CHAPTER-VI

NUCLEAR REGIMES AND NUCLEAR POLICY UNDER UNITED PROGRESSIVE ALLIANCE GOVERNMENTS

INTRODUCTION

After the defeat of the National Democratic Alliance (NDA), the United Progressive Alliance (UPA) formed the Government in India for a consecutive period of ten years (UPA I & II) led by Prime Minister Manmohan Singh. The nature and role of historical Indian National Congress (INC) Party under the UPA also underwent massive transformation, so far its politics and ideology is concerned. Its inhibition of forming a Coalition Government with smaller regional parties ended. The UPA government also wanted to gain grounds on nuclear issue in comparison to Bharatiya Janata Party (BJP). Its nuclear policy is heavily guided by the mix of both, economic needs along with the security imperatives. The opening up towards these regimes is for the sake of energy security as the country needs energy on a massive scale. Even the countries, like the US with which India has formalized ‘Indo-US Nuclear Agreement-2005’, are also of the strong view that India is one of the fastest growing economies of the world. It must be helped in overcoming its energy needs.¹

India signed ‘Indo-US Nuclear Deal’ with the United States (US) during the Premiership of Manmohan Singh. In the summit meeting with President George W. Bush on 18th July 2005 a joint statement was issued which provided the framework for cooperation in the field of civilian nuclear power. Washington promised to persuade the US Congress to make changes in its domestic legislation, and to persuade the Nuclear Suppliers Group (NSG) to make suitable adjustments in its regulations, provided India also took some important steps in return. This resulted in India being recognized as a “responsible state with advanced nuclear technology” and a tacit U.S. recognition of India’s status as a de facto nuclear weapon state outside the Nuclear Non-Proliferation Treaty (NPT). The second was the US offer to cooperate with India on civil nuclear

In continuation of the existing relations and the joint statement of the two Heads of the Nations Indo-US Nuclear Deal was introduced in 2008, throughout the next years this nuclear accord left deep impact on India’s debate regarding the nuclear policy.

In the absence of a liability regime in India, the nuclear trade and the programme was facing problems. It was also a requirement as per the various bilateral nuclear treaties which India signed with other nations and particularly the Indo-US nuclear deal demanded the creation of a Liability Act in the nation. As per the prerequisites of the changing times, the UPA-II Government came up with the draft of the Indian Civil Liability Act in 2010. But the Indian Government had to face serious criticism due to the step taken by the enactment of such a law, as it was argued that the law compromises the interests of the Indian people vis-à-vis the multinational companies. Taking account of the domestic opposition the Singh Government made the final law very strict. Although, it had to face criticism from different countries of the world, which were actively involved in the nuclear trade with India. Even the domestic companies of India also showed their resentment with such stringent law, though their anger was never made official and remained behind the scenes.

In the aftermath of the 2011 Fukushima Diachi nuclear accident in Japan, the safety concerns shook the world along with the nuclear weapon possessing nations and the international nuclear regimes. India also actively reacted to the situation and set up committees for the study of the safety concerns to India’s nuclear programme. But this accident somehow created an ostracized environment for the nuclear power development in India, as the environmentalists and the local people out of fear started condemning the set up of new nuclear power plants, Kundankulam is an example for the same. The overall position of the UPA government in its nuclear policy during both of its term was beyond average, and in fact the culmination of the Indo-US nuclear deal was welcomed with great enthusiasm and fervour. The relaxations in the terms of the NSG to provide space to India and various nuclear bilateral agreements in its aftermath provided India with a legitimate status of a nuclear power. Along with that it also

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2 Upender Choudhaury, *The Indo-USA Nuclear Deal and its Impact on India’s Ballistic Missile Programme* (London: South Asian Strategic Stability Institute, 2008), 3-5.
opened great new prospects and opportunities for the nation’s nuclear development, making India a strategic and key player in the nuclear world.

**FORMATION OF THE UNITED PROGRESSIVE ALLIANCE GOVERNMENT**

On 13th May, 2004 the Congress (I) party after a break of 13 years formed the government at the centre with the help of 14 coalition partners and outside support of the Left Parties. This government was named as the United Progressive Alliance (UPA) under the premiership of Manmohan Singh.³

Table 6.1: Performance of the National Parties in 2004 Lok Sabha Elections

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>National Parties</th>
<th>Candidates</th>
<th>Percentage</th>
<th>Valid</th>
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<td></td>
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<td>Contested</td>
<td>WON</td>
<td>FD</td>
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<td>1.</td>
<td>BJP</td>
<td>364</td>
<td>138</td>
<td>57</td>
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<td>2.</td>
<td>BSP</td>
<td>435</td>
<td>19</td>
<td>358</td>
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<td>3.</td>
<td>CPI</td>
<td>34</td>
<td>10</td>
<td>19</td>
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<tr>
<td>4.</td>
<td>CPM</td>
<td>69</td>
<td>43</td>
<td>15</td>
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<tr>
<td>5.</td>
<td>INC (I)</td>
<td>417</td>
<td>145</td>
<td>82</td>
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<tr>
<td>6.</td>
<td>NCP</td>
<td>32</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1351</td>
<td>364</td>
<td>541</td>
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The above table 6.1 reveals that the Congress (I) party got 26.53 percent of votes and won 145 seats out of 417. There was a remarkable rise in its performance as compared to the previous elections. Although the previous NDA government gave stable and good governance but due to Tehelka scandal, Godhra riots, the Ayodhya Ram Mandir controversy, failure of bus diplomacy between India and Pakistan etc., dented the image of the BJP led government. The Congress (I) party got favoured by such incidents and the anti-incumbency factor won the effective number of seats leading to formation of the Alliance to form government.

³ Manmohan Singh was a highly qualified, Oxford-educated economist who gave birth to the economic reforms in India during the regime of Narasimha Rao. He was selected unanimously due to his honest and development oriented track record.
The foreign and security policy of India during the NDA regime was different from the traditional policy of the Congress party but no significant departures were seen after the coming of the new government. Rather maintaining continuity in the process of healthy and favourable relations with the neighbours as well as the big powers of the world, the UPA took numerous diplomatic efforts and underwent number of accords and focused its attention on enhancing India’s trade with the same. Before the coming of the new government in May 2004, the NDA government had taken some crucial steps vis-à-vis Indo-US relations, in the start of the year.

In January 2004, the United States and India formalized an initiative to deepen relations in the so-called “quartet” areas: expanded cooperation on civilian nuclear activities, civilian space programs, and high technology trade, and expanded dialogue on missile defence. This Next Steps in Strategic Partnership effort compliments an ongoing bilateral Defence Policy Group forum, as well as joint military exercises, counterterrorism cooperation, and a variety of U.S. assistance programs for India.4

After the change of the government in India in May 2004, the ruling alliance appointed some new officials who were critic of the American foreign and trade plans and some of them were said to be associated with the ‘non-alignment’ policy but in spite of this change in the bureaucracy a major change in the pursuit of the Indian foreign and economic goals and strategy was not seen. In fact efforts were made in order to strengthen the various bilateral relations with the nations, and for that matter no changes were made in the ‘Common Minimum Programme’ of the UPA government, and it seemed to be an extension of the policies of the NDA government.

The UPA government utilized the efforts initiated by the Vajpayee regime especially at the foreign policy front. Extending a friendly and strategic partnership with the US, the Indian Premier and the American President reaffirmed the natural alliance between both the nations during a meeting of the UN General Assembly in 2004. The Joint Statement on “US-India partnership: Co-operation & Trust,” stated that:

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The two leaders noted with satisfaction that bilateral relations had never been as close as they were at present, and they set the direction for further development of the India-U.S. strategic partnership....They agreed that policies encouraging greater integration of the two economies and with the global economy would offer opportunities to expand and strengthen their economic partnership...and stronger partnership between India and the United States, two nations sharing values and traditions, acting in concert in international institutions, would enhance global security and prosperity.\(^5\)

Hence, gradually India was closing its ties with the major power of the world. This deepening of relation was also the need of the hour for India, not only for enhancement of the economy but also for attaining a legitimate status of a nuclear power. In his first address to the nation on 24 June 2004 Prime Minister Manmohan Singh clarified the UPA government’s nuclear policy when he stated:

We will maintain a credible minimum nuclear deterrent, along with a policy of ‘no first use’ in our nuclear doctrine. India is a responsible nuclear power, and we will continue to work to prevent proliferation of weapons of mass destruction. At the same time, we remain committed to the goal of universal nuclear disarmament.\(^6\)

This small but significant mention about India’s nuclear policy showed that the new government was not going to part away from the existing policy. It also confirmed that the new UPA government had accepted the nuclear deterrent created by the previous government. Prime Minister also echoed the traditional policy of disarmament and non-proliferation as part of the historical legacy of the Nehruvian tradition. Since, the Congress party was leading the UPA hence, such reflections in the nuclear policy were natural. This declaration did not mention any specific treaty or regime but it was clear that like the Hindu nationalist NDA the new alliance was also strict about not compromising on India’s national and security interests.

In September 2004, after the re-election of President Bush, another important step was initiated by both nations. This was the implementation of the “Next Steps in

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Nuclear Regimes and Nuclear Policy Under UPA Governments

Strategic Partnership (NSSP)” Phase-I. The US and India proclaimed a Joint Statement on the NSSP on 17, September 2004. The nations initiated to:

…expand cooperation in three specific areas: civilian nuclear activities, civilian space programs, and high-technology trade. In addition, the two countries agreed to expand our dialogue on missile defence. These areas of cooperation are designed to progress through a series of reciprocal steps that build on each other.\(^7\)

This announcement was a revision of the statement issued by the American President in January 2004, when he mentioned about ‘strategic partnership’ with India.\(^8\) These three goals along with the expansion of dialogue on the missile defence were part of the previous statement as well. It showed the dedication which both the countries were showing towards enhancement of their relationship with each other. Such efforts were playing a very important role by strengthening Indo-US relations day by day. One of the Congressional Research Service (CRS) Reports mentions a few bilateral accords between the two countries which set the ground for the other big nuclear accords in future. These bilateral agreements were:

…a ten-year defence framework agreement that called for collaboration in multilateral operations, expanded two-way defence trade, increased opportunities for technology transfers and co-production, expanded collaboration related to missile defence, and establishment of a bilateral Defence Procurement and Production Group. These agreements set the stage for unprecedented new levels of interaction and cooperation between the two countries.\(^9\)

Not only with the US, but the Manmohan Singh government tried to maintain such relation with all the important powers as well as our neighbours. Prime Minister Singh in the ‘Combined Commanders Conference’ again enunciated his regime’s policy on India’s nuclear deterrence. Not only deterrence but he also accepted that India’s nuclear

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potential had provided her a new position in the top leading nations of the world. He voiced that:

The exercise of the nuclear option by India helped remove potentially dangerous strategic ambiguities in the region. In fashioning our nuclear doctrine we have been guided by the policy of minimum nuclear deterrence and no-first use, underlined by restraint and responsibility.10

In his first speech to the army officials Prime Minister made the exercise of nuclear option an Indian policy rather than that of the NDA, also his open acceptance of the policy of nuclear deterrence though ‘minimum’ assured that now the Congress party or the UPA has not going to shift from the stand taken by the previous government. Although in the past the Congress party always tried to move away from the open declaration of India’s nuclear weapon potential, but now change had come due to varying circumstance. Similarly, he also highlighted the need to modernize the Indian army and the steps that were already in place and the ones that would be taken in future. He stressed on the technological development of the Indian forces and its requirement in the wake of conventional as well as non-conventional threats that had emerged. Therefore, maintaining continuity in the policy of the previous government, a clear shift in the policy of the Congress led UPA was seen from its own stance of the past.

The month of October was also important from the perspective of the UN Conference on Disarmament. In the UN General Assembly First Committee (Disarmament and International Security), a resolution was drafted which called upon a total elimination of the nuclear weapons. India along with the US voted against this resolution on 28 October, 2004.11 India voted against the draft resolutions namely, “Towards a nuclear-weapons-free world: Accelerating the implementation of nuclear disarmament commitments” (document A/C.1/59/L.22)12, the draft of, “A path to the

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11 For a detail on India’s voting against the resolution see Mika Kerttunen, A Responsible nuclear weapons Power: Nuclear Weapons and Indian Foreign Policy (Helsinki: National Defence University Department of Strategic and Defence Studies, 2009), 214.
total elimination of nuclear weapons” (document A/C.1/59/L.23)\textsuperscript{13} and the draft resolution on, “Mongolia’s international security and nuclear-weapon-free status” (document A/C.1/59/L.19/Rev.1).\textsuperscript{14} Mainly India rejected these draft resolutions because it considered the NPT as discriminatory and also behaved that every nation should have chance for ‘equal and legitimate security.’

In March 2005 Institute of Defence Studies and Analysis (IDSA) and Pugwash-India organized a conference on, “Emerging Nuclear Proliferation Challenges” and India’s External Affairs Minister Natwar Singh inaugurated the conference with his address entitled, “India and the NPT.”\textsuperscript{15} In his speech he stated India’s position on the NPT and non-proliferation. He also recalled India’s historical commitment towards the issues of disarmament and non-proliferation, in doing so he evoked India’s initial proposal for disarmament and Rajiv Gandhi’s Action Plan. He openly stated that:

The non-proliferation order is coming under increasing stress both on account of the failure to make any significant progress towards nuclear disarmament as well as the failure to prevent clandestine proliferation by members of the Non Proliferation Treaty as well as some who are outside it….The Treaty, as it eventually emerged, unfortunately addressed only one part of the proliferation challenge.\textsuperscript{16}

As a solution to the existing problems of the proliferation and promotion of the disarmament he suggested the same way out which India has been stressing, that is, time-bound reduction and elimination of the nuclear weapons. Next month in April 2005, Mr. Prasad submitted this address of Indian Foreign Minister in the Conference on Disarmament, which was later circulated among the members and participants by the Secretary-General.\textsuperscript{17} The main aim of this act by the Indian representative was to clarify

\textsuperscript{15} Natwar Singh, “India and the NPT,” March 28, 2005, (accessed October 12, 2013); available from http://www.idsa.in/node/1556
\textsuperscript{16} Ibid.
India’s stand on the disarmament and non-proliferation, particularly being the non-signatory to the NPT. It was also a declaration of India’s nuclear policy, as in his address the External Affairs Minister while mentioning about India’s nuclear policy commandingly described that:

We have announced a policy of no first use and non-use against non-nuclear weapon states, providing thereby negative security assurance to all non-nuclear weapon states. We have repeatedly declared that we shall maintain minimum credible deterrent. We have stated that the role of India’s nuclear weapons is entirely defensive. Our unilateral moratorium on nuclear tests continues to remain in place.\(^\text{18}\)

Hence, by circulating such views among the member countries of the UN, India not only justified her voting behaviour against the draft resolutions of total elimination of nuclear weapons but also stated her nuclear policy vis-à-vis the international nuclear regimes. All these steps were adding to the change in attitude of the world towards India which was on the way since the efforts of the Vajpayee government and Gujral doctrine before that. Especially, after the NSSP the world started accepting India’s significant position. India’s Former Foreign Secretary Shyam Saran in one of his lectures stated that, “India’s swift emergence as an Information Technology power and the rising affluence and influence of India...reinforced the positive shift in American perceptions about India.”\(^\text{19}\) The July 2005 Joint statement was a result of this change in perception of America towards India.

In July 2005 Indian Prime Minister visited the United States and on 18 July 2005, the American President George W. Bush and the Indian Premier issued a Joint Statement. This statement was mainly a new watershed in the Indo-US relations as it lifted the existing moratorium in the nuclear field. After the completion of the first Phase of the NSSP, the two leaders taking a step ahead agreed to cooperate in the Civilian nuclear programme. This statement was not only about nuclear cooperation but it also discussed aspects like economy, energy and environment, democracy and development, non-proliferation and security, and hi-technology and space.\(^\text{20}\) But in case

\(^{18}\) Ibid.


\(^{20}\) See Appendix-III.
of the civilian nuclear cooperation this statement gave a detailed set up which was to be followed in future by both nations. Keeping in mind the common interests of the two nations:

President Bush conveyed his appreciation to the Prime Minister over India’s strong commitment to preventing WMD proliferation and stated that as a responsible state with advanced nuclear technology, India should acquire the same benefits and advantages as other such states. The President told the Prime Minister that he will work to achieve full civil nuclear energy co-operation with India as it realizes its goals of promoting nuclear power and achieving energy security. The President would also seek agreement from Congress to adjust U.S. laws and policies and the United States will work with friends and allies to adjust international regimes to enable full civil nuclear energy co-operation and trade with India including but not limited to expeditious consideration of fuel supplies for safeguarded nuclear reactors at Tarapur. In the meantime, the United States will encourage its partners to also consider this request expeditiously….India would reciprocally agree…identifying and separating civilian and military nuclear facilities and programs in a phased manner and filing a declaration regarding its civilians facilities with the International Atomic Energy Agency (IAEA), taking a decision to place voluntarily its civilian nuclear facilities under IAEA safeguards, signing and adhering to an Additional Protocol with respect to civilian nuclear facilities, continuing India’s unilateral moratorium on nuclear testing, working with the United States for the conclusion of a multilateral Fissile Material Cut Off Treaty, refraining from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread; and ensuring that the necessary steps have been taken to secure nuclear materials and technology through comprehensive export control legislation and through harmonization and adherence to Missile Technology Control Regime (MTCR) and Nuclear Suppliers Group (NSG) guidelines.21

This opened the gates of close ties between India and the United States, and both the nations agreed to make changes in their existing structure in order to adjust each other’s concerns. This statement was more than significant for India, as it not only made India an important ally in the nuclear cooperation but also it was a clear signal to the world

that India is a legitimate nuclear weapon nation. For the active and fast cooperation in the above said fields and areas both the countries consented to establish a working group to carry out such developments. The working group was co-chaired by the Foreign Secretary of India and the US Under Secretary of State for Political Affairs. “In light of this closer relationship, and the recognition of India’s growing role in enhancing regional and global security, the Prime Minister and the President agreed that international institutions must fully reflect changes in the global scenario that have taken place since 1945. The President reiterated his view that international institutions are going to have to adopt to reflect India’s central and growing role.” This statement reflects the turning point of India’s nuclear policy, whereby the US, the hegemonic power of the world assures a non-recognized nuclear weapon state like India about its acceptance in the international nuclear regimes, on certain terms and conditions. Further, these terms and conditions were also not that strict as compared to the earlier ones, India was directed to make some marginal changes in its nuclear structure like separating her civilian and military programme, accepting the safety guidelines under the IAEA, adhering to principles of international nuclear regimes etc. As a result of these changes the American side was committed to make changes in its domestic laws in order to adjust a nuclear weapon state like India in the list of her nuclear partners, and was also obligated to reach to Nuclear Suppliers Group (NSG) and Missile Technology Control Regime (MTCR) to make changes in its guidelines for opening nuclear trade with India. Further India was also invited to join the International Thermonuclear Experimental Reactor (ITER), in December 2005, in its negotiation meeting at Jeju, South Korea.

After a year of the Joint Statement, in 2006 India’s Foreign Secretary, Mr. Shyam Saran underlined six major reasons which led to the culmination of the nuclear cooperation between India and the US. Speaking at the Indian Habitat Centre, he

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23 It is a step towards future production of electricity from fusion energy with the help of plasma physics, see: http://www.iter.org/proj/itermission. For details on India’s ITER Project see: https://www.iter-india.org/
elaborated on the following six developments that played their part in shaping Indo-US relations:

1. A India growing at the rate of 8 percent per annum has led to a very different attitude on the part of the US towards India….Ambassador Blackwill’s erstwhile description of our trade being “as flat as a chapatti” is now a distant memory. Bilateral trade, in fact, has been growing at a healthy 20 percent plus annually and we are now the fastest growing export market for the US. An India of high growth rates creates new demands for goods, services and technologies that a global trading nation like the US cannot ignore. The experience of companies already operating in India has been positive, as indeed has been their profitability;

2. 35 years ago, Richard Nixon justified the US opening to China on the grounds that you cannot ignore 600 million people with nuclear weapons. Double the number and you have an even stronger rationale. This has made a compelling case for greater engagement with India;

3. The larger strategic canvas that argues in favour of raising the quality of Indo-US ties. As a pluralistic and secular democracy in a world where fundamentalist violence is on the rise, India’s emergence as a model of stability, modernization and predictability, has begun to impact on international consciousness;

4. The US approach to India has been its awareness of the potential that our partnership holds in respect of the knowledge economy. Interestingly, the majority of our current initiatives, in one form or the other, are strongly knowledge-based—be it S&T, agriculture research, energy issues, space, atomic energy, health or high-technology. We have heard from the highest levels in the US how much importance they attach to cooperating with a society that produces graduates by the millions and engineers, technicians and doctors by the hundreds of thousands;

5. These developments are part and parcel of India opening up to the world. The impact of India integrating with the global economy cannot be underestimated, least of all on its leading player, the US. This is not just in terms of business, services or even connectivity. Indians are making a visible impact on the rest of
the world and certainly in the US, this is symbolized by the success of the Indian-American community. Two million Indians have not only established an enviable professional reputation but have also a median income 50 percent more than the national average. Their image, over the years, has helped to shape ours; and

6. An open society and an open economy, the growth in India’s capabilities has been welcomed by the world. Our record and our worldview give no cause for apprehension in any quarter....Even in the past, when our resources were less, India has contributed towards addressing global challenges to the best of its ability, including the use of its military forces in UN peacekeeping missions. As the 2004-05 tsunami relief efforts demonstrated, this approach stands reaffirmed with greater capacities at our command. That was why the July 18 Joint Statement envisaged the establishment of a global partnership as part of the transformation of our ties.

This elaboration provided with the wide range of reasons which over the period of time not only shaped, but also formulated the basis of strengthening Indo-US relations. The 2006 National Security Strategy of the America was another shift in the American attitude on the whole. It showed the changes which America had already made in its previous model of offensive retaliation to a new model of deterrence. The new model was a mix of offensive nuclear forces with missile defences and conventional strike forces. It also showcased a huge supporting wave arose in the US Congress and the reports like State Department Report on Patterns of Global Terrorism, commended India for having, “an excellent record of protecting its nuclear assets.” Under the National Security Strategy of 2006, the United States initiated the Global Nuclear Energy Partnership (GNEP). This project was aimed, “….to work with other nations to develop and deploy advanced nuclear recycling and reactor technologies,” and was a step in order to, “provide reliable, emission-free energy with less of the waste burden of older technologies and without making available separated plutonium that could be used by rogue states or terrorists for nuclear weapons.” It was believed that, “These new

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technologies will make possible a dramatic expansion of safe, clean nuclear energy to help meet the growing global energy demand.”

The growing Indo-US civil nuclear cooperation was also part of this partnership, along with many other nations like Russia, France, Japan and China. Hence, overall position of the country got strengthened in the wake of growing Indo-US Civil Cooperation. On the similar lines Suryanarayana argued that, “...the Sydney forum has acknowledged India’s unique position as a meticulous practitioner of non-proliferation outside the framework of the relevant international treaty...A finer point is that Japan and Australia, two hawks on non-proliferation have now joined the US in exploring ways of moving towards accepting Indian as a responsible nuclear armed state.”

India had already clarified its stance on all the major treaties on nuclear export control, proliferation or disarmament. On 17 May 2006, India’s Ambassador Mr. Prasad gave a detailed description of India’s stand on the Fissile Material Cut off Treaty (FMCT). He delivered this speech on the 1017th session of the Conference on Disarmament in the United Nations. He stated that:

India was one of the original proponents of an FMCT. The General Assembly, in its resolution 48/75 L, co-sponsored by India, expressed its unanimous conviction that a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices would be a significant contribution to nuclear non-proliferation in all its aspects, and recommended the negotiation of such a treaty in the most appropriate international forum….While the nature, extent and mechanisms for verification will no doubt be determined during the negotiations, we believe that an FMCT should incorporate a verification mechanism in order to provide the assurance that all States party to it are complying with their obligations under the treaty….Absence of a verification mechanism may engender lack of confidence in compliance with the treaty, encourage wilful non-compliance, and lead to allegations and counter-allegations of non-compliance.

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The statement shows that like the other goals of disarmament and non-proliferation India was in favour of the treaty that would ban the production and of fissile material but like her previous demands India again stressed on a non-discriminatory and non-biased treaty having a foolproof verification process. It also emphasized that the treaty should also address to the past productions, and should not just focus on the future production of fissile material for nuclear weapons. Hence, on these justifications India denied to adhere to the guidelines of the treaty, keeping her national and security interests at the top and also stipulating an equal and non-partial treaty.

Another important point to note is that although India during this time was building new rapport with the nuclear weapon nations and other nations which were involved in the supply of nuclear fuel, still India did not succumb to any kind of outside pressure and maintained her stand. However, at the domestic front the growing ties with the west and particularly the United States were criticized by the Left Parties. This criticism was high when the American President came to visit India in March 2006. On 1 March 2006, when President Bush landed at New Delhi Airport, anti-Bush protests were seen all over India particularly by the Muslims and the Leftists. The Muslims were against his oppressive policy against Iraq, Iranian nuclear programme and threats posed against Syria and communists were against the growing Indo-US ties.

Indian scientific community was also not very happy with the GNEP and the manner by which US was promoting it. Commenting on this situation Siddharth Varadarajan opined that, “...the US is holding out the “carrot” of participation in its newly announced Global Nuclear Energy Policy in order to try and win concessions on the separation front.” Also Former Director of IGCAR, Placid Rodriguez also reported criticising the GNEP stating to be, “Devious way of enforcing norms on others.”

On 2 March 2006, India and American head of States officially announced the separation plan of India’s nuclear facilities. “The Bush Administration made a “credible” and “defensible” — from a non-proliferation standpoint — separation plan a prerequisite for asking Congress to create an exception to current law for nuclear

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cooperation with India.”  

Therefore, in the backdrop of this India’s approach for making a separation plan was guided by the following principles enumerated by Subhash Shukla,

1. Credible, feasible, and implementable in a transparent manner;
2. Consistent with the understandings of the 18 July Statement;
3. Consistent with India’s national security and R&D requirements as well as not prejudicial to the three-stage nuclear programme of India;
4. Must be cost effective in its implementation; and
5. Must be acceptable to Parliament and public opinion.

World-wide this Indo-US collaboration was welcomed, even the IAEA chief El-Baradei was reported saying that, “This agreement is an important step towards satisfying India’s growing need including nuclear technology and fuel, as an engine for development. It would also bring India closer as an important partner in the non-proliferation regime.”

On 6 March 2006, after the visit of the American President, the Communist Party of India (Marxist) issued its first statement against the emerging Indo-US partnership. It declared that:

The Bush visit has resulted in the UPA government going ahead with the ‘strategic partnership’ with the United States which was forged during the prime minister’s visit to Washington in July 2005….The CPI (M) considers the overall direction of the joint statement [of March 6, 2006] as a further step away from an independent foreign policy and the erosion of India’s strategic autonomy, which is vital to our national interests….While the main attention has been focused on the nuclear cooperation agreement, it will be wrong to see this in isolation from the overall architecture of the emerging strategic alliance. The sum total of the Bush visit has been to draw India closer into the strategic plans of the United States in Asia.

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32 Shukla, 299-300.
34 Press Statement of CPI (M), Indo-US Partnership, March 6, 2006, (accessed May 28, 2013); available from: http://www.cpim.org/content/indo-us-partnership
Hence, the Left parties were apprehensive about the increasing Indo-US relations, and were concerned that in the name of civilian nuclear agreement the UPA may not bend to the terms of the capitalist nation. They saw this agreement in the wider picture of increasing interference of the United States in Indian affairs. To a certain extent fear of the Left parties was genuine, as both the nations came closer in a very short span of time, though both had their vested interests in it. On 7 March 2006, a paper was laid on the table of the Parliament, entitled “Implementation of the India-United States Joint Statement of July 18, 2005: India's Separation Plan,” it was accompanied by the Prime Minister’s statement on the subject, “India-U.S. Civilian Nuclear Energy Understanding: India’s Separation Plan.” Later on 11 May 2006, an official text of the Separation Plan was also presented in the Parliament. According to the Indian Separation Plan of nuclear facilities, “14 out of a total of 22 atomic reactors will be opened up to international inspection by 2014. Eight reactors which are used for both civil and military purposes shall remain closed to the IAEA and the Indian government alone will decide which of the facilities yet to be built shall be subject to international inspection.” Taking into account the scepticism about Indo-US Nuclear Deal, and the other issues raised by the opposition and also from its own allies like the Left parties, the Indian Prime Minister Manmohan Singh gave a suo motu statement in the Parliament on 17 August 2006. In his statement he tried to clarify all the doubts and uncertainties that had emerged after the Indo-US collaboration in this field. Reflecting on the questions raised on his government he elaborated that:

Two types of comments have been made during the discussion in the House. The first set of issues pertains to the basic orientation of our foreign policy. Some Hon’ble Members have observed that by engaging in discussions with, and allegedly acquiescing in the demands made by the United States, we have compromised the independent nature of our foreign policy. The second set of issues pertain to deviations from the July 18 Joint Statement and the March 2, Separation Plan. Many of the points raised by the Hon’ble Members…suggest that India’s strategic nuclear autonomy is being compromised and India is allowing itself to

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35 See Appendix-V.
37 For details see Appendix-IV.
be pressurized into accepting new and unacceptable conditions that are deviations from the commitments made by me to Parliament in July 2005 and in February and March this year.\(^{38}\)

Further while answering on these issues he stated that:

…the proposed U.S. legislation on nuclear cooperation with India will not be allowed to become an instrument to compromise India’s sovereignty. Our foreign policy is determined solely by our national interests. No legislation enacted in a foreign country can take away from us that sovereignty right. Thus there is no question of India being bound by a law passed by a foreign legislature. Our sole guiding principle in regard to our foreign policy, whether it is on Iran or any other country, will be dictated entirely by our national interest…regarding possible deviations from assurances given by me in this august House on the July 18, 2005 Joint Statement and the March 2, 2006 Separation Plan. I would like to state categorically that there have neither been nor will there be any compromises on this score and the Government will not allow such compromises to occur in the future.\(^{39}\)

This statement showed Indian government’s firmness on its decision of not succumbing to any kind of external pressure exerted by the Americans. It was also an answer to various questions that were raised after the March visit of the American President. Manmohan Singh also told the Parliament about the efforts taken by the American government to amend their domestic laws. He also made the Indian Parliament aware about the changes which were to be made by the NSG to enable India’s civil nuclear cooperation with the international community. According to Varadarajan:

The Bush administration hopes to use the prospects of civil nuclear cooperation as a lever to raise the level of political and strategic interaction with India to a new and unprecedented level. With the emergence of Asia as the primary arena for competition and contention between a clutch of big and rising powers, the US considers India a crucial swing state that ought to be induced to get on the bandwagon so that America can negotiate its way through the ‘Asian Century’ with its hegemonic power unaffected. And nuclear cooperation is a very big inducement.\(^{40}\)


\(^{39}\) Ibid.

THE HYDE ACT AND ITS CRITICISM IN INDIA

The Indo-US deal was welcomed in the US Congress with great enthusiasm. Former Secretary of State of America, Henry Kissinger commented on the deal saying that it would help attaining, “an unprecedented level of cooperation and interdependence between the two powers.”41 Preparations in the US were made in the year 2006 for making changes in their domestic laws to induct partnership for India in the civilian nuclear cooperation. Under the United States Atomic Energy Act of 1954, the civil nuclear cooperation was prohibited with a country like India which had not abided itself by any of the international nuclear regimes. To make adjustments in the domestic law, the US Administration approached the US congress for making amendments. However, massive criticism and suspicion arose in India on the domestic changes in the American Law. Clarifying the American position, US Ambassador to India David Mulford explained that, “There is no need for suspicion regarding the agreement. It remains the same as agreed in July 2005 in Washington and concluded formally when President Bush visited India in March 2006.”42

On 27th June 2006 the US House of Representatives International Relations Committee passed a Bill relating to it. Two days later, the Senate Foreign Relations Committee also passed its version of the Bill. Next month by 27th July the House of Representatives also passed the “Henry J Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006” by a vote of 359-68. On 16 November, 2006 the US Senate also passed the United States-India Peaceful Atomic Energy Cooperation and US Additional Protocol Implementation Act by a vote of 85-12-3.43 Hence, more or less the Indo-US Civilian nuclear cooperation was received with no hassles in the American side. Finally, after the signature of the American President, on 18 December 2006 the Indo-US Nuclear congressional legislation was made a law and named as the Hyde Act of 2006 after the name of the man who drafted it, Mr. Henry Hyde.

By the passage of this law, India was given exemption from the earlier 1954 Atomic Energy Act of America. It not only exempted Washington to have free hand cooperation in the civilian nuclear field, by exporting to India nuclear fuel, technology and material, but it also exempted India from signing the NPT. According to the previous rules and regulations the US administration was forbidden to have nuclear trade with any country which was non-signatory to the NPT. Making remarks before the signing of the Hyde Act, President Bush observed that:

…on my visit to India earlier this year, we concluded an historic agreement that will allow us to share civilian nuclear technology and bring India’s civilian nuclear program under the safeguards of the IAEA. This cooperation will help the people of India produce more of their energy from clean, safe nuclear power, and that, in turn, will help their economy grow. And it’s in our interest that the Indian economy continues to grow. It helps make America more secure… the bill will help keep America safe by paving the way for India to join the global effort to stop the spread of nuclear weapons. India has conducted its civilian nuclear energy program in a safe and responsible way for decades. Now, in return for access to American technology, India has agreed to open its civilian nuclear power program to international inspection. This is an important achievement for the whole world. After 30 years outside the system, India will now operate its civilian nuclear energy program under internationally accepted guidelines -- and the world is going to be safer as a result.44

However, at the domestic front the passage of this Act brought great criticism to the Singh government as the Indian critics were of the view that the Act passed by the US Senate undermines the national interests of the nation. On 28th July just a day after the passage of the Act in the House of the representatives of America, the Left front which was an ally of the UPA asked for detailed discussion in the Indian Parliament. It was also believed that after the final conclusion of the deal the international nuclear regimes would have a direct access to India’s nuclear facilities. There were apprehensions that the American government along with the various nuclear export control groups might force India to shut down her military nuclear developments in the name of the nuclear

non-proliferation and disarmament. This fear arose from the comment of the US President stressing on the fact that after three decades India has finally come under the international nuclear regime inspection. A strict wave of criticism arose from the Left Parties and in a statement issued by the Polit Bureau, the CPI (M) on 11 December 2006, asserted that:

…the recent Act passed by the US legislature concerning bilateral civil nuclear cooperation with India [the Hyde Act] is grossly violative of the assurances made by the prime minister in the Indian Parliament. An agreement on this basis will seriously undermine the pursuit of an independent foreign policy….Under these circumstances, the argument that country should wait for the final bilateral agreement is specious….Thus, further negotiations on this score must not proceed.45

Similarly, the criticism also came from the Bharatiya Janata Party (BJP) which always supported the nuclear developments in India and it was also the same party under which India became a nuclear power. The BJP asked the Manmohan Singh government to reject the American legislation, rather than accepting the, “humiliating conditionality’s contained in it.” Yaswant Sinha, a BJP leader and former Union Minister was reported saying, “The Act passed by the U.S. legislature leaves us in no doubt that the purpose of the deal is to bilaterally impose on India conditionalities which are worse than those in the NPT [Nuclear Non-proliferation Treaty] and the CTBT [Comprehensive Test Ban Treaty]. This is why a slim four-page bill is now a 41-page document”46 Along with this, the BJP criticized the UPA government for making the Indian nuclear reactor more dependent on America and more letting India open for inspection by the international nuclear regimes particularly the IAEA. It was not now, but the BJP had been a big critic of the Indo-US nuclear agreement along with the Left parties. On 21 June 2006, when the talks were going on for the pursuance of the nuclear agreement major leaders of the BJP condemned the developments and asked the Singh government to withdraw from the deal, as it would dismantle the Indian nuclear programme. Even in April 2006, Jaswant Singh alleged the UPA government for its acceptance of the CTBT in disguise. But such staunch criticism was surprising especially from the BJP, as in 1998 former

Prime Minister Vajpayee had commented in the UN General Assembly that India could accept the CTBT if the discriminatory provisions were altered. In such conditions the criticism from the BJP was seen with raised eyebrows by the Singh government.

Although, there were four rounds of talks to be held with the IAEA, official bilateral agreement with the US namely 123 Agreement, discourse with the NSG and the Additional Protocol of the IAEA, inspite of all this the opposition parties and the Left front were not ready to wait even till the final agreement and rejected the one at the initial level.

The criticism was not only coming from the political parties but also from the nuclear science intelligentsia. Before the final signature by the President Bush, on 16 December various nuclear scientists prepared a brief note on the drawbacks of the Hyde Act. In their note they raised certain issues which pertained to the denial of full access of cooperation by America, particularly in the areas of spent fuel, nuclear fuel supply assurance (as previously also in the wake of 1974 nuclear test by India, the US had stopped the supply of fuel irrespective of the nuclear fuel agreement), and India was not included as a technology developer but as a recipient of the technology in the GNEP. The proposed Hyde Act also envisaged India to join the US in its programme on the non-proliferation; such terms were kept without the information to the Indian government. Further the American administration had put some provisions in the Hyde Act which were an attempt to thwart India’s independent decision making, like without taking India into confidence a provision was made for annual reporting by the US President to the American Congress about the steps taken by India against Iran for developing its indigenous nuclear programme, mandatory adherence of India to the MTCR, NSG and some other guidelines from the Wassenaar Arrangement, Australia Group etc were the conditions which were absent in the original 18th July Joint Agreement. Due to such provisions a lot of hue and cry was raised in India, and the Singh government again and again clarified the issues by saying that the Hyde Act was a domestic act of the US and hence, there was no direct impact of this Act on India.

There was no denial of the fact that the Hyde Act did provide India waiver from nuclear tests prior to the 18th July 2005, and hence giving a legitimate status to India’s 1998 Pokhran-II. But, at the same time there was fear amongst the pro-bomb lobby that in case India needed to conduct a nuclear test in future then the same situation of the past would appear whereby a number of sanctions were put on India and all the nuclear agreements were terminated. Although after the Pokhran-II Indian premier had declared a moratorium on the future nuclear tests, but this deal would close all the doors for India’s nuclear tests. However, the Article 14 (1) of the Hyde Act provided for the termination of the agreement, where provision of a one year’s prior notice was given in case any party wanted to withdraw from the agreement.

Another argument which supports the Indian government’s stand while justifying the Hyde Act, was that American President again and again in his speeches clarified the interests of the US that were inherent in the culmination of this deal. These interests were not only security and disarmament related but India was also seen as a huge economic market of nuclear trade worth billion dollars. It was also argued that in the 21st century taking into consideration the end of the conventional wars and emergence of new pattern of governance at the international level, the US had made changes in its foreign policy. Positive Indo-US relations had become a priority of the US foreign policy; hence no American government would be in a position to halt the nuclear agreement in worst of the situations. Also keeping in mind the economic consideration of the termination of relations with India, the arms and fuel lobby of America would never let the US government to jeopardize their interests. As in case of termination of the deal with the US, India could move towards other countries of the NSG for the fuel supply. So more or less the deal seemed to be in favour of both the nations, and it was due to these reasons and compulsions that America took such an important decision to move a step further in the strategic partnership with India. It can be understood that India’s growing economy, wide market, responsible role as a nuclear power, development pace, and indigenous development in the nuclear and fuel technology etc., all factors allured the American administration to bend, amend and rethink on their laws for comforting India and accepting her as a nuclear power and partner as well.
As far as the international nuclear regimes are concerned, it is noteworthy that the US had not ratified the CTBT itself and under this situation it would be hard for the country to force any other nation to ratify and agree to the same. To add to this, India has justified her non-signatory position at various international platforms so it seems that keeping track of India’s stringent position on the discriminatory provisions of the treaty and her stressing on the time bound disarmament framework, no external pressure would be put on India to sign the CTBT. Similarly, the FMCT also faces similar aversion from the American side, due to certain undue provisions of inspection and verification inherent in it. In case of adherence of the MTCR there were some misleading statements in the Indian side, as the text of the Hyde Act does not force India to adhere to the provisions of the MTCR, though it certainly talks about achieving, “…a moratorium on the production of fissile material”\textsuperscript{48} at the earliest possible date by India, Pakistan and People’s Republic of China. Further the Act mandates the US to involve India in the ‘prevention of spread of the enrichment and reprocessing technologies’\textsuperscript{49} and also to ensure that India does not increase its production of fissile material at unsafeguarded nuclear facilities.\textsuperscript{50} These provisions of the Hyde Act point towards a new problem of the issue that under such circumstances the Hyde Act can be directed to attain the information about India’s civilian as well as military programme and in the name of reducing production in the unsafeguarded nuclear facilities, the US can tab India’s nuclear development. Even the inspection and verification under the IAEA is also seen as a legitimate way of spying and gathering information about India’s nuclear activities. However, till date India has been successful in preventing the IAEA from any unnecessary inspection of its nuclear facilities. As it is well known to India that America has been very diplomatic and shrewd as far as any such cooperation is concerned. Therefore, India giving priority to her national and security interests (particularly the need of fuel supply for her nuclear reactors) and considering all the pros and cons of this deal, has traded very cautiously in this direction. As this deal has

not only opened the gates for nuclear cooperation in the civilian field but has also enhanced position of India at the international level.

The 123 Agreement

The year 2007 marked the watershed event in the history of the foreign relations of India since independence. At the earliest in February 2007, India in the Conference on Disarmament issued a working paper on nuclear disarmament. It was an initiative taken to showcase India’s active role and concern for the issue. This working paper was originally issued as document of the First Committee on disarmament. It recalled the previous steps taken by India to accomplish this universal goal.

Next in line the year brought with it the culmination of negotiation between India and the US on the bilateral accord on civilian nuclear cooperation. This step was welcomed by the American lobbies and R. Nicholas Burns, Undersecretary of State for Political affairs, while announcing the deal he commented that, “This is perhaps the single most important initiative that India and the United States have agreed to in the 60 years of our relationship.”

Whereas, at home it brought severe criticism for the ruling Congress led UPA government. The UPA faced direct criticism not only from her opposition but also from her allies like Left party, which threatened to withdraw its support from the alliance. A plethora of articles emerged in the print media as well on the internet and a number of dissenting opinions were raised during the whole process. It appeared that not only the government but the diplomatic experts, the scientific intelligentsia and the strategic enclave were also divided on the issue.

On 3rd August 2007, after comprehensive bilateral talks between the two nations, the text of the final agreement was released as, “Agreement for Cooperation between the Government of the United States of America and the Government of India concerning peaceful uses of nuclear energy” by both the governments. This agreement

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between India and United States was called the ‘123 Agreement,’ the name owe its origin from the fact that under the section 123 of the US Atomic Energy Act of 1954, provisions are laid for any major nuclear agreement between America and any other country. Hence, in order to have any bilateral agreement with America any country has to fulfil the nine conditions of the proliferation as laid in the Act. In 2006 an amendment was made in this Act to allow Indo-US nuclear agreement which was not possible before the amendment as India was not a party to the NPT or for that matter to any of the non-proliferation treaty. After the amendment the way for the Indo-US collaboration in the field of civilian nuclear programme was open. It resulted in the release of the text of the 123 Indo-US Civilian Nuclear Agreement.

After the release of this text debate started in India on the various provisions of the Act, and like before in case of the Hyde Act the opposition party i.e., the BJP and the anti-capitalist Left front started debating minutely on it. On 07 August Left parties issued a statement which raised questions on the 123 Agreement’s inherent implications “…for India’s independent foreign policy, strategic autonomy and the repercussions of the US quest to make India its reliable ally in Asia.” The Left front openly rejected the deal calling it a “burgeoning strategic alliance with the United States,” and asked the government, “not to proceed further with the operationalizing of the agreement.”

On 13 August 2007, Prime Minister Manmohan Singh in his detailed suo moto statement to the Indian Parliament on the Civilian Nuclear Cooperation with the US talked on various issues of the agreement like, full civilian nuclear cooperation, reciprocity, certifications, safeguards, fuel supply assurances, integrity and reliability of the programme along with autonomy in the decision making and finally on cessation of cooperation. He also assured to the House that:

In concluding this Agreement, we have ensured that the autonomy of our strategic programme is fully maintained…we have achieved an Agreement that is good for India, and good for the world….In days to come it will be seen that it is not just the United States but nations across the world that wish to arrive at a new equilibrium in their relations with

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53 For details on these Provisions See Appendix-VI.
54 Bose, 3888.
55 For details on these Provisions See Appendix-VII.
India. This agreement with the United States will open new doors in capital across the world.\footnote{Prime Minister’s statement in the Lok Sabha on Civil Nuclear Energy Cooperation with the United States, August 13, 2007, (accessed September 21, 2013); available from http://pmindia.gov.in/speech-details.php?nodeid=550}

In spite of government’s detailed clarification provided in the speech of the Indian Prime Minister, no positive response was coming for the bilateral nuclear agreement. In fact the situation got more problematic when on the behest of the nuclear deal the Left parties intimidated the government to withdraw its support from the alliance. The CPI General Secretary A.B. Bardhan was reported saying, “…the honeymoon with the UPA government is over,” and it seems that withdrawal of support has become “inevitable.” But deviating from a strict comment immediately after this statement, Parkash Karat General Secretary of CPI (M) clarified that, “the honeymoon may be over, but marriage can go on.”\footnote{“Honeymoon over, but marriage can go on: Karat,” The Times of India, August 17, 2007.}

This raised serious concerns for the UPA government and on the day of the operationalising of 3\textsuperscript{rd} and 4\textsuperscript{th} Power station at Tarapur Prime Minister again tried to relocate the dissenting opinions of the alliance and tried to create unanimity for the deal by explaining the need for the atomic energy in his speech. He dedicated the two power stations to the nation, and giving an indirect note on the support for the deal mentioned that:

\begin{quote}
We have set a modest target of 20,000 MW of nuclear power generation by the year 2020. This can be doubled with the opening up of international cooperation. This cooperation will not be dependent on any one country and we will source supplies from many of the countries in the Nuclear Suppliers Group including the United States, Russia, France and Japan.\footnote{Prime Minister Dedicates Tarapur Atomic Power Station-3 & 4 to the Nation, 31 August 2007, accessed from: http://pmindia.gov.in/speech-details.php?nodeid=560}
\end{quote}

From the period of August to October the Congress Party in its numerous efforts failed to reconcile the Left front on the issue of the nuclear deal, even in the UPA-Left coordination committee. The UPA government got enraged with the widening gap with the Left allies on the issue of the nuclear deal hence, the leadership in the Congress party started withdrawing from it. In the inaugural the Hindustan Times Leadership Summit of October 2007, the Prime Minister was reported saying that the nuclear deal
was not ‘end of life,’ commenting on the UPA’s position on the same he remarked that their alliance is not ‘one-issue government.’\textsuperscript{59} This change in the attitude of the UPA was a result of the internal pressure exerted from the domestic politics. This pressure came not only from the Left allies but also from other regional allies of the UPA like Dravida Munnetra Kazhagam (DMK) and Rashtriya Janata Dal (RJD) which feared that the continued tussle between the allies of the UPA could make the government unstable. Another important reason which led to the softening of the Singh Administration’s stand on the nuclear deal was the fear of acceptability of the nuclear deal at the international level particularly in the NSG.\textsuperscript{60}

However, in September 2007 the discussion of the nuclear deal again started in the UPA-Left committee and by November 2007, the Manmohan Singh regime was able to settle down the issue with the Left parties. After the discussion with the Left parties the government engaged the IAEA for talks on the nuclear deal. On November 21, 2007 India-IAEA talks were announced, and the two parties subsequently met five times.\textsuperscript{61} In order to create a conciliatory consensus on the nuclear deal, on 3 February 2008, India’s Minister for External Affairs Mr. Pranab Mukherjee stated, “the draft agreement [with the IAEA] is ready it will be brought back to the United Progressive Alliance (UPA)-Left Coalition committee for its approval and suggestion.”\textsuperscript{62}

Meanwhile in February 2008 a major step in the development of the nation’s military technology was taken when the DRDO was given green signal to test\textsuperscript{63} Agni III missile. This test was second in attempt and before the launch the Business Standard interviewed the Director of the DRDO Advanced Systems Laboratory (ASL) and the Chief Controller of Missiles and Strategic Systems. During this interview both administrators gave a brief note on the progress taking place in the Indian missile technology. They reported the magazine about Agni III and Agni IV along with other developments like:

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\textsuperscript{60} Ibid, 13-14.

\textsuperscript{61} “India begins talks with IAEA on nuclear deal,” \textit{The Hindu}, November 22, 2007.

Nuclear Regimes and Nuclear Policy Under UPA Governments

- Multiple warheads (MIRV) with each missile carrying and delivering several warheads to the same or different targets
- Decoy warheads
- Maneuvering warheads
- Stealth technologies
- Changing warhead’s thermal signatures.

This interview had certain inherent meanings for the international as well the domestic audience. It not only showed off India’s continuity for developing and enhancing its nuclear deterrent but it also gave signals to the neighboring countries that in spite of India’s engagement with the international nuclear non-proliferation and disarmament regimes still India has not compromised on her security interests. Therefore, it also gave good wave of confidence at the domestic front and it was an answer to the critics who criticized the Singh government for succumbing to the international pressures on the nuclear front.

The Indo-US relations saw a lot of ups and down during this period, as in February 2008 Condoleezza Rice, US Secretary of State stated, “We will support nothing with India in the NSG that is in contradiction to the Hyde Act. It will have to be completely consistent with the obligations of the Hyde Act.” This statement raised a number of questions in the Indian politics and media. By the end of the month the Left front which was amongst the major allies in the UPA government gave ultimatum to the Congress party, to reject the deal completely or they will withdraw from the alliance. Similar warnings continued in the next few months. By June 2008 not only such instability went to peak but the Indian government was sure that it had to face a vote of confidence in the parliament due to the Indo-US nuclear deal. Hence, in order to settle down the issue the government was actively communicating with its allies, in this process on 17th June External Affairs Minister Pranab Mukherjee met Prakash Karat, and tried to convince him on certain issues, he also sought his permission to proceed with the IAEA safeguard agreement. But the release of 18th June statement by the CPI (M) shows that the government failed in its attempt. In this statement issued by the Left

front, they gave reasons which justified the stand of the party. They clearly confronted that:

In the seventh and eighth sessions of the UPA-Left Committee in March and May 2008, some of the features of the text [of safeguard agreement] were discussed. However, the text has not been made available to the committee. As far as the Left parties are concerned, they have not been able to form any opinion on the text of the safeguards agreement…In such a situation, the Left parties are of the firm opinion that the government should not proceed to seek approval of the text of the India specific safeguards agreement from the Board of Governors of the IAEA.64

As a response to this on 19th June 2008 the Indian Prime Minister Manmohan Singh was reported clarifying to the allies of the Congress party that if required he would resign from his position. He also criticized the Left front for their reactionary and irrational stand on the Indo-US nuclear deal.65 In spite of this the government was gradually moving ahead with its plans, as it seems that the external pressure from America and the international nuclear regimes was high because they wanted India to come under the IAEA guidelines as early as possible. In order to create a wave for the support of the Indo-US nuclear deal, the UPA started a campaign all over India to turn the public opinion in favour of the same. For this they started stating the advantages of the nuclear energy and the way it would affect their energy demands. Taking a very firm step on this the Left parties started criticizing the UPA’s campaign and in a statement against it the CPI (M) argued that, “This is nothing but a cover to promote the strategic ties with the US. As it is difficult to promote India-US strategic ties directly, therefore the recourse to false claims that nuclear energy will at one stroke reduce not only our oil consumption but also remove our power shortages.”66 In such a scenario problem doubled for the UPA, whereas it had to deal with not only the opposition of the nuclear accord but it also had to save its government from collapsing.

64 Press Statement, Left Parties on Nuclear Deal, Communist Party of India (Marxist), June 18, 2008, (accessed May 28, 2013); available from http://www.cpim.org/content/left-parties-nuclear-deal
66 Press Release, Disinformation Campaign on Nuclear Deal, Communist Party of India (Marxist), June 21, 2008, (accessed May 28, 2013); available from http://www.cpim.org/content/disinformation-campaign-nuclear-deal
On 1st and 2nd June 2008 the major opposition party BJP issued a document on UPA’s Foreign Policy and National Security. The BJP National Executive in this document criticized the government on various fronts of the foreign policy. Particularly on the nuclear diplomacy it stated that, “Since the July 2005 joint statement, Indian foreign policy has become paralyzed by a ‘grand illusion’ that the Congress-UPA has sought to sustain….”

All the efforts of the Congress party to sustain the alliance were failing and in June 2008 one of the allies from the UPA, the Bahujan Samaj Party (BSP) withdrew its support. Later after returning back from the G8 summit meeting held in Japan, the Prime Minister on July 9, 2008 submitted the safeguard agreement to the IAEA. This development was again seen by linking Manmohan Singh’s meet with President George Bush in the G8, and his insistence on completion of the IAEA safeguard agreement. One day before the submission of the safeguard agreement the Left parties on 08 July 2008 also withdrew their support from the government after a number of warnings to them. This made the UPA led government in the centre to face a vote of confidence. It is to be noted that all the regional parties also played a very significant role in this process, especially the Samajwadi Party (SP), as after detailed discussion with Dr. A.P.J. Abdul Kalam, the SP decided to support the government from outside on this issue. However it is noteworthy that even though the SP was not part of the UPA still it supported the government on this issue. However, on 11 July India’s Atomic Energy Chief Anil Kakodkar clarified to the media that the safeguard agreement drafted for the IAEA does comply with the security and national interests’ perspectives of India, and will not defy India’s nuclear programme, but still the political situation in the country got unstable. In the wake of these developments on July 22, 2008 the government faced a no-confidence motion. But somehow the government managed to survive the
confidence vote by a marginal difference of 19 votes, with the UPA having 275 votes in favour and 256 votes against them.\footnote{For details see: Rama Lakshmi and Emily Wax, “India's Government Wins Parliament Confidence Vote,” The Washington Post, July 23, 2008.}

On 22 July 2008, Indian Prime Minister gave a detailed speech during the Confidence motion. In his speech he not only spoke on the defection of the ruling allies but also detailed the Parliament on various issues pertaining to the Indo-US nuclear deal. In his comprehensive note he clarified how and in what manner the Indo-US nuclear deal is going to benefit India especially referring to the open access to the nuclear fuel which the country will get from the NSG. Exemplifying from his recent participation in the G8 meet, the Prime Minister stressed on the fact that the world is ready to cooperate with India in this field, but for that India has to be party to the nuclear deal with the United States. He also elaborated his stance on sovereignty in foreign relations and categorically mentioned that his government has not taken any step under any international pressure and the 123 agreement, the separation plan and the safeguard agreement have been prepared taking into consideration India’s development goals and national interests.\footnote{For details see: Prime Minister’s Reply to the Debate on the Motion of Confidence in the Lok Sabha, July 22, 2008, (accessed September 21, 2013); available from http://pmindia.gov.in/pmsinparliament.php?nodeid=32}

The major restraints in the path of the 123 agreement were almost done away with and after surviving the vote of confidence in the Indian Parliament, the government accelerated the process. On 1 August the IAEA approved the Indian draft on the safeguards agreement, with consensus, although some countries like Pakistan, Iran, Ireland, Switzerland, Norway and Austria, raised some objections which were successfully dealt with. While addressing the Board of Governors the IAEA Director El Baradei stated that, “The IAEA would begin to implement the new Safeguards Agreement in 2009, with the aim of bringing a total of 14 Indian reactors under Agency safeguards by 2014. The IAEA currently applies safeguards to six Indian nuclear reactors under safeguards agreements concluded between 1971 and 1994.”\footnote{International Atomic Energy Agency Staff Report, “IAEA Board Approves India-Safeguards Agreement,” August 1, 2008, (accessed February 26, 2013) available from http://www.iaea.org/newscenter/news/2008/board010808.html}
The only hurdle left in the culmination of the Indo-US nuclear deal was the NSG. On 6 September 2008, India crossed this obstacle as well, when India was granted a special waiver from the NSG guidelines in the Vienna meeting of the NSG. Although India was a non-signatory to the non-proliferation treaties like the NPT and the CTBT, still India was exempted from these conditions and nuclear trade was allowed with India. This development had in the background the image India had built over the year of a responsible nuclear power and the contribution of India in the fields of non-proliferation and disarmament. Now, after the waiver India was eligible for the dual-use technology and the items mentioned in the trigger list. All over the country this waiver was welcomed with great enthusiasm. It also became the major headlines of major dailies of the country. The print and the mass media took it as a major step favouring India, and also highlighted the role of the American administration for making this possible. On the other hand many pro-disarmament and pro-non-proliferation organizations condemned the American support to this issue. Similar organization in Washington, Arms Control Association, called it, “a non-proliferation disaster.” In India there was overwhelming response, but the opposition parties were also furious at the hidden clauses and intentions behind this, ‘clean waiver.’ This waiver was important not only from the point of view of fuel supply to India’s nuclear programme, but also from the point of view that the NSG was a set up which was made in the wake of India’s PNE of 1974, therefore strategists in India looked up to it as a major impediment in the way of India’s cooperation with the international community in the nuclear field. India’s diplomats had played a very significant role for the last few years for lobbying with the NSG member countries to support India’s cause. The following table shows the countries which supported and opposed the waiver to India at the NSG platform. Countries have been divided in various categories according to their level of support and opposition.

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74 For details on the NSG guidelines see previous chapter.
### Table 6.2: Possible sub-groupings within the NSG on the Indo-US deal

<table>
<thead>
<tr>
<th>NSG Groupings</th>
<th>Member Countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Countries that support the Nuclear Deal</td>
<td>Australia, Brazil, Canada, Cyprus, France, Germany, Russia, South Africa, South Korea, United Kingdom, United States</td>
</tr>
<tr>
<td>Countries likely to support the deal under American or Russian influence</td>
<td>Argentina, Belarus, Bulgaria, Estonia, Croatia, Czech Republic, Greece, Hungary, Italy, Portugal, Spain, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Malta, Romania, Slovak Republic, Slovenia, Turkey, Ukraine</td>
</tr>
<tr>
<td>States with significant non-proliferation concerns</td>
<td>Austria, Belgium, Denmark, Finland, Netherlands, Norway, Poland</td>
</tr>
<tr>
<td>Non-committal States</td>
<td>Switzerland</td>
</tr>
<tr>
<td>Possible Spoiler</td>
<td>China</td>
</tr>
<tr>
<td>New Agenda Coalition</td>
<td>Ireland, New Zealand, Sweden</td>
</tr>
</tbody>
</table>


This table depicts that more or less the major countries of the world favoured the nuclear cooperation with India and this in turn strengthened India’s position at the international level. Another major implication of this situation was that the economic concerns also played a very momentous role in shaping India’s situation at the NSG meeting, and it was due to these economic and business reasons that the strong nations of the globe wanted this waiver for India. Therefore, without submitting to the international demands of signing the NPT and the CTBT and any other treaties like these which India has been condemning constantly, she managed to get a clean waiver for having nuclear trade with the NSG members.

On the hypercritical role of China during the NSG talks P.R. Chari maintains that, “The role played by China in the IAEA and the NSG was especially dubious. While assuring India and the US that it would not obstruct a consensus emerging in the NSG to amend its guidelines, China encouraged the dissenting countries to oppose the Indo-
US nuclear deal. It also voiced its right to offer a similar nuclear deal to Pak.”  

India took a serious note of this activity and issued demarche to China and ultimately was successful in overcoming these hurdles.

India actively engaged in nuclear trade with various other nations after getting waiver from the strict guidelines of the NSG, and Indo-France Bilateral Nuclear Cooperation Agreement selling French nuclear reactors to India was a result of this. This deal was signed in September 2008 itself, only few days after the NSG waiver.  

By October 2008, after the US Senate’s final approval the Indo-US nuclear cooperation agreement was signed by the American President George W. Bush. The American President guaranteed that after the enactment of “United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act” in the law now India could be assured of getting nuclear fuel from America, and he also confirmed advanced reprocessing of the fuel could be done by India. Therefore by the end of the year 2008 Indo-US Nuclear Cooperation Act was formulated into a Law, and the much debated and the much awaited Indo-US Nuclear Deal got culminated. The deal was greeted with great enthusiasm and zeal and big economic expectations were levied with it. “As India opens its doors for nuclear trade, it will generate worldwide business worth $40 billion, allow Indian companies to supply components to foreign N-plant makers, offer power-generation opportunities to Indian firms and increase the nuclear power level in the country to 52,000 megawatt by 2020 from the present 4120 megawatt.” In 2008 various daily newspapers described the situation as:

The Times of India in its editorial on October 3 described the India-France nuclear cooperation agreement and the US Congress approval as “double delight” for “Prime Minister Manmohan Singh and his team-who pushed for the deal against formidable domestic and international odds….” The Deccan Herald in its editorial on October 3 described it “a landmark event in the international nuclear regime because for the first

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76 Chari, 4-5.
79 S. Laxman, “N-trade: It’s a $40 billion opportunity,” The Times of India, September 11, 2008.
time the accepted rules for nuclear co-operation have been rewritten for India, which will now be considered a de facto nuclear power.” The Mumbai based Daily News and Analysis in its editorial on October 2 said: Now India has to make use of this great opportunity of access to technology denied to it for 34 years.\(^\text{80}\)

December 2008 also brought with it other bilateral nuclear accords of India with many countries. First in the row was the Indo-Russian Nuclear Agreement under which Russia agreed to build four nuclear reactors in India, at Kudankulam, Tamil Nadu.\(^\text{81}\) This nuclear agreement with Rosatom was worth $700 million. Next in line was the Indo-French nuclear agreement, talks on which had started already in September 2008. This agreement was between the Areva Company of French origin and the Nuclear Power Corporation of India Limited (NPCIL). Under this agreement the French company agreed to provide Indian NPCIL with 300 tons of Uranium under the IAEA safeguards. The final agreement was signed in February 2009 and by April 2009 the first lot (60 tons) of the Uranium was supplied to India, as accorded in the agreement. In the February 2009 agreement Areva, “…signed a memorandum of understanding with NPCIL to build two, and later four more, EPR units at Jaitapur…”\(^\text{82}\)

Although, the year 2008 brought with it a number of problems for India at the domestic front of the country but it also marked a turning point for India with the completion of the process in the way to culmination of the Indo-US nuclear deal. Sumit Ganguly has very well presented the domestic position of the country and the finalization of the Indo-US deal in these perturbing circumstances when he says that, “Communal violence, terrorist attacks, and bombings, and internal conflicts wracked significant parts of India throughout 2008. In addition, a dramatic spike in global oil prices, coupled with rising food prices, delivered considerable exogenous shocks to the country’s economy…the acute financial crisis in the U.S. began having an adverse, but limited, impact on India’s economy….Amid all these disturbing developments and

\(^{80}\) Avatar Singh, *India’s Foreign Relations-2008: Documents* (New Delhi: Geetika Publishers, 2009), XVI.


significant domestic opposition, the Congress-led United Progressive Alliance (UPA) successfully negotiated a landmark civilian nuclear accord with the U.S.”

In 2009, the 15th General Elections catered the attention of the Indian administration. In spite of this major developments took place in the nuclear field including various bilateral agreements to receipt of nuclear fuel and the developments in the nuclear technology etc. in the initial months of the year 2009 many developments took place in the nuclear field. Akin to the previous nuclear agreements India continued to engage various nations in nuclear cooperation. In this series a Memorandum of Understanding (MoU) was signed in January 2009 linking India and Central Asian country Kazakhstan with regard to the supply of Uranium. The MoU between the NPCIL and the KazAtomProm confirmed the supply of nuclear fuel to India and the joint exploration of Uranium in Kazakhstan. Also a major agreement was signed between India and the IAEA, on “Application of Safeguards to Civilian Nuclear Facilities.” Further India and Russia engaged in a nuclear agreement for the second time for the supply of 2,000 pellets of uranium for pressurized as well as boiling heavy water nuclear reactors. A few days later in March the IAEA Board also approved the Additional Protocol for India, and by this the obligation of separation of civilian and military nuclear facilities also got fulfilled. The year 2009 also marked a change in regime in the world’s largest democracy i.e., America when Mr. Barack Obama took over as the President of United States of America. In January 2009 he became the first African-American President of US. Although it did not mark any major departure in the

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86 “India’s Additional Protocol stipulates that only certain facilities are placed under safeguards. The Protocol only requires India to share information relating to nuclear-related exports, while the Model Additional Protocol includes the sharing of information on nuclear fuel-cycle-related research and development, nuclear-related imports, and uranium mining. India’s Additional Protocol also does not provide the IAEA with complementary access provisions, which allow the IAEA to inspect undeclared facilities. India’s Additional Protocol applies many of the voluntary safeguards provisions that exist for nuclear weapon states, although India is not recognized by the IAEA as a nuclear weapon state.” For details see: Additional Protocol, available from [http://www.nti.org/media/pdfs/iaea_Additional_protocol_3.pdf?_=1340826977](http://www.nti.org/media/pdfs/iaea_Additional_protocol_3.pdf?_=1340826977)
Indo-US nuclear policy, Mr. Obama made his non-proliferation agenda very clear to the world, and stressed on dealing the CTBT and the FMCT issue on priority basis.  

**Formation of the UPA-II Government**

In March 2009, the General Election took place in India and the UPA under the leadership of Manmohan Singh again came to power by winning comfortable majority in the Lok Sabha. Like before, the nuclear card played by the UPA-I had given positive results to the party. The National Election Study-2004 reveals that the hue and cry over opposing the Indo-US Nuclear Deal had proved contradictory to the expectations of the BJP as well as the Left. The Congress party was well aware that any such deal had the emotional nationalistic bondage with the Indian people and this became one of the reasons for the party to go ahead and fasten the process of completion and culmination of the Indo-US Nuclear Deal, and take the credit of the deal, in order to cater to the votes of the people in the upcoming elections. This strategy worked for the Congress Party like before. The UPA-I not only justified the deal at the national level but also tried to win over the opinion of the people.

The National Election Study (NES)-2004 and 2009 also justifies these arguments. As the 2004 survey (Figure 6.1) reveals that majority of the respondents i.e., 52 percent believed that the country has been benefited from the nuclear bomb. It shows that since the execution of the PNE Indian public opinion has been in favour of the use of nuclear power. The NES-2009 reported that out of all the people surveyed two-fifth of the respondents were aware of Indo-US Nuclear deal (Figure 6.2). Considering the number of respondents in the survey it is significant chunk of the population. The NES-2009 tried to see relationship between the nuclear issue and the voting behaviour and it found that around one third of the respondents (as in Figure 6.3) believed that Indo-US Nuclear deal significantly impacted their voting behaviour. Regarding the benefit from the nuclear deal almost half of the respondents were of the opinion that India will get latest technology as a consequent of Indo-US nuclear deal.

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Figure 6.1: Perception About Benefit from Atomic Bomb

Making Atom Bomb has not benefited the country

<table>
<thead>
<tr>
<th>Disagree</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>48%</td>
<td>52%</td>
</tr>
</tbody>
</table>

Value of n= 27189

Figure 6.2: Awareness about Indo-US Nuclear Deal

Have you heard about Indo-US Nuclear Deal

<table>
<thead>
<tr>
<th>Not Heard</th>
<th>Heard</th>
</tr>
</thead>
<tbody>
<tr>
<td>41%</td>
<td>59%</td>
</tr>
</tbody>
</table>

Value of n=36625
Figure 6.3: Affect of Indo-US Nuclear Deal on Voting

If heard about Indo-US Nuclear Deal, how it affected your decision of whom to vote?

- Not Very Much: 64%
- A Lot: 16%
- Almost Entirely: 7%
- No Opinion: 13%

Value of n=14894

Figure 6.4: Opinion About Indo-US Nuclear Deal

Will Indo-US Nuclear Deal enable India to get latest nuclear technology, or it will place the country in a subservient position to the US.?

- India will get latest technology: 49%
- Will place India in a subservient position to US: 27%
- I have not heard of India-US Nuclear Deal: 24%

Value of n=36634
The Figure 6.4 shows that only 24 percent of the respondents believed that the Indo-US nuclear deal will place Indian interests in a submissive position. The following Table 6.3 discusses the performance of the national parties in the 15th Lok Sabha elections. The table reveals that the Indian National Congress won around 100 seats more than the major opposition party of India, i.e., the BJP. This election was special in the history of Indian politics, as for the first time complete election was conducted using the electronic voting machines (EVMs). After the election results the Congress led UPA-II again formed the government under the premiership of Manmohan Singh. The coalition during the UPA-II regime was comparatively stronger than the previous term, where the government had to face the vote of confidence due to disapprobation among the UPA allies on the nuclear issue.

Table 6.3: Performance of the National Parties in Lok Sabha Elections 2009

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>National Parties</th>
<th>Candidates</th>
<th>Percentage</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Contested</td>
<td>WON</td>
<td>FD</td>
</tr>
<tr>
<td>1.</td>
<td>BSP</td>
<td>500</td>
<td>21</td>
<td>410</td>
</tr>
<tr>
<td>2.</td>
<td>BJP</td>
<td>433</td>
<td>116</td>
<td>170</td>
</tr>
<tr>
<td>3.</td>
<td>CPI</td>
<td>56</td>
<td>4</td>
<td>41</td>
</tr>
<tr>
<td>4.</td>
<td>CPM</td>
<td>82</td>
<td>16</td>
<td>29</td>
</tr>
<tr>
<td>5.</td>
<td>INC</td>
<td>440</td>
<td>206</td>
<td>71</td>
</tr>
<tr>
<td>6.</td>
<td>NCP</td>
<td>68</td>
<td>9</td>
<td>42</td>
</tr>
<tr>
<td>7.</td>
<td>RJD</td>
<td>44</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1623</td>
<td>376</td>
<td>779</td>
</tr>
</tbody>
</table>


The Congress party also utilized the various bilateral nuclear agreements after the culmination of the Indo-US nuclear deal, the IAEA Safeguard agreement and the NSG waiver to enhance its image, as a party to expedite developmental process. After direct attack of the BJP in its 2009 General Election Manifesto, on the foreign and
security policies of the UPA government, the UPA-II paved more attention to gaining the trust of the nation on its foreign policies. The most striking and remarkable event which took place after the election was the launch of India’s first nuclear submarine in July 2009. The 6,000 ton INS Arihant, was expected to have a capacity to launch ballistic missile over a range of 700 kms. The process of building nuclear reactors gained pace in the aftermath of various bilateral agreements and the acceptance of India as a legitimate nuclear power. In August 2009 the NPCIL had approved building of Kovvada nuclear power plant in Andhra Pradesh.

An important change was seen in the pursuit of Indian government’s behaviour, as it had started showing more compliance to the international nuclear regimes, although this step was taken purely taking into account the national and security interests of India. Whereas, previously India showed a considerable degree of defiance to these regimes now India took decisions diplomatically maintaining obedience towards the international nuclear regimes keeping its interests safe. The banning of export of any material and equipment by the Indian Ministry that could somehow support the North Korean nuclear programme, under the UN Security Council Resolution was an example of India’s obedience or responsible state behaviour.

Another reason for this behaviour can also be traced to the pressure exerted on India by the Obama administration. Since the initial days of Obama’s regime, he clarified his strict commitment towards the goals of non-proliferation and disarmament. Under his changing nuclear policy of America, he took firm efforts in this direction. It was reported that, “Both President Obama and Secretary of State Hillary Clinton have also launched a major diplomatic offensive to get other non-signatories like India to come on board.” In November 2009 Indian Primer Manmohan Singh in his visit to the US reiterated the American commitment to implement the Indo-US Nuclear accord, while commenting on this he was directing towards the delay in the Indo-US negotiations going on the issue of fuel reprocessing. In response to this the American

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88 For details see: http://youtu.be/0CWVPMA-x5M

Hence, the Indian side was satisfied by such positive reply and it also relaxed India as far as the strict American policy on non-proliferation and disarmament was concerned. Also in a joint statement issued during President Obama’s visit to India in November 2010 mentioned that, “…the United States intends to support India’s full membership in the four multilateral export control regimes (the NSG, MTCR, Australia Group and Wassenaar Arrangement) in a phased manner…”\footnote{P. R. Chari, “Nuclear Export Control Regime: India, US Need to Work Together,” \textit{The Tribune}, February 2, 2011.} Such commitment from the US not only boosted Indian confidence but also put an end to the criticism raised in India regarding the UPA Government’s undue favour towards the US.

\textbf{THE CIVIL LIABILITY FOR NUCLEAR DAMAGE ACT OF INDIA, 2010}

After the Indo-US nuclear deal and other bilateral nuclear agreements Indian government was faced with a problem of the absence of any civil nuclear liability regime. The Indo-US Nuclear deal and the Article III of the Indo-France nuclear agreement demanded the creation of a civil nuclear liability act by India.\footnote{Anirudh Burman, “Legislative Brief: The Civil Liability for Nuclear Damage Bill, 2010,” (2010): 2, (accessed December 20, 2013); available from http://www.prsindia.org/upload/media/nuclear/final%20brief%20-%20civil%20liability%20for%20nuclear%20damage%20bill.pdf.} Similar requirements were also placed by other bilateral agreements with Russia, and other nations. In the backdrop of this, the Indian Cabinet on 20 November 2009 approved the Civil Nuclear Liability Bill with the compensation of US $535 million (Rs. 2,500 crores) in case of any nuclear accident. This step of Indian government was again criticized by the opposition parties condemning it as a result of pressure exerted by the external factors particularly the international nuclear regimes. However, some scholars have argued against this allegation by the opposition, as one scholar notes that:

The idea of enacting a suitable nuclear liability regime in the country was initiated soon after the KK project got underway in 2000 given the concern of a possible fall-out on Sri Lanka in case of a nuclear accident at Kudankulam due to the geographical proximity of the island country. Given the likelihood of trans-border impact from an accident at KK, the
project brought in an international element to the whole issue, necessitating a suitable national law in keeping with international practice.\textsuperscript{94} The Civil Liability for Nuclear Damage Bill was introduced in Lok Sabha on 7 May, 2010 by the Minister of Science and Technology and Earth Sciences and after severe criticism it was referred to the Standing Committee on Science and Technology, Environment and Forests on May 13, 2010 under the Chairmanship of T. Subbarami Reddy.\textsuperscript{95} Like the Indo-US nuclear deal this Act also called for minutely detailed debate in the Parliament and the Left front again threatened the UPA-II government to be ready to face the political consequences in case their demands were not dealt properly. The opposition and the Left parties raised huge criticism on certain provisions of the draft Act and considered them against the sovereign interests of Indian people. The final draft of the Act fixed the operator’s liability at a maximum of Rs.1,500 crore.\textsuperscript{96} “After considerable debate in Parliament and after the recommendations of the Standing Committee the Indian Liability Act was finalized. On 21 September 2010, The \textit{Civil Liability for Nuclear Damage Act}, No. 38 of 2010 received the consent of the President and came into force from 11 November 2011. This Act automatically made India member of the international nuclear liability regime.”\textsuperscript{97}

By the end of the year 2009, India had signed several other bilateral nuclear agreements with Canada and Russia.\textsuperscript{98} However the year 2010 started with Pakistan getting international attention on its nuclear power plants, when Pakistani media reported to have arrested some American citizens who were involved in planning attack on the Pakistani nuclear facilities. After this Pakistani premier gave a few statements clarifying his position on the issue, however it raised the nuclear heat in the South-

\textsuperscript{96} \textit{The Civil Liability for Nuclear Damage Act}, 2010.
Asian region. Further, the Pakistani Defence Minister was reported for asking the US Defence Secretary Robert Gates who was visiting Pakistan in January 2010, to accord Pakistan the status of nuclear weapon state and to cooperate in nuclear cooperation with the latter.\(^99\)

India actively participated in the Nuclear Security Summit held in April 2010, which focused on the global attempts to counter nuclear terrorism and safeguard weapons-grade plutonium. A total of forty seven countries from all over the world along with three international organizations participated in the summit.\(^100\) After the summit Manmohan Singh made a declaration for establishment of a “Global Centre for Nuclear Energy Partnership.” He declared the creation of this centre on his visit to Washington, the centre was aimed at, “…strengthening India’s cooperation with the international community in the areas of advanced nuclear energy systems, nuclear security, radiological safety and radiation technology applications in areas such as health, food and industry.”\(^101\) Taking these acts of the Indian government into consideration the world opinion was changing towards the Indian nuclear programme, and a wave of acceptability was swiftly moving in India’s favour. As a result of this the American and French government asked the Japanese administration to enter into a nuclear cooperation agreement with India.\(^102\)

During this time the nuclear developments in the region were going on in a speedy manner and under these developments, the deepening Sino-Pakistani ties on the nuclear front drew attention of the UPA-II government and warned the neighbours to beware of consequences. It showed India’s security concerns regarding its bordering countries. In June 2010, India successfully conducted tests of new Advanced Heavy


\(^102\) The American and French governments had their inherent interests in India-Japanese nuclear cooperation as it would create an access for the companies from US and France to use Japanese components in the supply of nuclear technology to India. For details see: “U.S. France Press For Japan-India Nuclear Deal-Report,” Reuters, June 8, 2010, (accessed April 13, 2012); available from http://in.reuters.com/article/2010/06/08/uk-japanesesuppliers-nikkei-idUKTRE6575G920100608
Water Reactor- producing less plutonium compared to the PWRs, and the issued “Guidelines for Implementation of Arrangements for Cooperation Concerning Peaceful Uses of Atomic Energy with Other Countries.” It not only highlighted the progress going in the nuclear technology of India but also marked another step towards being a responsible nuclear power.

In November 2010 the American President Barack Obama visited India. During his visit, a Joint Statement was issued by both the heads of state of the two largest democracies of the world. In his statement to media at the joint press conference Indian Prime Minister stated, “…the decision by the United States to lift controls on export of high technology items and technologies to India, and support India’s membership in multilateral export control regimes such as the Nuclear Suppliers Group.” Along with this, he also asserted various other issues including the joint efforts to combat Nuclear Terrorism, US participation in the GNEP, efforts in the clean energy and technology, non-discriminatory global nuclear disarmament etc.

By the end of this year India finalized many bilateral nuclear agreements like the Indo-US bilateral agreement on the reprocessing of the spent fuel, bilateral nuclear agreement with South-Korea, Indo-French agreement for constructing new power plants, etc., along with this India also signed the Convention on Supplementary Compensation for Nuclear Damage (CSC), at the IAEA headquarter, Vienna. Indian government took all these steps not only to enhance India’s civilian nuclear cooperation but also to put forward a solid pro-disarmament and non-proliferation stance of India. It

104 “US, India reach nuclear reprocessing deal,” The Times of India, March 29, 2010.
also emerged to be a need for India to sign these accords in order to maintain its morally high position at the international level, along with the economic considerations of the country.

The Fukushima Daiichi Nuclear Accident and Safety Regulations in India

The world was shocked in the year 2011, when a nuclear accident took place at the Fukushima Daiichi Nuclear Power Plant of Japan. This mishappening took place in the wake of 9.0 earthquake which hit the Pacific coast of Tōhoku, it is also called the Great East Japan Earthquake. It was followed by 15-metre tsunami on 11 March 2011. As a result of which, “…the power supply and cooling of three Fukushima Daiichi reactors,” was disabled “causing a nuclear accident.”

Although no deaths were reported due to the nuclear accident but according to the official data around 1000 people died in the evacuation process. The world was astounded by the nuclear accident and anti-nuclear wave hit the globe. In almost every country of the world protests against the use of nuclear energy and the safety of the nuclear power plants were seen. In this scenario India also saw series of protest by the Non-Governmental Organizations (NGOs), particularly by the Environmental Organizations like Green Peace. The local people of the site of nuclear power plant especially in the Kudankulam region raised protests against the Indian government. Similar protest were seen in the West Bengal after which the state government formally announced that, “…maintaining that Haripur is not the proper place for a nuclear power plant as it was a densely populated area and fishermen in the region would be affected.” It is reported that “Ms. Banerjee had vowed that her party would scrap the project if it came to power.”

Since India was also a nuclear power possessing nation, she also had to face the repercussions of the nuclear accident which took place in Japan. Immediately after the nuclear accident, on 19 March 2011, the Atomic Energy Regulatory Board (AERB),

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110 “West Bengal government rules out Haripur nuclear projects,” The Hindu, August 17, 2011. Also see: “Won’t allow any nuclear plant in west Bengal, including Haripur: Gupta,” The Hindu, August 18, 2011.
which upholds the responsibility of India’s safety regulations in the atomic sector, set up a committee to review the safety of Indian Nuclear Power Plants (NPP). On 31st August 2011 this committee submitted its report after appraisal of the Indian NPP and in its observation in the report it stated that, “…the design, operating practices and regulations followed in India have inherent strengths, particularly in case of pressurized heavy water reactors (PHWR) that account for 18 out of 20 currently operational NPP units in India, to deal with natural events and their consequences. The committee noted that NPCIL has already taken interim safety measures to enhance the safety of the two older boiling water reactors (BWR) which are operational at Tarapur (TAPS1&2) in light of the Fukushima accident.”  

It shows that the Government of India was very considerate as far as the security and safety of the NPP are concerned and the nuclear accident in Japan presaged the nuclear power possessing nations to be extra cautious of this sensitive technology. However, in a number of interviews by the Indian media, the government officials and the people of India’s strategic enclave clarified that the Indian NPP have already been designed in a manner taking into consideration various natural disasters particularly earthquakes and tsunami. The safety margins are re-evaluated from time to time so that any changes required can be settled down. It is also to be noted that Indian zone of exclusion in case of NPP is that of 1.5 kms and as compared to other nations it ranks comfortably high, it not only reduces the exposure to the local people but also is very effective in case of any security crisis caused by some sabotage or other events. Indian NPPs have also a commendable system of waste management, which is very crucial as the nuclear waste is also radioactive. The NPP in India also has the provision of an environment impact evaluation system which works autonomously. This body on regular basis checks the overall and personal health of the people working in the NPP in order to have information about their exposure to the radioactivity. It also studies the quantity of radioactive particles in the air, land and water surrounding the NPP, therefore very strict and effective measures are taken in case of the security and safety related issues of the NPPs in India.


112 These observations are made by the author from her personal experiences from the visit to the Narora Power Plant in Uttar Pradesh on 20 November 2013.
In an interview to Raj Chengappa, the chairman of the AEC, Ratan Kumar Sinha, explained about the safety measures taken by India after the Fukushima disaster. He elaborated that in case of any such accident the reactor automatically shuts down (which also happened in case of Fukushima) within two seconds, the only problem which the victim state has to face is to remove the residual heat. He further told that, “...in all reactors built after the 70s, it has been well conceived how to remove decay heat by providing for an extra water sink within the containment itself...” He also mentioned that, “Having learnt a lesson from Fukushima, all reactors in the country have been checked and safety features enhanced.” Talking about the natural disasters and vulnerability of the Kundankulam plant, Sinha said that, “We have, in fact, modelled that and predicted exactly where and what kind of wave will run and what heights will be touched if a tsunami happens. The highest tsunami cannot reach anywhere close to the level required to submerge the plant.”

Srikumar Banerjee, former Chairman of the AEC also allied to similar views and answering a question regarding the tsunami that hit the East coast of India in 2004, he asserted that, “Since then we have taken further safety precautions including constructing a structure that would act as a barrier or tsunami wall to prevent any chance of flooding. Apart from that there are also mini wave breakers. All these would ensure that the tsunami waves will be dissipated even before it reaches the complex.”

Acknowledging the disaster in the Fukushima, the NSG once again took certain steps tightening its regulations under the new guidelines issued on 23-24 June 2011. It was a step to, “strengthen the NSG Part 1 Guidelines on the transfer of sensitive enrichment and reprocessing technologies.” These guidelines initiated a wave of criticism in Indian print and mass media. These guidelines were seen as a diversion from the earlier waiver provided to India. It was also debated that such guidelines created a negative impact on the nuclear facilities in India, and it was also argued that it

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113 Raj Chengappa, “Nuclear Energy Honeymoon is Over, Have to Address Radiation Fears,” The Tribune, October 21, 2012.
114 Srikumar Banerjee, “We Are For An Independent Nuclear Safety Body. We Have Nothing to Hide,” The Tribune, June 19, 2011.
may hinder the nuclear developments of the civilian nuclear programmes of India. However, during her visit to India, U.S. Secretary of State, gave a break to all these predictions carried out in the Indian media, and in a response to the question asked to her she clarified that:

The Nuclear Suppliers Group Clean Waiver was an important joint accomplishment for both our governments and we stand by it. Nothing about the new enrichment and reprocessing transfer restrictions agreed to by the Nuclear Suppliers Group members should be construed as detracting from the unique impact and importance of the US-India civil nuclear agreement or our commitment to full civil nuclear cooperation.\(^{116}\)

Elaborating on the safety record of Indian nuclear reactors, O.P. Sabharwal stated that, “Indian nuclear establishment has all along given primacy to safety parameters reactor design, double containment construction shielding the reactor vessel, elevating safety features progressively....Indian reactors have successfully withstood both the tsunami onslaught in 2004 and the earthquake that devastated Bhuj in Gujarat in 2001. Barring the turbine fire accident at Narora in the first phase of indigenous reactor construction, the Indian reactor operations over three decades have set up a unique safety record.”\(^{117}\)

However, in the aftermath of the Fukushima disaster and the growing protests against the nuclear power plant sites, the Indian Government introduced a Bill on Nuclear Safety Regulation Authority. While introducing the Bill V. Narayanswamy, Minister of State in the PMO, stated that, the Bill “aimed at achieving the highest standards of nuclear safety based on scientific approach, operating experience and best practices followed by the nuclear industry,” further talking about the objectives of the Bill he mentioned that it, “will ensure that the use of radiation/atomic energy in all applications is safe for the health of workers of such nuclear establishments, public and the environment. It will enable establishment of a Council of Nuclear Safety (CNS), under the Prime Minister's chairmanship, to oversee and review the policies relating to

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radiation/nuclear safety."\textsuperscript{118} The Bill was welcomed all over the nation as it catered to a very important requirement for a nuclear power possessing nation like India. By 30 August 2011, the Union Cabinet gave green signal to the Nuclear Safety and Regulatory Authority Bill. This Bill demanded the creation of an independent and self-governing statutory body which could regulate the international standards of nuclear safety in the country. This body was expected to absorb the already existing Atomic Energy Regulatory Board (AERB).\textsuperscript{119}

In spite of strong safety measures by India, considering the safety issue of the Kudankulam nuclear power plant, 60 scientists wrote letters to the Chief Minister of Kerala and Tamil Nadu. These letters were written after the arrest of Sergei Shutov, procurement Director of Zio-Podolsk. Shutov was arrested for corruption charges and for supplying low quality products in nuclear installations. The scientists demanded a ‘renewed study’ for safety concerns.\textsuperscript{120} So it is to be noted that the scientist and the social workers play an important role in influencing the decisions of the Government and they also act as a check on the policies of the Indian Government.

India exhibits strong interests in nuclear energy and it is clear from India’s efforts in clinching nuclear deals with different countries. India has planned setting up of nuclear reactors with large generating capacity at several places like Kudankulam and Jaitapur. The following Map 6.1 shows in detail the operating as well as under construction nuclear power plants of India along with the planned ones. It is to be noted that all the upcoming nuclear power plants are having high installed capacity as compared to the previous ones. One of the reasons is that India has enhanced its nuclear power plant technology and secondly that after Indo-US nuclear deal and other nuclear fuel accords India is confident about nuclear fuel supply.

\textsuperscript{118} “Nuclear Safety Bill Introduced,” \textit{The Hindu}, September 8, 2011.
\textsuperscript{119} “Cabinet Nod for Bill on Nuclear Regulator,” \textit{The Hindu}, August 31, 2011.
Map 6.1: Nuclear Power Plants in India

Conclusion

The most momentous event that took place during the government of the United Progressive Alliance was the culmination of the Indo-US Nuclear Deal. This deal eclipsed all the other initiatives taken by the Manmohan Singh government. After the Pokhran-II nuclear explosion of India, Indo-US nuclear deal was one of the most significant and the most debated aspect in the foreign policy. It not only changed India’s image at the international level but also opened new venues and opportunities for India. It brought with it the special clean waiver from the Nuclear Suppliers Group which led to the opening up of nuclear trade with nuclear fuel and technology supplying nations. The conclusion of the nuclear deal with the US, the IAEA safeguard agreement and the clean waiver from the NSG, made India a legitimate nuclear power possessing nation. This opportunity had not come all of a sudden, but was the result of continuous efforts and diplomacy pursued by our governments since the days after the second nuclear explosion of India. The UPA-I and II regimes played a very decisive role for capitalizing the prospects envisaged by the earlier governments. However, the journey of the Indo-US nuclear deal from the 2005 joint statement to the final accord was not that easy and smooth. The UPA-I had to face no trust motion in the Indian Parliament due to the outright criticism from its allies like Left Front and the Bahujan Samajwadi Party, and from the opposition party like the BJP against the deal. However, the government managed to retain its position in the Parliament and there after strict steps were taken for the completion of the deal, and in 2008 the Indo-US accord was signed and made a law. After the culmination of the Indo-US deal Indian government signed many bilateral accords with various governments of the world regarding nuclear cooperation. These accords proved substantial for the progress of India’s nuclear programme. It also worked as a stimulator in enhancing relations with various nations of the globe.

In between the UPA-II government was formed after the 15th Lok Sabha elections and this deal was a very imperative step for maintaining public opinion in favour of the UPA government. In the second term of the UPA government the results and dividends were yielded out of the important nuclear pacts done with various governments. As India got supply of nuclear fuel from France, Russia and Canada,
which resulted in highest generation of nuclear power till date and indigenous nuclear fuel production, also reached its peak. Along with this achievement the UPA phase is also credited for having initiated the construction of seven new NPPs.

Along with this India also became a part of the international liability regime by enacting the *Civil Liability for Nuclear Damage Act*, 2010. After a great criticism India enacted the world’s strictest liability law for which it had to face the silent criticism of domestic as well as the foreign companies which had kept an eagle’s eye on India’s nuclear market. For them it became very difficult to indulge in nuclear trade with India due to the compensation related to capping of nuclear operator liability, the near absence of supplier’s liability and the maximum liability cap. This Act again proved India’s capability to withstand the international pressures without compromising its public interests. Indian government should also take into account the concerns of the nuclear industry which are still undecided but are very decisive for the developmental goals of the country.

Further, after the Fukushima Nuclear disaster the world and national public opinion was diverted against the nuclear power due to the security and safety concerns. Taking this into account government took immediate steps of re-evaluation of the safeguards in the NPPs and formed a committee to look into the matter. The report of the committee does not mention any risk and proves the commitment of the Indian government in taking measures according to the international standards of safety and security in our NPPs. Despite this, many agitations were reported against the construction of new nuclear plants at Kudankulam, Jaitapur, and Haripur. Local people along with various environmental non-governmental organizations held rallies and protests against the nuclear power and its construction in their areas. Taking this into account, government of India brought The Nuclear Safety Regulatory Authority Bill 2011. It seems that the power politics and the vote bank politics cast their shadows on the development plans of the country.

As far as the role of the international nuclear regimes is concerned a remarkable diversion and change has been seen on this front. This change is the result of the growing economic power of the country and its role as a responsible nuclear power.
Without compromising on her national and security interests India has also lost its strict critical policy against these regimes and opted for a diplomatic stand. Now, India has been accepted as a nuclear power and utilizing this position India wants to fulfil her larger goals of becoming a supplier nation of nuclear technology and also to attain permanent membership in the UN Security Council. India’s steps in the direction of establishing her active participation at various international platforms like the NPT Review Conference in 2010, Nuclear Security Summit, Conference on Disarmament, India’s establishment of Global Centre for Nuclear Energy Partnership and the changing policy of various international nuclear regimes towards India etc., are conditioning favourable circumstances for India to carry on sovereign nuclear policy as it has been doing since the beginning. Now India is seen not only as a significant player but also as a strategic partner in the development and execution of international nuclear policy.