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Impunity by the US & the Indian Strategic Behavior

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ABSTRACT

The 21st century is marked by the intensifying great power competition between the US and China in South Asia and the Indian Ocean. This antagonism serves as a pivotal force for the regional states creating both opportunities and risks for them. While strengthening India's strategic position, the mutually beneficial relationship between the US and India has consequences for the larger strategic balance in South Asia. This strategic alignment affects these states' foreign policy as well as their domestic politics since the US's exemptions give them more confidence to pursue not only humanitarian crisis within state but also expand its international networks of transnational terrorism. This evident strategic shift presents serious challenges to the current order in South Asia. The paper is analyzed through the theoretical underpinnings of impunity, highlighting the consequences of exemption given to the state on its aggressive posture resultantly led to institutionalization of those policies. This study shed light on how impunity given to state has implication on its strategic behavior.

Key Words: India, Strategic Behavior, Great Power Competition, Strategic Partnership.

Introduction

During the Cold War era, India, under the leadership of Nehru (Damodaran, 1983), coined the term "non-alignment" to navigate between the competing interests of the two superpowers, the US and the USSR. However, with China's emergence as a formidable global power, the United States found common ground with India, given its own strategic concerns vis-à-vis China's ascent. This convergence of interests led to initiation of a strategic collaborations between the US and India, which has since evolved to reshape not only bilateral relations but also the broader regional dynamics in South Asia. The efforts to maintain the status quo brought

the US closer to India where their strategic partnership started growing parallel to the rise of China (Bukhari, 2023). As India also has hostile relations with China due its border dispute. Furthermore, China is an obstacle in India's hegemonic ambitions in Global South. In this race to maintain the status quo, the US as a torchbearer of rule based international order is force to compromise on values, in its relation with its strategic partner in era of great power competition. Contrary to this, both nations have frequently emphasized the democratic principles to underpin their respective governance structures. The United States, heralded itself as one of the oldest democracies in the world, and India, celebrated as the largest democracy globally, have often cited these foundational tenets as the bedrock of their enduring partnership (Grossman, 2024).

While, in context of South Asia that is the least integrated region due to hostile relations between the two nuclear-armed neighbors. The security of South Asian region could not be ignore in this politics of alliances. As these engagements, have far reaching impacts on strategic stability of the region by instilling security dilemma in rest of states dragging them in an arm race. As they have to compete with the potential, its neighbor is achieving in its partnership to the major power. Instead of dragging other regional states in its confrontation, the whole region should take in loop by major powers by not allowing its strategic allies to pursue any misadventure, maintaining the stability of the region (Bukhari & Basit, U.S.-Pakistan Relations: Unraveling Complexities, Forging a Shared Future, 2023).

Through a variety of agreements, the United States of America and India are working together on issues relating to security, defense, new technology, and artificial intelligence. The United States considers India's role significant to their joint objective of achieving a free and open Asia-Pacific region via countering the rise of China. In addition to this, the US counts on India as a crucial companion in its fight against China in this era of great power competition. This led to the exemption by the US to India on its strategic blunders abroad. The exemption further emboldened India that is evident in India's expansion of trans-border terrorism network towards West where India aims to silence the sane voices of its offshore citizens who are critical of its government policies.

Conceptual Framework

This research is analyzed through the conceptual framework of "Impunity." The definition of "Impunity" as per the Oxford English Dictionary contains two interconnected meanings: the first one, "Exemption from punishment or penalty," and the second one, in a more nuanced sense, "Exemption from injury or loss resulting from any action; security." To have impunity implies, essentially, to have two kinds of privileges: to be protected from punishment and to live in a safe haven where there are no consequences. There is a chance that impunity will encourage violence. Impunity as a notion explores fundamental questions about the essence of nature, the social contract, and a person's right to the justification of

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their use of force. It poses a serious challenge at a time when law enforcement organizations use unfettered brutality against underprivileged people and political leaders can start wars on the basis of spurious accusations. With its force, the area of state violence expanded in the sake of ending impunity. The nation's "exceptionalism" and the institutionalization of its impunity policies are inextricably linked (Chaudhary, 2018).

Impunity extended to India for its trans-national terrorist activities that is evident in its growing network abroad where it has targeted Sikh separatists in Canada, England, and the US. The Guardian report also highlighted the RAW involvement behind the killing of up to 20 people in Pakistan including Kashmiri activists (The Guardian, 2024).

India's exceptionalism at the international stage, bolstered by its strategic partnership with the United States and its self-presentation as a key state counterbalancing China. India's aggressive policies towards regional states were not given any consideration by the West. Its alleged involvement in transnational terrorism activities, exemplified by cases like that of Kulbhushan Jadhav, who was reportedly apprehended in Balochistan. India's exemption to any repercussions led to the institutionalization of its impunity policies. India expanded its terrorism network abroad to silence the Sikh separatist leaders such as the assassination of Hardeep Singh Nijjar in Canada. These incidents did not cast any impact on India-US relations, emboldened India to continue with its assassination plot on the US soil.

India's Domestic behavior and its Foreign policy

- **Reclaiming Hindu Pride at Home, Asserting Power Abroad: Modi's India**

Since the Inception of BJP's government in India in 2014, the illiberal practices have gained momentum at the core of India political landscape. Sunil Khilnani's book "The Idea of India" posits that democracy, rather than cultural or religious factors, has been the defining force in shaping India as a nation over its first 50 years (Khilnani, 2017). He highlights Jawaharlal Nehru, India's first Prime Minister, as the embodiment of this idea, envisioning a liberal and secular state as a contrast to Pakistan's Muslim-centric identity. However, the current Prime Minister, Modi, represents a stark departure from Nehru's vision. Modi aims to turn India into a pan Hindu state, working on ideologue of Hindutva that claims Hindustan for Hindus and defame minority particularly Muslims. To glorify Hindu culture and religion, and to denigrate Muslims and their religion, Modi has successfully utilized the world's largest film industry, Bollywood as a propaganda tool of BJP (Yeung & Mogul, 2024).

BJP has garnered support for its Hindu nationalist ideology particularly from Hindu majority, which it courts through airing anti-Muslim sentiments via propaganda films such as The Kerala Story, Kashmir Files, etc.

The BJP has utilized a sizable percentage of Hindu support to win elections, gaining a majority in Parliament in 2014 and growing its vote share in 2019, despite internal differences within the Hindu community. Following its widespread national acknowledgement, the BJP government is aiming to uphold India's global image. In terms of foreign policy, New Delhi is growing more assertive, putting self-interest before of morality and ideology—a decision that has significant domestic appeal. In doing so, the former has spared no effort to undermine international standards and show disregard for the sovereignty of other nations. The region's power imbalance brought on by this major power's self-projection is creating strategic instability.

In India's internal and foreign arenas, the BJP's nation-building program under Prime Minister Modi might be interpreted as a geopolitical and identity-political maneuver. This story, which presents Hindus as historical victims who are now regaining their proper position, is fundamentally an attempt to reaffirm Hindu pride and nationalistic enthusiasm. This concept of historical reclamation was embodied in the grand opening of the Ram temple, representing a comeback of Hindu identity and primacy. At the same time, India is demonstrating a deliberate plan to raise its geopolitical profile through its power projection on the international scene, as shown in its hosting of the G-20 conference and its firm position against Russia. Modi skillfully uses these occasions to highlight India's rising stature, which not only increases popularity at home but also sends a clear message that how Modi is mandatory for India's rise as a global power in international arena (Miller & Harris, 2023). India's assertiveness in foreign policy might be ascribe to its pragmatic attitude, which places strategic objectives ahead of Western morality. India challenges Western hegemony in defining global norms and positions itself as a major player in the dynamics of energy globally by strengthening its energy connections with Russia in spite of criticism from other quarters.

This shift in India's foreign policy reflects a broader trend in international relations, where rising powers assert their interests in defiance of Western dominance. India's growing terrorism network abroad, its involvement in spying activities evident in Kulbhushan Jhadev case (Al Jazeera, 2019), Qatar spying case resulted in abduction of eight Indian ex naval officers (Express Tribune, 2023), and the recent nest of spies caught in Australia. However, Australia is partner to India in Quadrilateral Security group along with Japan and the US and considered as a critical defense partner in Asia-Pacific to counter China (Greene, 2024).

India's growing importance as a geopolitical player, particularly in the Asia-Pacific region, has prompted other nations to recalibrate their strategies, either by seeking closer ties with India or by attempting to prevent its alignment with rival powers.

Overall, Modi's BJP has successfully articulated a vision of Indian identity that emphasizes self-interest and assertiveness on both the domestic and international fronts. While this vision may face opposition from alternative ideologies, its resonance with Indian voters suggests that it could redefine India's

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role in the global order, potentially relegating Western liberalism to a historical footnote rather than a guiding principle in Indian politics.

- **A New Frontier: India's Transnational Terrorism Agenda**

India after presenting itself as the only balancer in the region against China, stir as the reliable partner to the US to whom it could invest for countering the rise of China and maintaining status quo. This self-aggrandizement by India as a major player in Asia-Pacific forced the US to overlook its strategic blunders in the region in light of its growing significance to counter balance China. It boosted a sense of impunity for India being backed by the world's major player the US. The very sense of authorization has catalyzed a huge shift in India's strategic behavior; the strategic blunders in form of instigating cross-border terrorism activities, spying, etc. previously confined at regional level took a broader horizon. India formerly engaged in silencing the voices of Kashmiri and Sikh activists in Pakistan and Azad Jammu Kashmir through extra territorial killings now aimed at muzzling those voices on the western soil. The killing of Hardeep Singh Nijjar in Canada by Indian Intelligence Agencies, their involvement in another plot to assassinate Gurpatwant Singh Pannun on American soil depict growing assertive nature of Indian state.



This upsurge in India's transnational terrorism activities owing to the unperturbed silence maintained by international community on its growing humanitarian crisis and clamp down on democratic values. India's spying network caught in Qatar where eight Indian officials were involved in spying on behalf of Israel. Furthermore, a network of Indian spies also caught in Australia; a strategic partner of the US and member of AUKUS. India's transnational terrorism activities are not only confined to the states to whom it considered they are sheltering voices that are vocal against Indian government policies but also the states to whom they consider as ally are also not safe from its aggression.

US-India Strategic Partnership: A Catalyst in Great Power Dynamics

Amid Chinese rise the US-India strategic partnership is growing equidistant. Shortly before the culmination of G20 summit 2023, Indian PM hosted an official dinner in the honor of the US president. The culmination of this meeting was marked by a joint declaration by the leaders of both nations, reaffirming their enduring strategic alliance. This robust partnership between the United States and India had evolved concomitantly with the escalating tensions with China. Within this partnership framework, the United States had pledged comprehensive support to India, encompassing the transfer of crucial emerging technologies, collaborative ventures in space exploration, development of ballistic missile capabilities and anti-missile defense systems, and cooperation in civilian nuclear technologies (Singal, 2023).

Though the controversies sparked following the visit, President Biden was not allow to hold press conference following his meeting with Indian PM Modi. He went to Veitnam after the meeting to hold press conference where he asserts his consistent advocacy for human rights by highlighting their crucial role in fostering the strength and prosperity of a nation. By mentioning his discussion with Prime Minister Modi, Biden emphasizes the importance of addressing human rights concerns in their bilateral engagement. The reference to civil society and a free press underscores the significance of these pillars of democracy in shaping a nation's development trajectory. Through this communication, Biden not only signals his commitment to upholding democratic values but also underscores the necessity for India, as a strategic partner, to prioritize these principles in its governance framework. In addition to reiterating the US commitment to human rights advocacy, this statement emphasizes US expectations for reciprocal adherence to democratic values in international interactions (BBC, 2023).

Strategic Agreements and Collaborations

To counter China's influence in Asia-Pacific, US and India have concluded number of strategic agreements including BECA; Basic Exchange Communication Agreement, COMCASA; Communication Compatibility and Security Agreement, LEMOA; Logistic Exchange Memorandum Agreement, and GSOMIA; General Security of Military Information Agreement. These strategic engagements aims to strengthen their military ties and to maintain the status quo while countering China. Although the ultimate goal of these accords was to strengthen bilateral security, they have unintentionally added to the region's security crisis in South Asia (Bukhari, Basit, & Sheikh, Integrated Deterrence and Strategic Stability in South Asia, 2023).

The threat perception heightens the security dilemma in the neighboring states dragging them in an arm race. As India enhances its military capabilities through its partnership with the US, neighboring countries are compelled to reassess their security strategies and potentially align with opposing blocs to maintain the

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balance of power. The strategic stability of South Asia is threatened by these strategic engagements between the US and India, and potentially highlights the significance of an inclusive approach by the US towards South Asia that would not be creating a threat perception for any state by these engagements.

So far, the strategic collaboration between the US and India in form of different agreements and collaborations one of such example is QUAD; Quadrilateral Security Dialogue that was created in 2004 after tsunami with the purpose of humanitarian assistance. However, its resurrection afterwards remaining dormant for nearly a decade raised doubts about its intentions even China eyeing QUAD as an Asian NATO. This engagement would be strengthening the naval capabilities of India strengthening its standing in South Asia; on the other hand, it raised concerns about destabilizing the region while claiming free and open Asia-pacific.

India is not only benefitting in defense realm, it is also collaborating with the US in critical emerging technologies, particularly artificial intelligence and cybersecurity. The US aims to replace Russia in terms of India's reliance on it in defense and technology domains while countering China's hegemony in tech via making India a competitor to China in field of technology. However, the transfer of critical emerging technologies to India raised concerns regarding its misuse against the regional states.

Shared concerns about China's ascent and the pursuit of strategic objectives have led to a profound paradigm shift in South Asian geopolitics with the US-India strategic relationship. Prior interactions between the United States and India produced a number of strategic agreements, such as the Naval Ship Repair Agreement, the COMCASA, GSOMIA, BECA, LEMOA, and the Initiative on Critical and Emerging Technologies (iCET). The strategic objective of these agreements was to enhance India's defense capability in comparison to China (Bukhari et al., 2023). Nevertheless, the consequences of these strategic engagements have profound repercussions on strategic stability of the region.

The US and India intended to forge additional agreements and partnerships in the future, indicative of the United States' inclination to deepen its investments in India through such strategic collaborations. Both parties had reaffirmed their shared commitment to democratic values, freedom, human rights, pluralism, inclusion, and equal opportunities. However, assertions of such values had stood subject to debate in light of ongoing humanitarian crises within India, where minority communities had faced persecution, as evidenced by the prolonged unrest in Manipur and instances of violence perpetrated by cow vigilantes against Muslims. The BJP government's use of coercive political techniques has increased concerns about human rights breaches by exacerbating structural and cultural violence against minorities. These humanitarian crises are not limited to India; the country has started to stifle criticism of its aggressive measures from other countries. The US as an oldest democracy should not let the so-called largest democracy to compromise on democratic principles and values. Being a torchbearer of rule based international order; the US international standing is

questioned by the unperturbed silence it maintained on the humanitarian crisis and the compromise on democratic values by its strategic partner India. As they claim their partnerships aims to secure free and open Asia-pacific, the US has to take into account its strategic engagements should not be disturbing the strategic balance of the region threatening the peace and stability.

Challenges and Implications

The impunity given by the US to India on compromise of democratic values and principles is evident in the official state visit of Indian Prime Minister. It highlights how the US disregards humanitarian crisis in light of its strategic objectives. The visit was hosted by the US at the time when the BBC documentary was repeatedly bringing world attention towards the Muslims genocide that was orchestrated in Gujarat under his Chief Minister Narendra Modi who is the PM of India. This further emboldened India in pursuit of its aggressive posture as it ensured India of not be facing any condemnation by international community.

Furthermore, reports from the Varieties of Democracy (VDEM) and the US Commission on International Religious Freedom underscored how the US was disregarding the deteriorating democratic standards in India, highlighting a move away from idealistic foreign policy narratives and toward a realpolitik-driven agenda, which prioritizes national interests.

The strategic partnership between India and the United States had been underscored by their collaborative efforts in various domains, including space exploration, next-generation telecommunications technologies, quantum computing, and the establishment of resilient semiconductor supply chains. The signing of memorandum between the Association of American Universities (AAU) and the Council of Indian Institutes of Technology (IIT Council) had signified a commitment to address global challenges through joint research and innovation initiatives (The White House, 2023). The United States' multi-institutional collaborations with India in defense, intelligence, and technological domains had aimed to bolster India's regional influence and enhance its role as a global actor.

While, regarding its partner's political resolve to thwart Chinese aggression in the Western Pacific (Kronstadt & Akhtar, 2023), the White House is still unsure. Apart from wanting peace with China (Kaushik, 2023), the Biden administration looks on India to do more to thwart Chinese assertiveness in the Indo-Pacific, while India's security interests are centered in the Indian Ocean Region. As a result, the two countries treat China differently, which could pose a challenge to the developing defense alliance (Singh, 2024).

India-Russia relations could be another impediment to its partnership with the US. India's purchase of the S-400 system from Russia has been exempted by the United States under the Countering America's Adversaries via Sanctions Act (CAATSA), 2017 (The Economic Times, 2022). However, relations with the United States have not improved as a result of India's independent position on the invasion of Ukraine and its rapidly increasing oil purchases from Moscow (Verma,

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2023). Additionally, Washington has voiced worries with India's weaponry purchases from Russia due to the technological incompatibility of Russian-origin platforms with American platforms, making interoperability improbable (Mello, 2023).

However, India has not guaranteed US to solely align with its strategic objectives, given India's historical non-aligned stance and its pursuit of independent foreign policies. India's strategic autonomy had been evident in its continued engagement with Russia despite US sanctions and its reluctance to fully conform to US interests in the Asia-Pacific region. The burgeoning economic and military capabilities resulting from the US-India partnership had engendered security dilemmas in South Asia, particularly concerning the nuclear standoff between India and Pakistan. Pakistan, in response, had been compelled to engage in both internal and external balancing strategies to safeguard its interests and project its influence in international affairs.

The US should also not jump into any crisis between Pakistan and India or aligned with India in any such scenario, as it would entangle the US that would not be serving its interest. The report by the United States Institute of Peace also warned the US about its involvement in any situation where India blamed Pakistan for any attack regardless of its origin and aimed for surgical strike on Pakistan or any other attack on its military or strategic installations. The report highlights that US should avoid supporting one entity in such potential scenario, as it would distract the US from its core objective of its strategic collaboration with India. Furthermore, the report also suggests that India's involvement in any conflict with Pakistan would inhibit its capability to counter China. The report also proposed that there are chances China might involve in escalation between Pakistan and India, thus entangling the US in India-Pakistan imbroglio (USIP, 2024).

Conclusion

The cold war era experienced an adept Indian effort to navigate diplomatic channels in tracking its national interests while keeping a balance of relation towards USSR and the US. The former aspires to maximize its gains in the contemporary geopolitics resonating the parallel approach. With an ambition to become a regional hegemon and an effective global player it has strategically aligned itself with the US against the rise of China. While keeping in touch with Russia for defense cooperation and oil imports, defying the sanctions imposed by the US. Consequently, India is strengthening its position itself as a regional hegemon by means of oxygen from both fronts.

The solidification of the Indian geopolitical standing with concentrated gains from the US and Russia is creating power imbalance in the region potentially resulting in the strategic instability. The western powers particularly have been more compassionate with India for its role as a tool of deterrence against the Chinese rise, providing the former with a sense of impunity. This sense of indemnity emboldens India to disobey democratic norms and commit human rights

abuses. Episodes such as the firing of BrahMos missile inside Pakistan, transnational terrorism and espionage activities have buffed with this sense of impunity.

The US must recognize the risks associated with offering the critical technologies to India as India can potentially employ them against the neighbors. Also the strategic autonomy India wishes for will not be tolerating its partners to have any influence over its strategic behavior. Furthermore, such provisions may exacerbate security dilemmas within the region, catalyzing arms races and compelling other blocs to counter the perceived threats emanating from India. The repercussions of India's strides in missile technology, notably the extended range of systems like the Agni IV and the projected Agni VI, extend even to Western powers. These advancements, once operational, will potentially project India's strategic reach across extensive regions including Europe, Africa, Asia, Oceania, and portions of North America. The United States must critically evaluate India's strategic behavior and its assertive posture within global geopolitics. Relying exclusively on bilateral alliances or specific partnerships may not furnish the United States with enduring strategic dividends. Failing to address India's strategic missteps could inadvertently embolden its pursuit of further ambitious and potentially destabilizing initiatives abroad, especially given its role as a strategic partner of the United States. This scenario may inadvertently entangle the United States in additional conflicts in the Asia-Pacific, resulting in substantial economic costs and compromising its international stature.

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