

# INDIA AND THE NPT, THE PAST PERSPECTIVE AND PRESENT SCENARIO

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## ABSTRACT

*The present paper entitled, "India and the NPT, the Past Perspective and the Present Scenario," is an attempt to understand the role of India in the NPT which traces out the past history and focuses on the current developments. The purpose of this study is to draw the attention of the people towards the need of nuclear non-proliferation in South Asia and search out some plausible remedies in this context. This paper opens up with an account of India's nuclear-proliferation. Thereafter, its actual theme is focused: "the NPT and India's Role" which inculcates a brief history of the NPT and the role of India, along with Pakistan, in the Treaty. Specific attention is given to the varying positions which India had been taking during the proceedings of the treaty and its' overall stand is also evaluated. Moreover, a lot of emphasis is made on the causes of India's refusal to sign the Treaty. Thereafter, another special section is included to analyze the current developments: "the NPT and India; the Present Scenario,"*

**Key-Words:** *India, NPT, India's role, super powers, Nuclear-Proliferation*

## OBJECTIVES

- (1) To broaden the mental horizons of the readers by providing knowledge.
- (2) To promote the cause of the nuclear non-proliferation and draw the attention of people of the world towards increasing nuclear-proliferation.
- (3) To search out the role of India in the NPT.
- (4) To evaluate the NPT in the light of current South Asian developments.
- (5) To point out the flaws of the NPT and find out why it could not stop nuclear arms race in south Asia.
- (6) To find out plausible remedies for the problem of nuclear-proliferation in South Asia.

## INTRODUCTION

In August, 1945, an American aircraft dropped an atomic bomb on the Japanese city of Hiroshima which was the first ever use of a nuclear weapon on this planet. In a little amount of time it resulted in huge devastation because the explosion was followed by the appearance of a mushroomed-shaped cloud, which was full of heat, radiation, dust particles and radio-active material. According to estimates, some 150, 000 people were killed or wounded on spot and 75 percent of the buildings of the city were destroyed or badly damaged.

Thereafter, the US dropped another bomb at Japan in Nagasaki. After this heart blowing nuclear attack Japan surrendered unconditionally which brought the end of the Second World War.

If we examine the after effects of the Second World War, it would become clear that it brought significant changes at the global level. On the one hand, countries like the France and Germany declined as great powers, on the other hand, the USA and the USSR emerged as great powers. The ideological struggle between the USA and the USSR resulted in the emergence of cold war and the world was almost divided into two blocs i.e., the Capitalist Bloc and the Communist Bloc.

One of the important implications of the cold war is that it gave rise to a „fear psychosis“ which resulted in nuclear arms race for manufacturing of more sophisticated armaments. The cold war also reduced the chances of attaining the goal of a united world because the super powers had developed mutual inter-rivalry and they were not ready to trust each other.

Thus, the super powers often took opposite stands at the United Nations (UN) which made this body as ineffective. Consequently, it provided a severe blow to nuclear non-proliferation efforts and the super powers remained powerless to conclude a nuclear non-proliferation treaty at an early date.

The destructive potential of an atomic bomb is such that it neither discriminates in killing between friends and foes nor between man and animal. An atomic weapon also has catastrophic effects on the environment with severe environmental hazards and effects in the later. It is amazing that almost being aware of such sort of destructive potential of an atomic bomb the super powers decided to manufacture these.

In fact, in July 1945, the US conducted a nuclear test in the desert of New Mexico which was the first ever test of a nuclear weapon in the world. This provided a spark to make nuclear arms in the world. Hence, the USSR made preparations and exploded a fission device in 1949. The United Kingdom also jumped into this arena and exploded its first nuclear bomb in October 1952. France and China also tested their nuclear bombs in 1960 and 1964, respectively. Thereafter, India and Pakistan also conducted underground nuclear tests in 1998.

The harrowing events of Hiroshima and Nagasaki followed by nuclear proliferation by the super powers raised concerns of the international community towards nuclear non-proliferation. Consequent upon several efforts made by the super powers and other countries numerous global agreements, treaties and conventions have been concluded at the international level relating to nuclear test ban and nuclear non-proliferation. The Nuclear Non-Proliferation Treaty is also an outcome of various efforts as made by the super powers.

## **A BRIEF HISTORY OF INDIA'S NUCLEAR PROLIFERATION**

The foundations of India's nuclear program can be traced back to 1940s. The initial efforts for starting India's nuclear program were made by the nuclear scientist Homi Jehangir Bhaba and

the Prime Minister Jawaharlal Nehru Provided stewardship to his planning. In fact, Homi J. Bhabha was a personality of much enthusiasm who due to his deep sense of nationalism played the prime architect role in laying down the base of India's nuclear program. It was a corollary of his endeavors that in 1945 the institute of Fundamental Research was erected in Bombay and, thereafter, Department of Atomic Energy was also established.

Two years later, the Indian Parliament passed the Atomic Energy Act which enshrined a legislative framework for the initiation of India's nuclear program and provided the basic measures for evolution of her nuclear policy. At the same time, the atomic energy commission was too constituted whose main objective was to launch an atomic energy program in the country. As a whole all these efforts prepared the basic field for the development of India's nuclear program.

A study of India's nuclear program from 1947 to 1964 shows that during this era it remained thoroughly peaceful. It operated under the US Atom for peace program with the sole aim of generation of electricity. India in-between this era reiterated that her nuclear program was for peaceful purposes. It planted and managed nuclear reactors (i.e., Apsara and Zerlina) in order to carry forward its nuclear program and also took assistance from the foreign countries for the accomplishment of this aim.

However, some hold the view that India's nuclear weapons program started after it gained independence. Nevertheless, India's nuclear program did not start after independence. In fact, it never allowed the scientists to manufacture nuclear weapons during the era of J. L. Nehru. Several assertions had been made by Pt. Nehru from 1947 to 1960 which reveal that India's nuclear program during his times revolved around the peaceful uses of nuclear energy.

According to George Perkovich and Raja Menon, the civilian nuclear program of India took a sharp twist towards acquiring nuclear weapons capability by the mid-1960s. It was from 1962 through 1964 that India started taking some interests for initiating nuclear weapons program.

Actually, in 1962 China attacked India which jeopardized the security and survival of India. It was due this factor that major political parties in India started demanding that India should go nuclear. However,

India did not accept those demands. Thereafter, in 1964 China exploded a nuclear bomb which gave rise to the first major debate over nuclear policy of India in Parliament. But India did not initiate the nuclear weapons' program in actual practice during this period.

In July, 1968, when the NPT was concluded, India did not sign it. Some have suggested that India took such sort of stance because the primary motivation for her in this regard was that she wanted to pursue a nuclear weapons program.

Thereafter, in May 1974, India conducted its first ever nuclear test at Pokhran (Rajasthan) which is known as peaceful Nuclear Explosion (PNE). Nevertheless, some western thinkers have argued that the 1974 peaceful nuclear test of India was a part of its nuclear weapons program. However, after this test India had the technology to build nuclear weapons but it did not do so.

Consequently, this nuclear test of India strengthened Pakistan's determination to acquire a nuclear weapons capability and it seriously bent to acquire its own nuclear arsenal. Notably, the latter's, nuclear weapons' program has an earlier date of origin and development. Thus, India and Pakistan, which were already having ancient military hostility, developed nuclear rivalry towards each other.

In the early 1980s, demands in India were made for continuation of nuclear tests; however, Mrs. Indira Gandhi did not allow any test. The notable feature of this period was that in 1988, India made significant achievements in its missile development program. Pakistan felt the growing Indian nuclear capability as a threat to her national security, thus, it also began paying particular attention towards its missile development projects. As a result, missile arms race was speeded up between the two countries and it was further geared up in the 1990s.

Moreover, according to some western thinkers, Pakistan also conducted several „cold nuclear tests“ while using the implosion device of nuclear explosion. These tests were conducted mostly in Kirana Hills and Khan Research Laboratories (KLR).

In the 1990s, India and Pakistan made remarkable progress in their nuclear weapons program. Both these countries, while taking keen interests in nuclear weapons, started nuclear weapons test preparations. India conducted three nuclear tests on May 11, 1998 which included a fission device, a low-yield device and a thermonuclear device and on May 13 it conducted two more tests of nuclear devices.

The Indian tests provoked serious responses from Pakistan which in order to restore a sense of balance of nuclear deterrence with India decided to carry out its own underground nuclear tests. Hence, on May 28, it detonated five nuclear tests at its Chagai Hills testing site in the Baluchistan desert. Thereafter, on May 30, it exploded another nuclear device of smaller kiloton“s range (15-18 KT).

## THE NPT AND INDIA’S ROLE

A large number of efforts had been made at the global level to check the manufacturing, spread and testing of nuclear arms which culminated in the conclusion of various treaties and agreements like PTBT, NPT and CTBT. Earliest efforts for nuclear non-proliferation started in the post Second World War era. In fact, in January 1946, after the American nuclear attack over Hiroshima and Nagasaki, the UN General Assembly in its first resolution unanimously decided to establish Atomic Energy Commission which was to make specific proposals for the elimination of atomic weapons.

The serious efforts for nuclear non-proliferation were initiated in August 1957. Actually, the three super powers namely the US, the UK and France, along with Canada, submitted proposals in the United Nations Disarmament Commission for nuclear non-proliferation. At the same time, the USSR also expressed its concerns for disarmament and, particularly, proposed a ban on transfer of nuclear weapons to other countries. In this way, super powers realized that nuclear weapons are dangerous and contain destructive potential of catastrophe, thus, they got involved in efforts for their elimination.

Not only the super powers but other countries of the world also felt dangers involved in nuclear weapons and nuclear arms race. In this context the role of Ireland is admirable. In fact Ireland had taken a lead in sponsoring a series of UN Resolutions which were designed originally to study the dangers of nuclear-proliferation and then to prevent it. Significantly, in 1961, the UN General Assembly unanimously gave final approval to an Irish resolution which proposed that all

the countries including the super powers should conclude an international agreement to refrain from transfer or acquisition of nuclear weapons.

By 1965 the nuclear non-proliferation efforts made further progress. Both the US and the USSR submitted their separate drafts treaties in the Eighteen National Disarmament Committee (ENDC) and the UN General Assembly, respectively. The former in its treaty demanded the prevention of the spread of nuclear weapons and stressed that the Non-Nuclear Weapon States (NNWS) should undertake to facilitate the application of the International Atomic Energy Association's (IAEA) safeguards to their peaceful nuclear activities while the latter stressed through its treaty for the prohibition of transfer of nuclear weapons by Nuclear Weapon States (NWS) to Non-Nuclear Weapon States. In fact, the US from the beginning of the non-proliferation efforts had been demanding some sort of control on global nuclear facilities before pursuing nuclear non-proliferation; on the other hand, the USSR had been insisting on „ban the bomb first approach“.

In November 1966, the UN General Assembly at its twenty-first session adopted a resolution which was sponsored by a large number of countries along with the US and the USSR. This resolution appealed for the conclusion of a nuclear non-proliferation treaty.

In August 1967, the USA and the USSR submitted their draft treaties in the ENDC. These drafts underwent several revisions, thereafter; a joint draft was prepared and presented to the ENDC on March 11, 1968. This Draft Treaty was ultimately introduced in the General Assembly. It was on July 1, 1968 that the NPT was finally signed at Washington, London and Moscow which entered into force in March 1970 when almost hundred countries acceded to it and more than forty five countries ratified it. However, India, with other countries like France, Pakistan, Brazil and Israel, denied putting its signature on the Treaty.

If we study articles of the NPT, it would become clear that Nuclear Weapon States are those states which manufactured and exploded a nuclear bomb or any other nuclear explosive device prior to January 1, 1967. Hence, the Treaty is meant to limit nuclear weapons only to five permanent members of the Security Council while Non-Nuclear Weapon States cannot have any such weapon by any way. Obviously, it was due to such discriminative provisions of the Treaty that India refused to sign it.

India since its independence has been a vociferous supporter of the nuclear non-proliferation and disarmament. When it got independence, the world was divided into two blocs: the Eastern Bloc and the Western bloc. It, unlike Pakistan, did not join any bloc and, while remaining a non-aligned country, pursued a policy of nuclear non-proliferation and disarmament.

It took anti-nuclear weapons stand both at national as well as international level. It made it clear stated that it would never give encouragement to nuclear weapons at any rate.

Thus, India pursued a civilian nuclear energy program for peaceful purposes only: generation of electricity. In fact, it wanted to produce nuclear energy by exploiting all indigenous available resources to the maximum possible extent to meet the increasing demands for energy from within the country and become self reliant in this field. Hence, it focused on civilian nuclear energy program rather than starting a nuclear weapons program.

An analysis of nuclear policy of India from 1947 to 1962 reveals the fact that India in between this period remained against building of the nuclear weapons. In fact, Jawaharlal Nehru on

several occasions, during his terms of office as Prime Minister had stated that India was in favor of nuclear non-proliferation. As in 1954, he made the first proposal for a comprehensive nuclear test ban at the Standstill Agreement. In January 1957, he said that “India would never use atomic energy for destructive purposes under any circumstances”. In August, 1960, he stated in the Parliament that “an atmosphere should be created up in the country which would bind every government in future so that it may not use nuclear energy for evil purposes”.

By 1965, India started playing an active role towards nuclear non-proliferation when the super powers were involved in their efforts to bring to surface a nuclear non-proliferation treaty. It was included in the ENDC which was convened in Italy in July of the same year. Its delegate, V.C. Trivedi, who was present in this meeting viewed nuclear non-proliferation as “analogous to the case of a 17<sup>th</sup> Century Indian Emperor who banned drinking while being a drunkard.”

India began taking keen interests in the proceedings of the NPT when the US introduced a draft treaty in the ENDC to prevent the spread of nuclear weapons. In fact, the former put forward the proposals for the conclusion of a non-proliferation agreement in this regard. It proposed that the NWS should undertake nuclear disarmament measures ceasing production of all nuclear weapons and delivery vehicles, and agree on a program of reduction of their nuclear stocks. Further, it insisted that the NWS should not pass on nuclear weapons or technology to other states and the NNWS should undertake not to acquire or manufacture nuclear weapons.

However, later on, India stated that it had softened its position with regard to an agreement on nuclear non-proliferation. It declared that it would not press for the beginning of reduction of nuclear stocks before a non-proliferation treaty was signed. But it emphasized that nuclear non-proliferation by the NNWS must be simultaneous with the NWS.

In 1966, India pointed out, that the Nuclear Non-Proliferation Treaty could only be fair if the NWS freeze and then eliminate their nuclear arsenals, and provide „security guarantees“ to NNWS. It declared that it would not develop nuclear weapons but refused to surrender the right to develop and detonate peaceful nuclear explosives as long as the NWS retain the right to conduct nuclear detonations. In August, 1967, at the drafting stage of the Treaty, India continued to remain stick to this stance and objected to the Draft Treaty. It also advanced specific requests about the security assurances for the NNWS to develop their own peaceful nuclear technology.

After reviewing Indian responses to drafting stage of the NPT it has become explicit that it had made up its stand on the Treaty quite clear from this stage. It stressed the point that the NPT did not promote disarmament and safeguard its interests. Thus, it maintained that it would not sign the Treaty and also not manufacture nuclear bomb but would carry on its civilian atomic energy program.

In 1968, when the Draft of the NPT was brought forward for signature, India clearly refused to sign it. This Indian refusal became a centre of attention for the countries of the world. An evaluation of India’s stand on the NPT while keeping in view the provisions of the treaty is made in the following main points:

- (i) Firstly, the NPT states that the NWS will not transfer nuclear weapons to the NNWS or help the latter in any way in this regard; similarly, the NNWS will also not acquire any

nuclear weapon or other nuclear explosive device from any state or manufacture nuclear weapon by any means.

India took a strong stand against it and pointed out that the Treaty included imbalance of obligations between the NWS and the NNWS. In fact, the Treaty remained successful to control the proliferation of nuclear weapons within the NNWS. But the controls applied to the NNWS could also be imposed on the NWS; however, the Treaty was lacking it.

- (ii) Secondly, under the NPT the NNWS are required to accept International Atomic Energy Association's safeguards on their peaceful nuclear program or facilities which use fissionable nuclear material. The Treaty nowhere mentions that the NWS are also obliged to accept any IAEA safeguards on their nuclear activities or facilities.

It was due to this provision of the NPT that India stressed that the Treaty involved discrimination in the application of IAEA safeguards by creating two different sets of standards: one for the NWS and the other for NNWS. India further pointed out that these safeguards should be universally applicable and based on objective and non-discriminative criteria.

- (iii) Thirdly, under the NPT the NWS are obliged to give protection to the NNWS in case the latter were subjected to nuclear attack, actual or threatened.

While in Indian perspective the NNWS face threat from the possession and continued stockpiling of nuclear weapons. It firmly believed that the real guarantee of security in this regard could be provided only through comprehensive nuclear disarmament. It held the view that the security assurances offered by the NWS to the NNWS should not be made a condition for signing the NPT as it was contrary to the UN Charter.

- (iv) Fourthly, the NPT has restricted the nuclear club to those states which exploded a nuclear weapon prior to January 1, 1967. On the other hand, India pointed out that the NPT is discriminative as it allowed the NWS to possess nuclear weapons but the NNWS are not allowed to manufacture or acquire any such weapon.

After analyzing India's stand, it is desirable to look into Pakistan's stand on the NPT. Pakistan's stance on the NPT, like its nuclear policy, has been shaped and influenced by its security concerns vis-à-vis India. Thus, when India did not sign the NPT, Pakistan also refused to sign it. Pakistan also considered the Treaty as an unequal document and took the stand that the Treaty would possess little appeal and exert less weight if the near nuclear states do not subscribe to it. It stated that it was in favor of total elimination of all types of weapons of mass destruction including nuclear, chemical and biological weapons of all super powers. It, particularly, emphasized that the Treaty must inculcate within its fold a scheme for overall elimination of all sorts of nuclear weapons within a fixed time framework for the time to come.

Since the signing of the NPT Pakistan has been maintaining that it would sign the Treaty only after India's signature on it. It has also taken the stand that both the states should simultaneously accept the full scope safeguards on their all nuclear installations and mutually agree for the inspection of their nuclear facilities.

## INDIA AND THE NPT; THE PRESENT SCENARIO

In 1998 both India and Pakistan conducted underground nuclear tests which may be understood as a response to the discriminative NPT. Thereafter, these states have been engaged in nuclear arms race with each other and are continuously expanding their nuclear arsenals.

After the 1998 South Asian nuclear tests, India and Pakistan have demanded that they should be accepted as nuclear weapon states while Article IX of the NPT states that a nuclear weapon state is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967. In fact, the fundamental point of the NPT is that international community had agreed that number of states possessing nuclear weapons should be limited to those states which exploded a nuclear weapon prior to January 1, 1967 viz., five permanent members of the Security Council. Thus, all other states except P-5 are excluded from the criteria of a nuclear weapon state

Numerous developments have taken place both at regional as well as international level since the 1998 South Asian nuclear tests which reflect India's stand on the NPT and nuclear disarmament. In order to understand the present Indian stand on the NPT a few significant developments may be discussed in the following.

In 2000, Sixth NPT Review Conference was convened but India did not attend it. This Conference endorsed „thirteen practical steps“ towards nuclear disarmament. India, particularly, focused on the CTBT and gave a call for signature and ratification of this Treaty.

When the Conference was taking place, Mr. Jaswant Singh, the then External Affairs Minister of India, issued a statement to the Indian Parliament that India cannot join the NPT as a non-nuclear weapon state. He insisted that Indian policies were consistent with the main provisions of the Treaty.

Another notable development which took place in the present century and became the focus of attention of the people all over the world is the nuclear weapon deal between India and the US which is also known as „US-India Civil Nuclear Agreement“ or „123 Agreement“. This deal is considered of huge worldwide political significant as the terms of the deal add a new dimension to international no-proliferation efforts. In fact, since 2005, India had been involved in efforts to conclude this deal with the US. In July, the same year, heads of the states from both these countries issued a joint statement for Indo-US Nuclear Agreement. It was in October 1, 2008, that the US Congress gave final approval to the Indo-US Nuclear Deal.



The Indo-US Nuclear Deal is, basically, concluded to provide American assistance to Indian civilian nuclear energy program for peaceful purposes. It is an effort to expand cooperation between the two states in sectors of nuclear energy, nuclear material and satellite technology. Under this deal, in July 2009, India allowed US companies to plant nuclear reactors in the country.

Several commitments have been made by India under the Indo-US Nuclear Deal and some of these have become a cause of concern for the critics. The main Indian commitments in this regard are given as below.

1. India agrees to allow the IAEA to inspect its civilian program.
2. India places fourteen of its twenty-two power reactors under IAEA safeguards permanently.
3. India agrees to continue its moratorium on nuclear weapon testing.
4. India commits to establish a national reprocessing facility to reprocess the safeguarded nuclear material.
5. India agrees to prevent the spread of enrichment and reprocessing technology to states that do not possess these and to support international non-proliferation safeguards.
6. The US companies will be allowed to build nuclear reactors in India and provide nuclear fuel for its civilian energy program.
7. India commits to strengthening the security of its nuclear arsenals.

After the Indo-US Nuclear Deal, Pakistan has also been demanding a similar nuclear deal with the US. In March 2012, it pleaded for access to nuclear technology for peaceful uses on a non-discriminative basis. It pointed out towards the Indo-US Nuclear Deal while demanding such an access and stated that it “qualifies to become a member of the NSG and other export control regimes.” But the US has refused to sign such a nuclear pact with Pakistan.

Significantly, Pakistan, like India, also likes the benefits of being able to undertake the civilian nuclear trade with the international community despite not being a signatory to the NPT. Actually, India, after signing the grand nuclear deal with the US, has responded negatively for signing NPT.

In September 2009, India has refused to abide by the UN Security Council Resolution which has made it essential for all non-signatory countries to sign the NPT. At the same time, India has made it clear that it cannot join the NPT as a non-nuclear weapon country even though it has reiterated that it is committed to no testing, „no first use“ of nuclear weapons and to non-discriminatory non-proliferation. Moreover, it has also asserted that it cannot accept calls for

„universalisation of the NPT“. It cannot accept and follow those norms and standards which are being enforced from outside the country on matters which are not consistent with its constitutional provisions. In fact, India has given more weight age to its constitution and parliament with regard to signing of NPT.

## CONCLUSION AND SUGGESTIONS

India has been a vociferous supporter for the cause of disarmament and nuclear non-proliferation since the time it gained independence. Its role in the NPT remained a pivot of attention for the super powers, in particular, and for other countries, in general.

India began playing an active role in the NPT since mid-1960s and it started adopting a stance which was not accepted by the super powers. It remained to stick to this stand during the drafting stages of the Treaty. When the NPT was signed India refused to sign it because it was demanding a fair and equitable treaty.

The super powers remained successful in bringing up the NPT but while analyzing their role in the Treaty we find that it has not been too much constructive. In fact, in spite of having knowledge about loopholes of the NPT as pointed out by India and Pakistan, the super powers did not give full consideration to those.

The role of the US also remained lopsided in checking nuclear proliferation in South Asia. As in the past it made Pakistan as its cold war partner in South Asia and did not totally constrain its nuclear program. While in the present it has made India as its partner in South Asia and concluded a nuclear deal with it. In fact, the US is more concerned towards its national interest and other geo-strategic and economic considerations while pursuing a nuclear non-proliferation policy instead of making the fair non-proliferation efforts.

Moreover, the 1998 Indo-Pak nuclear tests have added more obstacles in the path of nuclear non-proliferation and NPT. Hence, there is an urgent need to open up a debate on the NPT in the present perspective and to suggest measures for controlling nuclear-proliferation. For this following suggestions are put forward which if given due consideration may prove useful.

1. Destroy the bomb; otherwise, the bomb would destroy you. Efforts must be made for complete nuclear disarmament including elimination of all types of existing nuclear weapons,
2. As complete nuclear disarmament is a distant dream, hence nuclear non-proliferation efforts should be made up in a fair way. Thus, the super powers must firstly themselves give up nuclear bombs, thereafter, India and Pakistan can be prepared to destroy their nuclear arsenals or move in the direction of nuclear non-proliferation.
3. The CTBT should also be focused along with the NPT.

4. Amendments in the NPT should be made while keeping in view the changing global and South Asian scenario. For this the NPT should be refocused and redesigned keeping in view the arguments put forward by India and Pakistan against it. Otherwise, this Treaty would ever remain a charter of conflict.

5. Finally, the Kashmir issue is internally responsible for hostility and nuclear arms race between India and Pakistan, hence, every possible effort must be made for the resolution of this issue. It would be a very fundamental step to check nuclear arms race in South Asia. Thereafter, it can be hoped that both India and Pakistan would sign the NPT and the CTBT also.

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