



## **The Diplomatic Row: The Reasons for India's Strong Reaction**

*Dr. Stuti Banerjee\**

The India-US relationship faced a 'mini-crisis' as it entered the New Year. The 'strategic partnership of the 21<sup>st</sup> Century' faces a minor upheaval, with the US Department of Justice pressing charges of visa fraud against Indian diplomat, Deputy Consul General Ms. Devyani Khobragade. The charges levied against her are that she supplied false information to the US consulate to obtain a visa for her domestic help, Ms. Sangeeta Richards. Ms. Khobragade is also charged with not adhering to the labour laws as applicable in the US, in the remunerations and treatment of her domestic help. The Indian government questioned the validity of the charges and have denied any wrongdoing on the part of the diplomat. They have furnished documents to the US authorities refuting the charges.

The tension between the two countries diffused a little with the US State Department accrediting Ms. Khobragade as a member of India's Permanent Mission to the UN, which grants her full diplomatic immunity. The diplomat has since returned to India on January 10, 2014 after taking permission from the US Court. However, the crisis is far from over. The US Justice Department has refused to withdraw the charges against the diplomat and has yet to issue an apology for the manner of her arrest and detention. If she returns to the US as an Indian

diplomat, she would be safe from prosecution. On the other hand, if she returns in her capacity as a private individual, she would be prosecuted.

There are a few reasons that have caused the incident to upstage the India-US ties. India has strongly protested the manner in which the diplomat was treated by the US Marshals Office. She was arrested in public, handcuffed and there after strip searched. This manner of her treatment during detention has been questioned by the Indian government. Indian officials have also objected to the fact that the charges against the diplomat were not brought to the notice of the Foreign Secretary Sujatha Singh and other senior Indian officials, who were in the US just before Ms. Khobragade's arrest on December 12, 2013. It is presumptuous to assume that India would not have cooperated with the US officials in the investigations if it has been made aware of the charges. What has further fuelled India's strong response is that the US government did not respond to its series of requests of tracing the domestic help, who was missing since June 2013. The Indian Embassy in Washington had taken up the matter repeatedly with the US State Department and US Embassy in New Delhi. India has claimed that its embassy and officials followed due process to inform authorities both in the US and India of the disappearance of the Ms. Richards. Apparently, neither the Indian Embassy nor the Ministry of External Affairs was notified that she was in the custody of the US Department of Homeland Security.

The other major reason for the anger steams from the US decision to 'evacuate' the family members of the domestic help, subverting the Indian judicial system. There are at present cases pending against the domestic help and her husband in the Indian Court. The "evacuation" by the US Embassy, a mere two days before the diplomat's arrest, on a rare "trafficking" visa case has left the Indian government suspicious. India claims that the US officials have no right to evacuate Indian citizens from India while cases were pending against them. This action has been deemed as disrespect by the US of the Indian judicial system, especially as Ms. Khobradade took permission from the US court to return to India.

Some political parties have hailed the free return of the Ms. Khobragade as an acknowledgement of the tough stand taken by the Indian government on the matter. Others point that since the charges have not be dropped, it is as yet too early to celebrate this as a victory. For

the moment, New Delhi has expelled Mr. Wayne May, US Embassy official in New Delhi, alleged to be the person who bought the tickets for the family of the domestic help. The actions by India are based on the principle of reciprocity. Additionally, 'special privileges' given to US Embassy staff and their families have been withdrawn and are likely to remain so for some time to come. It is expected that certain privileges may be granted after the two countries reach a consensus. External Affairs Minister Mr. Salman Khurshid talking to reporters has made it clear that there is "no stand off" between India and the US. India has demanded that the US provide an unconditional apology and drop the charges against its diplomat. India is also taking steps to ensure that its Embassy and consular staff are not harassed on similar grounds in the future. It is reported that the Ministry of External Affairs is proposing that in future domestic help of embassy staff would be governed by Indian labour laws.

The incident has created a trust deficit between India and the US, but questions of this 'diplomatic row' slowing the partnership are imprudent. There is no reason of immediate concern that the unfortunate incident would adversely affect the relations between the two countries. It is more of a bump on the road which is being repaired rather than a road block on the path to better relations between the partners.

\*\*\*

*\* Dr. Stuti Banerjee is a Research Fellow at Indian Council of World Affairs, New Delhi.*

*Disclaimer: Views expressed are of author and do not reflect the views of the Council.*