CHAPTER-IV

India's Nuclear Option:
Nuclear-Explosion
Pokhran-II
(A) POKHRAN-II-CAUSES AND MOTIVATIONS:

Twenty four years after its first “peaceful nuclear explosion”, India’s decision to conduct a series of underground nuclear tests in the Pokhran range in Rajasthan, on 11th and 13th May, 1998, known as POKHRAN-II and formally declare itself a “nuclear weapon state” (NWS) marks momentous milestone in the nuclear history of the Nation. The year 1998 signaled “A dramatic shift in India’s nuclear posture”. India renounced its programme of covert nuclearisation, ended indecisiveness on the nuclear issue and openly announced its nuclear ambitions. This shift from disarmament to deterrence exhibit a break away from the convictions practiced earlier.

Ever since the first nuclear explosion in 1974, it was repeatedly insisted that the nation did not wish to make a bomb, supported the cause of complete disarmament yet it would keep its nuclear option open. India’s nuclear behavior had become ambiguous during all lifted.

India brushed aside the US pressure world opinion and also broke a global moratorium on nuclear testing that had been in existence since July 1996 to transform its status to a Nuclear Weapon State (NWS). In response to U.N. Security Council Resolution 1172, it was categorically announced: “India is a nuclear weapon state. This is a reality that cannot be denied. It is not a status for others to grant. The call made in the [U.N. Security Council] Resolution that we

1 India’s Nuclear Policy – From Pleading Disarmament to Building Deterrence, South Asian Voice, June 2000. P.1 (http://members.tripod.com/~INDIARESOURCE/nuclear2.html)

should stop our nuclear programs or missile programs is unacceptable. Decisions in this regard will be taken by the basis of our own assessments and national security requirements, in a reasonable and responsible manner.”

In a categorical statement Prime Minister Atal Behari Vajpayee added, “Out intentions were, are, and will always be peaceful but we do not want to cover our action with a veil of needless ambiguity. India is now a nuclear weapon state.”

The former foreign secretary, J.N. Dixit, commented – “India had crossed the nuclear Rubicon, the Lakshman Rekha, so to say, of reticence regarding nuclear weaponisation to assert and affirm its position as nuclear weapon power.”

The legitimate strategic rationale offered by Indian government for the exercising of its nuclear option referred to the “dangerous nuclear environment in the neighbourhood” that necessitated possession of “a minimum credible nuclear deterrent.”

For almost exactly twenty four years, the military aspects of India’s nuclear policy and programme remained shrouded in a veil of ambiguity. The giving-up of the ambiguity and exercise of nuclear option has been described as a “defining moment in India’s nuclear history and evolution” and marked ‘a watershed’ in independent India’s defence and foreign policy. “The decision to finally shake off a quarter of a century old self-imposed restraint on exercising the nuclear option was indeed a momentous one.”

These tests reflect a strategic change from existential or recessed to minimum deterrence and have ended a regime of existential deterrence in South Asia, which had prevailed for much of

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4 V.N. Khanna, *India Nuclear Doctrine*, Sanskriti, New Delhi, p.70.

5 Ibid, p.70.

6 *Evolution of India’s Nuclear Policy* Paper, p.2.

this decade. Its central features were covert weaponisation involving a small number of fission devices,\(^8\) informal articulation of a no-first-use doctrine,\(^9\) and the presence of only residuary organizational mechanism to deal with nuclear war planning.\(^{10}\) In a sharp break with this situation, India’s Bhartiya Janta Party (BJP) has declared its intention to build openly a minimum deterrent,\(^{11}\) formally articulated a nuclear doctrine of no first use,\(^{12}\) and decided to institutionalize a national command and control authority.\(^{13}\) India now signaled a willingness to put its historical nuclear disarmament agenda on the back burner and join the global non-proliferation regime in exchange for tacit recognition of its nuclear status.\(^{14}\)

India’s exercise of nuclear option requires an incisive and thorough investigation as the factors which triggered this dramatic change bring within their ambit both internal and global circumstances. In fact, sometimes India’s nuclear behavior may seem extremely puzzling but a careful attention unfolds underlying systematic base of India’s challenge to the global nuclear order. The tests “primarily show the discrimination of long-term systemic and sub-systemic processes that began in 1960s.\(^{15}\) To put it in other words, the over-arching cause of India’s nuclear behavior is located with larger global and regional nature of nuclear dilemma facing the country. India often couched its challenge to the non-proliferation regime in normative and idealist terms, such as the sovereign equality

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\(^{9}\) K. Subramaniyam, “Nuclear Force Design and Minimum deterrence strategy for India,” in Bharat Karnad, ed. *Future Imperiled: India’s Security in 1990’s and Beyond*, New Delhi, Viking, 1994, p. 188.


of states and the need for global disarmament. However, these rationales mask the real Indian concern: namely, the non-proliferation regime privileges the five declared nuclear weapon states (NWS) and perpetuates their dominance, while keeping India as an underling in the global power hierarchy. “If the permanent five’s possession of nuclear weapons increases security” commented Jaswant Singh, “why would India’s possession of nuclear weapons be dangerous.”

“In an era of globalization and economic liberalization countries are likely to be sensitive to the adverse effects of international isolation on their economics, and thus, they are likely to avoid provocative nuclear policies.” In fact, most explanations for the nuclear behavior of the two South Asia States, India and Pakistan, emphasize one or more of three factors: the regional rivalries that India has with Pakistan and China, domestic politics, or the predispositions or individual decision makers. “The tests are a particular manifestation of India’s unhappiness with subscribed status in the international system, as well as an effort to correct a perceived deterioration in its immediate geo-strategic security environment in South Asia.

Factors Driving India’s Nuclear Explosion:

The factors, which actually brought change in Indian nuclear policy and necessitated adoption of the decision to go nuclear, can be enumerated as the deteriorating security environment, the pro-nuclear government coming into power, the discriminatory behavior of the members of the nuclear group, a search for “minimum deterrence”, the attainment of an international status, to become accepted as a member of the nuclear club and the other domestic factors.

Pro-nuclear government:

India’s turning point in the history of nuclear development came when an openly pro-nuclear government of Bhartiya Janta Party (BJP) took office in March 1998. It emphatically expressed its determination to put an end to “Indian indecisiveness on the nuclear issue.” The government agenda released by Prime Minister Vajpayee pledged that “on the external front, there shall be no compromise on India’s security needs. We will exercise all options including the nuclear options to protect India’s sovereignty and territorial integrity.” In fact, no Indian government has ever proclaimed so explicitly and showed such a political courage and conviction for exercising the nuclear option.

The National Agenda for Governance of governing coalition resolved to “re-evaluate the country’s nuclear policy and exercise the option to induct nuclear weapons.”\(^{18}\) The declaration made in the BJP Manifesto was inducted in the agenda and had been endorsed by all the 12 coalition partners shows its broad-base of acceptance. It was for the first time that any government in India came into power with a mindset of lifting the veil of nuclear ambiguity and it became apparent that “India was set to adopt an overt military posture.”\(^{19}\)

Interestingly, before the two UF governments, the BJP came into power for a very brief period of 13 days in 1996, and it ordered tests only to rescind the order when it chose to resign rather than face a no-confidence motion in Lok Sabha, India’s parliament. George Perkovich concluded that “Vajpayee recognized that he had the legal authority to authorize tests, but was reminded that the action would have major domestic and international consequences. If the BJP did not survive the pending vote of confidence in the parliament, a


successor government would be left to deal with these consequences of an act that it had not authorized. ... Vajpayee.... Thus asked that the scientists be informed that authorization to test was withdrawn pending the outcome of the confidence vote.\textsuperscript{20} The strategic vision of BJP exhibited that India publicly gave primacy to its national-security considerations and interests over its traditional commitment to global nuclear disarmament.\textsuperscript{21}

For India the tests represent a transformed strategic vision which is based on a redefinition of India’s strategic culture and a view of the long term Chinese threats. A new way of Indian thinking on the issue of strategic culture and India’s strategic needs was elaborated in the book “Defending India”\textsuperscript{22} by Jaswant Singh. Singh argues that although “civilizationally, there is but one India... (the) geographical entirety of India has never been one unified and monolithic state.” Further more, India suffers from “a near total emasculation of the concept of state power, “an absence of a sense of history, and an “absence of a sense of geographical territory.”\textsuperscript{23} This combination, Singh argues, has undercut the ability of India’s leaders to think about India as a strategic entity. He also describes Nehru’s strategically cautious approach\textsuperscript{24} and recognizes that Nehru’s policies continuity within India’s strategic culture, but argues that his legacy consisted of little more than: negative attributes like veneration of the received wisdom; lack of a sense of history and geography; and a tendency to remain static in yesterday’s doctrines.....\textsuperscript{25}

Indian strategic initiatives were readily taken by BJP coalition that broke with the ambivalent past and launched the state in a more

\textsuperscript{23} Ibid, pp. 10, 13, 16 and 17.
\textsuperscript{24} Ibid, pp. 290-291
\textsuperscript{25} Ibid, pp. 58
decisive direction. The BJP, of course, was not the first government to consider nuclear testing. The 1974 test was conducted during the Congress regime, though it had demonstrated technical prowess without military intent and government of P.V. Narsimha Rao evidently planned to conduct nuclear tests at the end of 1925. Sensing the imposition of sanctions from USA he decided to forgo testing because it would have jeopardized the recovery of Indian economy. He was convinced the “that the benefits of India’s robust economic recovery should not be sacrificed on the altar of nuclear deterrence.”

Rao government balanced economic and military security and felt that promising economic future would justify canceling the weapon tests. For BJP’s strategic vision, this balance apparently looked different. Although economic reform was an important element in party’s policy, the threats of sanctions were interpreted as the way for forced self-reliance. The value of creating a visible nuclear deterrent evidently outweighed the value of any economic growth that might have come at the expense of the BJP’s strategic vision.

Evidently the BJP’s ideas differed from those of the Congress Party. In fact, in recent years both wanted to end the nuclear ambiguity but, one did and one did not. BJP balanced she scales between economics and security differently. The two UF (United Front) governments those followed the Rao government, chose not to conduct nuclear tests even though its foundation having been laid by Rao government. Given that three separate government chose not to test, and only one did, the political party in power appears to have been a critical variable. Foreign Minister Singh made the BJP’s aspirations clear: “It axiomatic that unless India gives some definition to its vital national interests, it will fail to even

conceptualize its strategic frontiers. Thereafter, a violation of any of those interests will, unfortunately, go entirely unchecked. In consequence, India’s difficulties will be enhanced, future correctives will be made more difficult, and the country’s national security will be adversely effected. This had been the root of India’s past mistakes; this critical deficiency lies at the heart of its present immobility, both of thought and of action.\(^{28}\)

A key factor in the Indian decision to go overtly nuclear was certainly the test-ban treaty.\(^{29}\) The treaty exercised a tremendous impact on Indian thinking and policy. The CTBT awakened India to the technical imperatives of its long-held nuclear option and to its ‘closing window opportunity’. The impending “entry into force” clause to the treaty tried forcibly to capture India into its dragnet and held out the prospects of degrading India’s nuclear option. The same clause threatened punitive measures of India did not accede to the treaty.\(^{30}\)

In 1990s the five traditional nuclear powers joined hands for the first time to enforce non-proliferation as a global norm and made India a key target of the CTBT and proposed FMCT. “The CTBT is a country-specific measure aimed specially at India” commented Mexican Ambassador Miguel Marin-Bosch,\(^{31}\) a leading expert in the field of diplomacy. Indian policy-makers were left four nuclear choices. First, India could cut its mounting losses sign the NPT. Second, it could continue to maintain nuclear ambivalence. Third, it could declare itself to be a nuclear-weapons state with a small number of nuclear weapons based on untested designs. Fourth, it could carry out a limited number of nuclear tests to erect a credible

\(^{28}\) Jaswant Singh, *Defending India*, pp. 278


\(^{31}\) Miguel Marin-Bsoch, *Statement at Nuclearisation of South Asia : Problems and Solutions, Forum of the UNESCO international School of Science for peace, May 20-23*, Como, Italy.
missile-based nuclear deterrent since its principal security concern is China, still modernizing its nuclear arsenal. While the second and third alternatives represented the middle ground, only the first and fourth options could yield concrete benefits to India. These alternatives were also the toughest. Opposition to the NPT has been so deeply embedded in the Indian political culture that no government could have survived by acceding to the treaty. Indian policy-makers finally chose the fourth option, although they knew that 'an overt nuclear posture underpinned by testing—thought not violative of India's international legal commitments would prompt the great powers to impose economic sanctions. The sanctions threat failed to ensure continued India restrain because, having been employed for so long, 'the sanctions instrument became too blunted to remain a bugbear'.

For more than three decades since The NPT was concluded, India concentrated its efforts on “saving” its nuclear option than on securing peace through deterrence. India had practically turned its ‘nuclear option into a sermonizing ideology than a tool for self-defence’. What should have been an asset began looking like a burden in the 1990s. By not weaponising and testing its nuclear capability and thereby tacitly observing the terms of the treaties it despised, the NPT and the CTBT, India had exhibited strategic defiance without logic.

China Factor :

Perhaps the most controversial strategic rationale about India’s nuclear tests put forward by Defence Minister George Fernandes that China constituted a strategic threat to India that required an open nuclear display. He stated that China was India’s “potential threat
number one.\textsuperscript{32} At least since the Indo-China war of 1962, many Indian analysts have argued that China's long term needs and ambitions would collide with India's own strategic interests. Walter Andersen cites Sino-Indian border disputes, China's nuclear and missile assistance to Pakistan, and China's desire for the fossil fuel resources of the Indian Ocean and the Persian Gulf as sources for friction.\textsuperscript{33} In fact, India and China have always had a relationship based on mistrust of one another. The histories of the two countries are very similar. Both "(had) ancient civilizations with extraordinary rich cultures, both were compelled to submit to colonial masters during the age of imperialism, both were reborn in the first half of the twentieth century via nationalist movements that inspired millions of people around the world, and after gaining their independence, both pursued starkly different political-economic development paths, which in turn provided competing models for ... newly independent Third World states."\textsuperscript{34} It is this similar history with different and sometimes competing models of governments that led to the natural competition of China and India.\textsuperscript{35} On the march of development, the natural competition of the two countries resulted into the war in 1962 on the Himalayan border. China's victory in the war and its subsequent nuclear testing in 1964 made Indian leaders to opt for nuclear development which they thought was a required condition for maintenance of its security.\textsuperscript{36} After the 1960s, Chinese leadership did little to alleviate the Indian suspicions and it pursued "a policy of containment and encirclement of proxy, some 90% of China's arms
sale went to countries bordering India. Pakistan received special attention from China and it provided her complete missiles, missile systems, as well as missile technology. These actions occupied minds of Indian policy makers since 1980’s and they created a very insecure environment for India. These nuclear actions fuelled India’s desire to remain at par with the Chinese developments. The fear of conventional military threat also persists as a continual factor in the planning of Indian strategic thinking. India also nourished the fear that a strong China will cast a shadow over India and that without neutralizing the nuclear and conventional arms superiority of China future negotiations with it would not be possible as equals.

China is a very significant factor in the development of Indian nuclear weapons and it cannot be overlooked. However, given Chinese support for India’s views on Kashmir and the positive exchange of Prime Ministers over the past few years, it would not seem that China’s behavior was reason enough for nuclear testing. Some security analysts argue that relations had been improving and the test by India actually provoked the Chinese, rather than China provoking the test. Leo Rose editor of Asian Survey asserts that government and academic interpretations of Chinese attitudes as belligerent misperceive Beijing. China long ago accepted Indian hegemony south of the Himalayas, signed a number of confidence-building measures in the 1990s, and “considered India as ‘quiet’

41 Mohan Malik, *Nuclear Proliferation in Asia: The China Factor*, p.33.
nuclear power for over two decades ... since India’s first ‘peaceful nuclear explosion’ in 1974.\textsuperscript{44} These actions, Rose contends, betray no Chinese interest in challenging India. Arnett sees India’s claim that China poses a security threat as ‘inconsistent with the history of Indian defence planning... (since) China and India have never made panning for a conventional or nuclear was against one another a high priority.”\textsuperscript{45}

There are at least three reasons why China is indifferent to nuclear developments in India. First, even if relations soured, conventional weapons better serve the cause of security given the limited nature of the disagreements between China and India. In any case, China perceives the probability of war with India to be small. Finally, it might be inferred.... That China continues to enjoy an advantage in nuclear capability over India, both in warheads and in delivery systems.\textsuperscript{46}

Despite these arguments, security analysts continue to cite a number of steps China has taken that look menacing from India’s perspective and that may have long-term consequences, despite some positive atmospherics that preceded the tests. China’s strategic engagement with Myanmar, its belligerence on the Spatly Islands dispute and naval expansion, its large conventional defense expenditures, its firing of missiles against Taiwan, and its development of weapons with a potential to strike only medium range (i.e., Indian) targets portend serious consequences in the eyes of

\textsuperscript{44} Leo Rose, “India and China : Forging a New Relationship in the Subcontinent,” in Shailendra Sharma, ed., Asia Pacific in the New Millennium : Geopolitics, Security, and Foreign Policy, p. 16.


\textsuperscript{46} Hua Han, “Sino-Indian Relation and Nuclear Arms Control,” in Eric Arneet, ed., Nuclear Weapons and Control in South Asia After the Test Ban, p. 47.
many Indian defense thinkers. India felt forced into conducting nuclear tests because China’s development and modernization of its military capability that further created disadvantage for India by already nuclear armed China. Ming Zhang notes that since the early 1980s “the annual reports of the Indian Ministry of Defence have persisted in identifying China as India’s most formidable threat.

The growth of China’s economic power, its continued nuclear and conventional military modernization, and its increasing influence in various areas of strategic relevance to South Asia, all combine to forebode serious Indo-Chinese military-strategic competition down the line. It places increased pressure on India to revitalize its economy and modernize its defense capability in order to avoid becoming disadvantaged in an age when external superpower assistance is no longer automatically available – as it notionally was during the bipolar era.

A further word is offered by K. Subrahmanyam, a leading defense analyst and former director of the institute for Defence Studies and Analyses in New Delhi:

It is not question of Chinese aggression or military threat.... The only areas (in Asia) which do not have a balancing arrangement vis-à-vis the Chinese power and influence are South and South East Asia. China had already been exercising its power and influence on its south. It has proliferated to Pakistan both nuclear and missile technologies and is the largest arms supplier to that country. The Chinese interest in Burma is all too evident. The Americans have charged that China was proliferating to Iran. Its sale of SS-2 long-

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48 Ming Zhang, China’s Changing Posture, p.13.
grange missiles to Saudi Arabia is history. It has maritime disputes with a number of South East Asian nations. It is logical to expect the pressure of Chinese power and influence over the south, and Southwest Asia.50

Pakistan factor:

The second development that occurred that gave rise to the unease within India was the fear of a second nuclear power to its west, Pakistan. Just as India is obsessed with remaining at par with the Chinese government, so it was the Pakistani government obsessed with remaining on an equal footing with the Indian government.51 The Pakistani government had never tested a nuclear bomb for military purposes before this point; however, it was the perceived apprehension by India that resulted into the equation. In response to China test in 1964, India tested in 1974; this led to the fear of Indian aggression in Pakistan. This fear drew Pakistan and China closer together and in the years that followed the Chinese government provided the country of Pakistan with weapon designs and technologies.52 Pakistan accepted these designs and technologies because since "Pakistan had fewer conventional military forces than India, it saw its nuclear capacity as a deterrent to an Indian conventional attack, and its nuclear programme was put on an urgent footing after the 1974 Indian test.53 Pakistan feared a larger and more powerful India and thus made preparations to defend itself. These preparations included the testing of the Gauri missile system on April 6th 1998. These tests were conducted soon after the BJP took power.54 The ultra-nationalist characteristic of the BJP may have incited fear in the people of India because if Pakistan were to develop

51 Mohan Malik, Nuclear Proliferation in Asia: The China Factor, p.31
52 Mohan Malik, Nuclear Proliferation in Asia: The China Factor, p.31
a nuclear capability the conventional advantage that India had over Pakistan would be neutralized. Therefore, India’s tests can be seen as an action that reinforced the conventional arms superiority that India had over Pakistan.

**End of Cold War:**

With the collapse of the Cold War and the deterioration of the Soviet Union as a major influence in local politics the government of India had to change its stance. During the Cold War system and after the 1962 war, India relied upon the USSR for weapon supplies and thus India had a “ally” in South Asian politics. With the end of Cold War, India’s former supply and support line of Russia had collapsed as a local hegemon and China was filling the political void that had been left and thus was becoming an “Asia-Pacific hegemony” This situation would not have been in the best interest for the security or political prestige of India. Since the collapse of the cold war and the resulting loss of its cold war ally-USSR-India had felt that its role in international politics had been decreasing. During the cold war India had been a leader within the non-aligned movement, however at the end of the cold war India lost this positions and thus was losing the internal prestige, however, India still felt that it was an international power. As well, India was losing the battle against China for more international investment India’s seeming loss of international importance and prestige in the post-cold war era, led to the sentiment that India had to do something to increase its power within the new international order that had emerged therefore nuclear weapons were tested. “India, in exercising its supreme national interests, has

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58 Weixing Hu, *New Delhi’s Nuclear Bomb: A Systemic Analysis*, p.33
60 Weixing Hu, *New Delhi’s Nuclear Bomb: A Systemic Analysis*, p.33
acted in a timely fashion to correct an imbalance and fill a potentially dangerous vacuum.\textsuperscript{61} It might seem a defensive justification by an Indian official, the general consensus remains that by testing nuclear weapons “India (has) corrected the asymmetry in power with China and restored the balance of power in the Asia-Pacific, which had tilted in China’s favour following the withdrawal of the former Soviet Union from the Asian region.”\textsuperscript{62} The result of these tests might have generated a great deal of criticism but they must also be seen as an action by India trying to restore the balance of power on the Asian mainland by thwarting China’s aspiration for Asia-Pacific hegemony.\textsuperscript{63}

However, the main security problem that India faced was not one of these factors, rather it was a combination of the three. Pakistan and China were allied; China had nuclear capabilities; China was supplying Pakistan with designs, and India could no longer depend on Russia. The environment that thus creted was very detrimental to Indian Security because if it continued India would be viewed as weak. India’s brief war in 1962 with China, the nuclear test of 1964 and the wars over Kashmir weighed heavy on the minds of the people of India.\textsuperscript{64} India was the only country that was sandwiched directly between two states on its borders and at the end of cold war more evidence surfaced on the proliferation of nuclear weapons between China and Pakistan.\textsuperscript{65} In summary, “a deteriorating security environment”, was occurring – China was increasing its own arsenal, while aiding India’s neighbor Pakistan, in effect, encircling India.\textsuperscript{66} India may have tested in 1974, but in such an environment the

\textsuperscript{61} Jaswant Singh, Against Nuclear Apartheid, p. 48.
\textsuperscript{62} Mohan Malik, Nuclear Proliferation in Asia: The China Factor, p.35.
\textsuperscript{63} Mohan Malik, Nuclear Proliferation in Asia: The China Factor, p.40.
\textsuperscript{64} Strobe Talbott, Dealing with the bomb in South Asia, Foreign Affairs 78.2, 1999, p.112.
\textsuperscript{65} Jaswant Singh, Against Nuclear Apartheid, p. 46.
\textsuperscript{66} Mohan Malik, Nuclear Proliferation in Asia: The China Factor, p.34.
government of India felt it necessary to re-exert its own power in order to retain a position of strength in the area.67

**India’s Nuclear Doctrine : No First Use :**

There is no accepted definition of “Doctrine” in modern strategic thought. In the West, the concept usually refers to those “Fundamental principles by which military forces or elements thereof guide their actions in support of national objectives.”68 Wayne Hughes succinctly summarized this notion when he concluded that “doctrine is the glue of tactics,”69 but this conception, being limited to the operational and tactical levels of war, the old Soviet definition may be understood expansively as a hierarchic structure of principles that is anchored fundamentally in the grand strategic objectives and the material capabilities of the state. The authoritative Dictionary of Military Terms thus defined doctrine as:

A nation’s officially accepted... views on the nature of modern wars and the use of the armed forces in them, and also on the requirements arising from these views regarding the country and its armed forces being made ready for war... Military doctrine has two aspects, political and military-technical. The basic tenets of military doctrine are determined by a nation’s political and military leadership according to the socio-political order, the country’s level of economic, scientific and technological development, and the armed forces’ combat material, and with due regard to the conclusions of military science and the views of the probable enemy.70

This conception of doctrine is attractive because it reaches to

the level of grand strategy and, therefore, provides an opportunity to depict India’s own evolving nuclear doctrine as the supreme national view of its nuclear capabilities – a view that is deeply rooted in its understanding of the nature and limits of nuclear war as an instrument of policy, the role of its own military of forces in the political life of the state, the country’s current and future levels of economic and technological modernization, and the demands imposed by both military science, insofar as it pertains to nuclear weapons, and the attitudes and capabilities of its principal adversaries, China and Pakistan it to seen not as a narrow set of tactical rules governing nuclear operation in practice.

**Nuclear Weapons : A Political Instrument :**

The most significant and distinguishing facet of India’s nuclear doctrine is its consistent claim that nuclear weapons first and foremost, political instruments rather than military tools. The Indian conception of the utility of nuclear weapons, however, has a more specific and substantive meaning: nuclear weapons are understood to be properly political instruments because they are emphatically not usable weapons in any military sense. Prime Minister Vajpayee attempted to capture this understanding when he stated the “nuclear weapons are weapons of mass destruction”

71 implying that they cannot be used, as instruments of warfighting by India. The Indian president, K.R. Narayanan also confirmed this position when stated “nuclear weapons are useful only when they are not used. They can

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be a deterrent in the hands of a nation.” A prominent Indian analyst, Jasjit Singh, amplified this argument “that (a) nuclear war cannot be won, and, therefore, must never be fought.” Carrying this thesis to its logical end, Singh concludes that “nuclear weapons (are) more an instrument of politics.... than military instrument of warfighting.” Affirming this same conclusion K. Subrahmanyam also asserted that “India does not subscribe to the outmoded war-fighting doctrine (followed by the U.S. and the USSR) and (in contrast to the doctrines upheld by these states) the India nuclear weapons are meant solely for deterrence.” Nuclear weapons, are seen therefore as having functional utility more as pure deterrents than implements of war. Under situations of nuclear asymmetry nuclear weapons could have remarkable efficacy as instruments of coercion because non-nuclear states would be highly vulnerable to threats that may be issued by their nuclear armed adversaries.

Most Indian analysts appear to be greatly exercised by this class of contingencies and Jasjit Singh, in a survey of 47 incidents involving the threat of nuclear weapons since 1946, has concluded that “nuclear weapons played an important political role rather than a military one,” a role in which “the threatened party could ignore the threat only at its peril.” Drawing similar conclusion, K. Subrahmanyam has also asserted that “the main purpose of a third

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73 Jasjit Singh, Talbott is Stuck in Pre-85 Nuclear India, p.11.
74 Jasjit Singh, Talbott is Stuck in Pre-85 Nuclear India, p.11.
75 Subrahmanyam, Talbott is Stuck in Pre-85 Nuclear Groove.
would arsenal is deterrence against blackmail." Since this presumably constitutes the principal problem affecting non-nuclear powers in situations of nuclear asymmetry. The brief that nuclear weapons have their greatest utility as antidotes to blackmail is embedded in the Indian psyche. While both the specific sources of threats and the intensity of concern about them have varied considerably over time, the general preoccupation with negating coercion and blackmail has remained more or less constant in India's strategic policy and it derives sustenance, at least today, mainly from the potential for misuse arising from the nuclear capabilities possessed by its principal adversaries, Pakistan and China.

India can afford to deviate from the received wisdom pertaining to the management of nuclear weaponry because the Indian strategic problematic is quite unique in many ways, at least relative to the United States vis-à-vis the Soviet Union during the Cold War. Unlike the United states, which developed its nuclear arsenal during a period of intense superpower competition and amidst clear and present dangers to its security, India has set out to develop a nuclear capability at a time when the global strategic environment is much less intense and when there is a much clearer recognition that any nuclear use would be highly escalatory and therefore "should not be initiated." Further, unlike the United States during the Cold War, India does not suffer any conventional inferiority vis-à-vis either Pakistan or China. Finally, and unlike the United States during the

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79 Subrahmanyam, *Educate India in Nuclear Strategy*.
Cold War, India does not to service any obligations relation to the extended deterrence of allies located far from its own territories and facing a formidable military machine against which it has poor, or at worst no, conventional antidotes. The only object of concern here is India’s own security and given the only contingency left for nuclear weapons to service is that of immunization to blackmail arising from either an adversary’s treat of nuclear use or the political exploitation of their own nuclear assets in some relatively abnormal political circumstances.\textsuperscript{81} One of India’s leasing strategic commentators, C. Raja Mohan, in the context of the ongoing Indian debate about the nature and utility of nuclear weaponry, has noted that:

"India has taken too long to come to terms with the nuclear revolution and its impact on world military affairs. But the technology underlying the atomic revolution is 50 years old and a continuing obsession with it will prevent India from making crucial investments and policy decisions on the new revolution in military affairs (RMA). The dramatic advances in information and communication technologies and their application to warfare will increasing determine the locus of military power in the coming century. Worship of the old nuclear gods and the reluctance to pay attention to the impact of IT (information technology) on the conduct of future wars will put India back in the position of global irrelevance with or without nuclear weapons ... Nuclear weapons are certainly important. And India’s decision to acquire them was long overdue. But in the flush of becoming an atomic power, India could easily overstate the significance of nuclear weapons. They can only serve a limited purpose for India of preventing the use or threat of use of nuclear weapons by its adversaries against it. There a little else that nuclear weapons can do ... Even the most sophisticated and expansive

\textsuperscript{81} Jasjit Singh, \textit{Nuclear Have No Prestige Value}, The Indian Express, June 4, 1998.
nuclear arsenal will not propel India into the ranks of great powers. Mindless obsession with nuclear weapons will instead push India down the ruinous path that the Soviet Union went. Having acquired an insurance policy through nuclear weapons, India must now pursue the arduous domestic agenda of economic modernization, political reform and social agenda of economic modernization, political reform and social advancement... The productive economic and political engagement of the world must remain the bedrock of nuclear India’s diplomacy. A paranoid reading of external threats to security and an over-determination of the role of nuclear weapons in national strategy will drive India into a needless confrontation with most nations undermine New Delhi’s efforts to expand its regional influence and global standing.82

Confirming similar sentiments about the limited utility of nuclear weapons to India, Prime Minister Vajpayee concluded too summarily that India “do (es) not intend to use these weapons for aggression or for mounting threats against any country; these are weapons of self-defense, to ensure that India is not subjected to nuclear threats or coercion.”83 The view that nuclear weapons are exclusively political instruments rather than military tools derives primarily from how they might be potentially utilized operational places Indian nuclear doctrine squarely at the deterrence end of the “deterrence-defense continuum” that Glenn Snyder so clearly described forty years ago.84 Being located at the deterrence end implies that nuclear weapons are treated, in Bernard Brodie’s locution, as “absolute”85 weapons that can inflict excruciating, perhaps even fatal pain on all antagonists irrespective of their relative national strength. Brodie summed up this position, “thus far, the

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82 C. Raja Mohan, Beyond the Nuclear Obsession, The Hindu, November 25, 1999.
84 Glenn H. Deterrence and Defense, Princeton : Princeton University Press, pp. 3-5, A.
chief purpose of military establishment has been to win wars. From now on its chief purpose must be to avert them. It can have no other useful purpose."86 This claim about the "absolute" character of nuclear weaponry, which makes only "deterrence" and not "defense" viable, was contested right from the very beginning of the nuclear age.87

One of India's foremost nuclear weapon scientists and a former minister of state for defense, Dr. Raja Ramanna, reaffirmed Brodie's original insight about the absolute character of nuclear weaponry and conveyed Indian judgments about the illogic of transforming the challenge of deterrence into problems of defense in a major speech delivered in 1992.

Since the end of the Second World War, the problem of security has become aggravated because of two reasons: military power has become synonymous with technological and industrial power, and new developments in technology have brought the situation to a state, where weapons of destruction have not merely been improving in potency in some linear manner, but a fundamental change is overall capability has taken place. Besides being assisted by automation, never dreamt of before, some of them have reached the status of what is known as "ultimate" weapons, has the power of destroying vast areas of the earth and making them uninhabitable in a matter of a few seconds. In spite of this, the "ultimate" nature of modern weapons does not by itself seem sufficient for countries to give up further development of more efficient weapons. Greater effort is being put on defense research and the testing of weapons continues as before. In some countries the burden of deterrence has messed up not only their entire economic structure, but (also) their very integrity as

Since India's preferred outcome is thus defined solely in terms of deterrence the possession of even a few survivable nuclear weapons capable of being delivered on target, together with an adequate command system, is seen as sufficient to preserve the country's security. Preserving safety in the face of blackmail and coercion not require any additional pronouncements about the size of the nuclear stockpile, theories of deterrence, use doctrines, targeting philosophy, or operational posture.

The nuclear doctrine of India is perhaps the first of its kind among the known nuclear weapon states of the world. India prepared the DND document obtaining capability mentioned in it. Since August 1999 when the doctrine was first presented, the document has not put before any parliamentary committees nor has it given a formal title. The draft document released included statements within the purview of deterrence, denying that India would conduct more nuclear tests, join the Comprehensive Test Ban Treaty with some modifications, enter negotiations to stop fissile materials production without conditions, pursue a "no-first use" policy vis-à-vis non-nuclear weapon states and, finally, establish a credible, minimum nuclear deterrent. Unlike China, which had made has clear its policy of "negative security assurances" in respect to non-nuclear countries and adherence to "no first use" except using the nuclear weapons within its territory against an adversary, India has yet to formulate a coherent policy in this regard.89

India views on nuclear issues have not been fully articulated


leaving it open to question whether it considers the notion of the "logic of nonproliferation" to be preponderant in security considerations. This means that a clear advantage could be gained by pursuing a proactive policy toward non-proliferation or, whether or not India should rely on the "logic of deterrence" which suggests that proliferation has stabilizing effects and nuclear weapons could and would deter war between India and an adversary. Similarly, some scholars find merit in the "existential deterrence" involving the 1990 near nuclear flash point between India and Pakistan which envisaged both of the countries to convert their covert nuclear weapon program rapidly into actual weapons. Yet, the dominant view has been towards a general definition of deterrence that looks at the situation in which "one side (the defender) threatens the other side (the challenger) with some form of punitive retaliation if the other side takes certain action."3

According to Jasjit Singh, the following essential elements constitute the key features of India's nuclear doctrine:

1. Firstly, India nuclear weapons are meant to deter the use and threat of use and threat of use of nuclear weapons against India. "But unlike most other nuclear weapon states, India's nuclear weapons are not meant to deter the use and threat of use of conventional weapons, chemical weapons, biological weapons or a generalized formulation of protecting national

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interests any time anywhere. The doctrine requires that the nuclear policy should seek to deter than fight a war than fight a war nuclear weapons. The orientation of the doctrine is thus quite narrowly focused on the need to defend India through India through deterrence against nuclear weapons threat.” However, India recognizes that nuclear weapons cannot provide deterrence in all circumstances and limited conventional conflict remains possible even under the overhang of nuclear weapons. This was borne out by the 1999 Kargil conflict between India and Pakistan.

2. Secondly, India’s nuclear doctrine is firmly anchored on the principle of “no first use” even against nuclear threat or use. “India use of its nuclear weapons would be predicted on failure of deterrence, that is, if and when and adversary uses nuclear weapons against India. This severely circumscribes the potential development, deployment and employment of the nuclear arsenal.”

3. Thirdly, India’s no first use doctrine is a defensive doctrine that limits the use of nuclear weapons to retaliation only. Hence it is only a precaution against the use of nuclear weapons against India and is in total harmony with the UN Charter. “Article 51 of the Charter under Chapter VII clearly endorses ‘the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations’ (emphasis added) ... In fact, UN Security Council Resolution 1172 is a gross violation of the UN Charter since it seeks to deny India the right enshrined in the Charter (by seeking) elimination of the capabilities that the permanent members of the Security Council themselves possess and jealously guard by disregarding their treaty obligations of nuclear disarmament.”
4. Fourthly, the doctrine is based on the concept of minimum deterrence that implies that India's nuclear policy, strategy and posture would be guided by the minimalist principle. "The emphasis on "minimum" deterrence clearly defines this principle in relation to the capability sought, the size of the arsenal, costs involved, the level of retaliation required and the nuclear posture in peace time and in times of crisis and active threat."

5. Finally, "India's nuclear doctrine emphasize that global, verifiable and non-discriminatory nuclear disarmament is a national security objective. This is to be expected from a country that has pursued the goal of complete abolition of nuclear weapons for decades in order to remove its own security dilemma as well as ensure greater prospects for international peace and security."

India's desire to develop a credible minimum nuclear deterrent against nuclear blackmail and the threat of use of nuclear weapons, is an eminently justifiable national security imperative. India's no first use, retaliation-only nuclear doctrine is not only morally befitting and worthy of India's civilizational heritage, it is also operationally sound strategy. However, deterrence hinges on credibility and India is still for form demonstrating strong political resolve to execute a massive retaliatory nuclear strike. Only when India's adversaries are convinced that India has both the necessary political and military will and the hardware wherewithal to respond to a nuclear strike with punitive retaliation that will inflict unacceptable loss of human life and unprecedented material damage, will they be deterred. Only then will the nuclear monster remain tightly leashed in and around India's neighborhood. The adoption of graduated or flexible response strategies will weaken the quality of India's deterrence and may tempt
its adversaries to test India’s resolve and capabilities. As long as offensive nuclear deterrence continues to be so unabashedly practiced by most of the other NWS, India’s defensive nuclear deterrence policies are totally justified.

India formulated its nuclear doctrine soon after the Shakti series of tests conducted at Pokharan. The Government of India declared that the “elements” of the country’s nuclear doctrine were contained in a foreign policy speech by Prime Minister, Atal Behari Vajpayee, in the Lok Sabha early August 1998. The evolving doctrine contained three main elements. These are (i) India will maintain a minimum but credible nuclear deterrent, (ii) India will not use its nuclear weapons against non-nuclear weapons countries, and that it will not be the ‘first’ to use a nuclear weapon even against nuclear weapons countries, and (iii) India is committed to all nondiscriminatory arms control and disarmament arrangements. The elements, specifically stated in country’s nuclear doctrine, thus embodied the concepts of ‘minimum credible deterrence’ and ‘no-first-use’ of nuclear weapons. Commenting on the two principles, C. Raja Mohan wrote “Taken together, the two principles suggest that purpose of India’s nuclear indicates that India has no interest in engaging other states in an arms race, and its arsenal will be pegged at the toughest possible level required for credible deterrence.”94

India and CTBT :

The CTBT did not come into force on September 24, 1999, as stipulated originally by its signatories in 1996. Out of the five nuclear weapons states, only two-Britain and France-ratified it. Out of the 154 signatories, only 47 countries have so far ratified it. India rightly

94 The Hindu, 7 December, 1998.
decided not to attend the CTBT Review Conference held in Vienna in October 1999 and stayed away from it.

When the CTBT negotiations began in 1994, India entertained the hope that the treaty would be directed towards the elimination of nuclear weapons in a time-bound manner. But during the negotiations, it realized that the nuclear weapon states (NWS) were not interested in nuclear disarmament. Therefore, when the CTBT negotiations ended in 1996, India became its firm opponent, as it found that they treaty was neither “comprehensive” nor did it favour a “test ban”. It banned only nuclear explosions, but allowed other hi-tech forms of testing. It has allowed non-explosive sub-critical tests, which gave the NWS right to continue tests and build their nuclear arsenals further. It became increasingly clear that the whole CTBT exercise was aimed at forcing India to take a subordinate position. When the CTBT was finally adopted at the United Nations in 1996, India’s chief negotiator Arundhati Ghose stated categorically that India would “never sign this unequal treaty, not now nor later.”

In 1996, India rejected the CTBT on four grounds. First, the CTBT was not linked to time-bound nuclear disarmament. New Delhi argued that far from fostering global nuclear disarmament, the treaty’s focus had shifted to nonproliferation. Second, Indian diplomats also made a case that the CTBT was not a zero-yield treaty. Its scope permitted hydronuclear or sub-critical tests. These, when combined with computer simulations would permit nuclear weapon states to refine older nuclear warheads and design new systems with confidence. Third, India invoked national security concerns for not signing the treaty. Finally, India strongly objected to Article XIV, the

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Entry-into-Force clause, which required forty-four nuclear-capable states (including India) to ratify the treaty before it could come into force. India claimed that Article XIV violated its sovereignty.96

All these factors led to a national consensus in India against the CTBT. The Indian government feared that the CTBT would freeze India’s nuclear weapons capability at an unacceptably low-level.97 India had conducted only one nuclear test in 1974, the results of which were disputed.98 India’s nuclear establishment, which had resumed nuclear weapons-related research during the 1980s, made a case for field tests to validate its more sophisticated weapon designs.99 In addition, the scientists also wanted to collect test-data in order to simulate nuclear explosions on computers and conduct hydronuclear experiments to ensure the safety and reliability of India’s nuclear arsenal under any future test ban.100

Technical Issues:

Under the provisions of the CTBT, all signatories (even those outside the NPT) would have had forgo the option of testing nuclear weapons. However, existing nuclear powers would be able to continue refining their existing arsenals by through sub-critical tests. Therefore India’s main technical objection to signing the CTBT was that the treaty would foreclose the country’s nuclear option that had developed and nurtured over the years. Singing on to a blanket ban on testing would have severely undermined the credibility of the

96 Dinshaw Mistry, “India and the Comprehensive Test Ban Treaty,” Acdis Research Reports, Program in Arms Control and Disarmament, Department of Political Science, University of Illinois at Urbana-Champaign, September 1998.
India’s arsenal. Simple warhead designs do not require testing, as was demonstrated at Hiroshima. However, testing was a pre-requisite for the validation of India’s sophisticated warhead designs. The technical aspects of the nuclear program were addressed when India conducted two series of tests on May 11\textsuperscript{th} and May 13\textsuperscript{th}, 1998 at Pokhran (POK-2). The 1998 tests allowed India to test updated warheads designed on experience gained from the 1974 (POK-1) test.

**Political Issues:**

Indian objections to the CTBT stem largely from the concern that it does nothing to advance the cause of disarmament. During the indefinite extension of the NPT, the five nuclear weapons states (NWS) pledged to work to ensure that the CTBT would be in place by 1996 and negotiations on concluding a successful Fissile Material Cut-Off Treaty (FMCT) would be started as steps towards fulfilling the Article 6 provisions. The Indian apprehensions were vindicated when France and China conducted a series of tests to enhance their arsenals prior to signing the CTBT. The US has set up its stockpile stewardship program, which not only certifies old designs but can also develop new designs without actual tests. Subsequently, the US, Russia and China have all started carrying out sub-critical tests. None of the NWS bothered even to pay lip service to Article 6 of the NPT.

Disarmament is not some esoteric Nehruvian concept. In fact disarmament and security are the two faces of the same coin. This is because fewer (or no) weapons, substantially reduces the chances of their being used in actuality or for coercion. At this juncture it is important to demolish another myth. The indefinite extension of the NPT has conferred special status on the five NWS and perpetuates their access to nuclear weapons. The May 1998 tests have created a new reality of states with nuclear weapons (SNW) as opposed to the NPTI which has the definition of five NWS and all those who have
acceded to it. Only Israel is left out in this categorization. It has signed the CTBT though, indicating that it has no need to test. SNW were all outside the purview of the NPT, and that two of them chose to exercise their nuclear options is not a violation of any international obligations that they have undertaken. Any further breakout is a problem of violation of NPT which is not of India’s making. Also Indian doctrine states clearly that its posture is to deter other nuclear weapons only. The corollary is that so long as nukes are there, so long will the Indian posture be there. Together they can approach zero.

**Inspection Regime:**

The CTBT proposes an extensive intrusive inspection regime based on member complaints. Such a process is more extensive than any that India has ever been part of. Only the power plants supplied from abroad are under IAEA safeguards. All other Indian plants are out of bounds. It is possible that some interested parties can make an excuse and subject India to challenge inspections and proceed with malafide intent. That the inspection regime does not confine itself to declared test sites only is a possible source of agony in future. From the Indian perspective this remains a key concern.

A close into various provisions of CTBT, particularly Articles II and IV pertaining to international verification, made it clear how the treaty is patently dangerous to India’s national security interests. Article II empowers the CTBT Technical Secretariat to undertake verification of the compliance of treaty obligations in cooperation with the Vienna-based International Atomic Energy Agency (IAEA). 101

Articles IV deals with the verification regime of the CTBT, which includes onsites inspections. Indeed, this Article provides for the power apparatus of the CTBT to harass and coerce the non-nuclear

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weapon states (NNWS) on a regular basis. Under this Article, any member of the treaty has the right to request inspection of another member country’s facilities for determining whether Article I has been violated.

First of all the CTBT is not an independent treaty. It has a symbiotic relationship with the NPT, concluded in 1970, which created two classes of states – recognized nuclear weapon states which have the right to process and improve nuclear weapons, and non-nuclear weapon states which do not have such rights. In effect, the NPT created a framework for the permanent domination of the NWS over the NNWS. India did not sign it because of its basically discriminatory character. The implication for India was that on the one hand the NPT legitimized China as an NWS, on the other it sought to prevent India from becoming an NWS. That was inimical to India’s security. The indefinite extension of the NPT in May 1995 indicated that the five NWS were keen to their nuclear weapons monopoly in perpetuity. Article VI of the NPT made it incumbent on the nuclear weapon states to negotiate a treaty for general and complete nuclear disarmament. Instead of proceeding on those lines, the NWS chose the path of developing and adding more and more advanced nuclear weapons to their arsenal. When they assembled to sign the CTBT in 1996, they already possessed about 35,000 nuclear weapons—Russia 22,5000, US 12,070, France 500, China 450, and Britain 380. By the time of their assembly they had conducted nuclear tests—the US 1032, Russia 715, and Britain and China 45 each. France and China continued their nuclear tests right up to the signing of the CTBT. It indicated that none of the NWS had any inclination to give up their nuclear weapons.102

The scope for misuse of this Article is enormous. The CTBT on-

102 CTBT: India’s Main Concerns, The Hindu, 16 November, 1999.
site inspection will be a tool in the hands of NWS to harass any
NNWS. Remember what the UN inspection Team did in Iraq at the
behest of the United States. However, it would be difficult for a weak
NNWS to preserve its sovereignty and independence after appending
its signature to the CTBT. India should not give any such legal right
to any outside inspection teams to come and force open our
indigenously built unclear installations under one pretext or another.

It must be noted that India refused to join NPT partly because it
did not want to place its indigenously built nuclear plants under the
inspection or control of the IAEA. It helped India to achieve self-
reliance in the nuclear signs the NPT or the CTBT as a non-nuclear
weapon state. The critical issue, therefore, is the formal recognition of
India as a nuclear weapon state at par with other P-5 countries. We
must realize that the hole purpose of CTBT is to force India to roll
back its nuclear weapons programme. That process will be thrust
upon India the moment New Delhi provides a legal instrument for the
purpose through its accession to CTBT, in whichever formal without
obtaining formal recognition as a nuclear weapon state. It must be
understood that CTBT is also a devise of the NWS to deny the right of
NNWS, like India, to have nuclear weapons. Like the NPT, the CTBT is
discriminatory. While it legitimizes the existing nuclear weapons of
recognized NWS, and gives them the right to improve their weapons
through non-explosive methods, it effectively checks others form
acquiring nuclear weapons.

India signs the CTBT as a non-recognized nuclear weapon
state, it would automatically come under the fold of the non-
proliferation regime. Many consequences will follow on the basis of
convenient interpretations of the CTBT provisions. It must be borne in
mind that India is yet to build a credible deterrence. Therefore, it
would be suicidal for India to sign CTBT without obtaining de jure
recognition to its de facto position as nuclear weapon state. One
implication of India’s signing the CTBT as a non-recognized nuclear weapon state will be that even its sub-critical nuclear tests would become a non-permissible activity, or a violation of CTBT. Sub-critical tests, computer simulation etc. are preserves of the recognized NWS under NPT. Such privileges will not be conceded to other NNWS like India. This is a hard reality which we have to foresee.

For India, signing CTBT would mean the following. India would be legitimizing the Chinese nuclear hegemony over the India sub-continent. It would mean sighing away India’s right to defend against nuclear blackmail form across the borders. It would mean agreeing to India’s unilateral nuclear disarmament without ensuring the dismantling of nuclear weapons of China. It would mean India’s marginalization in would politics in future. It would mean placement of our scientific labs under the surveillance of the CTBT international verification regime and the IAEA. It would mean acceptance of nuclear monopoly of the P-5 countries for all times to come.

In the circumstances, there is no justification for India to sign the CTBT at the cost of India’s long-term interests. From the moves since 1996, it is clear that the US is pursuing today a one-point agenda vis-à-vis India to somehow obtain India’s signature on CTBT as a NNES. No responsible leadership in India can oblige the United States in this regard without inviting the charge of betrayal of the country.

Under the Vienna convention on treaties, no state will be coerced into accepting a treaty to which it is not a signatory. In 1996 India rejected CTBT at the Conference on Disarmament. The treaty was subsequently put to a vote in the UN General Assembly and passed. It has provisions that it would come into force only when states which are not parties to it sign and ratify it. This is against the
spirit of the Vienna Convention on treaties. An argument can therefore be made that India should not bring about the success of the very treaty that violates the spirit of free association and accession to international treaties.