

INDIA

and the NUCLEAR
NON-PROLIFERATION
REGIME

THE PERENNIAL OUTLIER

A. Vinod Kumar

CAMBRIDGE

FOREWORD BY C. RAJA MOHAN

India and the Nuclear Non-proliferation Regime

The Perennial Outlier

A. VINOD KUMAR



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To

Raghavendra Shivaji Daggubati

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Foreword

The turbulent evolution of India's relationship with the global nuclear order since the middle of the last century is a fascinating story that remains to be told in full. It is also a subject that severely tested independent India's statecraft and diplomatic skills. As a large civilizational state that brought a unique perspective to bear on the global nuclear debate, India also turned out to be one of the greatest critics to the international non-proliferation regime. The dynamic interaction between the two is the subject of A. Vinod Kumar's rigorous and rewarding academic scrutiny. The twists and turns of India's engagement with the non-proliferation regime are not just about arms control arcana. They provide the foundation for understanding India's sense of itself, its place in the world and its conceptions of order and justice in the international system.

At the dawn of the atomic age, which coincided with India's own tryst with destiny, Jawaharlal Nehru, the first prime minister, and Homi Bhabha, who founded India's nuclear programme, outlined a broad strategy towards a technology that promised to change the nature of war and peace. The Nehru–Bhabha approach involved three elements – rapid development of domestic nuclear research and development capabilities through cooperation with advanced countries; opposition to nuclear arms race between great powers and strong support to multilateral arms control agreements; an emphasis on peaceful uses of nuclear energy but a reluctance to give up India's own option to make nuclear weapons. This strategy combined the imperative of mobilizing high technology for nation-building with the logic of liberal internationalism that demanded significant constraints on nuclear weapon development and expansive peaceful cooperation among nations. While Nehru had no intention to develop nuclear weapons, he left the option open for future generation of Indian leaders to exercise it if necessary.

After the death of Nehru (1964) and Bhabha (1966), two factors undermined India's nuclear policy – China became the first Asian country

to build nuclear weapons; America and Russia joined hands to limit the spread of nuclear weapons through the Nuclear Non-proliferation Treaty as a complement to the stabilization of atomic deterrence between the two Super Powers. If the former accentuated India's security concerns, the latter froze India's international status as a non-nuclear weapon power. Delhi's 'peaceful nuclear explosion' in 1974, resulted in an ever-expanding sanction – national as well as international – against India. In a strategic response to the 1974 test, China helped Pakistan develop nuclear weapons and missiles, making India's security condition a lot worse. The tightening of the non-proliferation regime after the Cold War is the other important strand in this book. A. Vinod Kumar tracks the evolution of such new concepts as 'anti-proliferation' and 'counterproliferation' gained ground in the US. Some provisions of the NPT were reinterpreted in restrictive manner and the spread of weapons of mass destruction was declared one of the biggest threats to international peace and security. The champions of the non-proliferation regime believed that American power must be fully mobilized to counter the challenge from rogue states, including the unilateral use of force and regime change.

As the post-Cold War non-proliferation regime acquired a life of its own, India's isolation was near complete. In May 1998, India chose to end its prolonged nuclear ambiguity by conducting five nuclear tests and declaring itself a nuclear weapon power. It combined the bold defiance with a pragmatic offer to seek reconciliation with the global nuclear order. India's negotiations with the United States culminated in the historic civil nuclear initiative in 2005 that carved out an exception for India from the US domestic non-proliferation law and the international rules on atomic commerce. Under the deal the US agreed to live with India's nuclear weapon programme and lift the international ban on civilian atomic commerce with India. In return Delhi promised to separate its civilian and military nuclear programmes, bring much of the former under international safeguards and strongly support the global non-proliferation regime. Despite some outrage and much opposition in the United States, India and the world, the deal got international approval in 2008 and brought to a close a prolonged period of tension between Delhi and the non-proliferation regime.

In probably the most comprehensive academic assessment to date, A. Vinod Kumar makes sense of many atomic avatars that India manifested itself to the global non-proliferation system over the last many decades: champion, catalyst, contrarian, challenger and collaborator. As the author rightly notes, there is still some distance to go before India's integration into the global order is complete. To get there, the strategic planners in Delhi and the non-

proliferation community in the West need to look beyond the old mantras. If India must come to terms with its growing potential to shape the global nuclear order, the West needs a genuine and enduring partnership with India to sustain the non-proliferation regime in a world where the American power is on the ebb.

In the US domestic political support for use of force in the pursuit of non-proliferation objectives has begun to decline. The widespread American enthusiasm for invading Iraq in 2003 to capture weapons of mass destruction that did not exist has given way by 2013 to deep ambivalence about using force to deal with nuclear challenges in North Korea and Iran and a clear reluctance to be drawn into the Syrian civil war despite the use of chemical weapons. Put simply, political common sense in America is beginning to question the non-proliferation theology that emerged out of the triumphal unipolar moment. Meanwhile, the great power nuclear consensus seen in first decade after the Cold War is breaking down and regional challenges in the Middle East and Asia are no longer amenable to simplistic non-proliferation remedies.

A. Vinod Kumar's insights on the prolonged interplay between the Indian nuclear discourse and the global non-proliferation debate provides a valuable basis to reflect on two broader questions. As India becomes one of the world's leading economies and acquires considerable military power in the coming decades, what kind of a global role might Delhi choose? Would India be a perennial outlier and permanent dissenter? Or would it emerge as a responsible great power helping devise and enforce international norms? An equally important question relates to the capacity of the current international regimes, led by the West, to respond effectively to shifting distribution of power at the global and regional levels. Will the post Cold War hubris in the West yield to more pragmatic accommodation of rising powers into nuclear and other regimes? For those trying to understand how a rising India might relate to a weakening West on global issues, A. Vinod Kumar's volume is a very good place to start.

C. Raja Mohan
Observer Research Foundation
New Delhi

Preface

The book is the culmination of over eight years of research on this topic, initially at the Indian Pugwash Society and later in IDSA. When I joined the Indian Pugwash Society in 2004, after some years in journalism, the strategic community in Delhi was then vigorously debating the new policies and initiatives of President George W. Bush, notably the counterproliferation programmes and the strategic partnership that he initiated with India. While the strategic partnership opened up a remarkable phase in the relations between the world's two largest democracies, India's approach to President Bush's initiatives, especially those promoted under the rubric of counterproliferation, was a subject of intense speculation. Counterproliferation was too broad, and equally intriguing, a concept for the Indians to easily comprehend. For a country that has grappled with the intricacies of the non-proliferation regime for over four decades, counterproliferation threw up numerous facets and a new anti-proliferation narrative that the Indian policy makers and strategic community could not easily reconcile with.

The project initiated by the Indian Pugwash Society in 2004, titled 'India's role in the emerging global nuclear order', was a pioneering effort to redress the knowledge gaps and analytical deficit on the upcoming instruments of the emerging nuclear order, besides providing a fresh treatment to traditional issues like the Treaty on the Non-Proliferation of Nuclear weapons (NPT). Being the first such organised research initiative in the country to understand the phenomenon of counterproliferation, as well as related areas like criminalisation of proliferation and missile defence, the project enabled the development of some preliminary studies on these topics and their dissemination through various reports, seminars and a book-length volume.¹ Their impact on policy formulation, however, has remained

¹ See Arvind Gupta (ed.), *India in a Changing Global Nuclear Order* (New Delhi: Academic Foundation, 2009).

marginal owing to the political anathema towards counterproliferation or for that matter any other US initiatives that relied on the use of coercive force. Despite the fact that the government was considering at some stage its potential participation in some of these initiatives, especially the Proliferation Security Initiative (PSI) and the Container Security Initiative (CSI), its perennial policy ambivalence could be attributed to the customary aversion towards concepts and structures that are beyond India's conventional political and strategic visions.

Nonetheless, I personally benefitted from this project as it anchored my subsequent research pursuits on this area in IDSA, an effort which culminated in this book. Simply so, I am wholeheartedly grateful to Professor C. Raja Mohan (then convenor of the Indian Pugwash Society), Professor Varun Sahni (then Executive Council member) and Dr Ravi Grover of the Department of Atomic Energy (member of the interview board) for including me in this project, as also for flagging-off my career in policy research.

My efforts to study the dynamics of counterproliferation, its correlation with non-proliferation and its largely-indiscernible role and space in the regime has been periodically influenced by major events and milestones which shaped as well as challenged my understanding of these concepts. One such event was the 18 July 2005 Joint Statement by President George W. Bush and Prime Minister Manmohan Singh, which was a major milestone not just by its declaration of the India–US civil nuclear cooperation agreement, but also in its ability to transform the global non-proliferation narrative. The polemics over the nuclear deal, stretching right from July 2005 to the end of 2008 – when the 123 Agreement was finally signed between India and the US – was one of the most vigorous debates on nuclear issues witnessed by the country, with an intensity and national participation rarely witnessed earlier.

While the deal was destined to decisively shape India's reformed approach towards non-proliferation, nuclear energy and the role it will play in the emerging nuclear order, the international dialectics over the deal was marked by the acerbic divide between the supporters of the deal, who saw in it a new bargain to strengthen the non-proliferation regime, and its opponents, who foreboded its potential to undermine the edifice heralded by the NPT since the 1970s. On the other hand, the debate within the country was far from an informed or constructive one as its domestic backers and critics contended along political and dogmatic lines, with the actual technical details and facts being drowned in the fog of the ideological contestations. Though the government of the day eventually managed to carry through the deal towards

fruition, the national debate highlighted the considerable knowledge-deficit that shaped the understanding (and collective ignorance) on nuclear policy issues – a phenomenon uniformly spread across the political class, the policy establishment, the media and to a particular extent, even academics.

Academics have often sought to attribute this condition on the lack of thematic schooling among the political class as well as the unwillingness of the bureaucratic establishment for a broader policy socialisation effort. Yet, even the community of scholars too could have fallen short in their didactical mandates by perpetuating a generalised approach of scholarship on complex subjects like nuclear issues, which needed far more specialised treatment based on conceptual and critical explorations, and their wider and simplistic dissemination as well. Howsoever small contribution this book will make towards this end, its actual academic relevance will be the effort being made to generate a conceptual understanding and exposition of the processes and dynamics of non-proliferation, counterproliferation and functioning of the non-proliferation regime. The book has explored these dimensions through the broad context of state–regime interaction by using the Indian example as the explanatory case study.

On these lines, the book makes an unprecedented effort in trying to explain the concept of counterproliferation, its correlation with non-proliferation and its comprehensible role and space in the non-proliferation regime. This aspect could be underlined as not many Western scholars are known to have sufficiently engaged in exploring this concept beyond its immediate policy manifestations. Certainly so, I hope readers will not end up treating this book as merely a dedicated study on India's relationship and interaction with the non-proliferation regime, but rather also appreciate its deeper conceptual inquests on non-proliferation, counterproliferation and the state–regime relationships. Though the book may not give conclusive explanations on India's approach towards counterproliferation or provide the most accurate description of its non-proliferation outlook and vision, it may hopefully help policy makers and analysts in India and abroad to better understand the unique and decisive role that the regime and its instruments have had in shaping India's nuclear policies or influencing its decision-making processes. As a matter of fact, the idea of counterproliferation is now on a lean patch as the Obama administration has placed many key initiatives of his predecessor on the back burner. Yet, considering that proliferation of weapons of mass destruction (WMD) and nuclear security continue to hold centre-stage in the global security narratives, the concept of counterproliferation as a whole or its

components as envisaged in recent years continue to retain relevance, and is expected to regain prominence based on the churning in the global security environment, or rather driven by the continual crises of non-proliferation. Suffice to, however, affirm that the book does not endorse the validity or righteousness of this concept, as articulated or practised in recent times, but only seeks a dispassionate examination by placing in the larger context of the non-proliferation discourse.

These conceptual and structural inquisitions are intended to assist the primary objective of the book, which is to explain India's relationship with the non-proliferation regime and analysing the systemic factors that determine India's policies and approaches towards non-proliferation and related mechanisms. This analysis is largely based on my objective assessments and personal perspectives, driven and supported by empirical evidence, which may though not be the most accurate description of the policy-making process or reflective of the Indian government's conceptions. The book could have covered immense ground on this front had I gained the benefit of perspectives from personalities who have first-hand information and experience of nuclear policy making. Unfortunately, many of my requests for interviews and meetings did not elicit positive responses, probably owing to the general apathy towards Indian scholarship.

Having started this endeavour from the Indian Pugwash Society and sustaining it through a fascinating experience in IDSA, I wish to record and acknowledge my gratitude to many respected personalities and friends who have latently and patently supported and encouraged me through this professional and emotional course. As mentioned earlier, my smooth transition from journalism to policy research was made possible by the unstinting support of the then management of the Indian Pugwash Society. Professor C. Raja Mohan had since then played a mentoring role with timely guidance and motivation which has consistently kept me in good stead all along. The late Air Cmdr. Jasjit Singh, Professor Rajesh Rajagopalan and Dr P. K. Ghosh provided academic guidance and inspiration to me and other colleagues at the Society, which helped us in shaping our understanding of the complex topics we confronted as part of the project. I continue to reminisce the good old days I spent at the Society with Dr Arun Vishwanathan, Dr Amit Kumar Srivastava, Dr Sitakant Mishra, Dr Madhan Mohan and Gautam.

I got the opportunity to continue with my research endeavours on the same areas, thanks to the generous decision of then Director General N. S. Sisodia to grant me a fellowship at IDSA. Much of the work that culminated

in this book was undertaken at the Institute under his stewardship. During a major part of this effort, I had the pleasure of working with Dr Thomas Mathew, then Deputy Director General and coordinator of the nuclear issues cluster, whose liveliness provided us with the inspiration to thrive on our research and dialectical endeavours.

I could have continued with my occupational routine without really thinking of compiling all these years of research into a book-length volume but for the remarkable initiative and support given by our Director General, Dr Arvind Gupta. Though I could have settled for a much smaller monograph, it was Dr Gupta's advice and constant encouragement that convinced me to expand my horizons, which culminated in this detailed volume. I am immensely thankful to him for creating the ideal conditions and opportunities that enabled me to fulfil this objective. The actual writing of the book was completed in four months, a certain accomplishment, thanks to the task management skills I imbibed from our Deputy Director General, Brig. Rumel Dahiya, which greatly helped me in salvaging my writing curriculum from its wayward schedules.

The book is what it is only because of the passionate efforts of two key people to whom I am indebted for life. Suvadip Bhattacharjee, Senior Production Editor at Cambridge University Press, and Vivek Kaushik, Associate Editor at IDSA, had outperformed me in pursuing the most intense and dedicated efforts to carry the manuscript through all the nuances and intricacies of the publishing process. Their devotion inspired a camaraderie which not many authors may be blessed with. Being my first book-length publication, it was the greatest honour having had the support of a publisher like Suvadip Bhattacharjee and an affectionate colleague like Vivek Kaushik. I only hope for more opportunities to work with these remarkable gentlemen.

I am also deeply indebted to many colleagues at IDSA who gave invaluable assistance and support all along. Mukesh Jha is one such gentle colleague in the IDSA library who not just guided us through the labyrinth of information and academic resources within our gargantuan library complex but also helped in accessing resources from afar. My gratitude is due to other dedicated staff members in the IDSA library as well, including Pitambar Datt, Vikrant, Suresh, Bhagwan Dass, Ramesh, Jagawathi Devi and the late Vijaykumar Pande. Devoted colleagues in the administration, led by Wing Commander Hemlatha Lohani, were no less encouraging in all my endeavours.

Dr Cherian Samuel, Samuel C. Rajiv, Kapil Patil and Nupur Brahma were my comrades-in-arms in the nuclear and strategic technologies centres on whom I could always fall back upon and were key partners in my recent missions. I also benefited from the intellectual company of senior colleagues like Dr Ajey Lele, Dr G. Balachandran, Professor K.D. Kapur, Dr C.V. Sastry and Dr Rajiv Nayan. I cannot fail to express my gratitude to my supervisors at Jawaharlal Nehru University – Professor Swaran Singh and Professor K.P. Vijayalakshmi, Professor Christopher Raj and Professor Chintamani Mahapatra – who were sources of inspiration and support in all my academic pursuits.

I managed to reinvent my historical perspective, which has been used to good use in this book, only due to the fascinating experiences I gained from my colleagues in the Nuclear Proliferation International History Project (NPIHP), namely its co-directors, Dr Christian Ostermann and Professor Leopoldo Nuti, as well as other team members including Timothy McDonnell, Dr Joseph Pilat, Dr William Burr, Dr Anna-Mart van Wyk, Dr Giordana Pulcini and Flavia Gasbarri, among others. Having worked closely with them, and many others of this ever-expanding network, I imbibed the virtues of historical analysis which tremendously influenced my narratives for this book. I am specially thankful to Dr Pilat for validating my perceptions on counterproliferation and emboldening me to hasten my conceptual pursuits in the right direction.

My family and small circle of close friends played significant roles in helping me to complete this project. My gratitude will be immeasurable and boundless to at least three of them who have been co-travellers in my recent trysts with fate and destiny. Pazhavila Sasidharan Nair has always endowed a brotherly vigil over me and continues to provide me with the much-needed emotional support and guidance from miles afar. Jolly Sebi Thomas was the unfailing pillar of support and conscience during my recent tumults, besides egging me on whenever the chips were down during the months of authorship. It was a blessing to have gained the company of a younger friend like Shanmugasundaram Sasikumar, who, as interrogator extraordinaire could ask the right questions, push me through the clutter and mental blocks and lead me towards greater clarity in thought and action.

My wife, Deepa, and loving son, Vaishnav, deserve credit in this regard as well. Apart from keeping my immediate environment conducive enough for me to complete this work, they learnt to adjust with my nocturnal work schedules, sacrificed their precious weekends and kept my morale high

whenever they saw the pressure building up in my eyes. They have been my frontline of support, as much as my parents (Aswakumaran Nair and Leelavathy), who will celebrate and bless this happy moment from their humble environs in Thiruvananthapuram. Equally delighted will be my only sibling, Sindhu Kumari, her husband Gopakumar and their son Akhilesh, along with my buddies for life, Krishnan Ramachandran, Satheesh Kumar, Rajeev R.S. and Bini Sajan. Eager friends in Delhi including Leeladhar Bhandary, Dr Suresh Babu, Dr Anil K. Nair, Dr Bodhi, Dr Joshy M. Paul and Dr Shelly Johny, among others, will treasure this book more than I do. I devote this book to all these noble souls whose love and affection I have always been blessed with.

Last but not least, I wish to thank the three anonymous referees whose valuable comments helped me in revising the manuscript towards greater perfection. I am solely to blame for any shortcoming that has still crept into the final product. I am also indebted to the Syndicate of Cambridge University Press for their decision to publish this book.

The book largely collates my own perspectives and opinion (but for where it is otherwise mentioned), and does not in any way reflect the views of IDSA or Government of India.

1

Introduction

India's nuclear behaviour has been a subject of intense academic interest and policy debates, especially in the Western world, since the time India undertook what it termed as a peaceful nuclear explosion (PNE) in May 1974. The PNE shook the fragile edifice of the nuclear non-proliferation regime¹ which was then beginning to consolidate. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) had just come into force at the beginning of that decade and had invoked the normative framework of an international regime that sought to control the spread of nuclear weapons, facilitate steps to free the world of nuclear weapons, while ensuring that nations reap the benefits of atomic energy. The PNE forced a scramble among the guardians² of the regime and sustained the fear that many more will follow suit, taking inspiration from India. The regime and its constituents had to be re-tailored to defeat this eventuality. In contrast to initial apprehensions and the many predictions of a widespread breakout of nuclear weapon aspirants, it was again India's turn to decisively shake the regime, 24 years later, through its series of nuclear tests in May 1998, this time not as a PNE, but definitively declaring to the world that it is a nation possessing nuclear weapons.

Nuclear theorists, and an emerging group of nuclear historians,³ have been using the Indian case study to understand why nations pursue nuclear weapons. The propositions derived were not just supposed to explain the causals of proliferation, rather to also generate understanding on how nations approached the normative structures and processes of non-proliferation. Most of these studies are predominantly based on existing theories of proliferation and deterrence while another bunch of literature seeks to apply the Indian example to analyse the implications of new nuclear weapon states on regional

and global security dynamics.⁴ A major section of studies on proliferation drivers outlines variables like pursuit of power and prestige, domestic impulses, as well as security dilemmas arising from strategic competition with nuclear rivals as among primary factors that propelled countries like India to pursue nuclear weapons.⁵ Hardly few among them, though, have considered the influence of India's complicated, and often tumultuous, relationship with instruments of non-proliferation as having prompted periodic shifts in its nuclear policy, consequentially shaping its approach towards not just non-proliferation and disarmament, but also its decisions on nuclear weapons and nuclear energy development.

It is not difficult to comprehend the struggle that analysts and historians could have had in discerning the political underpinnings and the dynamics of India's nuclear decision making, especially in their multitude of efforts to precisely explain the PNE and the 1998 tests. The large gamut of primary sources and official records that could have otherwise provided for new insights and interpretations on India's nuclear policymaking history is largely inaccessible or yet to be declassified.⁶ This is more the case for the 'sensitive' historical documents pertaining to the strategic programmes which are yet to reach public archives. However, many official articulations of India's policies and approaches to normative shifts in the regime are accessible in the public domain, thanks to the intense debates preceding crucial Indian decisions on non-proliferation and disarmament, and if not much less to India's emphatic posturing of its dogmatic positioning on global security issues. Ample evidence, hence, exists to substantiate the postulation that key Indian nuclear policy decisions could have emanated from the generally emphatic, often dramatic and sometimes radical Indian reactions to shifts in the normative and executive structures of the non-proliferation regime.

A retrospective analysis of the events running up to the 1974 PNE and the 1998 nuclear tests could indicate this trend. A dominant line of thinking puts forward the argument that Prime Minister Indira Gandhi sanctioned the PNE in the aftermath of the 1971 war with Pakistan, which revealed some stark strategic realities, mostly notably the polarization of some nuclear weapon states against India. The appearance of the USS *Enterprise* in the Bay of Bengal is said to have shaken the Indian leadership, and convinced it of the need to demonstrate a nuclear capability. Prominent personalities associated with the PNE like P.K. Iyengar have repeatedly testified to this aspect, though unable to correlate the circumstances with India's signing of the friendship treaty with the Soviet Union or explain why this treaty may not have provided the requisite level of confidence at that critical juncture. Such

narrative gaps notwithstanding, a largely undervalued explanation in most narratives on the PNE decision is the impact of India's rejection of the NPT some years earlier. Often overlooked in most assessments is the significance of Prime Minister Indira Gandhi's statement in the Lok Sabha that 'we shall be guided entirely by our self-enlightenment and the considerations of national security,' days after India decided to reject the NPT treaty text.⁷ Besides the supposedly emotional outcry on a flawed bargain that created a world of nuclear 'haves' and 'have-nots', the Indian government was by then convinced that the NPT, by failing to enshrine disarmament obligations of the nuclear weapons states, will have little role in addressing India's concerns on the threat from nuclear China.

A handful of existing and recent research endeavours to capture the historicity of India's early nuclear debates and policies describe the high polemics over nuclear weapons that were initiated at various levels after the Chinese nuclear test in 1964.⁸ Homi Bhabha's famous declaration of capability that India could produce nuclear weapons in 18 months;⁹ the demands for nuclear testing from a cross section of parliamentarians, media and scientists; Bhabha's prospective elevation to the Indira Gandhi cabinet¹⁰ — stand as testament on how a decision to test was always at arm's length throughout the 1960s. Prime Minister Lal Bahadur Shastri's purported sanction for the Subterranean Nuclear Explosion Programme (SNEP), as claimed by George Perkovich, abstracts this narrative, though nuclear scientists deny existence of SNEP, while no official document has emerged to confirm this.¹¹ Further, A.G. Noorani had analysed Shastri's attempt to acquire security guarantees during his London visit, which was interpreted as a desperate attempt to resist the pro-bomb clamour.¹²

That Vikram Sarabhai as chairman of the Atomic Energy Commission (AEC) had moderated the pressure building up from various quarters on nuclear testing, and that the political leadership could have waited with anticipatory hope for a satisfactory outcome from the NPT deliberations, could be conjoined with Indira Gandhi's 1968 statement to list the multitude of factors that could have delayed a decision to test. It is then improvident to believe that prestige and power aspirations weighed in the minds of Indian leaders. Rather, the disgruntlement over the normative settings provided by the NPT for a new framework of global non-proliferation, which India felt was discriminatory and could compound its security concerns, could have fuelled an indomitable determination among Indian leaders on the imperative of acquiring, and showcasing a nuclear weapon capability. A conclusive note on this postulation would be the decree by Indira Gandhi, as described by

Raja Ramana, in the final meeting to decide the PNE ‘that the experiment should be carried out on schedule for the simple reason that India required such a demonstration.’¹³

Such a capability demonstration could then have had multiple intentions: showcasing to the world that India has the ability to develop nuclear weapons, notifying China on the need to be amply deterred, posturing to the non-proliferation community in physical terms India’s dissatisfaction with the NPT bargain declaring that non-proliferation norms cannot desist India from meeting its ‘considerations of national security’, and probably even expressing a symbolic note of dissent against the manner in which India’s objections were overlooked in the course of finalizing the treaty text. While not discounting the relative impact of the 1971 campaign, the dominant rationale of the PNE, as seen from these evidences, could be conclusively described as India’s reaction to structural and normative shifts in the non-proliferation regime, which the political leadership felt carried no promise of addressing India’s security concerns, if not affecting it detrimentally.

A similar reconstruction of events and decisional dynamics leading to the 1998 tests also does not illustrate a different picture. India’s relationship with the regime, its cornerstone, key instruments, and invariably its guardians, were hardly impressive in the years preceding 1998. After the Rajiv Gandhi Action Plan — India’s penultimate attempt in a long journey since the PNE to convince the nuclear world of how non-proliferation should be the decisive path towards disarmament — was cold-shouldered by the powers-be, India had apparently decided to weaponize, its major manifestation being the aborted testing attempt in 1995.¹⁴ By then, the decision to indefinitely extend the NPT had convinced the Indian leadership that the system of ‘nuclear apartheid’ sustained by the treaty will persist for the infinitum. A last ditch attempt to force a disarmament roadmap on the nuclear weapons states, in a bid to address the Chinese nuclear challenge, failed after the final text of the Comprehensive Test Ban Treaty (CTBT) forced no such commitments from the P-5 to link test ban with a disarmament plan. A repeat of the 1974 scenario seemed imminent as India’s objections on the CTBT final draft were rejected almost on the same lines as done with its NPT arguments.

This was also the period when India began to feel the intense heat from many of the post-1974 export control mechanisms, described by New Delhi as ‘denial’ regimes. The 1992 guidelines by the Nuclear Suppliers Group (NSG) that only countries with Full-Scope or Comprehensive Safeguards

Agreement (CSA) with the International Atomic Energy Agency (IAEA) will be allowed to access nuclear supplies, had virtually shut India out from international nuclear commerce, denying its access to crucial nuclear fuel supplies, as well as the know-how to expand into the advanced reactor domains.¹⁵ That the NSG was formed as a supplier cartel in response to the 1974 PNE implicitly characterized the 1992 guideline as another targeted affront. The scenario remained gloomy as other mechanisms in the regime like the Wassenaar Arrangement and the Australia Group tightened dual-use export provisions with designated targeting of non-NPT states like India, even as the Missile Technology Control Regime (MTCR) plugged all routes for any technological assistance to the then struggling Integrated Guided Missile Development Programme (IGMDP).

Though the Narasimha Rao-led Congress government was supposed to have taken the first steps towards an overt nuclearization process through a testing attempt in 1995, which was aborted following reported American intervention, it was the National Democratic Alliance (NDA), led by the Bharatiya Janata Party (BJP), that had bonded the elements of power, prestige and nationalistic pride to justify India's nuclear weaponization. As lead vortary of India's pro-bomb brigade,¹⁶ the BJP had only needed to be in power and the right political context to sanction nuclear testing. Though BJP fulfilled its political calling by deciding to test, it may not be inappropriate to posit the counterfactual that had India's relations with the regime been conducive, or had the CTBT been to India's satisfaction, or had the NPT's indefinite extension (in which India did not have any say) come with incentives for India to join the Treaty, the strategic environment would not have had favoured India's nuclear testing decision. As mentioned earlier, the decisive impulse towards weaponizing could have been the rejection of the Rajiv Gandhi Action Plan (assuming Rajiv Gandhi had sanctioned weaponization) and the indefinite extension of the NPT. Thereby, notwithstanding the fact that the Congress party had questioned the logic and timing of the NDA government's decision to test in 1998, one could speculate that even a Congress government could have done the same by treating the CTBT debacle as the final nail in its eroding confidence in the non-proliferation system. The evidences and suppositions derived thereof thus make it necessary to assume that despite prevalent primary and secondary influences, India's nuclear decision-making process could be seen as customary as well as impulsive responses to the stimuli — namely the normative and paradigm shifts in the non-proliferation regime and its key instruments.

The puzzle and its broad context

India thus offers a unique case for study primarily in terms of a state's relationship and dynamics of interaction with the non-proliferation regime, especially on how a state functioning outside the dominant framework of a system reacts to its normative shifts, and then shapes its policies as response to periodic, and often tumultuous, transformations. The uniqueness of this regime–state interaction is buttressed by many factors and phenomena. Numerous conceptual intricacies exist in the manner in which the regime functions with static objectives but with constantly evolving norms and rules; how its membership is defined and described by its guardians as well as the community of analysts, non-governmental groups and opinion makers; and how the normative basis of the regime has been differentially treated by various actors within the regime. The relevance of the Indian example to this context is also about the marvel of seeing a country surviving as a nuclear-capable sovereign entity — a colossal nuclear energy producer and possessing nuclear weapons — all the while being termed as outlier in the system. Of related significance are the dialectics on the scope of integrating outliers into the regime, through normative and structural adjustments.

Such characteristics evoke many structural questions: can a state remain successfully as a nuclear-capable entity outside the near-universal normative framework of the non-proliferation regime? How can the right of a nation to indigenously develop its resources for nuclear energy and weapons outside the regime's framework be challenged, if it is capable of doing so on its own merits and strengths? Should a nation be outcasted if it differs with the dominant normative structures and prefers to survive on free will? What is the criterion to define the regime's membership, so as to authoritatively describe a nation as an outlier? Is the outlier description of India oxymoronic especially when India has been a member of various instruments preceding the NPT, like the IAEA safeguards system, and many global institutions connected to the regime including the Conference on Disarmament (CD)? Finally, does not the regime, as a loose or abstract construction of norms, rules and structures, give ample space for a nation to function with rights of selective adherence?

These questions need a detailed inquiry, which will be undertaken in later chapters, but not before qualifying some facts and suppositions on India's approach to non-proliferation, its relationship with the regime, as well as the conceptual evolution of the non-proliferation paradigm and how it influenced the regime's normative structures.

First is the significance of the multitude of roles India has played in shaping the non-proliferation discourse and the regime's construction, an element