S. arrested Headley, it entered a plea bargain, that meant the man who decided the targets and planned the attacks to precision could never be brought to justice in India, and the government was forced to take his testimony via video-camera for the trial.

What this indicates is that while bilateral ties and strategic ties are growing in different spheres, trust between both countries has not kept apace. While much commentary is focused in the short term on whether Mr. Biden will confirm his attendance at the Republic Day parade and the Quad summit (Australia, India, Japan and U.S.) in January, it is the impact on the longer arc of the relationship that both sides must focus on.

By extension, South Block must also look at the impact of its actions among western allies including the "Five Eyes" intelligence partnership (Australia, Canada, New Zealand, the U.K. and the U.S.). By rejecting Canadian allegations outright, expelling diplomats and suspending visas, while accepting the U.S.'s allegations more calmly and setting up a high-level inquiry to investigate them, New Delhi has demonstrated a double standard in its international engagements. The difference between India's reactions to Khalistani protests, and the attempted firebombing of the San Francisco consulate, to protests in the U.K., Australia and Canada is also stark: while their envoys have been summoned and Mr. Modi has publicly raised the Khalistan issue and protection of Indian-origin minorities with their leaders, the government has been more discreet in its concerns with the U.S. Conversely, there is a well-recorded double standard from the West when it comes to extra-judicial covert operations and assassinations — the CIA, MI6 and Mossad have often eliminated those they see as a threat on foreign shores, while sanctioning Russia for the Skripal attacks, Saudi Arabia for the Khashoggi killing, and publicly shaming India over the alleged claims on Mr. Pannun and Nijjar, and all Five Eye nations including New Zealand have issued statements criticising India for its actions against Canada. While such double standards are as old as time, it is significant that they have not been whittled down by the significant strengthening of the India-U.S. relationship, billed as the "most consequential partnership of the century".

Further afield, India must address the impact of the case on the neighbourhood. Countries such as Sri Lanka and Bangladesh stood with India on the Canada issue, but as details of the U.S.

indictment are revealed, South Asian capitals, and not just Islamabad, will be studying the footprint of Indian agencies in their countries as well. South Block and its embassies in the neighbourhood will have to go the extra mile to assure the neighbours, especially in Kathmandu, Dhaka, Male and Colombo, where reports about India's "hand" in domestic politics is often discussed in exaggerated tones.

Eventually, the lasting impact of the episode will lie in the image India wishes to project to the world — as a "hard power" that is willing to risk international ire and ties in pursuing those it considers a threat in any corner of the world in any manner it deems fit. Or that of an adherent to international law that builds its case through its diplomats, turning global opinion in its favour to achieve its ends, albeit at the risk of being seen as a "soft power". The Ministry of External Affairs has said categorically that covert, extra-judicial assassinations are not this government's policy and that the allegations will be investigated. A deeper investigation would reveal whether India's actions align with its values and interests.

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