CHAPTER - VII

US AND INDIA: THE POLITICS OF THE NUCLEAR ISSUE
Disarmament contributes to peace by removing war and conflicts among States. Its objective is to divert resources from military preparations and wars to other purposes. Military capabilities encourage war and bring insecurity, mistrust and arms race that culminate in war. Military capabilities promote the legitimacy of war. However, global disarmament seems to be difficult in the nuclear age. The opponents of disarmament maintain that States have been willing to carry political conflicts to lethal levels. Even if disarmament was achieved, conflicts among States would provoke rearming. In the international system nothing stops States from resorting to force and States arm themselves to protect their security. Several States feel that they can ensure the security of their territory by obtaining nuclear technology. An attempt was made to reduce arms race through Partial Test Ban Treaty in 1963, Nuclear Non Proliferation Treaty in 1968, Strategic Arms Limitation Talks- I and II in 1971 and 1979 respectively. However, the Nuclear Weapon States did not work for disarmament.

The US nuclear policy has centered around the twin objectives of preventing the regional States from obtaining nuclear weapons and at the same time developing its nuclear technology to obtain total supremacy.

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1US, UK, and USSR initiated Partial Test Ban Treaty in Moscow on 5 August 1963. The treaty was signed to halt nuclear weapons in the earth’s atmosphere, in outer space and under water. France and China rejected the treaty. India, Australia, Iran, UAR, Japan, Denmark, Israel, East Germany signed the treaty. See Jack C. Plano and Roy Otton, The International Relations Dictionary (England: ABC-Clio, Inc, 1982), p.222.

2The NPT was signed on 1 June 1968 and came into force on 5 March 1970. The treaty recognised US, UK, USSR, France, and China as Nuclear Weapon States (NWSs) and the rest of the countries were branded as Non nuclear Weapon States (NNWSs). The treaty restricts the NNWSs from developing nuclear weapons. See D.Shyam Babu, Nuclear Non-Proliferation: Towards a Universal NPT Regime (Delhi: Konark Publishers Pvt Ltd, 1992), p.xvii.

3SALT-I was signed between the US and USSR in 1972. The agreement was to limit the number of anti ballistic missile defence systems to two in each country. See Plano and Otton, n.l, p.225.

4SALT-II agreement between the US and USSR was signed to limit offensive strategic forces and reducing the strategic forces. See Plano and Otton, n.l, p.225.
The US was the first country to test an atomic device at Alamogordo near Mexico on 16 July 1945. Later, it resorted to the use of atom bombs at Hiroshima and Nagasaki during the Second World War. The US proposed the Baruch Plan of 1946 to maintain its nuclear monopoly and deprive the Soviet Union of acquiring nuclear weapons capability. However, the Soviet Union opposed this proposal, which provided the US exemption from international inspection, while all other States had to give up their right to harness nuclear energy. The USSR tested its first nuclear device in 1949 and thus broke the hegemony of the US in the nuclear field. Great Britain too exploded its first atomic device in 1952.

With the entry of the USSR and Great Britain in the nuclear arena, the US had to modify its policy as provided for in the Baruch plan regarding "Atoms for peace". Dwight D. Eisenhower, the US President (1953-1960), proposed the "Atoms for Peace" and introduced the proposal with regard to it, in the UN General Assembly, on 8 December 1953. The US wanted to gain influence in the other States by supplying nuclear technology as it did not want them to pursue independent nuclear programmes. However, later France and China also exploded their nuclear devices in 1960 and 1964 respectively.

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6. The Baruch plan of 1946 proposed:
   a. to stop manufacturing of atomic bombs;
   b. existing bombs to dispose to the terms of the treaty; and
   c. the authority (International Atomic Development) should obtain full
   information as to the know-how for the production of atomic energy. For
   details see, Documents in Disarmament 1945-1959, Vol I (Washington D.C.,
   Department of State, 1960), p.11.
7. Shri Kant Paranjpe, U.S. Non Proliferation Policy in Action. South Asia (New
8. Ibid.
9. "Atoms for Peace envisaged "the Liberal transfer of nuclear technology under
   the condition that receiving States under take not to use this technology for
   military purpose". The International Atomic Energy agency has to take
   responsibility for the impounding, storage and protection of the contributed
   materials and devise methods for peaceful uses in areas like agriculture,
   medicine and the product of electric power. For details see The United
10. Martin E. Goldstein, Arms Control and Military Preparedness from Truman to
    Bush (New York: Peter Long Publisher, Inc. 1993), p.120.
The Nuclear Non-proliferation Treaty (NPT) was signed on 1 July 1968 by the nuclear weapon States - the US USSR, Great Britain and forty non nuclear weapon States. The US was the main architect of this treaty. It came into force on 5 March 1970 and inter-alia included the following provisions for halting nuclear proliferation:
a. reducing the pressure for proliferation;
b. limiting the spread of nuclear technology;
c. difficult access to nuclear materials;
d. detecting thefts of nuclear materials; and
e. development of alternative energy sources to reduce the demand for nuclear power.

Although the US pressurised both India and Pakistan, they declined becoming a part of the treaty. Non-signatories like India justified their stand on the nuclear issue by pointing out that the treaty was discriminatory, because it allowed the nuclear weapon States to become involved in the nuclear programme and denied the non nuclear weapon States a chance to do the same. Nuclear non-proliferation became one of the most important objectives of US foreign policy. However, the achievement of this objective has become difficult because it could not convince other States to subscribe to it.

COMMON IDENTITIES AND DIVERSITIES

Both the US and India oppose nuclear proliferation. However, the US advocates horizontal non-proliferation whereas India wants to halt both vertical and horizontal nuclear proliferation. Since independence, India has been involved in four wars: three with Pakistan and one with China. Both India and Pakistan have strong domestic support for their respective nuclear programmes and both are motivated by their desire to acquire nuclear capability, as its possession would give them respect and prestige. India believes that real security is possible only through global disarmament and not by disarming the non nuclear nations. Since the pursuit of global disarmament has become practically futile, India’s object of nuclear policy’s

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thrust has been confined to the South Asia, while the US nuclear policy has been targeted globally. South Asia has become a major test case for the US nuclear non-proliferation policy. A study of Indo-US nuclear cooperation and conflict reflects the successes and failures of the US nuclear non-proliferation policy. In this chapter, an attempt is made to examine some of the issues which have gained primacy in this regard.

TARAPUR ISSUE

The US and India concluded an agreement in Washington on 8 August 1963 for cooperation in the civil uses of atomic energy. This came into force on 25 October 1963 and it enabled India to secure enriched uranium from the US for its Tarapur Atomic Power Plant. Later in 1971, the agreement was amended to permit private suppliers to supply nuclear fuel to India at the request of the US. In the same year, the US, India, and the International Atomic Energy Agency signed a trilateral agreement for the application of safeguards by the latter to the Indo-US cooperation agreement.

Despite India’s opposition to NPT, the US continued to supply nuclear fuel to India. However, the problem got compounded when India conducted a nuclear test on 18 May 1974 at Pokhran in Rajastan. The nuclear weapon States (NWS), which were pressurizing the non nuclear weapons States (NNWS) not to undertake nuclear test were shocked. This indicates that NWSs were not able to prevent the emergence of new States with capacity for testing a nuclear device. India was the first country among the NNWSs which tested a nuclear device.

13 For text see India-Atomic Energy: Cooperation for Civil Uses, Appendix XI, pp A-29-35.
14 Enrichment: Natural Uranium contains only 0.7 per cent of the fissionable isotope U-235, the remainder is U-238. The method employed to increase the proportion of U-235 is called enrichment. See Babu, n.2, p.xv.
In the US Congress, there was a debate regarding the 1974 peaceful nuclear explosion. Some of the critics of India’s explosion argued that India must have acquired the spent fuel for the test from the US nuclear fuel to the Tarapur plant. The non-controversial agreement became the cause for dispute in the US Congress. India’s first peaceful nuclear test at Pokhran was 107 meters below ground level. This test was to aid the country to develop nuclear technology for peaceful uses viz., developing of mines, construction of dams and harbours. The US criticized the Indian action. Its argument was that India’s proliferation would affect the security environment adversely and would also encourage other States to crave for nuclear weapons.

Though the US expressed dissatisfaction over India’s test, the US President, Richard Nixon (1969-1974), said that the US would continue to supply enriched uranium to India, despite its 1974 peaceful explosion.\(^{17}\) Henry Kissinger, the Secretary of State (1973-1977), recognized India as a regional power in the light of its leadership in South Asia and World affairs and called upon India to work with the US and other nations to prevent the spread of nuclear technology that could be used to develop weapons.\(^{18}\) The US reckoned India to be one of the major powers in the world.\(^{19}\) Putting forward the US stance on sharing nuclear technology he argued that his government’s policy was to encourage all the world’s nuclear exporters to set up common standards that would govern the conditions under which the NNWSs could not use nuclear technology for conducting nuclear tests as executed by India in 1974.\(^{20}\) The US officials informed the Indian government that the US regarded peaceful and military nuclear devices as technically undistinguishable.\(^{21}\) The US felt that it would be difficult to differentiate between offensive and peaceful nuclear objectives. This shift was resorted to by the US to prevent the NNWSs to go in for nuclear tests.

The US State Department announced in June 1976 that India had not used

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\(^{17}\) Financial Express (Bombay), 9 August 1974.


\(^{19}\) Ibid.

\(^{20}\) The Hindu (Madras), 12 March 1976.

\(^{21}\) Ibid.
the heavy water supplied by the US (for the Tarapur plant) for the nuclear test at Pokhran. It did not locate evidence of India having breached the agreement of 1963 between US and India for cooperation in the civil uses of atomic energy in connection with the explosion of 1974.

A month after the explosion in June 1974, Kissinger announced that the radioactive material for the Indian nuclear test was not acquired from the American reactor which was under safeguard but from the Canadian reactor which was not under it. He stated that any decision to impose sanctions upon India would be unfair, because it would violate the 1963 agreement. However, he stated that the distinction between offensive and peaceful uses may be in the minds of those who set off the explosion but it was very difficult, in fact impossible to establish the distinction.

Despite this statement of Kissinger, there was a hue and cry in both the House and the Senate in 1974 and a call to stop the shipment of nuclear fuel to India.

The US Atomic Energy Commission, however, cleared the first shipment and the Commission’s chairman, Dicky Lee Ray, in a letter of 19 June 1974 to Homi N Sethna, Chairman, Indian Atomic Energy Commission, Bombay, demanded that before the other shipment could be approved, India should confirm in writing

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22 Heavy Water: A compound of Hydrogen and Oxygen containing a higher proportion of the hydrogen isotope deuterium than does naturally occurring water. Also known as deuterium oxide. See Babu, n.2, p.xvi.


24 In his testimony to the US Congress Kissinger stated, “We do not feel that the uses of nuclear explosives in India would justify the doubts and insecurities that have been raised. We objected strongly, but since there was no violation of US agreements involved, we had no specific leverage on which to bring our objections to bear”. Cited in U.S. Senate, Export Reorganization Act of 1976, Hearings before the Committee on Government Operations, 94 Cong 2nd sess, 9 March 1976 (Washington D.C.: Government Printing Office, 1976), p.796. Also see Congressional Record, (Washington D.C.: US Government Printing Office) Vol.22, no.93, 16 June 1976, p.S.9632.


26 The Patriot (New Delhi), 9 October 1974.

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that it shared two "understandings" with the US. Sethna rejected Ray's suggestion, contending that the terms of the said agreement did not encompass the construction and operation of the Atomic Power Station at Tarapur. 27

After a gap of two months in September, Ray responded to Sethna's letter but did not mention spent fuel. Ray sought an assurance from the Indian government that the material spent and produced at the Tarapur plant and available thereafter would be used only in the plant and would not be used in other plants unless both countries consented. 28 India reiterated its assurance to the US that plutonium produced in atomic power plants supplied by the US would be used only for peaceful purposes.

The US Atomic Energy Commission was abolished in late 1974 and the Nuclear Regulatory Commission (NRC) 29 was established with the authority to license all nuclear exports. The US was bound to export 21 tonnes of fuel to India in a year as per the 1963 agreement but it delayed meeting in view of the nuclear explosion by India, at Pokhran in 1974.

The US suspicion over the spent fuel used in India's nuclear explosion was unfounded for the following reasons:
a nuclear scientists knew that plutonium was not suitable for weapon production or even peaceful nuclear explosions and b the nuclear plants operated under the safety regulations of IAEA In this light, the State Department reiterated that material supplied by the US for the Tarapur Power Plant was not used by India to test a nuclear device. 30

On 31 August 1976, the Senate Foreign Relations Committee took a decision that all foreign countries had to agree to six criteria to receive

29 For text see United States of America - Nuclear Regulatory Commission, appendix XXIII, pp.A-54-55.
(ii) Also see Congressional Quarterly Almanac (Washington D.C.), 95th Cong. 2nd sess., Vol.32, 1976, p.319.
nuclear supplies from the US.\textsuperscript{31} Failure to comply with these within an eighteen month period could merit US restrictions on supplies.\textsuperscript{32} As per this restriction, the US President, Gerald G. Ford administration (9 August 1974 – 20 January 1977),\textsuperscript{33} for the first time, held up the shipment of nuclear fuel to India.

Jimmy Carter, a Democrat, assumed office in January 1977. He too advocated nuclear non-proliferation. His administration had four basic objectives:

a. to highlight dangers of the fuel cycle;

b. impose a domestic moratorium on plutonium reprocessing, and an international regulation to render the fuel cycle immune to proliferation abuse;

c. to reestablish US dominance as a supplier of nuclear materials; and

d. discourage commercial reprocessing both at home and abroad.\textsuperscript{34}

The Carter administration made it clear that under its nuclear export policy it would be unable, in future, to continue nuclear cooperation with a non-nuclear weapon State (India) that had detonated a nuclear explosive device.\textsuperscript{35} The NRC stated that though the technology used in the 1974 test was not directly received from the US, it would still terminate the shipment of

\textsuperscript{31}The six criteria were:

a. international safeguards would be applied to all nuclear materials and facilities;

b. no nuclear materials would be used for making explosive devices,

c. no nuclear materials would be reprocessed;

d. security measures would be imposed;

e. no nuclear supplies would be transferred to a third country, and

f. all the above conditions would be applied to materials which were produced with US facilities and fuels. See Congressional Quarterly Almanac, n.30(ii), p.320.

\textsuperscript{32}Ibid.

\textsuperscript{33}Nixon had to step down from President post on 9 August 1974 due to his involvement in Watergate scandal. The Vice-President, Gerald Ford, on the same day became the 38 President of the US. See Brahma Chellaney, Nuclear Proliferation: The U.S. Indian Conflict (Hyderabad: Orient Longman, 1993), p.52.


\textsuperscript{35}Chellaney, n.33, p.55.
fuel to India. Though the US State Department believed that India had not breached the agreement, it nonetheless resorted to this extreme step. The US was not justified in stopping the supply of fuel to India because the spent fuel used in 1974 test was not supplied by the former. Though Jimmy Carter was sympathetic towards India, he adopted a tough stance on the nuclear issue. In his message to the Congress on 27 April 1977, he mentioned the major goals of his nuclear policy were:

a. an increase in the effectiveness of international safeguards and controls on peaceful nuclear activities to prevent further proliferation of nuclear explosive devices;

b. the establishment of common international sanctions to prevent such proliferations;

c. the intensification of American efforts to make countries outside the NPT regime to sign the treaty at the earliest possible date; and

d. the creation of non-proliferation in countries by rebuilding America’s image as a reliable nuclear fuel supplier.

Nuclear Non-proliferation Act of 1978 (NNPA)

The Nuclear Non-Proliferation Act of 1978 was passed by the Congress on 10 March 1978. It imposed two restrictions according to which countries seeking nuclear supplies were:

a. to accept IAEA safeguards on all its nuclear facilities and

b. not to manufacture or acquire any nuclear explosive devices

In accord with this act, a country importing nuclear material from the US would have to open up all its nuclear installations to international inspection even if it did not use the fuel/equipment supplied by the US. According to this act, the US was to terminate the supply of nuclear fuel to Tarapur if India did not permit inspection of its twelve nuclear facilities by the IAEA. This act legitimized the US action to use the Tarapur case as a

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36 Chellaney, n.33, p.55.
39 Ibid.
40 The twelve nuclear facilities in India are: 1) Tarapur Atomic Power Station
political weapon against India. This act provided the 18 month grace period for the implementation of the IAEA full-scope safeguards provisions, in India. India did not concur with this Act. It maintained that this was not envisaged in the 1963 agreement.

However, on 27 April 1978, Carter issued an executive order authorizing the export of 7,368 kg of low enriched Uranium for the Tarapur plant. He justified his decision by stating that Morarji Desai, the Prime Minister of India (1977-1979), in the Lok Sabha had given an assurance to the US that it would use the fuel imported from the US only at the Tarapur plant and not for any military purposes. The US felt that stopping or withholding supply of fuel, would undermine its efforts to persuade India to keep its nuclear facilities under the full-scope safeguard.

On 1 May 1978 Congressman Richard Ottinger (Democrat, New York), along with Clarence Long (Democrat, Catonsville, Maryland) as co-sponsor introduced House Concurrent Resolution 599- to disapprove the export of nuclear fuel to India. This resolution was referred to the Committee on International Relations on the same day for approval.

In its report, the Committee decided to reject the House Concurrent Resolution 599 on the following grounds:

(TAPS) (Tarapur, Maharashtra), 2) Rajasthan Atomic Power Station (RAPS) (Kota, Rajasthan), 3) Madras Atomic Power Station (MAPS) (Kalpakkam, Tamil Nadu) 4) Narora Atomic Power Station (NAPS-I) (Narora, Uttar Pradesh), 5) NAPS-II (Narora, Uttar Pradesh) 6) Kakrapar Atomic Power project (KAPP) (Kakrapur, Gujarat), 7) Kalga Atomic Power Project (KAPP) (Kalga, Karnataka) 8) Rajasthan Atomic Power Station (RAPS) -3 (Kota, Rajasthan) 9) Tarapur Atomic Power Project (TAPP)-III (Tarapur, Maharashtra) 10) KAPP-II (Kalga, Karnataka), 11) RAPP (Kota, Rajasthan), 12). Kudan Kulam Atomic Power Project (KAPP) (Tirunelveli, Tamil Nadu).

1) Chellaney, no.33, p.84.
3) Full-scope safeguards administered by the IAEA, are employed in the NPT party to either the NPT or the Treaty of Tlatelolco. They are applicable to both indigenous as well as imported nuclear facilities.
4) Ibid.
a. India being the largest democracy in the world, the US needed to strengthen its ties with this South Asian state to promote stability in the region;
b. the proposed nuclear export represented but a small incremental increase in the volume of US supplied nuclear fuel already in Indian hands, making the added risk incurred by this export tolerable;
c. Carter had taken bold decision in strengthening the non-proliferation policy based on the Act of 1978 and was trying to persuade India to accept non-proliferation goals by supplying fuel to India; and
d. Morarji Desai openly expressed a strong opposition to nuclear explosions and had given an assurance that his country would neither produce bombs, nor test any further nuclear device. 46

The House, on 12 July 1978 approved the sale of the nuclear fuel by a vote of 227 to 181. 47 The license for supplying Uranium to India was approved by the NRC on 23 March 1979 and the State Department also recommended that the NRC should clear another application of November 1977 submitted by India for the nuclear fuel. In June 1978, the Committee on International Relations sent a letter to the President stating that the Congress was unlikely to accept another agreement after the eighteen month grace period. 48

IRANIAN TURMOIL: NRC APPROVES URANIUM SHIPMENT

The State Department urged the NRC to execute the license of November 1977 for the export of 16.8 tons of nuclear fuel to India. The Commission met thrice in 1979 to discuss the supply of fuel to the Tarapur plant, but adjourned each time without a decision. It questioned the importance and necessity for an immediate shipment of nuclear fuel because its estimates of fuel stocks showed that there was enough fuel for the Tarapur plant till 1982. It informed the State Department of its objection to the shipment on the ground that if India did not agree to place all its nuclear facilities under

full-scope safeguard, then the fuel sought could not be used in the plant. Any shipment, it said, would violate the act.

At the time of approval of the license in November 1977, Atal Bihari Vajpayee, the Minister of External Affairs (1977-1979), announced that India would not give up its nuclear option.\textsuperscript{49} He refused to agree to fuel safeguards unless it was made applicable to all States.\textsuperscript{50} Despite Vajpayee’s statement, the Commission approved the license, due to political developments in South West Asia. In mid February 1979, the Islamic Revolution under the leadership of Ayatolla Khomeini took place in Iran and consequently put an end to the Shah’s regime in February 1979. With the fall of Shah’s regime, the US lost an important ally in South West Asia. Further the presence of the USSR in Afghanistan and its resultant impact upon the region perhaps influenced the US not to pressurize India. At that juncture, India was visualized as an important component of US foreign policy particularly in geo-political terms.

In April 1979, Vajpayee visited the US. During this visit, Carter explained to him of his inability to help India as he was bound by the guidelines of the NNPA. However, Vajpayee suggested to him that the act could be amended so that it would enable the US to meet its contractual obligations. The President shared India’s concern.\textsuperscript{51} Carter’s decision on 19 June 1979 led to the shipment of 38 tons of nuclear fuel to India for its Tarapur power plant. It was approved by the Senate by 46-48 on 24 September 1980.\textsuperscript{52} The NRC on 16 May unanimously opposed the President’s decision of shipment of fuel to Tarapur plant, because India did not agree to place all its nuclear facilities under full-scope safeguard.\textsuperscript{53}

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\textsuperscript{49} A.B. Vajpayee’s interview with Kewal Verma see The Sunday (Calcutta), 18 March 1979.
\textsuperscript{50} Ibid.
\textsuperscript{52} (i) \textit{Congressional Quarterly Almanac}, 96th Cong. 2nd sess, Vol.34, 1980, p.338.
\textsuperscript{53} Congressional Quarterly Almanac, n.52 (i), p.338.
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PRESIDENT OVERRULES NRC DECISION

In September 1978 and August 1979, India submitted two applications for obtaining 39,718 kilograms of nuclear fuel from the US which were before the NRC for approval. On 7 May 1980, the Carter administration recommended to the Congress that the two applications be approved. However, the NRC on 16 May 1980 unanimously voted against approval by stating that the export would not be in tune with the requirements of the NNPA and sent the application back to the President. Senator John Herschell Glenn Jr (Democrat-Ohio) who introduced the Senate Concurrent Resolution 109 to countermand the President’s authorization and supported the decision taken by the Commission while writing to his colleagues seeking their concurrence against the sale of the fuel. However, NRC member Victor Gillinsky was not happy with the Commission's decision of 16 May, because it would abrogate the 1963 agreement. The Commission's stand was endorsed by several democrats as well as Conservatives.

54 Congressional Quarterly Almanac, n. 52 (II), p.54E.
55 Ibid.
57 Senator Glenn Stated in the letter:
1) the export of fuel would be a landmark test of the NNPA,
2) blocking the exports would not breach agreement;
3) India already had fuel in excess and no further exports would be needed until February 1982;
4) if not exporting fuel, then it would be possible for negotiations,
5) blocking the exports need not put off other relationship with India, and
59 Senators: Alan Cranston (Democrat - California), John Glenn (Democrat - Ohio), Representatives: Jonathan B. Bingham (Democrat - New York) and others supporters asked the Commission to stop nuclear proliferations and Conservatives like representatives Jalk Kerop (Representative - New York) opposed the shipment of fuel because of India's military ties with the Soviet Union. Cranston, In a testimony before the Foreign Relations Committee, stated that the fuel shipment would harm the US "effort to discourage the Pakistanis from their pursuit of a nuclear weapon capability and the United States efforts to reduce the dangerous instability brought to South Asia and other tense areas of the globe by regional arms race" cited in Washington Post, 20 June 1980.
Warren M. Christopher, the Deputy Secretary of State (1977-1981), on 11 June 1980, stated in the Commission Report that in the interest of US foreign policy, it should ship the nuclear fuel to India, particularly due to the developments in Iran and Afghanistan. Explaining to the Committee he said "If we were to cut off our fuel shipments, India could plausibly ask whether the United States is a nation that abides by its commitments". He felt that the US could retain leverage over India's nuclear policy by continuing the nuclear fuel supply.

Despite reports of India's experiments with enriched uranium, and its reluctance to permit full-scope safeguards and its announcement that it would not rule out nuclear explosive tests in the future, Carter ruled out the NRC decision and approved the export of nuclear fuel for two years. The President approved the sale of 38 tons of enriched Uranium to India in June 1980, and declared that his administration would develop its relations with India. He assumed that by developing cordial relationship with India, the latter could play a role in containing Soviet expansionism and promote stability in the area.

In the Congress, there was opposition to Carter's decision. The supply of fuel, it was argued, would undermine the 1978 Act and would prove that the US was not serious about non-proliferation; not withstanding the Indian assurance that it would allow international inspection as regards the alleged diversion of the Tarapur spent fuel into Weapons programme.

Joseph Nye, adviser to the President during Jimmy Carter's administration on nuclear non proliferation in his testimony before the House Foreign Affairs

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62 Ibid.
64 Ibid.
Committee on 23 July 1980 said: "no country should be judged by the first explosion. The first could be for "political reasons". A single explosion, he pointed out, was not sufficient to become "a member of the nuclear club". He suggested a compromise formula i.e. release of the first shipment i.e. about 20 tons of fuel to the plant and the second shipment only when the administration gave an assurance to the Congress that India was not involved in manufacturing nuclear weapons.

House of Representative Jonathan, B. Bingham (Democrat- New York), introduced H.J Resolution 367-368 on 23 July 1980 to disapprove the proposed export of nuclear fuel for Tarapur Atomic Power Station. Both these resolutions were referred to the Committee on Foreign Affairs. The Committee met in an open session on 26 July to consider supply of nuclear fuel issues. However, on the same day (26 July), Carter approved the shipment of nuclear fuel to India stating that the US was bound by previous commitments of 1963 to supply the fuel.

On 10 September 1980, both the Senate Foreign Relations Committee and House of Representatives Foreign Affairs Committee voted against the shipment of fuel to India. Later, the matter went to the floor of both the Houses of Congress. On 18 September 1980, the House disapproved Carter's decision to comply with the Indian nuclear fuel requests.

In the Senate, a serious debate on the nuclear fuel sale to India took place on 23 and 24 September 1980. While discussing Carter's decision on the supply of fuel to India in the Senate, on 23-24 September 1980, Senator

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67 See Raj. n.15, p.264.
68 Ibid.
69 Ibid.
71 Ibid.
73 Congressional Quarterly Almanac, n.70, p.339.
75 Ibid, p.2871. Also see Donnelly and Kramar, n.57, p.10.
Charles H. Percy, (Republican – Illinois) supported supply of fuel to India.\textsuperscript{76} Participating in the debate, Daniel P. Moynihan, former ambassador to India (1973–1975), argued in the Senate that it was useless to force India to agree the NPT. He said, "the real question about our non-proliferation policy is whether it is possible with respect to the Republic of India... it is not."\textsuperscript{77}

In the Senate although a serious discussion took place on 23 and 24 September 1980, under pressure from the Carter administration, it approved on 24 September 1980, the sale of 38 tons of nuclear fuel to India.\textsuperscript{78} Since the concurrence of both the House and Senate was required to stop the export, the Senate decision led to the clearance of the license. The NNPA of 1978 which provided 18 months grace period till March 1981 negated confrontation over the supply of fuel to India. The Carter administration failed in its effort to convince India to accede to the NNPA of 1978 nor abrogate the Act.

Ronald Reagan of the Republican Party became the President of the US in 1981. His administration did not take a tough stance on the nuclear policy towards its allies such as Pakistan. Since the Afghanistan crisis erupted in 1979, and the USSR was actively involved in the crisis, Reagan concentrated more on containing the Soviet Union than concentrating on nuclear non-proliferation policy.

In the annual military budget statement for 1981, the Reagan administration emphasized the importance of improving its military balance in South-West Asia, more so as it considered Pakistan to be a part of it (South West Asia). It committed itself to support friendly regional governments against politically and potentially hostile States and groups.\textsuperscript{79} The Reagan administration intended to further cement its bonds with Pakistan, in this direction, it called for a fuel cut off to India in 1981\textsuperscript{80} while exempting some of the countries like China, Pakistan and Japan of non proliferation controls.

\textsuperscript{77}Ibid., p.2873.
\textsuperscript{78}Ibid., p.2871. Also see Donnelly and Kramar, no.57, p.10.
\textsuperscript{79}See USICA (New Delhi), 7 February 1981.
\textsuperscript{80}Nucleonics Week, 5 February, 1981.
\textsuperscript{81}(1) The Reagan administration permitted export of American nuclear technology.
Reagan administration's reckoned interest in the South Asia and South West Asia was more realistic in military tenor than that of Carter's. Despite this stance of President Reagan, on 21 October, Senate imposed a ban on US aid to Pakistan and India if they manufactured nuclear bomb. It also approved the Glenn amendment requiring the President to report to Congress annually on Pakistan's nuclear program and efforts to develop a nuclear explosive device. It also restrained the President from using his powers to waive the Symington Amendment if Pakistan and India exploded a nuclear device.

In 1981, there was a positive turn in the Indo-US dialogue over the Tarapur issue. There were three rounds of negotiations between the two countries to resolve the issue. A team led by Sethna, and Eric Gonsalves, India's Foreign Secretary met the US team led by James Malone, Assistant Secretary of State for Oceans and International Scientific and Environment Affairs in April, July, and November 1981. At this meet Washington sought to arrange a surrogate supplier to Tarapur, keeping controls on the fuel and reactors intact. However, India rejected this proposal. Consequently the three rounds of talks held on 16-17 April, 30-31 July and on 12 November 1981 failed.

to China which rejected the NPT. It even did not seek to prevent the retransfer of the US technology imported by China from the US. See Daniel Hurner and Paul Leventhal, "The US China Nuclear Agreement. A failure of executive policy making and Congressional oversight". The Fletcher Forum, Winter 1987, pp. 105-122 cited in Chellaney, n.33, p.119.
(iii) It ignored the reports which revealed the Chinese involvement in the Pakistani nuclear programme. In September 1986 both China and Pakistan signed an agreement on nuclear cooperation. According to reports the Chinese Scientists had been visiting the Kahota enrichment factory. Pakistan advance in nuclear technology was due to aid from China. See, "Pakistan's Atomic Bane" Foreign Report, 12 Jan 1989, pp.1-3, cited in Chellaney, no.33, p.119

(iii) The US had given a 30 year authorization to Japan to extract plutonium from the US spent fuel. It also permitted Norway and Sweden similar approval for 30 years to reprocess the spent fuel from the US before the expiry of the agreement. See Chellaney, n.33, p.119.
(iv) Due to its geopolitical interest in South West Asia, the US had shown least interest in its nuclear policy towards Pakistan. See Gerard C. Smith and Helana Cobban, "A Blind Eye to Nuclear Proliferation". Foreign Affairs, Vol.68, no.3, Summer 1989, pp. 53-54.

83See ibid. For text see Symington Amendment, Appendix XIV, p.A-22.
84The Hindu, 15 November, 1981.
However, the US cautioned India that it could invite legislation, stipulating a cut off of US export - import Bank credit, if India violated any of the IAEA safeguards or an agreement for cooperation.85

The Janata government resigned on 15 July 1979, Charan Singh formed a coalition government on 28 July. However, the coalition resigned on 22 August. The President dissolved the Lok Sabha and called for election in December 1979. Charan Singh was not able to give importance to the nuclear policy.

With the collapse of Charan Singh government, mid term election was held on 3-5 January 1980. Congress (I) regained majority in the election and assumed power. When Indira Gandhi, the Indian Prime Minister, visited the US in July 1982 and as a consequence of this visit, the two countries came to an understanding on the fuel supply issue to Tarapur. It was agreed upon by both to invite a third party to supply fuel to Tarapur under the 1963 agreement.86 The US felt that allowing a substitute fuel supplier was the only way to ensure that the safeguards remained in force at Tarapur. In 1979 the Soviet Union offered to supply uranium to India. But the US government favoured France as the supplier rather than have the Soviet Union do it. The US did not want the Soviet Union to have a fuel deal with India.

In this light, on 26 November 1982, Sethna and Andre Rose, the French Ambassador to India, signed an agreement for the supply of fuel to the Tarapur atomic plant.87 As per this deal France agreed to sell 200 tons of low enriched Uranium to Tarapur every year in lieu of the US supply within the framework of the 1963 agreement.88

85 The US Export - Import Bank Act which was amended in 1977 incorporated a provision, by which the Secretary of State could report "certain undesirable foreign nuclear actions" to the Bank, after which the Bank could disapprove any financial transaction involving a nation engaged in such activities. This could be overridden if the US President certified that it would be in the national interest to do so. The sections triggering actions include the violations, abrogation or termination of IAEA safeguards or of a bilateral agreement for cooperation with the United States. See Warren H.Donnely, The Nuclear Non-Proliferation Act of 1978, law 97-242. An explanatory, Congressional Research Service Report, No.8-1983 (Washington, D.C. Library of Congress, October 1978), pp.26-27.


87 For details see Indo-French agreement of 1982, Appendix XXIV, p.A-56.

88 This commitment was "subject to the safeguard provided for in the 1963 cooperation agreement between India and US and in the 1971 bilateral agreement between US, India and IAEA". For full text see India-Atomic Energy Cooperation for Civil Uses, Appendix XV, pp.A-29-35.
Thus all the three countries achieved their goals: India received fuel, though it was delayed, without agreeing to any new conditions, the US had managed to keep IAEA safeguards on the Tarapur plant and France by supplying fuel to India received several million dollars in return.

Reagan, unlike his predecessor wanted to couch US nuclear policy in political terms. This was reflected in Richard T. Kennedy, former NRC commissioner statement that the US non proliferation had to turn away from the unilateral approach of the Carter administration to a cooperative approach “an approach in which we work together (with India) to reach an agreement as to how our nuclear relations will be conducted”.89 Reagan’s nuclear non proliferation campaign aimed at projecting the US as a benign state, eschewing compulsion on non nuclear States.90

PAKISTAN AS A FACTOR IN INDIA’S NUCLEAR PROGRAM

In the 1970s, Pakistan felt the need to develop its nuclear capability for two reasons:

a. to retain the lost prestige consequent to the 1965 and 1971 conflict with India and
b. to neutralize India’s military power and to pose a deterrent for future conflicts with India.91

Pakistan, like India, did not agree to be a party to the NPT since 1968. It has been, on the one hand, arguing that the treaty is discriminatory and on

89 Cited in Chellaney, n.33, p.121.
Jimmy Carter passed NNPA of 1978 which imported restrictions against its recipient countries.
90 Secretary of State, George Shultz, stated on 1 November 1984, stated Reagan’s policy on non proliferation: The struggle we are waging is not on the battlefield. It goes on in the quiet of diplomatic chanceries, at meetings of technical experts, and in safeguards laboratories. Success is measured not in terms of territory liberated or new allies gained, but rather in terms of confidence established, restraints voluntarily accepted, and destabilizing military options foregone”. Cited in Leonard S. Spector, “non-proliferation: The Reagan Record”, Arms Control Today (Washington, D.C.), January 1985, p.2.
the other it has held that it would sign the treaty if India does. It has
linked its nuclear policy with India's approach towards nuclear proliferation.
Pakistan tried to illegally obtain material for its nuclear weapons
programme. 92 There were a number of reasons which motivated Pakistan to pursue
its nuclear programme. 93

Pakistan regarded India's nuclear development and its test of a nuclear
device as a threat to its security. It was involved in an armed conflict with
India three times in 1948, 1965 and 1971 and felt that India could attack it
in future too. This uneasiness was further stimulated by India's involvement
in South Asian affairs, in particular India's military assistance to Sri Lanka
in 1987. 94 In addition to its efforts to become a nuclear power in response to
India's nuclear test in 1974, Pakistan introduced a proposal of Nuclear Weapon
Free Zone (NWFZ) in the United Nations General Assembly in the same year
(December 1974) to stop India from becoming a nuclear power. 95

93Following factors can be cited as reasons for Pakistan a launching nuclear
programme:
a. India's PNE in 1974 being reckoned as a security threat to Pakistan,
b. to develop a nuclear programme as a bargaining tool, which would increase
Pakistan's bargaining power so as India join a mutually binding agreement
against the production of nuclear weapons, strengthen its position in any
future arms control and disarmament talks involving India,
c. to gain parity with India;
d. reduce India's superiority;
e. to use it as a deterrent against India;
f. 1979 Afghanistan crisis forced Pakistan to have nuclear weapon
capabilities; g. not signing the NPT and link it up with India, and
h. using the NPT as a diplomatic tool to establish its nuclear non
proliferation credentials. It sought to legitimise its nuclear programme.
94In this regard it is important to note that as early as August 1983, Indra
Gandhi making a statement in the Lok Sabha regarding the ethnic crisis in Sri
Lanka said "India stands for the Independence, unity and integrity of Sri
Lanka, India does not interfere in the internal affairs of other countries.
However, because of the historical cultural and much other close ties between
the people of the two countries, particularly between the Tamil community of
Sri Lanka and us, India cannot remain unaffected by such events there".Cited in
95"See U.N. Disarmament Year Book (New York: U.N. Publications), Vol.9, no.6,
NUCLEAR WEAPON FREE ZONE (NWZ)

The NWZ proposal is a zonal approach to the nuclear proliferation issue. It envisages a halt to the proliferation of nuclear arms at the regional level. This had been discussed in the General Assembly since 1956 with reference to geographical areas mainly Central Europe, Africa and Latin America. Due to differences between the Soviet bloc and the Western bloc regarding the de-nuclearisation of Central Europe, the proposal was not approved. In December 1960 eight African countries, viz, Ethiopia, Ghana, Guinea, Mali, Morocco, Nigeria, the Sudan and the United Arab Republic submitted a proposal to the General Assembly calling upon all States to stop carrying out nuclear weapons or ballistic weapons test in Africa; and also to eliminate all bases and launching sites in Africa. In 1961 they revised the 1960 draft and submitted it to the General Assembly, to make Africa a denuclearised zone. This was supported by six others—the Democratic Republic of the Congo, Liberia, Sierra Leone, Somalia, Togo and Tunisia. On 24 November 1961 the UN General Assembly adopted a resolution to calling upon member States:

1. to refrain from carrying out or contriving to carry out nuclear test in any form in Africa;
2. to refrain from using the territory, territorial waters or air space of Africa for testing, storing or transporting nuclear weapons;
3. to consider and respect the Continent of Africa as a denuclearised zone.

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96 NWZ envisaged:
a. the total absence of nuclear weapons and delivery vehicles in the zone;
b. the establishment of an international system of verification and control of the foregoing; and
c. the boundaries of general circumstance of the zone". Cited in Ibid.

97 Ibid.

98 The Soviet Union wanted to establish NWZ in Central Europe and also stated that the denuclearised status of the territory of even a single country should be accepted. However, the US and its allies argued that NWZ should be acceptable to all countries of the geographical area in which the zone is situated. See The United Nations and Disarmament 1945-1965, n.9, p.209.

99 Ibid., p.211.
100 Ibid., p.212.
101 Ibid.
102 On 24 November 1961 the resolution no. 1652 (XVI) was adopted by the Assembly
In 1962, in the General Assembly Brazil submitted a draft co-sponsored by Bolivia, Chile and Ecuador, to establish the NWFZ in Latin America.\(^{103}\) Latter, on 27 November 1963, the Assembly adopted a resolution to implement NWFZ in Latin America.\(^{104}\) It called upon member States not to manufacture, receive, store or test nuclear weapons or nuclear launching devices.\(^{105}\)

Pakistan introduced the NWFZ proposal for South Asia in the UN General Assembly on 15 November 1974.\(^{106}\) The resolution was adopted in the Assembly.\(^{107}\) The proposal called upon the member States of South Asian States:

1. to use nuclear material for peaceful purposes and to prevent the testing, use, manufacture, production, acquisition or storage of any nuclear weapons or nuclear launching devices;
2. agree to non-discriminatory system of verification and inspection to ensure that nuclear programme are in conformity with the commitments;
3. undertakings by nuclear weapon States not to use or threaten to use nuclear weapons against the States of the region.\(^{108}\)

This proposal in the General Assembly has been adopted every year thereafter but India has been against it. This proposal has been adopted to make South Asia a NWFZ.

\(^{103}\)Ibid, p.216.

\(^{104}\)On 27 November 1963, the Assembly adopted the resolution of 1911(XVIII) to implement NWFZ in Latin America by 19 votes to none, with 15 abstained Ibid, p.218.

\(^{105}\)Ibid.


\(^{107}\)The resolution 3265 B-XXIX was passed by 96 votes to 2 India and Bhutan opposed the proposal and thirty six abstained.

India along with Bhutan opposed Pakistan's proposal on the ground that "prior consultations leading to agreement among the countries concerned should take place before endorsement by the General Assembly". India further maintained "South Asia could not be considered a zone, and the presence in Asia of countries belonging to military alliances and the existence of nuclear weapons would have a vital bearing on the viability of a nuclear weapon free zone." For details see UN Year Book 1974, Vol.28 (New York: UN Publication, 1974), p.20.

CHINA AS A FACTOR IN INDIA'S NUCLEAR PROGRAMME

The Chinese factor weighs greater than Pakistan in India's nuclear policy. The Sino-Indian war of 1962 made India and China adversaries. Later, a series of nuclear tests conducted by China since 1964, made India uncomfortable. Its alleged transfer of nuclear weapons and designs to Pakistan has brought about a different dimension to the security of South Asia. Though not a part of South Asia, China is a force to reckon with. An arrangement of South Asia without this is unrealistic, more so as China has increased its nuclear weapons and missile capabilities over the years.109

Since both India and China had battled in 1962, the nuclear threat from China looms large with a possibility of India being blackmailed in future. This was further buttressed by fact that China sent a cease fire ultimatum to India, during the Indo-Pakistan war of 1965. In 1971 also, China declared that it would firmly support the Pakistani government and people in their struggle to safeguard its sovereignty and national independence.110

China has advocated a NWFZ proposal in South Asia, because it can enjoy military supremacy in the region.111 In 1960, China did not acquiesce to the NWFZ in its region. It wanted the NWFZ to cover the territories of its principal adversaries.112 It severely criticized the NPT also In 1966 it called the treaty "absolutely unjust and unfair".113 It termed it "a monstrous fraud, (as)...the non-nuclear countries are not allowed to have anything whatsoever to do with nuclear weapons ....".114 It declared that it "will

113 Cited in Babu, n.2, No.64, p.67.
114 Ibid.
never be party to the (NPT)...to deprive the non-nuclear countries of their rights... "115 However, on 10 March 1992 China acceded to the NPT.116

For Pakistan, "China's involvement (in South Asia) is a long term counter weight to India".117 It was not averse to China expanding its influence in the region. On 2 March 1963, it entered into an agreement with China. The agreement covered the 300 mile frontier between China's Sinkiang Province and the Pakistani controlled section of Kashmir, claimed by India.118 This agreement accorded China 2,050 square miles of the 3,400 square miles of disputed territory of Pakistan controlled Kashmir and in turn Pakistan was able to retain the remaining 1,350 square miles in the Oprang valley (Pakistan Occupied Kashmir), and 750 sq.miles of salt mining areas above the Darwaza Darban pockets to the East of Shimshal Pass and the Darwaz Pocket itself.119 India questioned the agreement on the ground that China had no right to have a frontier treaty with a country with which it did not possess a common boundary.120

The relationship between China and Pakistan caused a sense of unease in India. In 1965, though China did not involve itself in the war between India and Pakistan, it supplied Pakistan arms worth $28 million that included T-55 tanks, Chinese variant of MIG-193 fighters.121

115 China further argued "so called nuclear non-proliferation means that the nuclear weapons should be regarded as something to be monopolized by the two nuclear overlords... and that only they and they alone are to possess such weapons, not any one else. It means ... that other countries should be deprived of their right to defense by developing nuclear weapons to combat US nuclear black mail. See Babu, n.2, p.67.

116 The Chinese Foreign Minister, Qian Qichen, reckoned his government's decision as a "major step in a process towards the complete prohibition and thorough destruction of nuclear weapons." He also denied that his country in the past "advocated, encouraged, or engaged in the proliferation of nuclear weapons" and promised that China would seek to prevent the spread of nuclear weapons and work for nuclear disarmament. See Keeessing's Record World Events (New Jersey : Keessing's Record of World Events), Vol.38, no.3, 1992, p.3854


119 Ibid.

120 Ibid.

121 M.A. Chaudhry, "Strategic and Military Dimensions in Pak-China Relations", 204
In July 1966 both countries further signed an agreement according to which China agreed to supply arms worth $120 million which included 100 T-59 tanks, 80 F-6s and 10 IL-28 Bombs. It also agreed to equip 3 infantry division and help found an ammunition factory near Dacca which is now the capital of Bangladesh. It was estimated that from 1965 to 1985, China supplied arms to Pakistan which amounted to $338.383 million. China reportedly transferred nuclear weapon designs to Pakistan. Thus, Pakistan was instrumental in drawing China into the region in a big way with military linkages.

INDIA’S NUCLEAR STANCE

India’s nuclear programme started immediately after independence. On 27 August 1947 there was a meeting of the Atomic Energy Research Board and consequently the Atomic Energy Commission (AEC) was formed on 10 August 1948 under the Atomic Energy Act of 1948. Prior to the establishment of the AEC, Jawaharlal Nehru, the first Prime Minister, emphasised the importance of nuclear energy in the country’s development and the need for the peaceful uses of nuclear power. As early as 22 January 1947, speaking in the Constituent Assembly, he said "the human spirit will prevail over the atom bomb". Further on 6 April 1948 in the Assembly, he stated "if India was forced to use atomic energy for purposes other than peaceful, no one could stop India from using energy". This has remained the mainstay of Indian nuclear policy to this day.

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123 Jain, n.111, p.124. Also see Arms Supply to Pakistan and India from US, China, and USSR respectively during 1970-1979 & 1980-1988, Appendix XVII, pp.40-44.
126 India Constituent Assembly Debates (New Delhi: Publication Division, Government of India), Vol.5, no.1, 6 April 1948, pp.3333-3334.
The Indian Atomic Energy Commission was renamed as Department of Atomic Energy in 1954. Nehru opposed Pakistan joining the South East Asian Treaty Organization and Central Treaty Organization in 1954 and 1955 respectively. His advocacy throughout his term as Prime Minister, was that a nuclear programme should be peaceful and for economic development. He was against international control of atomic energy. While discussing Eisenhower's "Atoms for Peace" proposals in the Parliament on 10 May 1954 he questioned "who were going to control atomic energy internationally". However, he also stated that his country would limit its independence of action in nuclear energy for the common good of the world. Homi Babha, the pioneer of atomic energy in India also shared similar views on IAEA. India's nuclear policy was spelled out categorically by Jawaharlal Nehru, at the inauguration of India's first nuclear reactor Apsara at Trombay, near Bombay, on 20 January 1957.

In 1963 India decided to construct nuclear reactors - the first Canadian Deuterium Uranium Reactor (CANDU) station at Rawatbhat in Rajasthan with two 220 Mwe (gross) Pressurized Heavy Water Reactor (PHWR) units. India and Canada signed an agreement in 1963 and started its construction in December 1965.

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127 Jawaharlal Nehru stated: "We are prepared in this, as in any other matters, even to limit, in common with other countries, our independence of action for the common good of the world. We are prepared to do that, provided we are assured that it is for the common good of the world and not exercised in a partial way, and not dominated over by certain countries, however good their motives". See Jawaharlal Nehru, India's Foreign Policy: Selected Speeches September 1946–August 1961 (New Delhi: Publication Division, Government of India, 1961), p.193.

128 Homi Babha opined: "If ... a large part of the world is subject to controls and the other free of them we will stand on the brink of a dangerous era sharply dividing the world into atomic 'haves' and 'have nots' dominated by the Agency. Such a division would in itself, by creating dangerous tensions, defeat the very purpose of safeguards; that is, to build a secure and peaceful world". Cited in Paramjpe, n.7, p.18.

129 Nehru stated: "No man can prophesy the future. But I should like to say on behalf of my Government and I think I can say with some assurance on behalf of any future government of India that whatever might happen, whatever the circumstances, we shall never use this atomic energy for evil purposes. There is no condition attached to this assurance, because once a condition is attached, the value of such an assurance does not go very far". Cited in Jawaharlal Nehru, Jawaharlal Nehru's Speeches 1953–57 (New Delhi: Ministry of Information and Broadcasting Publication Division, Government of India, 1958), p.507.

130 CANDU is the most common heavy water reactor, fueled with natural Uranium and cooled and moderated by heavy water.
1964. The first unit became operational in 1973 and the second (commercial) unit began in 1981.  

India also concluded an agreement with the US in 1963 on nuclear cooperation. The 1963 agreement with the US enabled India to obtain nuclear fuel from the US for the Tarapur Plant. Though Nehru rejected the IAEA safeguards proposal, he agreed to place two plants (Tarapur reactor project and Canadian supplied reactor called RAPP I) under safeguards in 1963 and later Prime Minister Indira Gandhi added another plant (RAPP II) in 1968. This proved that although India verbally rejected the international inspection, it accepted inspection for its three reactors.

India agreed to approve the partial Test Ban Treaty (PTBT) in October 1963. It envisaged to take measures to stop the spread of nuclear weapons to non nuclear weapon powers.

On 25 March 1963, while discussing the allocation of grants to the Department of Atomic Energy, Nehru maintained that it was wrong to assume that by producing a bomb, India’s defense would be strengthened or if China by conducting a nuclear test would become militarily stronger. Nehru was a moralist than a realist. His attitude towards nuclear policy revealed that he was not able to grapple with the reality of international arena, which was ever changing.

Lal Bahadur Shastri became the Prime Minister in 1964. In the beginning, he also followed Nehru’s policy. But the Chinese atomic bomb

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131 The second unit got delayed because Canada was unhappy of India’s peaceful nuclear explosion in 1974.


133 Kapur, n.112, p.214.


135 Nehru stated: I say, this from the most practical point of view, apart from the moral and ethical which are important, that it is right that we should adhere to our decision not to use atomic energy for the production of any weapons”. Further he said “on the one hand, we are asking the nuclear powers to give up their tests. How can we, without showing the ultimate in sincerity of what we have always said, go in for doing the very thing which we have repeatedly asked the other powers not to do” Cited in G.G. Mirchandani. India’s Nuclear Dilemma (New Delhi: Popular Book Services, 1968), p.28.
explosion in 1964 brought about a change in India's nuclear policy. India stressed upon security and sought to link with the disarmament of the nuclear powers. On 24 November 1964, Shastri announced that his government continued to oppose using nuclear programme for military purpose. However unlike, Nehru, he changed the country's stand on nuclear programme. This is so as his government's commitment to the policy of nuclear abstinence underwent a change in 1964. Speaking in the Lok Sabha on 24 November 1964 he said "I cannot say that the present policy is deep rooted, (and) would not be changed. An individual may have a certain static policy, but in the political field we cannot do so. Here situations alter, changes take place, and we have to mould our policies accordingly. If there is need to amend what we have said today, then we will say, all right let us go ahead and do so." However, he maintained that manufacturing a bomb was a danger to the world peace and rejected it.

After China acquired the atom bomb in 1964, India considered it as a threat and sought to obtain an assurance for its security from the nuclear powers. Shastri, while reacting to the Chinese nuclear explosion said "the Chinese blast was a shock and danger to the maintenance of world peace." Speaking in this regard, in the Lok Sabha on 9 December 1964 he stated that the US and the USSR had to take responsibility to protect the non-nuclear weapon States from nuclear threat. However, the Super Powers did not give any assurance to India, in this regard.

137 Asian Recorder (New Delhi), Vol.10, no.52, 23-31 December 1964, p 6208
138 Lok Sabha Debates, Vol.35, no.7, 24 November 1964, col 1570
139 Ibid.
141 Speaking at a press conference in Great Britain on 4 December 1964, Shastri said "It was for the nuclear powers to provide some kind of guarantees which were needed not only by India but also by all other non-nuclear countries". Cited in Foreign Affairs Records (Ministry of External Affairs, New Delhi), Vol.10, no.12, 12 December 1964, p.329. Also see Hindustan Times (New Delhi), 17 December 1964.
142 Lok Sabha Debates, Vol.36, no.18, 19 December 1964, col.4061.
When Shastri attended the annual session of the Indian National Congress at Durgapur, on 20 January 1965, he was asked at a press conference about the country's current nuclear policy. He replied "when I say for the present, the present is a very long period. It is not going to be a short one.... I cannot say anything as to what might happen in the distant future. So long as we are here, our policy is clear that we do not want that atom bombs should be manufactured in India".143

In 1967, Indira Gandhi— the daughter of Jawaharlal Nehru— was sworn in as the Prime Minister of India on the death of Shastri at Tashkent where he had gone to meet Mohammed Ayub Khan, the President of Pakistan (1958-1969), at the behest of the Soviet leadership of Alexie Kosygin (1964-1979). As Prime Minister, Indira Gandhi also followed Nehru's policy till early 1970s. Later, she advocated the development of nuclear programme for the nation and kept the nuclear option open.

During Shastri's government (1964-1967), she was the Minister for Information and Broadcasting. It was the first time she entered the Lok Sabha as a member. In an interview on 22 October 1964, she had stated that India was capable of producing the bomb within 18 months but would not digress from its policy i.e use of atomic energy for peaceful purposes only.144 When she became the Prime Minister in 1969 she followed to suit with regard to the nuclear issue. Speaking in the Lok Sabha in 1968, about her government's nuclear policy- she expressed that India should develop her atomic energy programme for peaceful purposes.145 K.C. Pant, Minister for Irrigation and Power said "India has repeatedly announced that she is not making an atom bomb and that she is developing her atomic energy programme exclusively for peaceful purposes. Our programme of atomic energy development for peaceful purposes is related to the real needs of our economy and would be effectively geared to the same".146 Indira Gandhi's successors— Morarji Desai and Rajiv Gandhi also followed the same policy.

143Vrindeshwar, n.135, p.35.
146See Ibid, cols.277-278.
INDIA AND US-TARAPUR ISSUE

The US and India concluded an agreement in Washington on 8 August 1963 for cooperation concerning the civil uses of atomic energy. The 1963 agreement neither contained explicit nor implicit prohibition of a peaceful nuclear explosion. The US State Department informed the Congress that the heavy metal sold by the US was not used in producing the plutonium for the nuclear test. India agreed to abide by the safeguards on the reactors (Tarapur Plant) only because it was getting nuclear fuel from the US. India contended that no provision would remain in force, after the agreement expired in 1993. India legally would not be bound to any provisions of the agreement. India maintained that it would not accept any rights and obligations from either the US or France over its plant after the expiry of the agreement in 1993. There was no logic for US asking India to adhere to these obligations after 1993. The concept of perpetuity was unknown when the agreement was signed. Thus the US was not justified in demanding the safeguards to be continued on the Tarapur Plant even after 1993.

INDIA'S ATTITUDE TOWARDS THE NPT

The NPT was signed on 1 June 1968 and came into force on 5 March 1970. The treaty recognized a nuclear weapon State (NWS) as one which exploded a nuclear weapon or nuclear device prior to 1 January 1967. Under this clause

147 See India-Atomic Energy: Cooperation for Civil Uses, Appendix XV, pp A-29-35

148 See Article VI(A) in the 1963 Agreement, see Ibid.

149 Prime Minister, Indira Gandhi statement in the Lok Sabha, see Lok Sabha debates, Vol.31, no.26, 17 August 1982, col.6.

Article X of the 1963 agreement envisages that the agreement "shall remain in force for a period of thirty years" and there is nothing mentioned that the rights and obligations would continue after the agreement expired. There were speculations about the Plant after the expiry of the agreement of 1963. They were

(a) the Tarapur reactors could be converted into military production,
(b) India could use all of plutonium for bombs; and
(c) it could transfer the Tarapur plutonium to any country. See Gary Milhollin, "Stopping the Indian Bomb", American Journal of International Law (Washington D.C), Vol.81, no.3, July 1987, p.600.


US, USSR, UK, France and China are considered as NWSs. The rest of the countries have been branded as non-nuclear weapon States (NNWSs). The treaty restricts the NNWS from developing nuclear weapons or nuclear bombs. At present 144 countries (including France and China) have approved the treaty.

India considered the NPT as discriminatory, that divided the nations into two categories, the 'nuclear haves' and the 'have nots'. Its rejection of the treaty centered around the following:
a. the treaty was framed by the Super Powers and not by the Eighteen Nations Disarmament Committee, which was the genuine representative of the forces involved in international relations;

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b. the treaty failed to provide equal treatment between the NWSs and NNWSs. The former only agreed to negotiate to reduce their nuclear arsenals where as the NNWSs were required not to develop nuclear weapons;
c. the treaty did not oppose the NWSs manufacturing arms but did not allow the NNWSs to pursue nuclear programme even for peaceful purposes;
d. the treaty violates Article I and II of the UN Charter. 153

152 Moshaver, n.134, p.119.
153 Article I of the UN Charter calls up on the member States:
(1) to maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
(2) to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
(3) to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and
(4) to be a center for harmonizing the actions of nations in the attainment of these common ends.
Article 2 maintains:
(1) The organization is based on the principle of the sovereign equality of all its Members.
(2) All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith and obligations assumed by them in accordance with the present charter.
(3) All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not
Criticising the NPT, M.A. Hussain, the Ambassador of India to the UN, said in a statement at 57 meeting of the First Committee of UN on 14 May 1968 that there were also several other reasons for India's objections to the NPT.

(4) All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

(5) All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action.

(6) The Organization shall ensure that States which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

(7) Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under chapter VII. Cited in Charter of the United Nations and Statute of the International Court of Justice (New York: United Nations, 1990), pp. 3-5.

M.A. Hussain cited the following reasons for rejection of NPT:

i. The treaty did not ensure the non-proliferation of nuclear weapons but only stopped the dissemination of weapons to non nuclear weapon States without imposing any curbs on the continued manufacture, stockpiling and sophistication of nuclear weapons by the existing nuclear weapon States.

ii. The treaty did not do away with the special status of superiority associated with power and prestige conferred on those powers which are possessing nuclear weapons.

iii. The treaty did not provide for balance of obligations and responsibilities between the nuclear weapon States and non nuclear weapon States; while all the obligations were imposed on NNWSs, and not on NWSs.

iv. The treaty did not take a step by step approach towards nuclear disarmament.

v. The treaty did not stop any NWS to assist another NWS in nuclear programme.

vi. Article VI did not create a judicial obligation in regard to cessation of nuclear arms race at an early date.

vii. The treaty imparted a false sense of security to the world.

viii. The treaty was discriminatory in regard to the peaceful benefits of nuclear expositions.

ix. The treaty was discriminatory in regard to the safeguards and controls which were imposed on the non nuclear weapon States.

x. The security assurances to the Nuclear weapon States could not be quid pro quo for the acceptance of the treaty. This must be obligatory for nuclear weapon States. Cited in K. Subrahmanyam, "Indian attitudes towards the NPT" in SIPRI Year Book 1974 (Stockholm: The MJ Press, 1974), pp.259-260.
India considers all States to be equal and, it could not acquiesce with discrimination. It rejects the division of States into 'nuclear haves' and 'nuclear have nots'. Before the NPT came into force, China started exploding nuclear device since 1964 had become a threat to India. It maintained that the NNWSs must be given legal security against the use of nuclear weapons by the NWSs. In addition to the treaty being discriminatory in nature, the Chinese threat to its security was also a reason for its refusal to accede to the treaty. India had signed the Partial Test Ban Treaty in 1963 though discriminatory since at that juncture the China's nuclear threat was non-existent. India doubted the sincerity of the NWSs towards nuclear non proliferation in the world. The NWSs supplied technology to NNWSs to develop nuclear weapon programme which is against the Article V of the NPT.155

INDIA'S VIEW ON NUCLEAR WEAPON FREE ZONE

India declined adherence to the proposal of a Nuclear Weapon Free Zone (NWFZ) in South Asia introduced by Pakistan in the UN General Assembly in 1974.156 It's argument in the Assembly on 22 November 1974 was that consensus among the countries should take place before introducing the resolution on NWFZ in the Assembly.157 It stated that it was not possible to agree to the proposal of NWFZ in South Asia, as it should essentially encompass countries

155 The major buyers of the weapons are Iraq, Afghanistan, Cuba, Iran, Libya, South Yeman, Ethiopia, South Africa, Nicaragua, Cambodia etc. For details of Article V of the NPT see Treaty on the Non Proliferation of Nuclear Weapons(NPT), Appendix.XIX, pp.A-45-49.
Between 1982 and 1989 the US arms sale to NNWSs was $56 billion, France $24 billion and Great Britain $21 billion, Italy $5 billion, Spain $4 billion, North Korea $3 billion, West Germany $5 billion, Czechoslovakia $4 billion and Brazil $3 billion.
156 See U.N.Disarmament Year Book, n.95, p.155.
that were engaged in a nuclear programme which was meant for military Purpose
and not to the countries that were involved in a peaceful nuclear programme.
A Nuclear Weapon Free Zone could be attained only if the entire region did not
possess nuclear weapons. India maintained that it could not abide by the
proposal, if it excluded Afghanistan, Central Asia and large parts of the
Indian Ocean. India’s stand on NWFZ differed from time to time. It
supported all proposals to establish the NWFZs in various parts of the world
in 1960s but rejected the NWFZ proposal in South Asia in 1974. It should have
not supported the NWFZs proposal in other regions, because this proposal
prevented vertical and allowed horizontal proliferation which is against the
NNWS policy. It shows that India maintained a double stand.

INDIA’S OPPOSITION TO NUCLEAR PROGRAMME FOR MILITARY PURPOSE

India, since its independence, maintained that it opposes the
manufacture of nuclear weapons. As mentioned earlier, both the Nehru and the
Shastri governments did not support nuclear programmes for military purposes
Indira Gandhi also opposed manufacture of the nuclear bomb. China, which
launched an aggression upon India in 1962, began with the first test in
October 1964.\(^{158}\) Reacting to these developments Indira Gandhi stated in the Lok
Sabha on 1 March 1966 that India did not believe the Chinese explosion of a
nuclear device was “sufficient reason for us to change our policy on the
matter... The policy of restraint which we have adopted must continue”.\(^{159}\)

Similarly, Dr. Vikram Sarabhai, the Chairman of the Indian Atomic
Energy Commission at his first press conference as chairman on 1 June 1966
announced that exploding an atom bomb would only be ‘creating a paper tiger’.\(^{160}\)
He stressed the importance of a complete defense system for India’s security
viz developing long range missiles for delivery and radar early warning
systems. He maintained that instead of a nuclear bomb, the country needs
growth technology and an industrial and strong economic base.\(^{161}\)

\(^{158}\) See Paranjpe, n.7, p.22.
\(^{159}\) Lok Sabha Debates, Vol.51, no.11, 1 March 1966, col.3060.
\(^{160}\) Mirchandani, n.135, p.54.
\(^{161}\) Paper tiger means one that is seemingly dangerous and powerful but is in fact
timid and weak.
\(^{162}\) Ibid.
Swaran Singh, the Minister for External Affairs (1966-1970) in Indira Gandhi's government, in a statement in the Rajya Sabha on 1 May 1966 said that the nuclear powers should give assurance to the non nuclear weapon States and that the latter would not suffer if they gave up their nuclear Programme. Morarji Desai, the Deputy Prime Minister and Finance Minister (1967-1969), who was an advocate of Gandhian principles advocated non manufacture of bombs. He opposed the nuclear programme. He argued that since 1945 India had been demanding banning of the atom bomb and it would not be wise on India's part to go for an atom bomb. He maintained that manufacturing bombs was not a solution to confront China instead India should strengthen conventional forces.

However, Swaran Singh, Minister for External Affairs and Defence (1966-1970), told the Lok Sabha on 10 May 1966 that the nuclear device tested by China posed a threat to India and stated that India had the capability to become an atomic power in a short time. M.C.Chagla, Deputy Minister for External Affairs (1966-1967), announced in the Lok Sabha on 27 March 1967 that since China had become a nuclear power, India's self denying ordinance had been kept under constant review. Despite this, India continued with its policy of not manufacturing a nuclear device for military purposes.

Indira Gandhi realized the importance of self-reliance in defense and development, when the US sent its US Seventh Fleet into the Bay of Bengal during the 1971 Indo-Pak war. Indira Gandhi realised the importance of

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163 See in Mirchandani, n.135, p.50.
164 Ibid.
165 Ibid.
166 Lok Sabha Debates, Vol.55, no.56, 10 May 1966, cols.15712-15734.
168 The Seventh Fleet consisted ten fighting vessels-air craft carrier Enterprise, the amphibious assault helicopter Tripoll, the guided missile frigate King and three guided missile destroyers-Parsons, Decator, and Tartar Sam. The amphibious ships Anchorage and Duluth were steaming with Tripoll. Two medium-size destroyers Bonsol and Bidos were included in the task force. The Seventh Fleet is the largest ship in the world,--a 90,000 toner. It is the
developing a nuclear programme and therefore conducted a peaceful nuclear test at Pokhran on 18 May 1974 to develop nuclear technology for the peaceful uses of atomic energy viz developing of mines, construction of dams and harbours. India's intention of conducting a peaceful nuclear explosion can be comprehended by the statement of Indira Gandhi in the Lok Sabha on 15 November 1972. She said "The Atomic Energy Commission is studying conditions under which peaceful nuclear explosions carried out underground could be of economic benefit to India without causing environmental hazards".\textsuperscript{169}

The test at Pokhran was a peaceful test, carried out 107 meters beneath the ground. India did not breach the 1963 agreement.\textsuperscript{170} The peaceful explosion was part of India's research and development programme. Rejecting the arguments of the Westerners regarding the 1974 explosion, Indira Gandhi stated in a interview to the Danish Television on 28 June 1974 "the thinking of the world has been conditioned by the fact that most nuclear countries have thought of nuclear energy only in terms of military uses. Therefore, they find it very strange that there is a country which has the capacity and which wants to use it merely for peaceful and development purposes".\textsuperscript{171}

There was a debate about the explosion in the Lok Sabha. On 8 August 1974 Samar Guha, an opposition Member of the Parliament, (Forward Block, 1967-1979) wanted to know the purpose of conducting an atomic test.\textsuperscript{172} Several Members of the Parliament supported India's stance. They considered nuclear technology to be very useful and that it would be a boon for its economy. When the US and other NWSs criticized India's test, India stated that if 9,000 nuclear weapons of the US, the USSR and China were the best guarantee for the world security, then India's ten kiloton explosion could pose no threat to the world security.\textsuperscript{173}

\textsuperscript{169}Lok Sabha Debates, Vol.20, no.3, 15 November 1972, col.125.


\textsuperscript{171}Chellaney, n.33, p.39.

\textsuperscript{172}See Lok Sabha Debates, Vol.12, no.14, 8 August 1974, col.204.

\textsuperscript{173}There was a debate in the Lok Sabha on 8 August 1974.
Indira Gandhi maintained that the test was not for military purpose and India did not want to manufacture nuclear weapons. Morarji Desai, who became the Prime Minister in 1977 opposed the nuclear explosions and expressed that his country under his government would not go for any nuclear explosion in future even for peaceful purposes. However, his successor, Charan Singh, who became the Prime Minister in July 1979, declared that India would re-consider its policy regarding manufacture of nuclear weapons, if Pakistan continued its efforts to make the bomb.

With the test, India proved to the world that it had the ability, like the NWS to test a nuclear device. After the test, the Tarapur Plant issue

V.P. Singh, Member of the Lok Sabha (congress I) supported India's action. While reacting to Samar Guha's statement he said that there was a vital difference between the explosion over the Hiroshima and the Pokhran test. He stated "we are categorical that the philosophy of Hiroshima must end and the philosophy of Pokhran must spread". Ibid, col.210.
Reacting to the point raised by Guha that since India was a poor country, it would be costly and would weaken its economy, he said ". . . because we are poor, we need Pokhran. May I ask what was the condition of economy when (the) USSR, China and Britain started their nuclear programmes? Their nuclear programmes were not for development but for mutual destruction. The economy of Russia (sic) and Britain was in shambles after the II World War. China had not recovered from the great fall of its great leap". Ibid, col.211.
P.V.G. Raju, another Congress Member of the Lok Sabha emphasised the importance of nuclear technology for producing energy. He quoted Professor Swamy Gnananand, Professor of Nuclear Physics in Andhra University, who told him when China attacked India that "It is very important that we hold the area (north Assam) because it is very important for us to develop nuclear energy, electric energy in the area". According to Swamy "... the Brahmaputra reaches India in that area ...and then it flows into the valley. On the right hand side and the left hand side of the valley ... about 5,000 to 7,000 meters high, and the Brahmaputra flows in between. Swamiji told that it is possible to produce electricity by blasting tunnels in those mountain and allowing water to flow into these tunnels. We can have first class hydro electric machinery there. We could produce electricity in that area as much as what the whole of Europe is producing today." Cited in Ibid, col.226-227.
Hari Kishore Singh, another Congress Member of the Parliament told in the Lok Sabha that "there is a possibility now that our voice may be heard with respect in the country of nations particularly by those who have acquired nuclear technology for war like purposes." Cited in Ibid, col.236 For others who supported the explosion, see Ibid, cols.254-257.
175 Times of India (New Delhi), 16 August 1979.
became a bone of contention between India and the US. Had it tested the
device before the NPT was signed in 1968 it could have got the status of NWS
or it should have developed nuclear infrastructure before testing, so that it
could have avoided its dependence on external supplies for Tarapur plant. 176

During the Janata government’s rule India tried to convince the US that
it would not conduct any further test and requested it to get fuel to Tarapur
Power Plant. But when Indira Gandhi returned to power in 1980, she warned the
US that India would not tolerate the delay in the supply of nuclear fuel to
the Tarapur Plant. The US administration tried to get an assurance from her
that India would not test any nuclear device, but it failed. 177

In her keynote address at the inaugural session of the Non aligned
Summit in New Delhi on 3 March 1983 Indira Gandhi said that only complete
disarmament could provide peace and security; and as long as the imbalance
prevailed, it would not be possible to stop proliferation. 178 Unlike Nehru and
Desai, she was more of a realist than a moralist. She understood the
essential strategic and defensive dimensions of India’s security needs. When
Rajiv Gandhi became the Prime Minister on the death of Indira Gandhi in 1984,
he too followed the same policies like that of his predecessor of opposing the
NPT, and keeping India’s nuclear options open. He proposed that only the
dismantling of nuclear weapons would be the answer to proliferation. 179 During
his visit to the US in October 1987, he told the US President Ronald Reagan
that India supported total nuclear disarmament. 180 Addressing the United
Nations third Special Session of the General Assembly on disarmament on 9 June
1988, Rajiv Gandhi stated that nuclear weapon States were alone responsible
for the non-nuclear States desire to possess nuclear weapons. 181 He suggested a

176 P.R. Chari, *Indo-Pak Nuclear Stand Off: The Role of the United States* (New
178 See *Economic Times* (New Delhi), 4 March 1983.
179 *Annual Report of Ministry of External Affairs, 1987-88* (New Delhi: Ministry
180 *Rajiv Gandhi* stated “We have no intention of producing nuclear weapons unless
181 For details of Rajiv Gandhi’s speech Disarmament on 9 June 1988 at UN see -
time bound Action Plan.\textsuperscript{182} This global approach had become important to world peace.\textsuperscript{183}

The US has been trying to prevent India from attaining a nuclear status. India advocates global disarmament whereas the US wants to maintain supremacy over the non-nuclear weapon States. The US views the nuclear issue from a global perspective where as India perceives its policy mostly at the regional level. Thus the US and India diverge in their approach as regards the nuclear policy.


\textsuperscript{182} The Action Plan encompassed:
\begin{enumerate}
\item global disarmament by all nations;
\item support to peaceful uses of nuclear energy;
\item opposition to the militarization of outer space;
\item establishment of an integral multinational verification system with the UN;
\item opposition to selective nuclear weapon free zone; and
\item opposition to the discriminatory NPT regime;
\end{enumerate}
For details see \textit{Annual Report of Ministry of External Affairs, 1988-89}, p.52.

\textsuperscript{183} The Action Plan envisaged:
\begin{enumerate}
\item a binding commitment by all nations to eliminate nuclear weapons, in stages and at the latest by the year 2010;
\item all NWSs should work towards disarmament;
\item work towards the common good; and
\item to establish a comprehensive global security system under the aegis of the UN. For details see \textit{Foreign Affairs Reports}, n.181, p.114.