

## **India's Transnational Repression and the Theatre of Khalistan**

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Adherence to the international law is at the heart of Indian foreign policy principles, with greater regard for the sovereignty of other states. However, the recent diplomatic spat between India and Canada which stems from the killing of Hardeep Singh Nijjar, reveals a divergent approach of Indian diplomacy in dealing with open, liberal and democratic states. This dominant confrontational rationale of incumbent Indian polity projects the dominance of domestic political priorities in India's external relations. Pragmatism and delivery serves to be the hallmarks of Modi's foreign policy, eschewing adherence with diplomatic practices and norms.<sup>1</sup>

The ongoing diplomatic spat between Canada and India could be traced in the historical tensions between the Sikhs and the Indian government. In India, Sikhs constitute about 22 million people, i.e., just two per cent of the total Indian population. Although, the relations between the Indian government and the Sikh separatists have been strained since 1980, the conflict kicked off as an aftermath of Indian Army's attack on one of the holy site of the Sikhs, the Golden Temple, which was sheltering a separatist leader. In retaliation, Prime Minister Indira Gandhi's Sikh bodyguards assassinated her which culminated in a low level counterinsurgency campaign by Indian government that took a toll on some 30,000 lives.<sup>2</sup>

Although, the North American country was not a stakeholder in this struggle as of late, the Canadian Sikh diaspora has been the focal point for backing the Khalistan movement. A small section of Canadian Sikh diaspora, through mobilisation campaigns, political referendums and political protests, has been credited with the revival of the Khalistan movement which had lost its fervour in late 1980s. With an added aspect of back-to-back deaths of prominent Khalistani leaders, the issue of Khalistan has been brought back into the public eye. The assassination of Nijjar, given the polarised environment, has acted as a tinderbox and blown the lid off a complex socio-political issue both in India and abroad.

This latest instance from Canada is not the first time that India has taken a roguish path in its dealing with other states. Indian sponsored uprising of Tamil Tigers in Sri Lanka also known as the Liberation of Tigers of Tamil

Elam (LTTE)—through covert means and later on via direct military intervention in 1989—unravels India's ambitious aims of pursuing strategic goals in other states even if it is at the expense of other state's sovereignty. Similarly, the arrest of Kalbhushan Jadhav, an Indian national who was arrested by Pakistani authorities in 2016 for his involvement in espionage and subversive activities in Pakistan also reflects the aggressive conduct of India in its pursuit of safeguarding its national interests, showing a blatant disregard for victim country's sovereignty. Moreover, the death sentence of eight Indian Navy soldiers by Qatar authorities, involved in espionage for Israel, glaringly manifests the rogue credentials of the Indian state. This roguish path adopted by the Indian establishment serves to be the product of prevalence of ancient wisdom of Kautilya Arthashastra in modern practices of the Indian intelligence.

The ancient practice of intelligence and espionage in India retains paramount significance for this prevalent discourse. Kautilya's Arthashastra, an ancient Indian treatise on statecraft which dates back to Mauryan period, ensures welfare of state by intertwining the concept of internal security with its ultimate political objectives. The success of a state depends upon pursuing a foreign policy which either advocates non-intervention or overt action. All foreign policy endeavors follow this principle. *Contrary to the Indian Treatise on statecraft, the alleged involvement of India in espionage and assassination of Sikh Separatists on foreign soil reflects transition in Indian State policy under Bharatiya Janata Party (BJP) government.*<sup>3</sup>

### **India's Global Quandaries: Espionage, Assassinations, and Diplomatic Strife**

Although, India blatantly rejected the accusations and engaged in diplomatic posturing against Ottawa, yet the substantial evidence leaked to the media by the Canadian authorities indicates that they possessed signals and human intelligence related to the killing. The leaked communications, considered a *smoking gun*, implicated Indian diplomats in Canada were involved in

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the assassination of Nijjar. Additionally, media reports suggested that the intelligence was not gathered by Canada alone. The intelligence involved inputs from the Five-Eyes Intelligence Alliance, notably from the United States. Likewise, the indictment of an Indian national in connection with a thwarted attempt to assassinate Pannun, a prominent Sikh activist in the US, reinstates the legitimacy of Prime Minister Trudeau's allegations regarding Indian involvement in neutralising vocal Sikh activist in Canada.

There is no denying the fact that it is against the democratic and diplomatic norms of 21<sup>st</sup> century to let democracies take unilateral actions against the citizens of other states on foreign soil, even if they are suspected for their involvement in crimes. *Transnational repression*, the political science term for chasing dissidents and critics abroad, is typically practiced by the world's most authoritarian regimes unlike the democratic world. In a Bloomberg article, Indian economist Mihir Sharma maintains that if India is involved in assassination on western territory — a claim blatantly rejected by its ministry of external affairs — it would manifest a significant escalation in India's clandestine efforts against the advocates of separatist movements abroad.

### **Understanding RAW's Role in Sikh Diaspora Politics**

The Sikh diaspora has become a perpetual concern for India as there has been a minor revival in the seemingly waning Khalistan cause. Therefore, RAW has been proactive in recruiting spies in Sikh cultural and political organisations. "RAW has been a very effective intelligence agency and sees Canada as a potential threat," says Stephaine Carvin, an Intelligence expert at Carleton University in Ottawa. The proximate factor, that catalyses the feud between the Indian government and Sikh populations, was the array of massive anti-government protests in 2020 and 2021 which were overwhelmingly led by the Sikh farmers. Although, a majority of anti-government protests were motivated by concerns over agricultural reforms, yet a small faction of protestors appeared sympathetic to the notion of secession. Indeed, Hardeep Singh Nijjar, the slain Canadian, was an ardent supporter of the Khalistan movement. But, there is hardly any evidence that consolidates his involvement in creating communal disharmony in Punjab. It has been maintained in the New York Times that he is virtually unknown in the state. The veracity of such allegations have been refuted by Nijjar himself, asserting that his formal extradition request had never been made by the

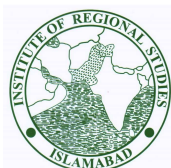
Indian government. Though, Nijjar suspected that he was a potential target. In an interview with a Canadian journalist, he claimed to be on the 'hit list'. The classic Kautilyan manoeuvre would be to chase the ring leaders and inflict silent punishment through clandestine operations. However, after the emergence of Nation-states and the notion of territorial sovereignty with the greater emphasis on upholding the principles of international law, it has become difficult for states to take unilateral actions against other countries.<sup>4</sup>

Along with this, India has to confront significant NATO member state that enjoys the confidence of the member states of Five-Eye Intelligence Alliance, which assisted Canada in establishing nexus between Nijjar's killing and India's unchecked extra-territorial repression. Both states have formal extradition treaty subject to usual rules of evidence and principles of justice. Therefore, India does not need to send over squads of gunmen to kill suspects, abandoning norms of bilateral engagements; which seemingly is the core principle of its foreign policy.

India has been claiming that it had narrow scope and limited access in extraditing suspects from Canada. Only six suspects have been extradited so far since the treaty had been ratified in 1987. The fact of the matter is that democracies are ambivalent in transfer of prisoners to India as they accuse Modi's regime for handling them in inhumane manner. Therefore, Indian system of justice could be held responsible for the ineffectiveness of the extradition treaty.<sup>5</sup>

Simply put, there has been no justification for extraterritorial assassination of someone solely on alleged involvement in a crime. International human rights treaties, like the International Covenant on Civil and Political Rights (ICCPR) delineates the legal obligations that bound both states in which victim takes refuge and by the state that demands its extradition, has been ratified by both India and Canada. Beyond the scope of armed conflict, extra-territorial killings violate the international human rights that holds the sanctity of life as supreme. Therefore, India cannot go away with justifying Nijjar's killing by asserting that he was declared 'terrorist' by the Indian state.

Furthermore, the indictment of Indian government official in the United States for orchestrating the assassination of Gurpatwant Singh Pannu in Washington — a Khalistan ideologue, reflects Indian disregard for diplomatic norms and credentials in pursuing its strategic goals. The real challenge is not the Gupta who is a dispensable non-entity rather the Modi government which has previously shun similar charges of killing levelled by Canadian PM Justin Trudeau. Recall the



Eleventh Commandment that states, "Though shalt not get caught." Presuming the veracity of US Justice Department indictment, that is the one that the Indian establishment has violated.

India's assertive approach against Canadian allegations stems from Indian confidence that Biden administration will never take any stance that could embarrass the Indian establishment. The obvious calculation has been made as India has been capitalising on its strategic importance vis-à-vis China in Asia and in the Indo-Pacific region.<sup>6</sup>

The Modi regime must have been consolidated by the smooth sailing it has been getting from the Biden administration on backsliding of democracy and the inhumane treatment of religious minorities in India. If US is not willing to take into consideration the destruction of at least 250 churches in Manipur, usurpation of fundamental human rights in Kashmir and incessant lynching of Muslims in India and still President Biden persists on paeans about "shared values" then why would the thwarted attempt of assassination on a Khalistan leader in New York be treated any differently? However, the course of events portray miscalculation on part of the Indian Establishment.

Canadian allegations have been consolidated by the US indictment as it links the same Indian government official and Gupta in the Pannun case to Nijjar's murder in June. Indian response vis-à-vis Canadian allegations seems to be all bluff and bluster, with even the statement of India's External Affairs Minister carrying no credibility. As Trudeau mentioned, "US Department of justice indictment underscores what we have been talking about from the beginning that India needs to take this seriously". India has tarnished its global image of being a responsible, democratic, law-abiding nation which envisions to secure its strategic interests diplomatically.

India's extra-territorial repressions have been widely discussed and debated in international media which India can no longer gloss over. It wanted to project its might and strength by neutralising proponents of the Khalistan movement. Nevertheless, in its bumbling execution of a sensitive operation, India has revealed vulnerabilities of its foreign policy which is deeply obsessed with Bharatiya Janata Party's doctrine and devoid of any political prudence and strategic soundness.

Therefore, unlike India's historical record of getting a smooth sailing after infringing in other country's domestic affairs, especially undermining their territorial sovereignty; this time it will not get away with its extraterritorial repression in Canada and a thwarted assassination attempt in the US. So far, the US has put its

weight in support of the Canadian allegations and called for the accountability of perpetrators. But in *real politic*, India may prove far too crucial to alienate given its significance in US equation for countering China.

Interestingly, New Zealand and Australia have also joined the list of states – US and UK- in criticising India after maintaining silence for days. New Zealand, the only 'Five Eyes' country which hesitated to back Canadian allegations has also expressed serious concerns.

Therefore, the diplomatic pressure has been mounting on India. As the Indian assassination saga has been unfolding on foreign soil, RAW has suspended its North American operations since 1968. India has even been forbidden to replace its RAW station chief in Washington since the ouster of Pawan Roy. With the added aspect of shuttering RAW stations in Ottawa, San Francisco and DC, it has been instructed by Germany to recall its officer serving in the agency on deputation from the Indian Revenue Service (IRS). Likewise, in the Middle East many Indian nationals have been arrested on the charges of espionage.

Unlike Canada, which has been quite vocal about Indian extra-territorial repression, the US has put its Justice Department at the forefront which reflects that it does not have any intention to dilute the severity of charges through diplomatic channels. US Attorney Damian Williams, the Chief Federal Prosecutor in Manhattan, said in a news release, "We will not tolerate efforts to assassinate US citizens on US soil, and stand ready to investigate, thwart, and prosecute anyone who seeks to harm and silence Americans here or abroad." Therefore, the gravity of allegations has strained Indo-US relation.<sup>7</sup>

## Conclusion

To cap it all, from the brilliance of magically successful G20 Summit showcasing trust-management, consensus-building and diplomatic sophistication to being shun in international community for its roguish credentials, India has tarnished its global diplomatic standing. The leverage that India enjoys as US ally boosts Indian Establishment confidence for illegal overt operations against dissent voices all across the world. However, situation would become messy for the India with the involvement of Capitol as it would compel the US government to hold India accountable for its cross-border repressions. India must take into consideration the fact that the US has assisted Canada in intelligence gathering; its involvement in thwarted assassination attempt on Sikh advocate in the US has been aired at Capitol in the same breath as that of other instances of extra-territorial

repressions by its perennial adversaries like China, Russia, and Iran. No doubt, India serves the strategic interests of the United States vis-à-vis China, yet it must not ignore that a superpower like the US will allow any middle power like India to take unilateral action, undermining its global stature in the comity of nations. It is an opportunity for the United States as well to reconsider its conciliatory and

accommodating approach towards the roguish credentials of the Indian establishment who is suffering from big power syndrome. Free sailing for India in the world of intelligence and espionage would not even serve the interests of the United States, after all who will guard the guardian?

### Notes and References

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