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CONTENTS

SUMMARY

MOST RECENT DEVELOPMENTS

BACKGROUND AND ANALYSIS

Context of the Relationship U.S. and Congressional Interest Regional Rivalries with Pakistan and China Political Setting National Elections and Prospects for Political Stability The Bharatiya Janata Party (BJP) The Congress Party

India-U.S. Relations and Bilateral Issues Security Issues Dispute Over Kashmir Nuclear Weapons and Missile Proliferation U.S.-India Security Cooperation Regional Dissidence and Human Rights Gujarat Human Rights India's Economy and U.S. Concerns U.S. Assistance

CHRONOLOGY

India-U.S. Relations

SUMMARY

Although the end of the cold war freed India-U.S. relations from the constraints of global bipolarity, New Delhi-Washington relations continued for a decade to be affected by the burden of history, most notably the longstanding India-Pakistan rivalry. Recent years, however, have witnessed a sea change in bilateral relations, with more positive interactions becoming the norm. India's swift offer of full support for U.S.-led anti-terrorism operations after the September 2001 attacks on the United States is widely viewed as reflective of such change.

Continuing U.S. concern in South Asia focuses especially on the historic and ongoing tensions between nuclear-armed India and Pakistan, tensions rooted in unfinished business from the 1947 Partition, and competing claims to the former princely state of Kashmir. The United States also seeks to prevent the regional proliferation of nuclear weapons and ballistic missiles. Both India and Pakistan have so far resisted U.S. and international pressure to sign the major international nonproliferation treaties.

In May 1998, India conducted a series of unannounced nuclear tests that evoked international condemnation. Pakistan reported conducting its own nuclear tests less than three weeks later. As a result of these tests, President Clinton imposed wide-ranging sanctions on both countries, as mandated under the Arms Export Control Act. Many of these sanctions gradually were lifted through Congress-Executive branch cooperation from 1998 to 2000. The remaining nuclear sanctions on India and Pakistan were removed by President Bush on September 22, 2001.

Congress also has been concerned with human rights issues related to regional dissi-

dence and separatist movements in Kashmir, Punjab, and India's Northeast region. Strife in these areas has resulted in the deaths of tens of thousands of civilians, militants, and security forces over the past decade. Communalism has also been a matter of concern, with spring 2002 rioting in the Gujarat state resulting in up to 2,000, mostly Muslim, deaths. International human rights groups, as well as Congress and the U.S. State Department, have criticized India for perceived human rights abuses by its security forces in these regions.

The United States has been supportive of India's efforts to transform its formerly quasi-socialist economy through fiscal reform and market opening. Beginning in 1991, India has been taking steps to reduce inflation and the budget deficit, privatize state-owned industries, reduce tariffs and industrial licensing controls, and institute incentives to attract foreign trade and investment. Successive coalition governments have kept India on a general path of economic reform and market opening, though there continues to be U.S. concern that such movement has been slow and inconsistent.

The current Bharatiya Janata Party (BJP)led coalition government is headed by Prime Minister Atal Behari Vajpayee. The coalition has been in power since October 1999 national elections decisively ended the historic dominance of the Nehru-Gandhi-led Congress Party. The BJP has close ties to Hindunationalist groups in India and December 2002 elections in Gujarat resulted in a decisive win for the forces of "Hindutva." Yet the BJP has suffered some recent electoral setbacks at the state level, most recently in Himachal Pradesh in February 2003, when the incumbent BJP government was ousted, and in Jammu and Kashmir in October 2002.



MOST RECENT DEVELOPMENTS

In late February, Secretary of State Powell reiterated the U.S. position that "there is a need for dialogue to take place between India and Pakistan on all of the outstanding issues between those two nations, and especially on the issue of Kashmir." He added that "the United States will continue to do everything we can to get a dialogue started." A serious diplomatic row between New Delhi and Islamabad earlier in the month has dampened hopes that a bilateral dialogue – essentially moribund since July 2001 – can be restarted in the near-term. The infiltration of Islamic militants into Indian Kashmir appears to be continuing and may be taking place with the support of Pakistan's intelligence service.

February elections in four Indian states resulted in an unexpected reversal for the national coalition-leading BJP in the overwhelmingly Hindu state of Himachal Pradesh. The Congress Party's convincing victory there has cast doubt on the ability of the Hindunationalist BJP to repeat its surprise December 2002 Gujarat victory elsewhere in the country. Five other Indian states will hold elections later this year. Militant Hindu nationalists have renewed their efforts to be allowed to build a temple on a bitterly contested site in the city of Ayodhya that is also claimed by Muslims.

On February 2, U.S. Army Chief of Staff Shinseki arrived in India for a two-day visit, the first of its kind. On February 4, the United States imposed penalties on the Indian business entity NEC Engineers and its president, Hans Raj Shiv, for "knowingly and materially contributing to Iraq's chemical/biological weapons program." On February 5, the Statement of Principles for U.S.-India High Technology Commerce was signed to boost high technology trade between the two countries. On February 25, the Chairman of the U.S. Nuclear Regulatory Commission visited India in February for the first time since the 1998 nuclear tests. (See chronology for details.)

BACKGROUND AND ANALYSIS

Context of the Relationship

U.S. and Congressional Interest

In the wake of the September 2001 terrorist attacks on the United States, India took the immediate and unprecedented step of offering to the United States full cooperation and the use of India's bases for counterterrorism operations. The offer reflected the sea change that has occurred in recent years in the U.S.-India relationship, which for decades was mired in the politics of the Cold War. The marked improvement of relations that began in the latter months of the Clinton Administration was accelerated after a November 2001 meeting between President Bush and Indian Prime Minister Vajpayee at the White House, when the two leaders agreed to greatly expand U.S.-India cooperation on a wide range of issues, including counterterrorism, regional security, space and scientific collaboration, civilian nuclear safety, and broadened economic ties. Notable progress has come in the area of security cooperation, with an increasingly strong focus on counterterrorism, joint military

exercises, and arms sales. In December 2001, the U.S. Defense Policy Group met in New Delhi for the first time since India's 1998 nuclear tests and outlined a defense partnership based on regular and high-level policy dialogue. In July 2002, the fifth and most recent meeting of the U.S.-India Joint Working Group on Counterterrorism was held in Washington, D.C.

U.S. and congressional interests in India cover a wide spectrum of issues, ranging from the militarized dispute with Pakistan and weapons proliferation to concerns about human rights and trade and investment opportunities. In the 1990s, India-U.S. relations were particularly affected by the demise of the Soviet Union – India's main trading partner and most reliable source of economic assistance and military equipment – and New Delhi's resulting need to diversify its international relationships; India's adoption of sweeping economic policy reforms, beginning in 1991; and a deepening bitterness between India and Pakistan over Kashmir, along with India's preoccupation with China as a potential long-term strategic threat.

With the fading of cold war constraints, the United States and India began exploring the possibilities for a more normalized relationship between the world's two largest democracies. A visit to the United States by Indian PM Narasimha Rao in 1994 marked the onset of significantly improved U.S.-India relations. Rao addressed a joint session of Congress and met with President Clinton. Although discussions were held on nuclear nonproliferation, human rights, and other issues, the main focus of the visit was rapidly expanding U.S.-India economic relations. Throughout the 1990s, however, regional rivalries, separatist tendencies, and sectarian tensions continued to divert India's attention and resources from economic and social development. Fallout from these unresolved problems – particularly nuclear proliferation and human rights issues – presented serious irritants in bilateral relations.

President Clinton's 2000 visit to South Asia seemed a major U.S. initiative to improve cooperation with India in the areas of economic ties, regional stability, nuclear proliferation concerns, security and counterterrorism, environmental protection, clean energy production, and disease control. President Clinton and Indian PM Vajpayee agreed to institutionalize dialogue between the two countries through a range of high-level exchanges, and the two countries established working groups and agreements on numerous issues of mutual concern, from increasing bilateral trade to combating global warming. President Clinton also lifted sanctions on some small U.S. assistance programs.

During his subsequent visit to the United States later in 2000, Vajpayee addressed a joint session of Congress and was received for a state dinner at the White House. On September 15, 2000, President Clinton and Vajpayee signed a joint statement agreeing to cooperate on arms control, terrorism, and AIDS. During the Bush Administration, high-level visits have continued: Vajpayee again visited the United States in November 2001; Home Minister Advani and Defense Minister Fernandes in January 2002; and Foreign Minister Sinha in September 2002. The U.S. Secretaries of State and Defense, along with other top U.S. officials, made visits to New Delhi in 2002.

Regional Rivalries with Pakistan and China

Three wars – in1947-48, 1965, and 1971 – and a constant state of military preparedness on both sides of the border have marked the half-century of bitter rivalry between India and

Pakistan. The acrimonious nature of the partition of British India in 1947 and the continuing dispute over Kashmir remain major sources of interstate tension and violence. Despite the existence of widespread poverty across South Asia, both India and Pakistan have built large defense establishments – including nuclear weapons capability and ballistic missile programs – at the cost of economic and social development.

The Kashmir problem is itself rooted in claims by both countries to the former princely state, now divided by a military line of control (LOC) into the Indian state of Jammu and Kashmir and Pakistan-controlled Azad (Free) Kashmir. India blames Pakistan for supporting "cross-border terrorism" and a separatist rebellion in the Muslim-majority Kashmir Valley that has claimed up to 60,000 lives since 1989. Pakistan admits only to lending moral and political support to what it calls "freedom fighters" operating mostly in and near the valley region around the city of Srinagar. Normal relations between New Delhi and Islamabad were severed in December 2001 after a terrorist attack on the Indian Parliament was blamed on Pakistan-supported Islamic militants. Other lethal attacks on Indian civilians have been blamed on Pakistan-sponsored groups. Though the two countries apparently have since ended a tense, 10-month military standoff at their shared border, there has been no diplomatic dialogue between India and Pakistan since a summit meeting in the city of Agra in July 2001 failed to produce any movement toward a settlement of the bilateral dispute.

India and China fought a brief but intense border war in 1962, and China has since occupied a large swath of territory still claimed by India. Although Sino-Indian relations have warmed in recent years, the two countries have yet to reach a final boundary agreement. During the last visit to China by an Indian leader in September 1993, then-Indian Prime Minister Rao signed an agreement to reduce troops and maintain peace along the line of actual control (LAC) that divides the two countries' forces (along with pacts on trade, environmental, and cultural cooperation). Periodic working group meetings aimed at reaching a final settlement continue; the 14th of these was held in November 2002. In January 2002, Chinese Premier Zhu Rongji became the first Chinese premier to visit India in 11 years. The Indian Prime Minister is slated to visit Beijing in 2003.

Adding to New Delhi's sense of insecurity are suspicions regarding China's long-term nuclear weapons capabilities and strategic intentions in South Asia. In fact, a strategic orientation focused on China reportedly has affected the course and scope of New Delhi's own nuclear weapons and ballistic missile programs. Beijing's military and economic support for Pakistan – support that is widely believed to have included WMD-related transfers – is a major and ongoing source of friction; expressed Chinese support for Pakistan's Kashmir position adds to the discomfort of Indian leaders. New Delhi also has taken note of Beijing's security relations with neighboring Burma and the construction of military facilities on the Indian Ocean. Despite these issues, high-level exchanges between New Delhi and Beijing regularly include statements from officials on both sides that there exists "no fundamental conflict of interest" between the two countries.

Political Setting

National Elections and Prospects for Political Stability. India's most recent national elections in October 1999 brought to power a Bharatiya Janata Party (BJP)-led coalition government headed by Atal Bihari Vajpayee. This outcome decisively ended the historic dominance of the Nehru-Gandhi-led Congress Party, which now sits in opposition

at the national level (though its members lead numerous state governments). This is Vajpayee's third tenure as Prime Minister (his previous governments lasted 13 days in 1996 and 13 months in 1998-99).

As a nation-state, India presents a vast mosaic of hundreds of different ethnic groups, religious sects, and social castes (there are 18 *official* languages). Until the last decade or so, many of these groups found representation within the diversity of the Congress Party, which ruled India for 45 of its 55 years since independence in 1947. Factors in the decline of support for the Congress included neglect of its grassroots political organizations by the leadership, a perceived lack of responsiveness to such major constituent groups as Muslims and lower castes, the rise of regional parties and issue-based parties such as the BJP, and allegations of widespread corruption involving a number of party leaders. At the same time, there has been a shift in power from upper caste Indians to the far more numerous lower caste Indians, many of whom have switched their allegiance from Congress and smaller national parties to oftentimes influential regional and caste-based parties.

December 2002 elections in the state of Gujarat were viewed by many as a key gauge of continued public support for the BJP. Gujarat was the site of horrific communal conflict earlier in 2002 when the torching of a train car filled with pro-Hindu activists killed 58 in Ghodra and led to widespread rioting that killed more than 1,000, mostly Muslims, along with the displacement of thousands more. Gujarat Chief Minister and BJP leader Narendra Modi called for early elections – in an effort to take advantage of the polarized political setting, some say – and ran a campaign that emphasized a perceived Islamic/Pakistani threat to the country's and state's Hindu majority. The BJP party was rewarded with an unexpectedly decisive victory over the rival Congress Party.

Many analysts predicted that the success in Gujarat of a strongly Hindu-nationalist political platform would be translated into similarly strident tacks elsewhere in India, along with a more hardline stance from the BJP-led coalition at the national level. The next national elections are scheduled to be held some time in 2004, but 9 state elections take place in 2003. State elections in February 2003 included a surprisingly strong win for the Congress Party in Himachal Pradesh, a populous and overwhelmingly Hindu northern state where a BJP chief minister was incumbent. This outcome has dampened expectations that Hindu nationalism will determine the future course of India's national politics.

The Bharatiya Janata Party (BJP). Riding a crest of rising Hindu nationalism, the BJP increased its strength in Parliament from only two seats in 1984 to 119 seats in 1991 to 181 seats at present. In 1992-93, the party's image was tarnished by its alleged complicity in serious outbreaks of communal violence in which a mosque was destroyed at Ayodha and 2,500 people were killed in anti-Muslim rioting in Bombay and elsewhere. Some observers hold elements of the BJP, as the political arm of the extremist Hindu nationalist organization Rashtriya Swayamsevak Sangh (RSS or National Volunteer Force), allegedly responsible for the incidents. Since then, the BJP has worked – with only limited success – to change its image from right-wing Hindu fundamentalist to conservative, secular, and moderate, although February 2002 riots in Gujarat damaged the party's national and international credentials as a secular and moderate organization.

Following the March 1998 elections, the BJP managed to cobble together a fragile, 13member National Democratic Alliance (NDA) coalition, headed by Vajpayee, and survive a confidence vote. Factors that kept the BJP government in power for a year included Vajpayee's widespread personal popularity, early popular euphoria over India's May 1998 nuclear tests, and widespread disenchantment with previous Congress-led governments. Vajpayee soon found himself caught in a continuing round of internal bickering and favor-seeking by coalition members. Such distractions delayed efforts at focusing on more urgent matters, including the economy. An April 1999 no-confidence vote was precipitated by the withdrawal of support for the BJP government by its largest coalition partner, a regional party based in the southern state of Tamil Nadu.

The BJP advocates "Hindutva," or an India based on Hindu culture. Although the BJP claims to accept all forms of belief and worship, it views Hindutva as key to nation-building. Popular among upper caste groups, the party continues to be looked upon with suspicion by lower caste Indians, India's 140 million Muslims, and non-Hindi-speaking Hindus in southern India, who together comprise a majority of India's voters. The more controversial long-term goals of the BJP reportedly include building a Hindu temple on the site of a 16th century mosque in Ayodhya that was destroyed by Hindu mobs in 1992, establishing a uniform code of law that would abolish special status for Muslims, and abolishing the special status granted to Jammu and Kashmir under Article 370 of the Indian Constitution. None of these stands are taken by the NDA 1999 election manifesto and likely would be opposed by many NDA coalition members. The BJP leadership has sought to put these goals on the back-burner, but current tensions – continuing conflict between India and Pakistan and a flare-up of Hindu-Muslim communal violence in the western state of Gujarat – have put the party in an awkward position.

The Congress Party. The post-election weakness of the opposition is a major factor in the BJP coalition government hopes for completing its 5-year term. With just 110 parliamentary seats, the Congress Party today is at its lowest national representation ever. Observers attribute the party's poor showing to a number of factors, including the perception that current party leader Sonia Gandhi lacked the experience to lead the country, the failure of Congress to make strong pre-election alliances (as had the BJP), and the splintering of Congress in Maharashtra state.

Support for the Congress Party began to decline following the 1984 assassination of then-Prime Minister Indira Gandhi (daughter of India's first prime minister, Jawaharlal Nehru) and the 1991 assassination of her son, then-Prime Minister Rajiv Gandhi. Sonia Gandhi, Rajiv's widow, refused to be drawn into active politics until the 1998 elections. She has since made efforts to revitalize the organization by phasing out older leaders and attracting more women and lower castes. In November 1998, signs of a resurgent Congress Party were apparent in a series of state elections. By landslide margins, the Congress defeated BJP governments in Rajasthan and Delhi, and maintained its control of Madhya Pradesh. However, the inability of the Congress to form a new government after the fall of the BJP coalition in April 1999, along with defections led by Maharashtran politicians, weakened the party in the parliamentary elections. October 2002 elections in Jammu and Kashmir saw the Congress Party successfully oust the BJP-allied National Conference to form a coalition government with the regional People's Democratic Party. Although December 2002 elections in Gujarat were a major defeat for Congress and marked a failure of the "soft Hindutva" position taken by Gujarati party members in an effort to erode BJP support in the state, Congress was again buoyed by an upset win over BJP incumbents in Himachal Pradesh in February 2003.

India-U.S. Relations and Bilateral Issues

Security Issues

Dispute Over Kashmir. The Kashmir problem is rooted in claims by both India and Pakistan to the former princely state, divided since 1948 by a military Line of Control (LOC) separating the Indian state of Jammu and Kashmir and Pakistan-controlled Azad (Free) Kashmir. Spurred by what were perceived as being rigged state elections that unfairly favored pro-New Delhi candidates in 1989, an ongoing separatist war between Islamic militants and their supporters and Indian security forces in the Indian-held Kashmir Valley has claimed up to 60,000 lives. India blames Pakistan for fomenting the rebellion, as well as supplying arms, training, and fighters. Pakistan claims only to provide diplomatic and moral support to what it calls "freedom fighters" who resist Indian rule. The longstanding U.S. position on Kashmir is that the whole of the former princely state is disputed territory, and that the issue must be resolved through negotiations between India and Pakistan, taking into account the wishes of the Kashmiri people.

A series of kidnapings and general strikes in the Kashmir Valley, beginning after the controversial elections of 1989, led India to impose rule by the central government in 1990 and to send in troops to establish order. Many Kashmiris were moved to support newly established militant separatist groups after several incidents in which Indian troops fired on demonstrators. Some groups, such as the Jammu and Kashmir Liberation Front (JKLF), continue to seek an independent or autonomous Kashmir. Other local groups, including the Hizbul Mujahideen (HM), seek union with Pakistan. In 1993, the All Parties Hurriyat (Freedom) Conference was formed as an umbrella organization for groups opposed to Indian rule in Kashmir. The Hurriyat membership of some 23 political and religious groups includes the JKLF (now a political group) and Jamaat-e-Islami (the political wing of the HM). The Hurriyat Conference, which states that it is conference on Kashmir, including India, Pakistan, and representatives of the Kashmiri people. Hurriyat leaders also have demanded Kashmiri representation at any talks between India and Pakistan on Kashmir.

In 1995, the government of then-PM Rao began efforts to restart the political process in Kashmir. May 1996 elections were held to fill Jammu and Kashmir's six parliamentary seats. Voter turnout in the state was about 40%, with some reports of voters being herded to polling stations by security forces. The elections served as a rehearsal for state assembly elections, which were held in September 1996. The National Conference (NC), the longstanding establishment Kashmiri party led by Farooq Abdullah, won 57 of 87 seats, and Abdullah became chief minister of the state. In April 1998, Jammu and Kashmir again took part in national parliamentary elections. Pre-election violence and a boycott by the Hurriyat kept voter turnout in the state at an estimated 35%-40%. Voter turnout in the state declined even further in 1999 parliamentary elections.

In 2001 and 2002, a series of violent incidents worsened the region's security climate and brought India and Pakistan to the brink of full-scale war. In October 2001, Islamic militants attacked the state assembly building in Srinagar, killing 38. In December 2001, a brazen attack on the Indian Parliament complex in New Delhi left 14 dead, including the five attackers. Indian government officials blamed Pakistan-based militant groups for both attacks and initiated a massive military mobilization that brought hundreds of thousands of Indian troops to the border with Pakistan. In May 2002, in the midst of this armed showdown, militants attacked an Indian army base in the Jammu town of Kaluchak, leaving 34 dead, many of them women and children. New Delhi leveled further accusations that Islamabad was sponsoring Kashmiri terrorism and Indian leaders talked of making "preemptive" military incursions against separatists' training bases on Pakistani territory. Indian PM Vajpayee told Indian troops to prepare for a "decisive war" against Pakistan so as to stop "cross-border terrorism." The situation was further exacerbated when moderate Kashmiri separatist leader Abdul Ghani Lone – noted for seeking a nonviolent resolution to the dispute – was assassinated at a political rally. (For a review of the Kashmir dispute, see CRS Report RL31587, *Kashmiri Separatists*.)

International pressure included numerous visits to the region by top U.S. diplomats and led Pakistani President Musharraf to publically state that no infiltration was taking place at the LOC. On receiving assurances from Secretary of State Powell and Deputy Secretary of Defense Armitage that Pakistan would terminate support for infiltration and dismantle militant training camps, India began the slow process of reducing tensions with Pakistan. In October 2002, after completion of state elections in Jammu and Kashmir, New Delhi announced that a months-long process of redeploying troops to their peacetime barracks had begun. Islamabad responded with a stand-down order of its own, although the Indian and Pakistani armies continue to exchange sporadic small arms, mortar, and even artillery fire along the LOC.

Indian Kashmir remains volatile. October 2002 elections to the state assembly resulted in the ouster of the National Conference and the establishment of a coalition government of the Congress Party and the People's Democratic Party. While the seating of this new and seemingly more moderate state government renewed hopes for peace in the troubled region, continued and deadly separatist violence has dampened early optimism. The United States welcomed the election process as a necessary first step toward the initiation of a meaningful dialogue between India and Pakistan to peacefully resolve their dispute. Secretary of State Powell has asserted that, "We are looking to both India and Pakistan to take steps that begin to bring peace to the region and to ensure a better future for the Kashmiri people. The problems with Kashmir cannot be resolved through violence, but only through a healthy political process and a vibrant dialogue." (See CRS Report RS21300, *Elections in Kashmir*.)

Nuclear Weapons and Missile Proliferation. Proliferation in South Asia is conceived as being part of a chain of rivalries – India seeking to balance against Chinese capabilities, and Pakistan seeking to gain an "equalizer" against a larger and conventionally stronger India. New Delhi initiated its nuclear program soon after its 1962 defeat in a short border war with China and China's first nuclear test in 1964. Pakistan's nuclear program likely was prompted by India's 1974 nuclear test and by Pakistan's defeat by India in the 1971 war and consequent loss of East Pakistan, now independent Bangladesh. U.S. policy analysts consider the bilateral conflict between India and Pakistan as posing perhaps the most likely prospect for the future use of nuclear weapons.

In May 1998, India conducted a total of five underground nuclear tests, breaking a selfimposed, 24-year moratorium on nuclear testing. Pakistan followed, claiming six tests of its own by month's end. The unannounced tests created a global storm of criticism and represented a serious setback for decades of U.S. nuclear nonproliferation efforts in South Asia. President Clinton immediately imposed economic and military sanctions on both countries as mandated under Section 102 of the Arms Export Control Act (AECA). Humanitarian assistance, food, or other agricultural commodities were excepted from sanctions under the law.

India had conducted its first, and only, previous nuclear test in 1974, after which it maintained ambiguity about the status of its nuclear program. Pakistan probably gained a nuclear weapons capability sometime in the 1980s. India is believed to have enough plutonium for 25-100 nuclear warheads. Pakistan may have enough enriched uranium (and a small amount of plutonium) for 25-50 warheads (although some reports suggest that Pakistan may have an arsenal that is larger than India's). Both countries have aircraft and missiles capable of delivering the weapons, and both also continue to test ballistic missiles. India's short-range Prithvi missiles have been labeled "Pakistan-specific," while many analysts believe that its longer-range missile programs are oriented toward China (see CRS Report RS21237, *India and Pakistan Nuclear Weapons Status*).

In August 1999, a quasi-governmental Indian body released a Draft Nuclear Doctrine for India calling for a "minimum credible deterrent" (MCD) based upon a triad of delivery systems and pledging that India will not be the first to use nuclear weapons in a conflict. The document has been neither accepted nor rejected by New Delhi. (Islamabad has made no comparable public declaration, but it also seeks to maintain an MCD while rejecting a nofirst-use pledge.) In April 2002, the Indian Cabinet approved the establishment of a Strategic Nuclear Command (SNC) that would control the country's nuclear arsenal, and four months later the Indian Defense Minister stated that "a nuclear doctrine is in place" and a command and control structure is being developed. In January 2003, New Delhi announced creation of a Nuclear Command Authority. In creating such an body, India appears to be taking the next step toward operationalizing its nuclear weapons capability. (Pakistan created its own Nuclear Command Authority in 2000.) (For details, see CRS Report RL30623, *Nuclear Weapons and Ballistic Missile Proliferation in India and Pakistan.*)

U.S. Nonproliferation Efforts. During the 1990s, the United States security focus in South Asia sought to minimize damage to the nonproliferation regime, prevent escalation of an arms and/or missile race, and promote Indo-Pakistani bilateral dialogue. In light of these goals, the Clinton Administration set forward five key "benchmarks" for India and Pakistan based on the contents of U.N. Security Council Resolution 1172 (June 1998) which condemned the two countries' nuclear tests. These were: 1) signing and ratifying the Comprehensive Nuclear Test Ban Treaty (CTBT); 2) halting all further production of fissile material and participating in Fissile Material Cutoff Treaty negotiations; 3) limiting development and deployment of weapons of mass destruction (WMD) delivery vehicles; 4) implementing strict export controls on sensitive WMD materials and technologies; and 5) establishing bilateral dialogue between India and Pakistan to resolve their mutual differences.

Progress in each of these areas has been limited, and the Bush Administration no longer refers to the benchmark framework. Neither India nor Pakistan has signed the CTBT, and both appear to be continuing their production of weapons-grade fissile materials. (India has consistently rejected this treaty, as well as the NPT, as discriminatory, calling instead for a global nuclear disarmament regime. Although both India and Pakistan currently observe self-imposed moratoria on nuclear testing, they continue to resist signing the CTBT – a position made more tenable by U.S. Senate's rejection of the treaty in 1999.) The status of weaponization and deployment is unclear, though there are indications that this is occurring

at a slow, but more or less steady pace. Aside from security concerns, the governments of both countries are faced with the prestige factor attached to their nuclear programs and the domestic unpopularity of relinquishing what are perceived to be potent symbols of national power. Early optimism in the area of export controls has waned somewhat as fears that these countries, especially Pakistan, might seek to export WMD materials and/or technologies have gained some credence: Pakistan's possible transfers of uranium enrichment materials to North Korea are receiving renewed attention, and a 2002 report by the British government named an Indian trading company as being complicit in aiding Iraq's chemical weapons and missile propellant programs. Finally, although there has been no repeat of the intense military clashes of May-June 1999, and a recent ten-month-long military standoff has eased, tensions in Kashmir remain high, and bilateral dialogue is not occurring.

With Pakistan and, especially, India making improvements in both their conventional and nonconventional military forces – and given the danger of conflict escalation in the region – the United States has focused on restraining the outbreak of a dyadic military conflict on the Asian subcontinent. In 2002, India and Pakistan have become important members of the U.S.-led counterterror coalition, and – although the White House stated in its December 2002 National Strategy to Combat Weapons of Mass Destruction that the United States must induce proliferant states to end their WMD and missile programs – it is unlikely that future U.S. diplomatic efforts will be as vigorous as they were following the 1998 nuclear weapons tests. In fact, some observers have called for a new approach that would provide technical assistance in enhancing the security of any WMD materials in South Asia. A provision in the defense authorization bill to expand Cooperative Threat Reduction programs to nations outside of the former Soviet Union did not appear in the final version, but the issue may arise again in the 108th Congress (see CRS Report RL31589, *Nuclear Threat Reduction Measures for India and Pakistan*).

Congressional Action. Through a series of legislative measures, Congress has lifted nuclear-related sanctions both on India and Pakistan. In October 1999, Congress passed H.R. 2561, the Department of Defense Appropriations Act, 2000, and it was signed by the President as P.L. 106-79 on October 29. Title IX of the act gives the President authority to waive sanctions applied against India and Pakistan in response to the nuclear tests. In a presidential determination on India and Pakistan issued on October 27, 1999, the President waived economic sanctions on India. On September 22, 2001, President Bush issued a final determination removing remaining sanctions on Pakistan and India resulting from their 1998 nuclear tests. Currently, the last effects of the nuclear sanctions are four Indian entities (and their subsidiaries) that remain on the Department of Commerce list of entities for which export licenses are required. (For details, see CRS Report RS20995, *India and Pakistan: Current U.S. Economic Sanctions.*)

Title XVI, Section 1601 of P.L. 107-228 outlines nonproliferation objectives to be achieved in South Asia with respect to nuclear testing, nuclear weapons and ballistic missile deployments and developments, export controls and confidence-building measures. In addition, the section states that it shall be the policy of the United States consistent with its NPT obligations, to encourage, and where appropriate, work with the governments of India and Pakistan to achieve not later than September 30, 2003, the establishment of "modern, effective systems to protect and secure nuclear devices and materiel from unauthorized use, accidental employment, or theft." The conferees noted that "any such dialogue with India or Pakistan would not be represented or considered, nor would it be intended, as granting any

recognition to India or Pakistan, as appropriate, as a nuclear weapon state." The section requires the President to submit a report to Congress no later than March 1, 2003, on U.S. efforts to achieve the objectives and likelihood of success by September 2003 (see CRS Report RL31589, *Nuclear Threat Reduction Measures for India and Pakistan*).

U.S.-India Security Cooperation. Unlike U.S.-Pakistan military ties, which date back to the 1950s, security cooperation between the United States and India is in the early stages of development. Since September 2001, and despite a concurrent U.S. rapprochement with Pakistan, India-U.S. security cooperation has flourished. Both countries have acknowledged a desire for greater bilateral security cooperation and a series of measures have been taken to achieve this. The India-U.S. Defense Policy Group – moribund since India's 1998 nuclear tests and ensuing U.S. sanctions – was revived in late 2001. Joint Executive Steering Groups between the U.S. and Indian armed services hold regular meetings. During 2002, the United States and India held numerous joint exercises involving all military branches. Press reports indicate that unprecedented advanced air combat exercises are planned for 2003.

Along with this increasingly frequent type of interaction, the issue of U.S. arms sales to India has taken a higher profile. In February 2002, Congress was notified of the negotiated sale to India of 8 counter-battery radar sets (or "Firefinder" weapon locating radars) valued at more than \$100 million (the following September, arrangements were made for the sale of four additional sets). The Indian government reportedly possesses an extensive "wish-list" of desired U.S.-made weapons, including P-3 Orion maritime patrol aircraft, Patriot antimissile systems, and electronic warfare systems. The United States reportedly is prepared to provide Indian security forces with sophisticated electronic ground sensors that may help stem the tide of militant infiltration in the Kashmir region. U.S. Ambassador Blackwill stated in November 2002 that "the Pentagon is expeditiously processing the Indian army's request for significant Special Forces equipment and border sensors."

In a controversial turn, the Indian government reportedly is seeking to purchase a sophisticated missile-defense system – the Arrow Weapon System – from Israel. However, because the United States took the lead in the system's development, the U.S. government has veto power over any Israeli exports of the Arrow. Although numerous U.S. Defense Department officials are seen to support the sale as meshing with President Bush's policy of cooperating with friendly countries on missile defense, State Department officials are reported to opposed the transfer, believing that it would send the wrong signal to other weapons-exporting states at a time when the U.S. is seeking to discourage weapons proliferation in the international system.

Joint India-U.S. military exercises, arms sales negotiations, and an FY2003 budget request of \$50 million in U.S. Foreign Military Financing for India have caused disquiet in Pakistan, where there reportedly is concern that these developments will strengthen India's position through an appearance that the United States is siding with India. Islamabad is concerned that its already disadvantageous conventional military status vis-a-vis New Delhi will be further eroded by India's acquisition of additional modern weapons platforms. In fact, numerous observers have noted what appears to be a pro-India drift in the U.S. government's strategic orientation in South Asia, along with signs that the United States has been frustrated by the continued flow of separatist militants across the Kashmiri Line of Control and into Indian Kashmir (despite numerous promises by the Pakistani government

that such movements would cease). At the same time, the United States regularly lauds Pakistan's participation as a key ally in the U.S.-led counterterrorism coalition. (For a detailed discussion, see CRS Report RL31644, *U.S.-India Security Relations.*)

Regional Dissidence and Human Rights

A vastly diverse country in terms of ethnicity, language, culture, and religion, India can be difficult to govern. Internal instability resulting from diversity is further complicated by colonial legacies – for example, international borders separating members of the same ethnic groups, creating flashpoints for regional dissidence and separatism. Kashmir and Punjab are two areas that have witnessed separatist struggles in past decades. On a lesser scale, there are similar problems of incomplete national integration in other parts of India, particularly the northeast, where a number of smaller dissident groups are fighting either for separate statehood, autonomy, or independence. The remote and underdeveloped northeast is populated by a complex mosaic of ethnic and religious groups, both tribal and non-tribal. Migration of non-tribal peoples into less populated tribal areas is at the root of many problems in that region. India-Bangladesh relations have been disrupted in recent months by New Delhi's accusations that Dhaka is taking insufficient action against Pakistansupported separatist militants who find sanctuary on Bangladeshi territory.

Gujarat. In February 2002, a group of Hindu activists returning by train from the city of Ayodha – the site of the razed 16th century Babri Mosque and the proposed Ram Janmabhoomi Temple – were attacked by a Muslim mob in the town of Godhra, Gujarat, and 58 people were killed. In the communal rioting that followed, at least 1,000 and perhaps up to 2,000 people were killed, most of them Muslim. Many observers criticized the BJP-led state and national governments for inaction; some even saw evidence of state government complicity in anti-Muslim attacks. Leading human rights groups have been critical of the central government's alleged inaction in bringing those responsible to justice. The government's inability to successfully quell violence in Gujarat has led to rifts within India's BJP-led National Democratic Alliance. In December 2002, in what many analysts see as a vindication of the BJP government in Gujarat and its Hindu-nationalist tack, state elections resulted in a decisive BJP victory, and Hindu-nationalist groups are vowing to employ in other states what are seen by many to be divisive communal tactics (although the BJP's upset loss in Himachal Pradesh's February 2003 elections has caused enthusiasm to wane).

Human Rights. According to the U.S. State Department *India Country Report on Human Rights Practices for 2001* (March 2002), there continued to be significant human rights abuses in India, despite extensive constitutional and statutory safeguards. Much of the blame for such problems is assigned to India's "traditionally hierarchical social structure, deeply rooted tensions among the country's many ethnic and religious communities, violent secessionist movements and the authorities' attempts to repress them, and deficient police methods and training." These problems are acute in Jammu and Kashmir, where judicial tolerance of New Delhi's heavy-handed anti-insurgency tactics, the refusal of security forces to obey court orders, and terrorist threats have disrupted the judicial system.

In dealing with regional dissidence, the Indian government has employed a wide range of security legislation, including laws that permit authorities to search and arrest without warrant and detain persons for a year without charge or bail. Other security laws prescribe sentences of not less than 5 years for disruptive speech or actions. Special courts have been established that meet in secret and are immune from the usual laws of evidence. In some cases, security forces are given permission to shoot to kill. A reported 5,000 Kashmiris currently are in jail under anti-terrorist laws. In general, India has denied international human rights groups official access to Kashmir, Punjab, and other sensitive areas. In 1995, however, the Indian government allowed the International Committee of the Red Cross permission to begin a program of prison visits in Jammu and Kashmir. Both Amnesty International and Human Rights Watch have expressed grave concern over serious human rights abuses by militant groups in Kashmir, Punjab, and Gujarat, including kidnaping, extortion, and killing of civilians.

A secular nation, India has a long tradition of religious tolerance (with occasional lapses), which is protected under its constitution. India's population includes a Hindu majority of 82% as well as a large Muslim minority of more than 130 million (14%). Christians, Sikhs, Buddhists, Jains, and others each total less than 3%. Although freedom of religion is protected by the Indian government, human rights observers have noted that India's religious tolerance is susceptible to attack by religious extremists. Government policy does not favor any group, but some fears have been raised by the coming to power of the Hindu-nationalist BJP since 1998.

The rights of Indian women and children are not always well protected. The aborting of female fetuses and female infanticide has occurred at such high rates that scores of millions of women are said to be "missing" from India. Child labor is another serious human rights problem for India. According to the State Department's Human Rights Report, enforcement of child labor laws in India is weak and the number of child laborers could be as high as 55 million. A major factor is India's lack of a compulsory education law requiring even primary education.

India's Economy and U.S. Concerns

Many observers believe that India's long-term economic potential is tremendous, and recent strides in the technology sector have brought international attention to such high-tech centers as Bangalore and Hyderabad. Yet analysts – along with some U.S. government officials – also point to excessive regulatory and bureaucratic structures as a hindrance to the realization of India's full economic potential. Constant comparisons with the progress of the Chinese economy show India lagging in rates of growth and foreign investment, and in the removal of trade barriers. After enjoying an average growth rate above 6% for the 1990s, the Indian economy has cooled somewhat with the recent global economic downturn. For 2002, the estimated real change in GDP stands at 4.5%. Analysts believe the New Delhi government's target of 8-9% growth for 2003 is overly optimistic, and consider a rate of at least 5.5% to be more realistic. Inflation rates have been fairly low (est. 4.3% in 2002), but are expected to climb somewhat in coming years as the industrial sector grows stranger.

A major U.S. concern with regard to India is the scope and pace of reforms in what has been that country's quasi-socialist economy. Economic reforms begun in 1991, under the Congress-led government of then-Prime Minister Rao, boosted economic growth and led to huge foreign investment to India in the mid-1990s (annual direct foreign investment rose from about \$100 million in 1990 to \$2.4 billion by 1996). More than one-third of these investments were made by U.S. companies. Reform efforts stagnated, however, under the weak coalition governments of the mid-1990s. The Asian financial crisis, and sanctions on India (as a result of its May 1998 nuclear tests), further dampened the economic outlook.

Following the 1999 parliamentary election, the Vajpayee government launched secondgeneration economic reforms – including major deregulation, privatization, and tariffreducing measures – with the goal of attracting \$10 billion in annual foreign direct investment. Once seen as favoring domestic business and diffident about foreign involvement, the government appears to gradually be embracing globalization and has sought to reassure foreign investors with promises of transparent and nondiscriminatory policies. Most recently, the debate over privatization focuses on the proposed sale of India's two large state-owned oil companies, a sale supported by the BJP but opposed by other politically powerful groups. However, the budget unveiled by Indian Finance Minister Singh in February 2003 has been criticized by analysts as doing too little to curb India's growing fiscal deficit or to raise the country's low tax revenues.

As India's largest trading and investment partner, the United States strongly supports New Delhi's continuing economic reform policies. U.S. exports to India in 2002 were valued at \$4.1 billion, while imports from India in that year totaled just under \$12 billion. Despite significant tariff reductions and other measures taken by India to improve market access, according to the report of the United States Trade Representative (USTR) for 2002, a number of foreign trade barriers remain and, in November 2002, then-U.S. Treasury Secretary O'Neill noted that India's average tariff rates are among the highest in Asia. U.S. exports that reportedly would benefit from lower Indian tariffs include fertilizers, wood products, computers, medical equipment, scrap metals, and agricultural products.

Inadequate intellectual property rights protection, by means of patents, trademarks and copyrights, has been a long-standing issue between the United States and India. In a November 2002 speech in Mumbai, U.S. Under Secretary of State Larson made an explicit link between the improvement of India's intellectual property rights protections and India's further economic growth. Major areas of irritation have included pirating of U.S. pharmaceuticals, books, tapes, and videos. The International Intellectual Property Alliance estimates U.S. losses of more than \$468 million due to trade piracy in 2002. U.S. motion picture industry representatives estimated their annual losses due to audiovisual piracy at \$66 million. In April 2002, the USTR again named India to the Special 301 Priority Watch List for its lack of protection and enforcement of intellectual property rights.

U.S. Assistance

In 1999, the population of India exceeded one billion and is projected to be larger than that of China by 2035. One-third of India's people live below the poverty line – India has more poor people than Africa and Latin America combined – and half of its children are malnourished. Nearly 40% of India's urban population live in slums with no access to clean water and sanitation services, and India has more HIV-infected people (more than 4 million) than any other country. The status of women is generally poor, with the already low country-wide female literacy rate of 39% dipping below 30% in some regions and rural areas.

The United States is the third largest bilateral aid donor to India, after Japan and Britain. Actual U.S. foreign assistance to India in FY2002 totaled nearly \$79 million (this amount does not include \$93.7 million in P.L. 480 food assistance). The Bush Administration's request for FY2003 nearly doubles this amount to \$153 million (and an additional \$91.3 million in food assistance), with the most notable boosts coming through Economic Support Funds (from \$7 million to \$25 million) and Foreign Military Financing (FMF) (from zero to \$50 million). The FY2004 request currently stands at \$138.2 million, including \$45 million in food assistance.

The main focus of USAID programs in India are: improving the quality of and access to reproductive health services; providing supplementary food and health services to the poor; fostering energy efficiency, improving environmental conditions in urban areas; reducing transmission of infectious diseases; expanding service delivery networks for women; improving capacity of financial markets and government to accelerate economic growth; and reducing suffering associated with natural disasters and establishing conditions for rehabilitation.

Requested security-related assistance for FY2003 includes a new \$50 million FMF program to "further promote cooperation and interoperability by encouraging Indian use of U.S. equipment." These funds also will be devoted to improving security along the Kashmiri Line of Control. The United States also provides funds for surveillance and counterterrorism equipment, counter-narcotics, nonproliferation efforts, and military training.

CHRONOLOGY

- 03/03/03 Indian PM Vajpayee expressed concern that U.S. pressure has been insufficient to compel Pakistan to halt its support of Islamic militancy in Kashmir, saying that Washington's seeming inability to persuade Pakistan demonstrates "U.S. weakness."
- **02/28/03** Secretary of State Powell asserted that "there is a need for dialogue to take place between Indian and Pakistan on all of the outstanding issues between those two nations, and especially on the issue of Kashmir. And the United States will continue to do everything we can to get a dialogue started." On the same day, Indian Finance Minister Singh unveiled a national budget that is criticized by analysts as doing too little to curb India's growing fiscal deficit or raise the country's low tax revenues.
- **02/27/03** After more than one month of heightened India-Bangladesh tensions over the "forced migration" of allegedly illegal Bangladeshi immigrants from India, a 5-hour gunbattle between border forces leaves two dead.
- 02/26/03 The incumbent BJP suffers an upset loss to the Congress Party in state elections in the overwhelmingly Hindu northern state of Himachal Pradesh. The Congress Party may also see victories in the northeastern states of Meghalaya and Nagaland, but is unable to oust the Marxists in Tripura. On the same day, Rep. Pallone introduced H.R.108 expressing the sense of the U.S. House of Representatives that India should hold permanent membership on the United Nations Security Council.
- 02/25/03 Jammu and Kashmir Chief Minister Saeed disbanded the feared Special Operation Group, an anti-insurgency body accused of human rights violations. On the same day, the Chairman of the U.S. Nuclear Regulatory Commission visited India for the first time since the 1998 nuclear tests. Dr.

Meserve reportedly discussed issues of safety and emergency operating procedures for India's civilian nuclear program.

- 02/24/03 At a meeting of the Non-Aligned Movement in Malaysia, Indian PM Vajpayee departed from the text of his prepared statement to sharply criticize Pakistani President Musharraf for "justifying terrorism" against India by "talking of root causes" with regard to Kashmir. On the same day, Indian Defense Minister Fernandes claimed to have "hard evidence" that both Pakistani intelligence agents and Al Qaeda militants are operating in Bangladesh. Dhaka denies the charges.
- **02/22/03** The Indian government reportedly changed its lobbying firm in the United States and will be represented by Akin, Gump, Strauss, Hauer, and Feld. On the same day, a council of 7,000 hardline Hindu nationalists announced their intention to "force" the Indian government to let them build a temple on a bitterly contested site in the city of Ayodhya that is also claimed by Muslims.
- 02/20/03 India appointed N.N. Vohra, a retired civil servant, as the newest emissary to negotiate with Kashmiri Muslim groups. On the same day, Indian authorities invoked the controversial Prevention of Terrorism Act to charge 123 people all of them Muslims with crimes related to the February 2002 attack on a trainload of Hindu-nationalists in the city of Ghodra.
- 02/08/03 India expelled Pakistan's top diplomat from New Delhi after accusing him of funneling money to separatist militants in Indian-held Kashmir. Pakistan denied the charge and ordered a tit-for-tat expulsion of the Indian ambassador from Islamabad. On the same day, Indian Prime Minister Vajpayee accused Pakistan of failing on its 2002 promise to end cross-border terrorism.
- 02/07/03 The second meeting of the U.S.-India Global Issues Forum was held.
- **02/06/03** An unprecedented "United States-India-Israel Trilateral Conference" brought together in Washington numerous counterterrorism and military experts from all three countries to discuss a three-way "strategic partnership."
- **02/05/03** Under Secretary of Commerce Juster and Indian Foreign Secretary Sibal signed the Statement of Principles for U.S.-India High Technology Commerce to boost high technology trade between the two countries, including trade in dual-use goods and technologies. On the same day, U.S. Ambassador to India Blackwill vowed that the United States will be "a reliable provider of defense commodities to India because a strengthened, capable, and effective Indian military is in America's national interest."
- 02/04/03 The United States announced penalties imposed on the Indian business entity NEC Engineers and its president, Hans Raj Shiv, for "knowingly and materially contributing to Iraq's chemical/biological weapons program." On the same day, a top Indian government official indicated that New Delhi is willing to hold talks with Islamabad to resolve the dispute in Kashmir.
- 02/02/03 U.S. Army Chief of Staff Shinseki arrived in New Delhi for a two-day visit.
- 01/31/03 Indian Foreign Minister Sinha completed a trip to Tajikistan and Kyrgyzstan, where he signed an anti-terrorism cooperation protocol in Dushanbe and discussed military cooperation with Bishkek.
- 01/03 India and Iran launched a "strategic partnership" with the signing of the New Delhi Declaration and seven other substantive agreements. Also in January, India announced that it has set up a nuclear weapons command system the Nuclear Command Authority headed by the prime minister, and conducted three ballistic missile tests over an 11-day period.

12/02Elections in the state of Gujarat, the site of massive communal violence earlier in 2002, resulted in an unexpectedly decisive victory for the incumbent Hindu-nationalist BJP party and a major defeat for the more secular Congress Party. 11/02 During a meeting in New Delhi of the U.S.-India Security Cooperation Group, top U.S. defense officials discussed the sale of U.S. arms to India. 10/02 New Delhi announced a major redeployment of troops away from the India-Pakistan border, apparently signaling an end to a tense 10-month-long military face-off with Pakistan. 09-10/02 — State elections in India's Jammu and Kashmir resulted in the ousting of the long-ruling National Conference and the seating of a new government ruled by a coalition that vows to "soften" the policy toward separatist militants. In boycotting the election, the Kashmiri separatist Hurrivat Conference – which has political ties to Islamabad – found itself marginalized. The state's new coalition government initiated a "common minimum program" that contains controversial policies, including the release of jailed political prisoners. 09/02 Gunmen stormed a Hindu temple in Gujarat and killed 23 worshipers. The attackers were suspected to be Islamic militants seeking revenge for February 2002 anti-Muslim rioting in the state. 06/02 Intense international diplomatic pressure – including multiple visits to the region by senior U.S. government officials – apparently was sufficient to persuade New Delhi to refrain from taking military action against Pakistan. Key to the effort were explicit promises by Pakistani President Musharraf to U.S. Deputy Secretary of State Armitage that all infiltration of militants across the Line of Control and into Indian-held Kashmir will be halted. 05/02A terrorist attack on an Indian army base in Jammu and Kashmir killed 34, mostly women and children. New Delhi blamed the attack on the "crossborder terrorism" of Pakistan-sponsored Islamic militants and vowed to fight a "decisive war" against Pakistan. 02/02 After Muslims reportedly set fire to a train carrying Hindu activists, killing 58, India's worst communal rioting in more than a decade spread across the Gujarat state over a period of two weeks and resulted in the deaths of up to 2,000, mostly Muslims at the hands of vengeful Hindu mobs. Human rights groups accuse top state political leaders of abetting the violence. 12/01A terrorist attack on the Indian Parliament complex in New Delhi left 14 people dead. India blamed the attack on Pakistan-backed Kashmiri militants and began a massive military mobilization along the Pakistan-India frontier. By the spring of 2002 some one million heavily-armed troops faced-off at the shared border. Also in December, the United States designated two Pakistanbased militant groups - Lashkar-e-Taiba and Jaish-e-Mohammed - as Foreign Terrorist Organizations under U.S. law. 10/01 A terrorist attack on the assembly building in India's Jammu and Kashmir state killed 34 people. New Delhi blamed the attack on Pakistan-backed separatist militants and the Jammu and Kashmir Chief Minister called for an Indian military assault on training camps in Pakistan-held Kashmir. 09/01 After major terrorist attacks on the United States, India offered its full support for U.S. counterterrorism efforts in the region. Within two months, all remaining proliferation-related restrictions on U.S. aid to India were lifted.