

**PUBLIC OPINION AS A FACTOR IN THE MAKING OF
INDIA'S FOREIGN POLICY: A CASE OF INDIA'S POLICY
TOWARDS CIVIL NUCLEAR AGREEMENT WITH THE US,
2005-2008**

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in
POLITICAL SCIENCE

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*Under the Guidance
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CERTIFICATE

Certified that the present thesis entitled “*Public Opinion as a Factor in the Making of India’s Foreign Policy: A Case of India’s Policy towards Civil Nuclear Agreement with the US, 2005-2008,*” being submitted by **Shyna V V** is worthy of consideration for the award of the degree of **DOCTOR OF PHILOSAPHY** of Pondicherry University, Puducherry. To the best of our knowledge and belief, this is her work and has not been published or presented for the award of any degree of this or any other university.

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DECLARATION

I hereby declare that the dissertation entitled “*Public Opinion as a Factor in the Making of India’s Foreign Policy: A Case of India’s Policy towards Civil Nuclear Agreement with the US, 2005-2008,*” submitted to the UGC Centre for Southern Asia Studies of Pondicherry University in partial fulfillment of the requirements for the award of the degree of **DOCTOR OF PHILOSOPHY** in Political Science, is a record of original research work done by me under the supervision and guidance of Prof. **Nalini Kant Jha**, Professor and Director, UGC Centre for Southern Asia Studies and that it has not formed the basis for the award of any Degree or any other similar titles.

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List of Abbreviations

AEC	: Atomic Energy Commission
AIADMK	: All India Anna Dravida Munnetra Kazhagam
APSARA	: An Indian uranium enrichment reactor.
BARC	: Baba Atomic Research Centre
BJP	: Bharatiya Janata Party
BSP	: Bahujan Samajwadi Party
CIRUS	: Canada India Reactor United States
CPI	: Communist Party of India
CPI (M)	: Communist Party of India Marxist
CTBT	: Comprehensive Test Ban Treaty
DAE	: Department of Atomic Energy
FDI	: Foreign Direct Investment
FMCT	: Fissile Material Cut-off Treaty
IAEA	: International Atomic Energy Agency
ICBMs	: Inter Continental Ballistic Missiles
IPKF	: Indian Peace Keeping Force
MDMK	: Marumalarchi Dravida Munnetra Kazhagam
MP	: Member of Parliament
NDA	: National Democratic Alliance
NPT	: Nuclear Non-Proliferation Treaty

NRC	: National Regulatory Commission
NSG	: Nuclear Suppliers Group
NSSP	: Next Step Strategic Partnership
NWFZs	: Nuclear Weapons Free Zones
PDP	: Peoples Democratic Party
PHWRs	: Pressurized Heavy Water Reactors
PM	: Prime Minister
PSP	: Praja Socialist Party
PTBT	: Partial Test Ban Treaty
RNR	: Regional Non-proliferation Regime
SP	: Samajwadi Party
SSP	: Samyuktha Socialist Party
TDP	: Telugu Desham Party
UN	: United Nations
UPA	: United Progressive Alliance
USA	: United States of America
WMD	: Weapons of Mass Destruction
WTO	: World Trade Organisation

Preface

As the saying goes, foreign policy begins and ends at home, the linkages between foreign policy of a state and domestic factors are very deep. One of the important domestic sources of foreign policy is public opinion. The role of public opinion has got all the more salience because of the growth of political education, spread of the print and electronic media including social media and the new institution of public opinion polls and surveys that facilitate decision makers to become constantly aware of public opinion.

India, being a democratic country, is no exception to the above truism. In fact, public opinion has played both a reinforcing as well as a restraining role in the making of its foreign policy. This was especially visible on the issue of Indo-US Nuclear Agreement. Public opinion, as articulated through media, political parties and Parliamentary debates, obliged and enabled New Delhi to seek as much concessions as possible from Washington while negotiating the agreement. Though legislatures in parliamentary political systems like India need not ratify an international treaty, the introduction of 'No Confidence Motion' against the Government by the Left virtually gave the power of ratification of treaty to Indian Parliament. It is, therefore, very relevant to undertake a study of the linkages between public opinion and India's foreign policy in general and its policy towards Indo-US Nuclear Agreement, 2008 in particular. This exercise is especially more rewarding because the period 2005-2008 witnessed frequent invoking of the pressure of public opinion in India's foreign policy making process, particularly in the context of Indo-US relations.

Review of Literature

Surprisingly, however, a systematic effort has hardly been made to examine the role of public opinion in the making of India's foreign policy and especially its policy towards nuclear agreement with the US. In fact, there is very little study and research on the subject of foreign policy that springs from domestic sources. This situation has led to an undue emphasis on the external environment, non-human realities, and governmental decision making process as the primary determinants of foreign policy. A few studies, of course, touch the influence of public opinion on India's foreign policy. These include: J. Bandyopadhyaya, *The Making of India's Foreign Policy* (New Delhi: Allied Publishers, 2003); A. Appadorai, *The Domestic Roots of India's Foreign Policy 1947-1972* (New Delhi: Oxford University Press, 1981); Nalini Kant Jha, *Domestic Imperatives in India's Foreign Policy* (New Delhi: South Asian Publishers, 2002); A. P. Rana, *The Imperatives of Nonalignment: A Conceptual Study of India's Foreign Policy Strategy in the Nehru Period* (Delhi: Macmillan, 1976); Amitabh Mattoo and Happymon Jacob, *Shaping of India's Foreign Policy: People, Politics and Places* (New Delhi: Har-Anand Publications Pvt. Ltd, 2010); and Krishnan D Mathur and P. M. Kammath, *Conduct of India's Foreign Policy* (New Delhi: South Asian Publishers, 1996). But these works discuss larger aspects of linkages between domestic politics and foreign policy and not exclusively focus on the role of public opinion in the making of India's foreign policy.

Some of the studies have tried to focus on linkage between public opinion and India's foreign policy. These works include: Devesh Kapur, "Public Opinion and India's Foreign Policy," *Indian Review* (New Delhi), vol.8, no.3, 2009; Sanjay Baru, "The Influence of Business and Media on Indian Foreign Policy," *Indian Review* (New Delhi), vol.8, no.3, 2009; C. Raja Mohan, "The Making of Indian Foreign Policy: The Role of Scholarship and Public Opinion," *ISAS Working Paper* (Singapore), 13 July 2009; and Madhavi Bhasin, "The Making of India's Foreign Policy: A Case for Connecting Scholars, Practitioners and Public Opinion", *ISA Annual 2010 Draft Paper* (Berkeley). But these

works do not discuss the impact of public opinion in Indo-US relations in general and Indo-US Nuclear Agreement in particular.

Some writers like, Nalini Kant Jha and S. Prabhakar in their paper “Indo-US Nuclear Agreement: Parliamentary Inputs”, in Nalini Kant Jha, ed book, *Nuclear Synergy Indo-US Strategic Co-operation and Beyond* (New Delhi: Pentagon Press, 2009); and Tanveer Jafri, in his article, “Nuclear Deal and Indian Parliament”, *Afro Articles* (<http://www.afroarticles.com/article-dashboard/Article/Nuclear-deal-and-Indian-Parliament/116592>), 2008; focus on the role of Parliament in the shaping of Indo-US Nuclear Agreement. But these papers do not discuss larger aspects of linkages between public opinion and the said agreement. These works are not comprehensive, as these are either in the form of a chapter in a book or articles in journals. In fact, the manner in which the public opinion guided India’s approach to nuclear agreement with the US has largely remained an unasked and unanswered question. The present study is a modest attempt to fill this gap.

Objectives

Accordingly, this study attempts to achieve the following objectives:

- To analyze the role of public opinion in Indian foreign policy making.
- To make an analysis of Parliamentary debates concerning Indo-US Nuclear Agreement and to examine as to how far and to what extent discussions and debates in Parliament influenced the said agreement.
- To find out the role of Indian press and political parties in the shaping of India’s foreign policy towards the civil nuclear agreement.
- To analyse the story of the nuclear agreement through the eyes of scholars and writers and how it contributed to educating of the public.

Conceptual Framework

The study has been conducted within the broad framework of linkage politics. The term 'linkage politics' was coined by James N. Rosenau in 1969, to study the relationship between domestic politics and foreign policy and to connect the two spheres of research, viz., research on national and international politics and thereby to end the conceptual separation between Political Science and International Relations. The linkage theory accounts for the study of overlapping areas between domestic and international politics, left out of sight due to the inefficiency of theoretical parameters predominant in both Comparative and International Politics study.

To facilitate the convergence of the two fields, Rosenau proposes that linkage should serve as a basic unit of analysis and define that as any recurrent sequence of behaviour that originates in one system and is reacted to in other. In order to distinguish between the initial and terminal linkage, he defines the former as output and the later as input for the national or international system in which the sequence of behaviour either originates or culminates. An important aim of Rosenau while developing the idea of linkage politics was to extend this concept to two research levels of international relations that of a State and system.

On the state level, this model focuses on identifying the connections between variables within the internal and external political environments of a given international actor, when the variables within the internal political environment predominate in the shaping of foreign policy. On the system level, Linkage approach focuses on how interactions between actors in international system and vice-versa- that is how interactions between actors in the international system affect the internal political environment of any of the actor. A student of this subject concerned with analysing the linkages between domestic factors and foreign policy should, therefore, use State perspective. Accordingly, we propose to study mainly this aspect of linkage politics model, which deals with one

aspect of the domestic sources of international politics, namely, the potential linkage between public opinion and foreign policy.

As regards the concept of public opinion, while one often talks about public opinion in any discussion in international relations, it is difficult to precisely tie down the connotations of the word 'public opinion.' The word 'public' is generally used to refer to a large group of people. It is sometimes used as synonymous with crowd. According to Kimball Young, "Public refers to a rather loosely organized and conjoined grouping of people with a common interest." And 'opinion,' implies careful thought and consideration. It is founded on some kind of information or evidence. It is not necessary that opinion should always be correct, it may even be faulty.

Among the public, there are three categories. They are mass public—consisting of people who are unaware of all but the most major events in foreign affairs and have either no opinion or have vague and generally weakly held ones. Their opinion has its greatest effect on policy at the voting booth. The political parties and press collect these opinion and publish it in the form of news or proceedings. Then it reaches to the next segment of public that is 'attentive public'— aware of many major events, but not deeply informed. They express their opinion through their writings and tends to work through organisations and institutions. And the last segment is 'opinion leaders,' who are generally familiar about foreign affairs and have a quite stable and consistent attitude towards public policy.

Hypotheses

In the light of the above-mentioned conceptual framework, this study strives to test the following hypotheses:

- The Constitution of India provides essential institutions through which the people and their representatives can influence and even control foreign policy of the country.

- The compulsions of coalition politics increased the role of public opinion in the framing of India's foreign policy, because it contributed to decentralization of foreign policy decision making process.
- The pressure put by Parliament along with the vigilant press and, scientific and academic community served national interests by forcing the Government as well as by enabling it to cite public pressure to obtain as much concession as possible from the US.

Methods and Sources

The study has been conducted with the help of historical and analytical method. Both primary as well as secondary sources have critically been used for this study. The primary sources include Government publications such as *Parliamentary Debates*, *Assembly Debates*, *Annual Reports* and *Press Releases of the Ministry of External Affairs*. Besides, books and articles published in journals and newspapers have been used for this study. This researcher has also interacted with academicians of repute working in this field. Due to constraints of time and resources reliance has been placed on public opinion surveys on the subject conducted by Chicago Council on Global Affairs, Prof. David Cortright, Prof. Amitabh Mattoo and Prof. Devesh Kapur. Besides, out of numerous Indian newspapers, we have relied mainly on three major national dailies, namely, *The Hindu*, *Indian Express* and *Times of India*. As regards political parties, we have mainly focussed on Congress, Bharatiya Janta Party, Communist Party of India, Communist Party of India (Marxist), Bahujan Samaj Party and Samajwadi Party.

Scope of the Study

As discussed earlier, the present work has been conducted within the broad frame work of Linkage politics. We have used State perspective to focus on impact of domestic politics on foreign policy. But out of several domestic factors such as, geography, society, culture, history and tradition, leadership, economy, and politics we have limited the study to the impact of only one domestic factor, namely, public opinion, on a specific aspect of

India's foreign policy, namely, its policy towards nuclear agreement with the US. The present study analyses the way and the extent to which Indian public reacted to India's nuclear diplomacy with the US. As stated earlier, the constraints of time and space obliged us to concentrate on three major newspapers only and exclude electronic media.

Chapter Scheme

The work has tentatively been divided into five chapters.

Chapter I: Public Opinion and Foreign Policy: An Important, Yet Ignored Dimension

This chapter examines the meaning and nature of public opinion as well as foreign policy and briefly discusses the linkages between public opinion and foreign policy as a backdrop to our study of the role of public opinion in the making of India's policy towards civil nuclear agreement with the US.

Chapter II: Parliament and Political Parties: Coherent Left and Suspicious BJP

The chapter throws light on the constitutional provisions regarding Parliament's role in influencing foreign policy. In the light of these constitutional provisions, an appraisal of parliamentary debates related to the nuclear agreement has been made. The chapter is also devoted to discussion of the views of political parties in Parliament about the said agreement.

Chapter III: The Print Media: Illusion and Reality

This chapter makes an appraisal of the role of media especially press in influencing India's policy towards nuclear agreement with the US. This chapter seeks to understand the story of the nuclear issue in three phases through the eyes of Indian press. The first concludes with the text of the 123 Agreement being finalised on 20 July 2007. The second phase covers the political character of the nuclear agreement and slow separation of the Left from the Government, and ends with trust vote in Parliament on 22 July 2008. The

last phase sees the deal's actual passage through the IAEA, the NSG and the US Congress, leading up to being signed on 10 October 2008.

Chapter IV: Academic and Scientific Commentary: One Text, Many Contexts

The chapter analyses the views of academicians and scientists expressed by them in the form of research papers in different journals, articles in edited volumes and newspapers about the said agreement. This chapter analyses the story of the nuclear agreement from three angles through the eyes of scholars and writers. The first is from the viewpoint of nuclear proliferation. The second set of authors focuses on the implications of the nuclear agreement for India's strategic and political sovereignty. And the third set of authors believes that the agreement is a welcome change in Indo-US relations.

Chapter V: Conclusion

The main findings of the study have been summed up in Chapter V. This chapter makes some suggestions regarding the active participation of public in the foreign policy decision making process.

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Chapter I

Public Opinion and Foreign Policy: An Important, Yet Ignored Dimension

There is no division of opinion among the analysts of international politics regarding the fact that making of foreign policy of a country depends not only on external factors, but also on internal factors. In fact, the making of foreign policy flows from the overall international system, from domestic political imperatives, from the cultural factors that underlie the society and, finally, from the personal characteristics and perceptions of individual decision makers. No Government can rule by power without the consent of the people because are carried out by ordinary people. Occasionally, Government adopt its foreign policies for a particular purpose of making public approval and hence attaining domestic legitimacy.¹ Its prime purpose is to seek adjustments in the behaviour of other states, in favour of oneself. It results from the struggle of conflicting theme, contending domestic interests and challenging Government agencies.² Kapur, argued, “the foreign policy attitudes towards another country are a compound amalgam, which needs to be distinguished between attitudes towards the country, its Government, or its people.” This matters as it has been contended that negative approaches towards the people of a country are more difficult than adverse outlooks towards the Government of that country, because the former shows more deep rooted angers compared to the latter. Hence, the influence of public opinion on foreign policy results is resolute by the communication between a decision maker’s opinions about the proper role of public opinion in foreign policy design and the decision framework in which a foreign policy choice must be made.³

¹ Joshua S. Goldstein and Jon C. Pevehouse, *International Relations* (Pearson Education, 2008), p.142.

² V. K. Khanna, *Foreign Policy of India* (Delhi: Vikas Publishing House, 2007), p 312.

³ Devesh Kapur, “Public Opinion and India’s Foreign Policy,” *Indian Review* (New Delhi), vol.8, no.3, July–September, 2009, p.296. Also see at Rudi Guraziu, To What Extent is Foreign Policy Making Affected by Public Opinion in a Liberal Democracy?, available at <http://www.atlantic-community.org/app/webroot/files/articlepdf/To%20what%20extent%20is%20foreign%20policy%20making%20affected%20by%20public%20opinion.pdf>, accessed on August 13, 2012.

Accordingly, the internal political structure of a country has an important impact up on country's approach to international affairs. The distinguishing mark of a free Government is the very freedom allowed to the citizens to express their opinions on public policy, domestic or foreign. These are based on established institutions such as an elected Parliament, political parties and a free press for the expression of opinion.⁴ According to Gabriel Almond, a good foreign policy requires an understanding of the policy making apparatus- popular attitudes towards politics which are conditioned by the 'national character' and its regional and class variants, education and information, the influential interest and pressure associations, the party systems, the electoral process, etc.⁵ As mentioned earlier, public opinion, both national and international, is a major inputs of foreign policy. So, the foreign policy makers of each nation have to accept and give due place to the opinion of the people they represent as well as to the world public opinion. As the strength behind the objectives of disarmament, arms control and nuclear disarmament, anti-colonialism, anti-apartheid policies of various nations, has been the world public opinion.⁶ Over the years there has been large debate about the role of public opinion in foreign policy. In this modern, advanced world of communication, where individual and democracy has succeeded all over, the public got special sway, in national as well as global environment. And structure of public opinion with international politics of any particular country is dependent on its model of democracy and model of decision making. It is, therefore, essential to discuss the broad foreign policy orientations of the public for a gratitude of their actual and potential part in formulating India's foreign policy. But before doing so, a brief debate around foreign policy and public opinion is called for.

⁴A. Appadorai, *The Domestic Roots of India's Foreign Policy 1947-1972* (Delhi: Oxford University Press, 1981), p.13

⁵Gabriel A. Almond, *The American People and Foreign Policy* (New York: Frederick A. Praeger Publishers, 1960), p.4.

⁶ N. Jayapalan, *Foreign Policy of India* (New Delhi: Atlantic Publishers & Dist, 2001), p.10.

Understanding Foreign Policy

Definitions of political activities are disreputably problematic and foreign policy is no exclusion, though decision makers themselves decide, to an extent, what foreign policy is by what they choose to do.⁷ Thus, Hugh Gibson defined:

a well-rounded, comprehensive plan, based on knowledge and experience, for conducting the business of Government with the rest of the world. It is aimed at promoting and protecting the interests of the nation. This calls for a clear understanding of what those interests are and how far we can hope to go with the means at our disposals. Anything less than this falls short of being a national foreign policy.⁸

In the views George Modelski, foreign policy “is the system of activities evolved by communities for changing the behaviour of other states and for adjusting their own activities to the international environment.”⁹ According to Schleicher, “the actions (including words) of Government officials to influence human behaviour beyond the jurisdiction of their own state.”¹⁰ F. S. Northedge defines foreign policy to be “the use of political influence in order to induce other states to exercise their law-making power in a manner desired by the state concerned; it is an interaction between forces originating outside the country’s borders and those working within them.”¹¹ According to the research staff of the Brookings Institution, foreign policy, “the complex and dynamic political course that a nation follows in relation to other state. The foreign policy of a nation is more than the sum total of its foreign policies (thought-out courses of action for achieving objectives), for it also includes its commitments, the current forms of its interest and objectives, and the principles of right conduct that it professes.”¹² Joseph Frankel writes that foreign policy “consists of decisions and

⁷ Christopher Hills, *The Changing Politics of Foreign Policy* (New York: Palgrave Macmillan, 2003), p.4

⁸ Hugh Gibson, *The Road to Foreign Policy* (New York: Doubleday, 1944), p. 9. Also, see at Appadoari, n. 4, p.1

⁹ George Modelski, *A Theory of Foreign Policy* (London: Pall Mall Press, 1962), pp.67

¹⁰ C. P. Schleicher, *International Relations* (New Delhi, 1963), p. 130

¹¹ F. S. Northedge, *The Foreign Policies of the Powers* (London: Faber & Faber, 1968), pp.9, 150

¹² Major Problems of United States Foreign Policy, 1952-1953. Prepared by the Staff of the International Studies Group of The Brookings Institution (Washington, D. C.: The Brookings Institution. 1952), pp.373 -75. Also, see at Appadorai, n. 4, pp.1-2.

actions which involve to some appreciable extent relations between one state and the others.”¹³

A perusal of above definitions of foreign policy shows that if scholars like Gibson “stress ideas (the plan of action), prior to action,” others like Modelski, “highlight the action, that is policy as executed,” and still others like Frankel emphasise “both ideas and action.” According to Nalini Kant Jha, “in order to avoid such a loose use of the term, it seems appropriate to look into foreign policy in a categorisation form.”¹⁴ Three conceptions in the categorisation of foreign policy behaviour through which foreign policy elites connect their states to events and situations abroad are: (a) their general attitudes, conceptions and orientations; (b) content, that is, concrete plans and commitments regarding foreign policy; and (c) implementation of those plans. In this sense, foreign policy represents the external aspect of a country’s public policy.”¹⁵ However, they all approve that the foreign policy is referred with the conduct of a state towards other states.

The above-mentioned definitions do not elucidate as to whose ideas or actions constitute foreign policy. While Modelski specifies “some imprecise objects such as communities” and Gibson “ignores the query altogether.” According to Frankel, “it appears to be the state.” It is because of their neglect in classifying the foreign policy players or elites that these scholars disregard the important part of “regime interests” in the making of foreign policy. Sometimes, they may also modify the foreign policy to inspire the probabilities of their own existence.¹⁶ Thus, in a given condition, the aspiration of the ruling regime may unite or clatter with the general nationwide interest of a country. Moreover, scholars like Frankel mistakenly observe “foreign policy only in terms of a country’s attitude towards other states.” In fact, foreign policy also references to a country’s allocating with international organisations such as the UN or the World Bank etc.¹⁷

¹³ Joseph Frankel, *The Making of Foreign Policy* (London: Oxford University Press, 1968), p. 1.

¹⁴ Nalini Kant Jha, *Domestic Imperatives in India’s Foreign Policy* (New Delhi: South Asian Publishers, 2002), p.2.

¹⁵ Ibid, p.2.

¹⁶ Ibid, pp.2-3

¹⁷ Ibid, pp.2-3

Sources of Foreign Policy

Having outlined the definition of foreign policy, let us now turn our attention towards what are the factors that constitute a successful foreign policy. There are a number of elements which influence the making and implementing of foreign policy of a nation. It falls into three categories—internal, external and personality factor. The success or failure of foreign policy is determined by the nature and character of the variables involved in the process of foreign policy making. As mentioned earlier, the present work deals about public opinion as a factor in the making of India's foreign policy, which is a part of domestic structure, it is therefore, essential to discuss internal factors as a backdrop. There are mostly five vital elements in the domestic setting that have a bearing on foreign policy. They are, geography, economy, history and tradition, the social structure and political organisation.¹⁸

The topography of land, its fertility, climate and location are the major geographic factors which influence foreign policy. Suitable geographical conditions can help and encourage the nation to adopt and pursue higher goals. In the era of scientific and IT revolution, the importance of geography has suffered a setback, still the location of a country is of substantial significance. The rising impact of Geopolitics as a significant part of study proves this. For instance, Britain and Japan's small islands off the coasts of Europe and Asia became great powers because of their ability to use the oceans as highways of commerce.¹⁹ As far as India is concerned, its strategic site on the Indian Ocean and its peninsular character with a broad and open coast line mark it as dependent on the Indian Ocean. It will be a very long time before air power, whether commercial or military, can make a major difference in this basic situation. The rise of any aggressive power with access to the Indian Ocean would not only disturb our foreign trade which depends upon freedom of the Indian Ocean but also weaken our global position and jeopardize our security. The logic of strategic location, therefore, inevitably makes India a sea-faring nation. In view of the significance of the Indian Ocean for India, it

¹⁸ Appadorai, n. 4, pp.7-8

¹⁹ Ibid, pp.7-8

is not shocking that it has elevated voice against the American presence in this area and it has been demanding that this area should be converted into a zone of peace.²⁰

Similarly, the location of Pakistan in South Asia, adjacent to the Soviet Union and China, has shaped its position in international politics and given it an influence out of proportion to its size.²¹ Therefore, the size is also an important factor. If Great Britain lost its status in international politics, it is partly due to its relative deficiency in size, population and food supplies. Moreover, the crisis in the Middle East offers a cue to that natural resources endure to be a significant part in foreign policy. The countries of this region rests mainly on the control they exert oil, because for some decades now, oil as a source of energy has become increasingly important for industry and war.²²

Economic sources of foreign policy are no less significant. The economic power constitutes a fundamental dimension of national power as in contemporary times it can be used more effectively for securing foreign policy goals. It determines the power, which in turn conditions a country's decision to opt for war or peace. More directly, a country's economic determines the degree of dependence on foreign aid and the boundary condition within which such aid is to be sought and secured. An economically developed country can acquire sufficient economic, political and military power to be able to play an influential role in international relations.²³ But in the case of developing country has to face the crucial dilemma of choosing aid or independence. In 1996, for instance, Washington offered to resume a large-scale aid to Pakistan in return for its recognition of the Chinese threat in South Asia. So, whatever be the motives of looking for aid, reliance on it confines a country's independence.²⁴

As far India is concerned, the economic backwardness is an important obstacle for development since its independence. The Planning Commission in its first Five Year Plan gave some details of this backwardness of the Indian economy. While the population had increased by about 39 per cent during the previous four decades (i.e.

²⁰ Jha, n. 14, p.31

²¹ Appadorai, n.4, pp. 8-9

²² Ibid, p.9. Also, see at Jha, n. 14, p.14

²³J. Bandyopadya, *The Making of India's Foreign Policy: Determinants, Institutions, Processes, and Personalities* (New Delhi: Allied Publishers, 2003), p.45.

²⁴Jha, n. 14, pp.14-15

1910-50) and most of the people was involved in agriculture, the country was not self-reliant in nourishment and raw materials for industry. This showed a considerable reduction in *per capita* availability of food grains from internal resources.²⁵ The annual failure of crops in various regions of India apart, the existence of a large number of unemployed or semi-employed agricultural workers reflected a serious weakness of the agrarian system. The relative weakness of industrial capacity was reflected in the fact that in 1948-49 factory establishment accounted for only 6.6 per cent of the national income, the total force engaged in such establishments was about 2.4 million or 1.8 per cent of the working population of the country; and the major emphasis in industrial development had been on consumer goods industries while the development of basic capital goods had lagged behind.²⁶

As indicated earlier, India's economic backwardness forces it to seek foreign aid often in forms of capital, technology, and arms to a considerable extent for her national economic development, and this factor has influenced the shape and direction of its foreign policy. For many years, foreign capital and technology came to India and for other less developed countries primarily in the form of foreign aid. But with progressive globalisation of private enterprise, foreign aid has been reduced and progressively replaced by direct foreign investment.²⁷

The influence of history and traditional factors also has its impact on country's foreign policy. Generally, people enjoying a unified shared culture and past experience can follow an active foreign policy because of the sustenance of all segments of society who share the similar values. But, a country which is culturally and historically disjointed cannot chase a similarly active foreign policy. James N. Rosenau opined, "the influence of cultural factors is not limited to the impact of societal unity upon the formulation and implementation of foreign policy. Equally important are the process through which the contents of shared norms and practices of society, as distinguished from the degree of unity that support them, shape the plans that are made and the

²⁵ Appadorai, n.4, p.87. Also, see at Jha, 14, p.34.

²⁶ Ibid

²⁷ Bandyopadhyaya, n. 23, pp.48-49

activities that are undertaken with respect to the external world.”²⁸ Therefore, “the foreign policy makers cannot disregard the cultural values, faith, norms, beliefs, attitudes and practices that are transmitted through successive generations and which are still regarded as worthy of esteem adoption”. The legacy of the past can thus be seen as one of the factors affecting the external behaviour pattern of a country.²⁹ That is why, speaking on 27 October 1949, Frank K. Robert, a member of the British Foreign Service, said, “over the years certain historical factors had become constant in the British approach to international affairs. Similarly the bitter colonial experiences of the past have led the Governments of virtually all new States of Third World to retain the principle of decolonisation as a basic principle of their foreign policy.”³⁰

In the case of India, the main sources of traditional values date back some thousands of years, to the scriptural texts of the Hindus, the Vedas, the law books, the Dharmasastras and the great epics, the Ramayana and Mahabharata. As a means of popular education in social values, the epics are more important than the scriptural text and law books. The tradition is explicitly mentioned in both the epics. The *Mahabharata*, for instance, illustrates, “how Krishna as an emissary of the Pandavas goes time and again to the Kauravas to counsel them to see reason and to avoid war. He also counsels patience to the five Pandavas. He tells them to ask for what is due to them in a proper and friendly way. It is only when all efforts to secure justice through peaceful negotiation fail, that Krishna exhorts the Pandavas to wage war.”³¹ In this sense, even the *Bhagavadgita*, which is apparently a plea to engage in war, in fact, recommends “non-violence as a way of life and prescribes war only as a last resort.”³²

The Indian emphasis on negotiation as a way to peace, its tradition of tolerance and anti-imperialism have led this country to seek peace through peaceful means and peaceful co-existence. India’s spokesman said at Bandung (1955): “One does not seek peace through security, but security through peace.” Holding such a view, India

²⁸ James N. Rosenau, *Domestic Sources of Foreign Policy* (New York: Macmillan, 1967), p.195. pp. 4-5

²⁹ Appadorai, n. 4, p.10. Also, see at Jha, n. 14, p.15

³⁰ Appadorai, n. 4, p.10. Also, see at Jha, n. 14, p.15

³¹Jha, n. 14, p. 46

³²Jha, n. 14, p. 46

developed a conception of “collective security,” which brought about sharp differences between her and the United States both in and outside the U.N. These differences were highlighted in the discussions on the Uniting for Peace Resolution, on termination of military action in Korea, on the question concerning Vietnam and Laos, on the holding of nuclear tests, and on the conclusion of a treaty with Japan. The differences between the two countries on American military aid to Pakistan, and in the past on the admission of the People’s Republic of China to U.N. were also at least partially projections of the same differences in their fundamental approach to the question of peace and security.³³

The structure and nature of the society for which the foreign policy operates is also its important input. The nature of groups and the degree of conflict and harmony that characterise their mutual relations are determined by the social structure. It not only conditions the cultural milieu and thereby influence foreign policy, but also determine the foreign policy capability. It is evident that a homogeneous society possessing strong sense of national unity than a heterogeneous one. Because the division and lack of cooperation among various groups in the society make it difficult for a Government to pursue effective foreign policy. On the other hand, social conflict may erode a State’s capability to act as an independent actor in world politics and provide outside powers an opportunity to intervene in the domestic affairs of such States. For instance, countries like Cyprus, Somalia, Bosnia, Lebanon and Sri Lanka, etc.³⁴

India’s foreign policy fully geared to the complex task of integrating the diverse socio-cultural fringes of its population. For a variety of geographical, cultural and communication reasons, peoples in different regions of India look at the nation in peculiar ways. For instance, peoples in the north, especially in Punjab, Jammu and Kashmir identify themselves with those from the Central Asian culture. Their styles of dress, food habits and artistic and cultural heritage reinforce their beliefs. In some ways, they have more in common with adjoining foreign nations than with their own countrymen from such areas as Bengal and Tamil Nadu. This compliment is more or less returned by the peoples of Bengal and Tamil Nadu in their attitude towards the

³³ Ibid, p.46.

³⁴ Jha, n. 14, p.16.

peoples of the northern states.³⁵ Similarly, their prolonged isolation from the main centres of activity in the country has only rarely given the people of hill regions both in Laddakh and the Northeast a sense of belonging to India. It is therefore, the recruitment of foreign policy to this task of nation building demands that foreign policy must be based on a broad consensus.³⁶

Political structure and process also have a significant impact on a country's foreign policy. As pointed out earlier, the political institution such as Parliament, Cabinet, party organisations, pressure groups and public opinion also regarded as major parameters of the decisional system.³⁷ It is generally assumed that foreign policy decision making in a democratic system is far diverse from that of an authoritarian one. As the power in an authoritarian political system is focussed in a few hands, the judgement making is proposed to regime interests. But, the democratic structure provide free expression and reflecting supremacy of the popular will on policy making. That is why a practitioner of foreign policy could say that in Britain all policy, including international policy, must be decided by, or at least secure the active approval of the majority in Parliament. Besides, over important international issues, it has always been felt in Britain that such approval should come from both the great parties in the state, only where public opinion is solidly behind foreign policy, can it be effective in a parliamentary democracy.³⁸ However, whatever may be the weakness in the existing democratic structure of India and the consequent erosion in the role of democratic political processes in the making of its foreign policy, it has to be admitted that the present political structure leads to the political rejuvenation of the masses periodically and thus compels ruling regimes to be amenable to mass pressures.³⁹

The general assumption is that there is a growing interdependence between the domestic policy and foreign policy and they encroach upon one another. However, it would correspondingly be erroneous to claim that both are the similar. Logically, a difference between them can be depicted. According to Appadorai, this discussion

³⁵ Ibid, p.47

³⁶ Ibid, p.47

³⁷ Bandyopadya, n.23, p.2

³⁸ Appadorai, n. 4, p. 13

³⁹ Jha, n. 14, p.53

brings us to the much debated question, “Is a modification of the behaviour of a foreign Government called for in dealing with it? The true answer seems to be that internationalization of domestic affairs - and therefore, the blurring of the distinction between domestic policy and foreign policy - depends upon the extent to which the needs, security and welfare of the people of a state are satisfied from the human and material resources available within the state. The basic distinction between the foreign policy and domestic policy stands.”⁴⁰

As indicated earlier, in a democratic country the final decision with regard to the domestic and foreign policies rests with the people. In a country like India, the people’s involvement in foreign policy matters is limited as compared to advanced countries. However, it cannot be denied that despite this limitations, public has fully endorsed the Government stand on several issues like imperialism, racism military alliance, policy of apartheid etc. It therefore, indicates the significance of public opinion in the making of India’s foreign policy. Before approaching on to a debate of this linkage between public opinion and foreign policy, it would be appropriate to deliberate in brief about what public opinion is.

Understanding Public Opinion

Although the term “public opinion” was not used prior to the eighteenth century. According to Davison, the historians has identified phenomena very much like, “it in both ancient and medieval civilizations, and the relationship between Government and mass opinion receives attention in the work of Plato, Aristotle, and other classical as well as medieval writers. Following the Protestant Reformation and the Renaissance in Europe, both of which resulted in more widespread and intensive discussion of competing beliefs and ideas, popular opinion was increasingly seen as playing a part in governmental decisions.”⁴¹ Scholars like, Machiavelli said, “princes should take this opinion into account as one element in their calculations,” and by the seventeenth and eighteenth centuries leading political philosophers were paying tribute to its power.

⁴⁰Appadorai, n.4, pp.5-6

⁴¹ W. Phillips Davison, “Public Opinion,” *International Encyclopaedia of the Social Science*, 1968, available at http://www.encyclopedia.com/topic/Public_opinion.aspx, accessed on December 6, 2011.

Rousseau held, “all laws were ultimately based on public opinion and regarded the free expression of it as a major safeguard against despotism.” Bentham stressed, “the legislator could not ignore it.”⁴² The concept of public opinion gained added significance with the dawn of the democratic era, when the governmental policies gradually became the function of opinion rather than force, and the means for expression of opinion like constitutionally guaranteed liberties, elections, political parties and press, etc. emerged as barometer of public opinion.⁴³ But the question is what we mean by public opinion.

There is no generally accepted definition of public opinion, even though the term has been employed with increasing occurrence since it came at the time of French revolution. While one often talks about public opinion in any discussion in international relations, “it is difficult to precisely tie down the connotations of the words ‘public opinion.’”⁴⁴ Various scholars define it variously. In his eponymous treatise on *Public Opinion* published in 1922, the American editorialist Walter Lippmann qualified his observation that democracies tend to make a mystery out of public opinion with the declaration that “there have been skilled organizers of opinion who understood the mystery well enough to create majorities on election day.”⁴⁵

Lord Bryce has beautifully defined public opinion in following words: “the term is commonly used to denote the aggregate of the views, men hold regarding matters that affect or interest the community. Thus understood, it is a mixture of all sorts of different nations, beliefs, fancies, prejudices and aspirations.”⁴⁶ According to Daniel Kats public opinion as, “the nature of organisation of attitudes within the personality, and the process which account for attitude change; are thus critical areas for the

⁴² Ibid

⁴³Public Opinion and Democracy, available at <http://www.legalservicesindia.com/articles/demo.htm>, accessed on November 12, 2011.

⁴⁴Davison, n. 41.

⁴⁵Davison, n.41. Also see at <http://www.britannica.com/topic/public-opinion>, accessed on December 21, 2011.

⁴⁶ D. K. Sarmah, *Political Science* (New Delhi: New Age International Publishers, 1997), p.113.

understanding of the collective product known as public opinion.” It is the expression of all those members of a group who are giving attention in any way to given issue.⁴⁷

Likewise, in the view of James N. Rosenau, the phrase public opinion “is used to refer generally to the different publics that have formed around the various issues preoccupying the nation at any moment.”⁴⁸ And George Carlslake Thomson said, “public opinion, the will of the nation, and phrases of that kind are really nothing but metaphors, for thought and will are attributes of a single mind, and ‘the public’ or ‘the nation’ are aggregates of minds.”⁴⁹ Michel Tatu remark, “it is both an instrument and a factor in the conduct of foreign policy.”⁵⁰

According to Walter Lippman “public opinion is in intermittent contact with complexes of all sorts; with ambition and economic interest, personal animosity, racial prejudice, class feeling and what not.”⁵¹ David Hume wrote; “it is,...on opinion only that Government is founded, and this maxim extends to the most despotic and most military Governments as well as to the most free and most popular. Public opinion comes to bear an unorganised whole, in the form of a ‘mood’, which prescribes the limits within which policy can be shaped, and also through organised sectional interest and their leaders and intermediaries.”⁵²

Nearly all scholars of public opinion, regardless of the way they may define it, agreed, “in order for a phenomenon to count as public opinion, at least four conditions must be satisfied: (1) there must be an issue, (2) there must be a significant number of individuals who express opinions on the issue, (3) there must be some kind of a consensus among at least some of these opinions, and (4) this consensus must directly or indirectly exert influence.” It is in this sense, the reality of public opinion is now almost universally accepted, and there is much variation in the way it is defined,

⁴⁷ Jean Jacques Rousseau, *The Social Contract*, Translate by Charles Frankel (New York: Hafner Publishing Company, 1947), p.27.

⁴⁸ James N. Rosenau, *Public Opinion and Foreign Policy: An operational Formulation* (New York: Random House, 1961), p.19.

⁴⁹ Ralph B. Levering, *The Public and American Foreign Policy, 1918-1978* (New Delhi: Ambika Publications, 1978), p.19

⁵⁰ Hills, n.7, p.262

⁵¹ Walter Lippmann, *Public Opinion* (New York: Harcourt, Brace and Company, 2004), p.41

⁵² Joseph Frankel, *International Relations(2nd.ed)* (London: Oxford University Press, 1969), pp.34-35

reflecting in large measure the different perspectives from which scholars have approached the subject.⁵³

The above mentioned definition of public opinion, however, do not elucidate what exactly mean by public opinion. It is, therefore, necessary to have a look on the meaning of two terms public and opinion. The word 'public' is generally used to refer to a large group of people. It is sometimes used as synonymous with crowd. According to Kimball Young, "Public refers to a rather loosely organized and conjoined grouping of people with a common interest." Ginsberg defines public as "an unorganized and amorphous aggregation of individuals who are bound together by common opinion and desires, but are too numerous for each to maintain personal relations with the others."⁵⁴ No definition of the public is entirely adequate, but perhaps the simplest way to describe it is a collection of individuals who share common attitudes. The term public seems largely a matter of individual inclination in narrow and broad sense, its narrow sense reflects as being much smaller than the total population, possessing some special character or equality, where in broad sense it is synonymous; possessing all manners of division or conflicting characteristics.

Opinion implies careful thought and consideration. It is founded on some kind of information or evidence. It is not necessary that opinion should always be correct, it may even be faulty. According to Kimball Young, "an opinion is a belief somewhat stronger or more intense than a mere notion or impression but less stronger than positive knowledge based on complete or adequate proof. Opinions are really beliefs about a controversial topic." Generally, what passes on for opinion is one's impression, sentiment or prejudice.⁵⁵

After having defined the two terms 'public' and 'opinion', we may now take up the meaning of public opinion. According to John Dewey, "Public opinion is judgement

⁵³ Davison, n.41, also see at <http://www.britannica.com/topic/public-opinion>, accessed on December 21, 2011.

⁵⁴ Negi Mohita, "Public Opinion: it's Meaning and Characteristics of Public Opinion," available at <http://www.yourarticlelibrary.com/essay/public-opinion-its-meaning-and-characteristics-of-public-opinion/24307/>, accessed on May 17, 2015.

⁵⁵ Ibid

which is formed and entertained by those who constitute the public and is about public affairs.”⁵⁶ The public is a cloudy and variable entity, and opinion has an almost equally indefinite significance. Then public could be described in terms of low level of political knowledge. As V.O. Key, notes, “one is taken aback by the frequency with which common political terms are not understood by the citizenry. And in terms when a large number of people hold an opinion on a specific topic, where some would argue, the term public should be confined to those who do in fact have an opinion on the issue.”⁵⁷ There is always a public, but it does not always have an opinion on everything. F.P. Chisman uses this approach, “regarding all citizens as members of the public, and public opinion as concerned with opinion about subject of concern to all or most citizen.”⁵⁸

Accordingly, “public opinion is based on common intention, which falls into the public issues of the society and directly related with the beliefs of the majority of the community. It is the aggregate of individual attitudes or beliefs held by the adult population and it can also be defined as the complex collection of opinions of many different people and the sum of all their views.” French philosopher, Jean. Jacques Rousseau was the first to make use of the term public opinion. In his principal work, ‘The Social Contract’, he recognised the existence of public opinion, seeing it as ‘the organic will of the community expressed in the public wills of its members’. In this capacity, he said, “it is elevated to its highest and most pervasive political form.”⁵⁹ He viewed this organic will, which also called the General Will—as more than the simple sum of individual’s judgments.

In spite of difference in definition, students of public opinion generally agree “at least that it is a collection of individual opinions on an issue of public interest, and they usually note that these opinion can exercise influence over individual behaviour, group behaviour and Government policy.”⁶⁰ Thus accord, previously, evades the experts as to what exactly is meant by public opinion. There is a component of bias is here. However,

⁵⁶ Ibid

⁵⁷ Ibid, p.31.

⁵⁸ Ibid, p.32

⁵⁹ Rousseau, n. 47, p.27.

⁶⁰ Davison, n. 41.

it is similarly true that the publics of a country evaluate any programme of their Government, as well as the foreign one, from the point of interpretation of interests accumulating to them.

The above mentioned definitions do not clarify as to whose opinion or engagements constitute public opinion. It is, therefore, necessary to look different kinds of public. There are three categories of public. The first segment consists of people who are unaware of all but the most major events in foreign affairs and have either no opinion or have vague and generally weakly held ones. This category is sometimes called to as the 'mass public.' It composed of opinion-holders who have neither the opportunity nor the inclination to participate in the opinion-making process.⁶¹ Members of the mass public, in other words, fall at the lower end of both the accessibility and the motivation information scales. They probably has its greatest effect on policy at the voting booth. The voting booth is important not only because it permits the public to change the nation's leadership but also because elected officials continually must calculate which of many proposed policies are likely to win public approval.⁶²

The second category of people alert of many proceedings, but not intensely knowledgeable. This group called as "attentive public." It consisting of opinion-holders who are inclined to participate but lack the access or opportunity to do so. The much smaller attentive public tends to work through organisations which attempt influence specific policies between elections. And the last segment is generally familiar about foreign affairs and has quite stable and consistent attitudes. These people communicate their views to others and are occasionally characterised as 'opinion leaders.'⁶³

Today public opinion operates in quite new environment with new intensities. Under these conditions the clearest possible understanding of what public opinion is, how it generates, and how it acts becomes a vital need touching both public and private interest? Of course, some of them viewed, "the most active and intense interest in public opinion is usually displayed by political leaders, group leaders, advertisers, and others

⁶¹Rosenau, n. 48, p.9

⁶² Ibid, pp.9-10

⁶³ Barry. B. Huges, *The Domestic Context of American Foreign Policy* (San Francisco: W.H. Freeman and Company,1978), p.23

who wish to promote some cause—who have objectives the carrying out of which necessitates the cooperation of many minds.”⁶⁴ It is formed by individuals composing a group, who express their own opinion on a controversial issue.⁶⁵

As mentioned earlier, public opinion is a complex opinion resulting from the interaction of the individual opinion of the members of a group. The opinion of people in a group are influenced by what they hear from opinion leaders and what they read in newspapers, magazines etc. Ideally, public opinion in a democracy should be enlightened by governmental leaders and the media; the wishes of this enlightened public should be conveyed clearly to the leaders; and the leaders, as they fashion specific policies, should keep in mind the broad outlines of public sentiment. The reality is that there are major obstructions along the channel of communication from Government to the people, and along the one from the people to the Government.⁶⁶

Significance of Public Opinion

The nation’s policies or activities directed to the pursuit of their objectives can be influenced, modified, or even halted under the pressure of public opinion. No nation can generally dare to use the power as its disposal to achieve selfish ends in violation of the public opinion. But as a concept it is more elusive and lacks analytical precision. Especially in democratic countries public opinion cannot be ignored as one of the determinants of foreign policy.⁶⁷ This simple truth has sometimes been neglected at great cost. It is often vague, volatile, amenable to quick changes and difficult to mobilise. But once on a particular problem public opinion is mobilised and expressed in clear terms, it becomes difficult for the Government to overlook it while taking decision on the issue in question.

Scholars argued, “ever since its emergence, the concept of public opinion has been problematic, not least today, but it still has its value and relevance at the nexus

⁶⁴ Robert Y. Shapiro, “Public Opinion and American Democracy”, *Public Opinion Quarterly*, vol. 75, Issue 5, p.982.

⁶⁵Levering, n.49, p.31

⁶⁶Rosenau, n.48, p.31

⁶⁷ Aneek Chatterjee, *World Politics* (Delhi: Pearson Education India, 2012), p.72

between political activism, media, and social power. In representative democracies, public opinion serves as a valuable tool for politicians to explore common understanding of an attitudes towards current social issues. In everyday life it is a means of relating to others and to the environment; it is characteristically human to generate a sense of belonging to a group through the notion of what others think.” In a democratic system, the Government elected by the people is accountable and answerable to the people for its actions and policies. Since the representative Government is based on the consent of the people and a Government sustain itself in power only because it is continually answerable and perpetually responsible to the people. Each Government tries to keep the public opinion in its favour that it should not go against it at any cost. The politicians often argue that their hands are tied by public opinion, or at least that they have to work within the limits set by it⁶⁸ and also, the ministers are afraid of the criticism voiced in the press. Hence, public opinion acts as beacon to Government and legislature.

Additionally, the opposition parties create mass opinion in their favour by criticising the Government because the voice of the people has moral force. Meanwhile, the Government which ignore public opinion is bound to meet its doom very soon. It also considered as the best protector of the fundamental rights of the people. Therefore, public opinion, compels, the Government of the day to function, formulate plans and policies in a certain way, which symbolises the common interest of the majority.⁶⁹ It is so greatly a part of our lives today that we tend to think of it as a creation of contemporary society. In recent years, public opinion has come to play an important element in one undisputed role of the citizen in modern democratic society. So far there has been close adherence to constitutional process; that the electorate, through the instrumentality of parties, legislatures, and elections already wields a considerable veto power over the formation of national policy, even though the great majority of the voters remain illiterate and ill-informed. However, an enlightened vigilant public opinion is, therefore, crucial to the survival of democracy in India.⁷⁰ The present work,

⁶⁸Hill, n.7, p.262

⁶⁹Hill, n. 7, p.264.

⁷⁰A. B. Shah, “Public Opinion in Indian Democracy,” in S.P. Aiyar and R. Srinivasan, ed, *Studies in Indian Democracy* (New Delhi: Allied Publishers, 1965), p.517.

therefore, proposes to study linkage between public opinion and foreign policy. But before going to discuss in detail, it is necessary to have a look on how public is accessing knowledge about the foreign policy issues?

Agencies of Public Opinion

Having outlined the significance of public opinion, let us now look more closely to the channels of communication, by which ideas and information circulate. The process by which citizens acquire their political attitude and opinion is enormously complex, involving a continuous interplay among institutional sources of information, persuasion of interpersonal contacts, ideological and personality factor.⁷¹ Our recognition of the role of democratic system in circumscribing leaders' room for serving a regime's interests suggests that the role of public opinion as expressed through parliamentary debates, resolutions of political parties, speeches of political leaders, press, writings and statements of intellectuals, public opinion surveys and public meetings and demonstrations, etc.⁷² Of these agencies, the following are of special importance for the present study.

Media

The media of mass communication, despite their great diversity, have in common the inability to communicate everything that happens and to communicate in one undifferentiated mass. Thus, media might be regarded as a giant prism, separating the huge mass of public affairs into discrete and salient items-individual beams, so to speak, that illuminate particular areas of public policy.⁷³ Media functioning in a democratic set up works under the assumption that people have the right to know and that they must be provided with every information which might help them to formulate opinion and to influence the policies they wish their Government to follow. It plays the role of a transmitter of message or news, this result in its complete dependence on the

⁷¹ Available at <http://www.dtic.mil/dtic/tr/fulltext/u2/a202054.pdf>, accessed on March 25, 2015.

⁷²Jha, n. 14, p.277. Also see at http://shodhganga.inflibnet.ac.in/bitstream/10603/19195/12/12_chaper%206.pdf, accessed on March 25, 2015.

⁷³Bernard C. Cohen, "Mass Communication and Foreign Policy," in James N. Rosenau, ed, *Domestic Sources of Foreign Policy* (Macmillan: New York, 1967), p.195.

Government. Then, the Government in turn uses the media as a platform to promote policy guidelines and set the agenda for the public.⁷⁴ Besides, the media has been used “as an avenue to express concerns and grievances on public issues in hope that the relevant agencies, not only Governmental but non-Governmental and the private sector as well, will respond to such complaints.” Therefore, the press depends on the public and active press shapes the public and policies and it helps in the process of establishing a linkage between the polity and the public that can transform an issue into a national concern.

It is through the media of press that effective, favourable or ineffective public opinion is formed, about Parliament and Government. Most of the raw material, for parliamentary question, motions, debates and discussions comes from the daily press and this is an important instrument on which a member relies.⁷⁵ Not all of them are political; but still political facts are certainly the best for consumption. The press keeps the rank and file informed of what is happening in the Parliament. This is a way which enables the press to maintain an important link between the public and the Parliament. Accordingly, every newspaper takes pains to collect political news and make delicious dishes out of them. The representation of facts is not the only function; their interpretation and systematization into a particular view point are also undertaken by the newspapers.⁷⁶ Equally, the views expressed by the public through newspapers, then the Government takes note of them and cautiously studies public response against its policies through the mirror of the newspapers play an imperative part. Additionally, the press does not hold any legal authority but it can educate and awaken public opinion.⁷⁷

While traditional press and electronic media has been influenced by vested interests, social media has considered as a public forum for the expression of private thoughts. This is all the more so in the era of internet. The appearance of Web 2.0

⁷⁴ V. R. Krishna Iyer, Foreign Print Media Incarnating as Indian Fourth Estate?, *Economic and Political Weekly* (Mumbai), vol. 29, no. 49, December 3, 1994, p. 3082.

⁷⁵ S. L. Shankhder, “Administrative Accountability to Parliament,” *Indian Journal of Public Administration*, vol. XII, no.3, July-September, 1966, p.356.

⁷⁶ Public Opinion and Democracy, available at <http://www.legalservicesindia.com/articles/demo.htm>, accessed on October 10, 2015.

⁷⁷ Naheed Murtaza, *Parliament and Foreign Policy: Reflections on India-China Relations* (New Delhi: Cadplan Publisher, 1998), p.77.

tackles and social media sites like Facebook, Orkut, Twitter, Youtube and Flickr offer governments a new possibility not only to disseminate information efficiently through these channels but also to receive feedback and respond to concerns.⁷⁸ Through this people can free to share their thought on different issues of foreign policy. They participates in foreign policy discussion continually and reach into the formal governmental agencies and among the non-governmental opinion leaders. They help to create a kind of laboratory atmosphere in which foreign policy ideas can be tested out through the use of responsible speculation and imagination. They constitute a feedback on the consequences of policy decisions, and furnish necessary basis for the constant process of modifying and adapting decisions which have already been made.⁷⁹ Thus, the administration is always sensitive to media. It provides tools and techniques for exchange of norms, values, information and ideas which lead to closer contacts among people with in a nation as well as between nations. In reality, they try to mobilise and control public opinion within their respective countries and the world opinion at large. This is achieved through the creation of national images and projecting them by the means of mass media. The public at large perceives the event in the light of their previous understanding, nations and prejudices about the subject reported, and then react to the same. So, a free press is surely a vital agency for the formulation of public opinion and preservation of democracy.

Parliament

The Parliament of India, which is the creation of Constitution, is the supreme representative authority of the people. It is the highest legislative organ and it is the national forum for the articulation of public opinion. A democratic form of Government, based on close cooperation of the executive and legislature, guarantees the executive answerability to Parliament, and expose it to criticism, from various political parties. The need for confidentiality is often used as a weapon against public debate, and allows the Government to determine the extent to which the Parliament should have access to its information. In this context, certain aspects

⁷⁸ Shashi Tharoor, *Pax Indica: India and the World of the 21st Century* (New Delhi: Penguin Publications, 2012), p.295-97

⁷⁹Rosenau, n.48, p.83

of foreign policy particularly those related to the country's internal problems or national security are bound to generate considerable public interest, and Parliament as a reflector of popular feelings becomes an effective forum for the expression and exchange of a wide range of views which no Government can ignore. Besides, our parliamentary democracy, the legitimacy to rule is vested in Parliament, which it derives from the willing consent of the people who make up the electorate.⁸⁰ Therefore, the public acts as the guiding light to Government and legislature.

As mentioned earlier, Parliament gets authentic information regarding any matter relating to the governance of the country and it disseminates the same to the public through the press and official report of Parliament. The Parliamentarians often see members of their electorates frequently to converse matters of public significance. Such discussions were help to mould public opinion, giving straight profile to their requirements, opinions, and their welfares while swaying political exercise.⁸¹ In this way, Parliament, by the organisation of debates and the formulation of policy seeks to represent and reflect public opinion. It is through public opinion that Parliament keeps the executive within reasonable limits. Besides, it as representative of a free people, would want to be supplied with full and satisfying information about the important moves in foreign and defence policy.⁸²

At the same time, on account of the special difficulty and delicacy of these moves which may have to do with the security of the country, these moves cannot be made in the full gaze of the public and parliamentary eye. But a balance can be kept between the rights of the legislature and of its executive.⁸³ In foreign affairs, important moves and even changes may, if necessary, be made in advance and parliamentary support be obtained immediately after with opportunity for full

⁸⁰“Parliamentary System in India,” available at <https://veronetwork.wordpress.com/2013/05/16/parliamentary-system-in-india/>, accessed on October 10, 2014.

⁸¹Lewis Edwin Hahn, *Perspectives on Habermas* (Chicago and La Salle, Illinois: Open Court Publishing, 2000), p.263

⁸²M. Ruthnaswamy, “The Dilemma in Indian Democracy in Parliament,” in G.S. Halappa, ed, *Dilemmas of Democratic Politics in India* (Dharwar, 1966), p.147.

⁸³Ibid, p.147.

discussion. And also defence moves and developments, that may be presumed to be known to the opponent, may very well be disclosed to Parliament and the people.

Political Parties

Political parties are almost indispensable part of present day democratic political system. The proper functioning of any Government depends upon the healthy political party system in a country. It perform the task of interest aggregation involving in the grouping and compromising various demands and selecting some of them as alternative choices for decision makers, influence foreign relations more directly. Informed and critical public opinion is one of its indicators. Each party makes effort to place before the people a very attractive programme to secure their maximum support. For this they undertake certain constructive programme and deliver impressive speeches in order to propagate their ideology. Accordingly, political parties play an important role in moulding, developing and strengthening public opinion.

Moreover, the views of the opposition as expressed in the House greatly influence the press and the public and thereby determine the popular reaction towards the ruling party and its policies. The foreign policy outlook of the opposition parties ineluctably affects the decision making, not only because of the role that usually plays in the Parliament but also of their influence over the political system as a whole. Thus, developing an effective opposition party is a matter of establishing effective contact with people, educating them in the party ideology and programme and policies of the ruling Government.⁸⁴

In a democracy, as the Government in power depends on the next election for the continuance of its power, it is likely to pay more attention to public opinion than other Governments. Granting that public opinion has been effective in several instances in compelling Governments to follow a course acceptable to it, and that a democratic Government must be attentive to public opinion. But here the question must be asked, to what extent the Governments bound to follow public opinion in the formulation of

⁸⁴ R.T. Jangam, "The Role of Opposition in India," in G.S. Halappa, ed, *Dilemmas of Democratic Politics in India*, (Dharwar, 1966), p.147.

foreign policy, because of the ability of the public to acquire an informed judgement on foreign policy issues is limited. Therefore, it is necessary to have a look on what are the reasons for the lack of public interests in foreign policy matters.

Why Public are not Interested in Foreign Policy

A good place to begin in pointing out weakness in the public opinion-foreign policy cycle is within the public. The mass public is almost always interested in personal lives. Their poverty, rather than foreign policy issues, usually demands their attention. According to Bandyopadhyaya there are three causes for low public interest on foreign affairs. These are, the high rates of illiteracy, extremely meagre nature of information which is available in India on foreign policy and relative absence of modern means of communication between the transmitting and the receiving ends.⁸⁵ Likewise, the ability of the public to acquire an informed judgement on foreign policy issues is limited in three ways. Firstly, foreign affairs, unlike the domestic affairs, do not come within the actual experience of the people, because the issues of domestic policy are known of from direct experience. Secondly, the people take less interest in foreign affairs than in domestic affairs. Finally, the foreign relation of a country are, in particularly all countries of the world, kept a guarded secret. Their motivation becomes known to the public only when the archives are, years after the event, thrown open. But the security interests of the country will explain part of the current practices of keeping the foreign relations of a country secret.⁸⁶ It is the need to avoid putting unnecessary hurdles in the successful conduct of diplomatic negotiations, for public discussion of matters under negotiation is likely to hinder free discussion and the reaching of compromises, which are the essence of successful negotiation.⁸⁷

Additionally, the lack of information concerning foreign policy issues is another reason for the low interest of the public regarding foreign policy. The literacy of a vast majority of India's population, it is not possible for them, by and large, to get the

⁸⁵Bandyopadhyaya, n. 23, p126. Also see at Rajpal Budania, *India's National Security Dilemma: The Pakistan Factor and India's Policy Response* (New Delhi: Indus Publishing, 2001), p.66

⁸⁶ Sita Ramachandran, *Decision-making in Foreign Policy* (New Delhi: Northern Book Centre, 1996), p.24

⁸⁷ Appadorai, n.4, pp.61-62

benefits of the press, or parliamentary debates and policy statements. The relative absence of pressure groups, the inadequate attention paid by political parties in general to the concrete problems of foreign policy and the relatively uninformed often incompetent parliamentary deliberations regard to foreign policy are responsible for too little information on foreign policy being available to public.⁸⁸

Finally, audio-visual means of socio-political education like television, until the eighties being controlled by the States, lacked credibility and could hardly be a satisfactory basis for the effective influence of public opinion on foreign policy making.⁸⁹ Even though, the Indian public has shown signs of sensitivity to issues of foreign policy, there is not much effort at informing and educating public opinion. In the absence of a strong and effective political opposition party currently in India, a sort of political vacuum exists which emboldens the Government to take Indian public opinion for granted on foreign policy matters.⁹⁰ According to J.N. Dixit, there is very little information available in public forum on the thought processes that lead to evolution and management of public policy. Foreign policy is no exception.⁹¹

Despite its limitations, the Indian public has actively engaged in several foreign policy issues, especially, India's policy towards nuclear agreement with the US. So, it is the foremost aspect, which we suggest to deliberate in this chapter. But before trying that it would be relevant discuss briefly, what our Constitution offers with respect to the resounding out of the responsibilities in the foreign policy.

⁸⁸Jha, n.14, p.58

⁸⁹ Ibid, p.58. Also see at http://shodhganga.inflibnet.ac.in/bitstream/10603/27735/5/05_chapter-1.pdf

⁹⁰ Subhash Kashap, "India's Foreign Policy in 2009: A Continuum of Political and Strategic Timidity", *South Asia Analysis Group*, Paper No.3563, December 14, 2009, available at <http://www.southasiaanalysis.org/%Cpapers365%5Cpaper.html>, accessed on September 11, 2011.

⁹¹ J. N. Dixit, *India's Foreign Policy: 1947-2003* (New Delhi: Picus Books, 2003), p.76

The Constitutional Set-up

Public opinion in India shows signs of sensitivity to foreign policy issues and it can act as a capping arc for the pillars of scholarly expertise and political authority.⁹² Here, it should be noted that ultimately foreign policy decisions have to serve the needs of the people of the country. The constitution of India itself showing the sovereignty of the people. The phrase, “we the people of India.....do here by Adopt, Enact and to Give to ourselves this Constitution”, written in the Preamble underlined supremacy and sovereignty of the people of India.

As mentioned earlier, the political structure of the country provides mechanisms and avenues through which the Indian people can exercise control over foreign policy making. Article 19(1) of the Indian Constitution guarantees Indian citizens “freedom of speech and expression and freedom to form association and union.” Though clauses (2), (3), (4), of Article 19 impose restrictions on these rights on the basis of some grounds, which include: “sovereignty and integrity of India, the security of the State and friendly relations with foreign States etc.,” yet the importance of these rights can hardly be contradicted. The restrictions imposed upon these rights cannot be considered unreasonable; they are imposed by all modern States.⁹³ Similarly, Article 32 provides constitutional remedies for protecting fundamental right. Thus, the Constitution of India provides essential institutions through which the people and their representatives can influence foreign policy of the country. Here the question may be asked, how people will control foreign policy. Of course, the Parliament as the representative of the people must have a decisive voice in determining the foreign policy to be followed by the Government. Through questions and debates, through the power of voting supply, and, in the final analysis, through its power of expressing no-confidence in the Government, Parliament can compel the Government to bow its wishes.⁹⁴ It is therefore, Parliament

⁹² Madhavi Bhasin, “The Making of India’s Foreign Policy: A Case for Connecting Scholars, Practitioners and Public Opinion”, *ISA Annual convention 2010, Draft Paper* (Berkeley) Centre for South Asia Studies, University of California, 17 February, 2010.

⁹³Jha, n. 14, p.51.

⁹⁴Appadorai, n. 4, p.61

act as a medium of public opinion expressing the mind of the people on matters coming before the house has been the focus of analysis in the next chapter.

Public Opinion and Foreign Policy

In India, Prime Minister and his Cabinet are entrusted with powers for making foreign policy decisions and is responsible through the Parliament, to the people of the country for such decisions. Since India is a constitutional republic, formal powers of war, peace and treaty making vested in the President are for all practical purposes exercised by PM and his Cabinet.⁹⁵ Therefore, the interactions between the elected representatives and foreign policy makers inside and outside Parliament become more meaningfully considerable. It will contribute to the formulation of a sound and democratic foreign policy. But sometime, the constitutionally empowered foreign policy making institutions do not get adequate time to go to grass root level to understand the needs of the people. In this regard, media, political parties and other agencies were play a central role by providing information about the needs of the people and clarification of the political situation based upon their assessment and analysis.⁹⁶ It is therefore, the successful foreign policy enhances the capability of a political system to meet the needs of its own people.

Among the developing countries, India has sustained a wide range of international initiatives through an open polity and it has thus a unique relevance for the study of the inter-relationship of foreign policy and public opinion. As indicated earlier, public opinion plays “an important constraining role in making policies rational and relevant to the changing realities, as it has representative in character and therefore influence the legislative process, that is, policies and actions of the Government.”⁹⁷ Being a democratic country, its political system allows “free expression of opinion

⁹⁵ Madhavi Bhasin, n. 93.

⁹⁶ S.S. Patagundi, *India's Foreign Policy: An Elitist Perception* (New Delhi: Uppal Publishing House, 1995), pp37-39.

⁹⁷ Paul H. Hammond, “Foreign Policy Making and Administrative Politics”, *World Politics*, vol.17, no.4, July 1965, p.658.

without any institutional impediments. The press, intellectuals and the political parties are free to express their views on issues of concern.”

In a democracy, of course, the decision makers are generally sensitive to public opinion, and take into account the broad spectrum of public opinion in the country while formulating the broad outlines of foreign policy. There is regular and frequent contact between the decision makers and the public in the political system. No other state in the world may be more democratic than India from the point of view of the accessibility of the decision makers--leaders of the political parties, members of Parliament, Ministers etc.--to the common people. Day in and day out all such decision makers, particularly ministers; receive hundreds of visitors from the wholly illiterate farmer to the highly educated academic, intellectual or professional at their residence and offices during all hours of day and night. This results an operational efficiency of the decision makers with regard to their particular functions and responsibilities and also it has the advantage that the decision makers at the highest level come in daily contact with public opinion through different channels.⁹⁸

There are both elitist and democratic influences at work in India's foreign policy. As elsewhere, in the political system, in the field of foreign policy, the dynamics of democracy articulating from the public in areas which were left to the foreign specialists a decade ago. Naturally, there are several questions about the distinct feature of public opinion and foreign policy. Like, what do the Indian people think about various aspects of India's foreign policy? And how much does it matter they think? How does public opinion express itself? Further, what is the sequence of linkages between public opinion and foreign policy? Concerning what issues and in which situations public is expressing its opinion? These questions are obviously important in the matters of India's foreign policy.

As stated earlier, the people of India may not have clear opinion about what foreign policy is and should be, yet rarely have any significant input into the process of making foreign policy. Or there may be a number of important channels through which

⁹⁸ Bandyopadyaya, n. 23, pp.126-30

significant numbers of the public can influence foreign policy, while, by and large, the Indian public has remained unaware about and uninterested in foreign policy.⁹⁹ The fact is that “we have little reliable knowledge about the role of public opinion in shaping foreign policy and have only a scanty understanding of how external opinions enter and shape the deliberations of officials.” Even more superficial is our grasp of how foreign policy opinions are formed and circulated throughout Indian society. “We know practically nothing about why it is that some situations abroad never become the subject of public discussion, whereas others take hold and soon acquire the status of national issue.”¹⁰⁰

Despite its limitations, in India particularly educated young people knows much about foreign policy and actively participating it. The active international cooperation in times of peace may promote trade and travel and cultural exchange for the advantages of the people. It follows that the public must take a lively interest in foreign affairs, and, through informed discussion and constructive thinking, helps the community to arrive at solutions of foreign policy problems favourable to the national interest. But “the foreign policy officials may prefer to avoid engaging public opinion, because it could act as a preventing the implementation of steps that may be dictated by their perceptions of the national interest.”¹⁰¹

No scholar can definitively pronounce judgement on whether a foreign policy should, by definition, reflect a national will, a set of popular preference or only the calculated judgements of the ruling elite. It is true that the impact of public opinion on foreign policy is everywhere limited. But where the public is cited as constituting the justification for a foreign policy, which is most often the case with external affairs, and certainly has to be so in democratic India, the incorporation of the public’s belief is essential.¹⁰² Scholars argued, “there are three major ways for public opinion to exert an active influence over foreign policy. Firstly, through populist political movements, whether parties or less structured demonstrations.

⁹⁹ Barry B. Huges, n. 63, p.1

¹⁰⁰ Rosenau, n. 28, pp. 4-5

¹⁰¹ Kapur, n.3, p. 288

¹⁰² Tharoor, n. 78, p. 349.

Secondly, through heightened awareness and direct pressure on politicians and finally, through preparation and full-time organization.”¹⁰³ After independence there was no official connection between public opinion and foreign policy. But with the development of IT and communication, it is not difficult for decision makers to become constantly aware of public opinion on foreign policy. The views of political parties and pressure groups, newspapers and journals, the academic community, and other sections of people concerned with foreign policy can now be easily ascertained from the print and electronic media and public opinion polls and surveys.¹⁰⁴ Therefore, more information and better communication are the most important variables for educating public opinion on foreign policy in India.

India has a good tradition of taking peoples view in the making of policy. For example, the history of freedom movement itself reflects the popular sentiments of the country. Whatever the existence of institutions for organisation and expression of public opinion in the post-colonial India, it is undisputed under the headship of Mahatma Gandhi, the Indian freedom movement has developed a wide popular base. As such, it was impossible for any individual to rise to the stature of a national leader without intimately knowing the minds and the world view of the masses. Nehru and his senior colleagues, who has been in the forefront of the freedom movement, has come to understand the outlook of the masses and elites on national and international issues. They continued to maintain close contacts with various sections of people for many years and they could understand the broad trends of public opinion.¹⁰⁵ Consequently, “in the sphere of foreign affairs, India followed an independent policy keeping away from the power politics of groups aligned one against another.” Nehru, thus rightly thought that at a time when the informed public in India was bounded to be sharply divide on the issue of Cold war, in view of the fact that the Cold war was advertised by both the blocs as a moral and intellectual conflict and within India there were adherents of the ideologies advertised by the bloc, non-alignment was the only consensus formula that could hold together the cross sections of Indian public.¹⁰⁶ Both the press and other

¹⁰³ Hill, n. 7, p.262

¹⁰⁴ Bandyopadyaya, n. 23, p.129

¹⁰⁵ Jha, n. 14, p.59

¹⁰⁶ Ibid,p.48

political parties accepted the non-alignment policy of Nehru. The broad popular support to non-alignment confused the relationship between Indian public opinion and the Government's foreign policy in the years that followed.¹⁰⁷ Every criticism of specific policy decision was condemned as a criticism of non-alignment itself. On the other hand, since almost every decision was sought to be related to the received and recognised doctrine, public vigilance became slow down in the belief that the right thing would be done.

The first general elections held in 1952 gave an overwhelming majority to the Congress party at the Union and State levels. The policies adopted in the field of foreign affairs by the Congress party were the policy of the Indian Government. Though there were different shades of political opinions on each and every issue within the Congress and opposition parties, but the divergence did not come on the surface due to Nehru's towering personality in and around the Indian political system. Viewed in this perspective, the policy of non-alignment proved to be the preserver of parliamentary democracy in India. As well, in a democratic political system like India, political parties cannot come to power by taking into account the interest of only a particular interest group. They have to combine interests of various segments of the society, if not all of them.¹⁰⁸

In India's foreign policy, the aspects of public opinion has been given an important place from the very inception of the foreign policy resolution adopted during the 1920s and in the subsequent phase of the freedom movement. Nehru admitted this fact during the Kalyani Session of the All India Congress Committee in January 1954, "that the foreign policy of India has been generally national policy because we have got unanimous measure of public support from the opposition parties as well as the press and general public."¹⁰⁹ During his period, most of the political parties in opposition accepted his foreign policy objectives and also gave wholehearted support on major issues like Korea, Suez Canal, Berlin and Congo.¹¹⁰

¹⁰⁷ A.G. Noorani, "Foreign Policy in Indian Democracy," in S.P. Aiyar and R. Srinivasan, ed, *Studies in Indian Democracy* (New Delhi: Allied Publishers, 1965), p.545-46.

¹⁰⁸ Ibid. p.68.

¹⁰⁹ M. S. Rajan, *India in World Affairs 1954-66* (New Delhi: 1966), p.66.

¹¹⁰ Ibid. p.68.

Coming to the public opinion and foreign policy issues, the Government has received its first taste of popular resentment over a foreign policy decision when India abstained the five power resolution on Hungary sponsored by Cuba, Ireland, Italy, Pakistan and Peru on 9 November 1956 condemning Moscow's military intervention in Hungary. It has created an apprehension in the public mind that perhaps India was encouraging the Soviet Union's policy in sending its force to Hungary. Nehru's explanation deserves to be quoted in full:

There was a resolution in the UN General Assembly in regard to Hungary, sponsored by Cuba, Ireland, Italy, Pakistan and Peru against which we voted, and as some criticism has been made in regard to our vote on this resolution, I should like to remove any misunderstanding that may have arisen. The resolution was, in our opinion, improperly worded. But the most objectionable part of it demanded that elections should be held in Hungary under supervision of the United Nations. We took strong exception to this because we felt, this was contrary to the charter and would reduce Hungary to less than a sovereign state. Any acceptance of intervention of this type and foreign supervised elections seemed to us to set a bad precedent which might be utilised in future for intervention in other countries. The resolution was voted by paragraph by paragraph. We abstained from voting on all the other parts of resolution. In regard to the paragraph about elections under the UNs supervision, we voted against it.¹¹¹

Nehru was at pains to explain that India voted against the resolution only because it contained one paragraph which was objectionable from the Indian perspective. Indeed that paragraph might be used, later, to justify UN supervised elections in Kashmir, which was against the national interest.¹¹² After this, public opinion became more critical of Indian policies.¹¹³ Of course, Nehru's foreign policy was an era of elite politics. But he had moulded Indian public opinion in the issue of China in the early 1950s. Nehru's hesitation in 1959-60 in accepting the suggestion made by Chou En-lai that India drop her claim to Aksaichin in return for China's recognition of the MacMohan Line. By the time, public opinion has been fed on the thesis that Aksaichin was indisputably India's and, that the Mac Mohan Line was India's international boundary in the North-East. Acceptance by Nehru of Chou En-

¹¹¹ Appadorai, n. 4, p.71

¹¹² Ibid, p.71

¹¹³ Harish Kapur, *India's Foreign Policy 1947-92: Shadows and Substance*, (New Delhi: Sage Publications, 1994), p.167.

Lai's implied offer would have been construed by public opinion as surrender, and so Nehru bowed to public opinion.¹¹⁴

Even though, Nehru's foreign policy was moralistic and idealistic in nature as he cherished the ideals of peaceful and friendly relations with all countries but it received a shock during the days of Chinese aggression and its whole outlook towards the issues of national security and it continues following a realist view of international politics.¹¹⁵ Most of the non-aligned countries did not openly support India in the hour of its humiliation. Even though China did not succeed fully in its designs on India, yet it succeeded in damaging India's position as leader of the Afro-Asian countries. Nothing is worse than a military defeat for any country's prestige. So the non-alignment policy was shaken by the unanticipated reaction of the China, and the immediate support and assistance by the West. *The Indian Express* "went to the extent of commenting that in the world divided between the Communists and anti-Communists and there was no place for the neutral nations."¹¹⁶ However, India's relation with China brought home to the Indian people the significance of foreign affairs for their survival and well-being. Besides, it clearly led to the public pressure for the resignation of V.K. Krishna Menon, the Defence Minister.¹¹⁷

Even more significant role public opinion played in compelling Nehru to repudiate the agreement entered into by the Government of India with the Voice of America (VOA) on 9th July 1963. Following the Sino-Indian war of 1962, the Government of India felt the needs to strengthen All-India Radio's external broadcast to counteract the Chinese broadcasting service against India. So the US offered to give India a powerful transmitter, provided the VOA could have use of it for a specific number of hours a day. Nehru agreed personally and approving it over the signatures of the Minister and Deputy Minister of Information and Broadcasting. The critics feared that, it would be used for cold war propaganda. They regarded the contract as serious breach of the non-alignment policy and appealed for renegotiation of the deal.¹¹⁸ The

¹¹⁴ Appadorai, n. 4, p.61

¹¹⁵ Vinay Kumar Malhotra, *International Relations* (Anmol Publications: New Delhi, 2002), p. 415.

¹¹⁶ Khanna, n.2, pp.312-13

¹¹⁷ Appadorai, n. 4, p.58.

¹¹⁸ Ibid p.74.

public opinion in popular forums, Parliament and press, started questions over this breach of non-alignment, and finally the Indian Cabinet reversed this decision within a few days of the signing of the agreement.¹¹⁹

Needless to add, the divergence between the initial and the latter outlook of the Government of India towards Czechoslovak crisis in 1968 may similarly be attributed to critical public opinion. Angry public opinion resulting from “India’s unsuccessful attempt to participate in the Islamic Summit Conference at Rabat in 1969 obliged PM Indira Gandhi and Foreign Minister Dinesh Singh to put forward apologetic explanations and to be subsequently careful with regard to their West Asia policy.”¹²⁰ Moreover, the people of different regions of India played an active role in nation’s foreign policy towards neighbouring countries. For example, the effect of Tamil Nadu politics on India’s policy to Sri Lanka is well recognised. Such pressures were copiously evident during the late 1980s, when the Indian response to the escalating violence in the island nation, and its decision to intervene militarily was partially influenced by Tamil Nadu. The existence of Tamil party in a significant role in a Union Government is therefore, likely to magnify public pressures can be expected to shape and constrain how India reacts to events in Sri Lanka as long as Tamil population in India holds on to a strong sense of identity with the Sri Lankan Tamils.¹²¹ The adverse public opinion caused by the heavy loss of life among the ethnic Tamils of Sri Lanka resulting from the Indian military intervention in 1987 was one of the major reasons for the eventual withdrawal of the IPKF from Sri Lanka.¹²²

Yet another notable instance is India’s humiliating defeat by Japan in the election to the Security Council during I. K. Gujral’s Prime Ministership in 1996 led to severe criticism in the public through the press and Parliament regarding what was apparent as India’s immature and miscalculated verdict to contest the election against Japan, and led to a more careful approach to India’s claim for enduring association of

¹¹⁹ Jha, n. 14, p.60

¹²⁰ Bandyopadhyaya, n.23, p.128

¹²¹ Mahesh Shankar and T V Paul, “Foreign Policy Making in India: Looking for Theoretical Explanations,” in Amitabh Mattoo and Happyman Jacob, ed, *Shaping of India's Foreign Policy: People, Politics and Places* (New Delhi: Har-Anand Publications, 2010), p.72.

¹²² Bandyopadhyaya, n.23, p.128

the Security Council. Besides, the sharp criticism by the public, political parties, including the ruling parties, the Parliament and the press regarding the Government's handling the hijacking of an Indian Airlines plane to Kandahar by Pakistan-backed terrorists in December 1999 made the Government to some extent apologetic in Parliament, and led to the institutionalisation of the Crisis Management Group for more well-organized handling of such crisis situation in future.¹²³

Additionally, "public interest in Defence and security has witnessed rapid growth, particularly after India carried out nuclear tests in May 1998. Additionally, the Kargil conflict in 1999 further aroused the interests of every Indian on security matters. Public opinion on the threat of transnational terrorism is being considered in India's counter-terrorism stance and strategy. In the wake of the terrorist attack on the Indian Parliament' on December 13, 2001, the Government came under tremendous public and political pressure to act tough and decisively against Pakistan."¹²⁴ So whatever may be the case, public opinion in India has been influential. In this context, the public opinion through press, political parties and Parliament effectively influenced the foreign policy of India.

From the above discussion we can see that the public has actively participated on several foreign policy issues. But it is very difficult to analyse how much it affected on foreign policy. In fact, the most important way to analyse public opinion on foreign policy is public opinion survey. It is therefore, we can turn our attention towards the surveys about public views conducted by different organisation for several foreign policy issues. The Indian Institute of Public Opinion is the only organisation that conducts surveys for ascertaining the public mood on select issues of foreign policy in India. Though the surveys are conducted on a small scale, usually 1500 people in urban India, it remains the only source for determining, rather than assuming, what the public thinks on issues of foreign policy.¹²⁵ But neither the Government nor the scholars popularise the findings of such surveys. It is the most ignored institutes conducting

¹²³ Bandyopadyaya, n.23, pp.128-29

¹²⁴Rajpal Budania, "Domestic Constraints in India's Defence Policy-Making", *Strategic Analysis* (New Delhi), vol.26, no.3, p.388-89

¹²⁵ Ibid p.300

surveys on peoples view in foreign policy. Funding by the MEA and supervision by scholars can allow the IIPO to more objectively study public opinion on issues of foreign affairs.¹²⁶

There are insufficient robust of reviews of public views on Indian foreign policy. David Cortright and Amitabh conducted, “a survey of the opinions of Indian elite on India’s nuclear options of finding in 1994 was purposely selective, with a sample of 992 covering seven Indian cities, and found that 57 percent supported the official Indian position of nuclear ambiguity, whereas just eight percent favoured renouncing India’s nuclear programme.”¹²⁷ In recent years, “several cross-national surveys-the Pew Global Attitudes Project and the World Public Opinion surveys conducted by the Chicago Council on Global Affairs-shed some light on Indian public opinion on foreign policy. Both survey suggested that public opinion in India was favourable towards the US. And also it consistently ranked near the top of the list in its confidence in and support of the US compared to the other countries where the poll was carried out.”¹²⁸

Apart from that, Devesh Kapur has recently conducted a study to examine some dimensions of public opinion on issues of foreign policy. “The survey was the largest ever random, nationally representative survey of foreign policy attitudes of Indians in 2005-06 covering 212,563 households.” Besides, a poll conducted “in July 2008 in urban India after the Left parties withdrew support for the government to protest against the nuclear found that 34 percent of respondents were for the deal and 13 percent were opposed. Twenty one percent felt that “Government knows best” and another 32 percent had no opinion. The support was greater among the young and among graduates, whereas Muslims and the elderly were less enthusiastic (even though more supported the deal than opposed it).” (The survey sample size was 1520 respondents in urban India, <http://www.lokniti.org>).¹²⁹ A subsequent poll after the Indian general elections in 2009 found, “just 37 percent had even heard of the nuclear deal. Indeed the fact that

¹²⁶ Madhavi Bhasin, n. 93

¹²⁷ David Cortright and Amitabh Mattoo, “Elite Public Opinion and Nuclear Weapons Policy in India,” *Asian Survey*, vol. 36, June 1996, pp.545-560. Also, see at Kapur, n. 3, pp.290-91.

¹²⁸Kapur, n. 3, pp.290-91

¹²⁹ Kapur, n. 3, p.300

in the 2009 Indian elections, the Left parties lost heavily in regions with a strong Muslim concentration (in Kerala and West Bengal), suggest that linking sectarian cleavages to foreign policy issues has low electoral salience when underlying public opinion is unenthusiastic.”

Another significant aspects of public opinion on Indian foreign policy is in May 2006, India’s Ministry of External Affairs established its Public Diplomacy Division to educate the foreign and domestic policy issues to show a well appearance of the country. The most important objective of this organ is, “to explain on day to day basis the background of policy decisions in Indian foreign policy, promote positive image of India as well as engage scholars, think tanks, and media through its outreach activities.” Public diplomacy plays an important role to catch mass opinion on foreign policy. Subsequently, this is the process whereby Governments by-pass their equivalents in another country and target the wider political process including civil society.¹³⁰ Accordingly, the public diplomacy is a framework, “of activities by which a Government try to influence public attitudes with a view to ensuring that they become supportive of foreign policy and national interest.” Furthermore, the public is entitled to be informed about what a Government is doing in international affairs, and is also entitled to responsiveness from those in authority to their concerns on foreign policy. However, the successful public diplomacy depends on “an active engagement with the public in a manner that builds, over a period of time, a relationship of trust and credibility.”¹³¹

From the above analysis we can see that public opinion played both restraining as well as reinforcing role in the making of India’s foreign policy. Not only the broad strategy of non-alignment, but also all issues relating to imperialism, racialism and military alliances has received the specific support of the Indian people. The value of public opinion lies not in its power of initiation but of control. For instance, India’s struggle against South African Apartheid since 1946 received powerful support from domestic public opinion. Moreover, favourable public opinion helped the Government

¹³⁰ Hills, n.7, p.279

¹³¹ Tharoor, n. 78, pp.295-97

of India to play a leading role in the world. For example, Asian Relations Conference in 1947, Indonesia's struggle for independence from 1947 to 1950 and the general decolonisation process throughout the 1950s and 1960s.¹³² Thus, public opinion has generally served to reinforce rather control foreign policy in most democracies. Thus, Bandyopadhyaya rightly said, "irrespective of whether a state has a democratic or a despotic Government, the ruling classes everywhere try to indoctrinate the masses of people into the ideology of nationalism. This strategy serves a double purpose; it implies the people to create a horizontal emotional bond among themselves in the context of social stratification and inequality and secondly it implies the people to support their Government in case of international conflict or other forms of adversarial relationship with foreign states."¹³³

The adverse opinion at home has also compelled the Government on several occasions to reverse its policy postures. To site just a few examples: the Government of India agreed to provide transit facilities for Gurkhas recruited for the British army on the basis of the tripartite agreement of 1947 between India, United Kingdom and Nepal. Though no time limit was mentioned for the agreement, but it was assumed to be for a temporary period. The issue was raised by the Communists in Parliament in 1952 and impelled Nehru to take steps to terminate the facilities as early as possible.¹³⁴ Through this we can see that the Parliament and political parties has a major role in representing the voice of the people. It influences the formulation of foreign policy in a multiplicity of ways. Its declarations, either supporting or opposing policies proposed by the Government or by suggesting or forcing up on the Government new policies, whether of a broad or of a specific nature, are expected to influence the broad orientation, detailed and implementation of foreign policy.¹³⁵ We shall endeavour to discuss this aspects in Chapter II.

¹³² Bandyopadyaya, n.23, p.127.

¹³³ Ibid, p126

¹³⁴ Appadorai, n. 4, p.69

¹³⁵ Bandyopadyaya, n. 23, p.96

A Prolonged Hot Debate

Having outlined the public response of various foreign policy issues, now we can turn our attention towards the central theme of the study that is, public debates over nuclear issue. India advocated the prohibition of use of nuclear weapons at various international forums. Concurrently, India did not signed CTBT and NPT because it was a discriminatory treaty and it impose restriction upon the non-nuclear states even when there were committed to purpose a peaceful nuclear policy and which provided for no measure to check the growing arms race among the nuclear powers.¹³⁶ The Indian nuclear doctrine has three clauses, “the bomb would not be used against an enemy who does not have nuclear capability, it will be used only after the enemy uses the weapon against India and a conventional war can be waged against a nuclear armed enemy and in that war the enemy can be nuclear disabled.”¹³⁷

As indicated earlier, the people’s attitudes towards the Government policy in India is even more nationalistic when a new constraints are forced on its nuclear plan. It was true in the circumstance of the “Non-Proliferation Treaty (NPT) in 1968”, the “Comprehensive Test Ban Treaty (CTBT) in 1995”, and after the “1998 tests at Pokhran.”¹³⁸ Since late 1970s India has been reliably pressurised to sign the NPT and later CTBT, so that its nuclear capabilities can be reduced and eliminated. But now the situation has changed after the utilisation of nuclear option for by India. Now it is being denied the status of nuclear weapon State, as well as, it is engaged in the counter proliferation strategies by the US. It is one arena of foreign and security policy where India has had a long-term perspective is its approach to the nuclear question. Though at times the overall policy was contradictory and its various strands were at cross-purposes, yet India was able to carve out a coherent policy that served its needs with great efficiency.¹³⁹ Thus, “after years of indorsing idealistic slogans such as universal disarmament, India by the late 1990s recognised the importance of becoming a declared nuclear power. Despite the steady nuclearisation of its security environment over the

¹³⁶ K. R. Gupta, *India’s International Relations* (New Delhi: Atlantic Publishers: 2009), p. 93.

¹³⁷ K. R. Guptha and Vatsala Shukla, *Foreign policy of India* (Delhi: Atlantic Publishers, 2009), p.189

¹³⁸ T.V. Paul and Mahesh Shankar, “Why the US–India Nuclear Accord is a Good Deal,” *Survival*, vol. 49 no. 4, Winter 2007–08, p.114.

¹³⁹ Harsh V. Pant, “Indian Foreign Policy Challenges: Substantive Uncertainties and Institutional Infirmities,” *Asian Affairs* (New Delhi), vol. 40, no.1, March 2009, p.93.

decades, India remained ambiguous about its attitudes to its national own nuclear weapon programme. Even more important, India sensed that there might be diplomatic opportunities for getting the great power acknowledge if not legitimise its nuclear weapons programme and remove the high technology sanction against it.”¹⁴⁰ Therefore, the nuclear issue has always been sensitive to India’s foreign policy and India’s track record in terms of nuclear non-proliferation has been very clear and perfect. It is evident from its nuclear policy of ‘no first use’ and unilateral ‘moratorium’ on explosions. And it continues to pursue the policy of development of ‘minimum nuclear deterrence’ for its security.¹⁴¹

If at the domestic level, there is a need for India to develop necessary accord for its foreign policy goals, then at the eternal level, it has to attain acceptability as a power centre among community of nations. Therefore, the internal political structure of a country has an important impact upon the countries international affairs. In a democracy like India people must understand and support the rationale governmental policies. Sometimes, the major parties were unable to preserve the traditional foreign policy consensus. And also, the phenomenon of coalition Government, now an inescapable reality in India’s political life, has given small regional parties a greater in governance, including foreign policy. However, India’s foreign policy focus throughout 2004 to 2009 was on relations with the US in general and the Indo-US civil nuclear agreement in particular. It also appears to demonstrate the disordered nature of the linking between public opinion and foreign policy and democratic performance of the similar public.

In the wake of growing public concern about nuclear fallout one of the major achievement for India in nuclear field is the nuclear test of 1998, had the support of the Congress party, which was in opposition at the time. It enjoys wide popularity and bipartisan support in national politics. The party argued that nuclearisation as an integral part of India’s economic, defence and foreign policy.¹⁴² Within seven years

¹⁴⁰ C. Rajamohan, “India’s New Foreign Policy Strategy,” *Paper Presented at Beijing* in May 26, 2006, p. 4.

¹⁴¹ R.S. Yadav, “Changing Dynamics of India’s Foreign Policy,” in R.S Yadav and Suresh Dhanda, ed, *India’s Foreign Policy Contemporary Trends* (Delhi: Shipra Publications, 2009), pp.31-33

¹⁴²SubrataK. Mitra and Jivanta Schottil, “The new dynamics of Indian Foreign Policy and its Ambiguities,” *Irish Studies in International Affairs*, vol.18, 2007, p. 21.

after the nuclear test of 1998, India engaged a nuclear agreement with the US in July 2005 under which the US agreed, “to change its domestic non-proliferation law and revise the international guidelines on nuclear cooperation in favour of India.” However, the framework of 123 agreement was a joint declaration by PM Manmohan Singh and President Bush on 18th July 2005 under which the US has agreed to help India acquire the same benefits and advantages as other state with nuclear weapons. Towards this objective, India agreed to, “identifying and separating civilian and military nuclear facilities and programme in a phased manner; taking a decision to place voluntarily its civilian nuclear facilities under IAEA safeguards; signing and adhering to an additional Protocol with respect to nuclear facilities; continuing India’s unilateral moratorium on nuclear testing; working with the US for the conclusion of a multilateral Fissile Material Cut-Off Treaty (FMCT); refraining from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread; ensuring that the necessary steps have been taken to secure nuclear materials and technology through comprehensive export control legislation and through harmonisation and adherence to Missile Technology Control Regime (MTCR) and Nuclear Suppliers Group (NSG) guidelines.”¹⁴³

The agreement has remained in controversy ever since initial discussions for it started between the two countries in 2005. This was perhaps one of the issues, which generated an intense and widespread debate in the country. The problem first started when the text of the bilateral Indo-US pact, called 123 agreement, was made public simultaneously in both the countries in August 2007. Before going to study in detail about the said agreement, it is necessary to discuss briefly on 123 agreement and Hyde Act.

123 Agreement

Section 123 of the US Atomic Energy Act, which provides “for peaceful nuclear cooperation with other countries,” lays down nine conditions that need to be met for the US to enter an agreement with India, “Guarantee that safeguards will apply on all

¹⁴³ “Text of Indo-US Joint Statement,” July 18, 2005.

equipment, nuclear material and supplies from US; for non-nuclear weapons state, IAEA safeguards be maintained with respect to all nuclear materials with in its territory or under its control anywhere; guarantee that supplies from US or any material produced using these supplies will not be used for military purposes; the US shall have right of return of any material supplied through this agreement in case India tests or violates safeguards; supplies from the US should not be passed on to a third party or any other unauthorised person or entity without US consent; adequate physical security to all US-origin material transferred; guarantee that any US origin nuclear material will not reprocessed, enriched or altered without prior approval of the US; US approval places where US-origin fuel would be stored; guarantees that the co-operating country will respect the conditions that the US President will have to fulfil in his obligations towards US non-proliferation goals.”¹⁴⁴

The agreement was settled on 20 July 2007 after nine rounds of difficult, technical discussions, and was publicly released on 3 August after receiving approval from India’s Cabinet Committee on Security.¹⁴⁵ But the agreement was not accepted by the opposition and Left parties. They apprehended that India will surely have to incur a huge political cost once the deal becomes operational. And also feared that the agreement will inhibit the development of the nuclear programme and impact on India’s foreign policy.¹⁴⁶ Thus, the agreement became hot debate among the public, press, intellectual, etc. An attempt is made to discuss the various aspects of the agreement in Chapter II and III.

From July 2005 to March 2006, the Bush Government exchanged with its Indian counter parts to “secure nuclear restraints, involving the separation of India’s energy generating reactors and the plutonium from these reactors could therefore be used for military purposes. The Bush administration wanted India to place these civilian reactors

¹⁴⁴Condolezza Rice, “Opening Remarks before the Senate Foreign Relations Committee,” *Washington DC*, April 2006. Also, see at Pranab Dhal Samanta, “Last Lap in Nuclear Deal Gets Slippery; India, US will Hard Talk in Ten Days,” *The Indian Express* (New Delhi), March 18 2007.

¹⁴⁵ Dhruva Jaishankar, “Chronicle of a Deal Foretold: Washington’s Perspective on Negotiating the Indo-US Nuclear Agreement,” in P R Chari, ed, *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism* (New Delhi: Routledge, 2014), p.116.

¹⁴⁶ Reshmi Kazi, “The Process of Negotiation of the Nuclear Deal/123 Agreement (India),” in P R Chari, ed, *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism* (New Delhi: Routledge, 2014),

under safeguards. But the Indian Government faced domestic resistance to safeguarding its reactors.”¹⁴⁷ As a result, the nuclear separation plan was announced in India.

Separation Plan of March 2006

On March 2, 2006, US President Bush and Indian PM Manmohan Singh proclaimed in New Delhi that the US and India have touched an agreement on civil nuclear cooperation. It reflects the transformation in US-India partnership that will promote “democracy, stability, prosperity and peace in the region and globally.” The plan states, “fourteen of India’s twenty two reactors are to be separated as civilian and placed under safeguards. The US concede that breeder reactor be kept outside until India decide otherwise; the reactors once safeguarded will remain so permanently. India secures the right to take corrective action if the reactors fuel supply is cut off; India will decide whether it wishes to safeguard future reactors, enrichment and reprocessing plants can switch back and forth from safeguard, depending up on whether they handled safeguard material or not and The nuclear separation plan will be done in phase but will be concluded by 2014.”¹⁴⁸

Hyde Act

The Henry. J. Hyde United State-India Peaceful Atomic Energy Act of 2006 also known as the Hyde Act, is the domestic law that “modifies the requirements of section 123 of the Atomic Energy Act to permit nuclear cooperation with India and in parliament to negotiate 123 agreement to operationalise the 2005 joint statement.” Of course, the certain provisions of the act are contrary to the Joint Statement of July 2005 and Separation Plan of March 2006. Though the Act “cannot be binding on India’s sovereign decisions, but it can be construed as perspective for future US reactions.” For instance, section 104 of the Hyde Act, the US President may exempt a nuclear cooperation agreement from the requirement of IAEA safeguards, if the President considers that India; “has provided a plan to separate civil and nuclear programme; has

¹⁴⁷ Summit Ganguly and Dinshaw Mistry, “The case for the US-India Nuclear Deal,” *World Policy Journal*, Summer, 2006, p11.

¹⁴⁸ K. R. Gupta, “US-India Civil Nuclear Cooperation Initiative”, in Rahul Bhonsla, K. R. Gupta and Ved Prakash ed, *Indo-US Civil Nuclear Deal* (New Delhi: Atlantic Publishers, 2007), pp. 330-31.

concluded an agreement applying IAEA safeguards on India's civil nuclear facilities; working with the US on a multi-lateral treaty to stop the production of fissile material for nuclear weapons; supports the US in efforts to prevent the spread of enrichment and reprocessing technology; secures nuclear material and technology through export regulation."¹⁴⁹

Apart from this, the provisions of the Act are unlikely to satisfy every section of Indian or American societies. In India it generated political heat and the opposition parties to criticize the nuclear deal. Because India was unhappy in three specific areas: (1) reprocessing of used nuclear fuel; (2) assured supply of nuclear fuel for imported reactors; and (3) threat of termination of nuclear cooperation in the event India conducting nuclear tests again.¹⁵⁰ We shall endeavour to discuss this in detail in the upcoming chapters.

New Delhi has faced greater difficulty in mobilising domestic support for the proposed nuclear agreement.¹⁵¹ Because moulding favourable public opinion in India appears to be a difficult task. It is a scenario far different from that of a well-informed community in nuclear power country where the usage of nuclear energy has become an vital position of the everyday life.¹⁵² Despite the fact that, in each case the constituents of the country are to be informed and their opinion is to be taken whether directly or indirectly. Opposition to foreign policy, on the part of domestic public opinion, is therefore, to some extent rare phenomenon in the modern history of international relations. But the recent issue of nuclear agreement may be considered as the most appropriate case to correlate public opinion for studying the efforts of mobilisation and policy formulation by the Government of India in a democratic set up which, provides a participation linkage between Parliament, the press, political parties and intellectual's

¹⁴⁹ Ibid, pp.143-45

¹⁵⁰ P M Kammath, "India-US Nuclear Deal: Concerns Raised in Washington and New Delhi and its Aftermath," in Nalini Kant Jha, ed, *Nuclear Synergy: Indo-US Strategic Cooperation and Beyond* (New Delhi: Pentagon Press, 2009), p. 125.

¹⁵¹ C Raja Mohan, "India and the Emerging Non-Proliferation Order: The Second Nuclear Stage," in Harsh V. Pant, ed, *Indian Foreign Policy in a Unipolar World* (New Delhi: Routledge Publications, 2009), p.67

¹⁵² Janrdhanan Nandakumar, "India and Nuclear Power: Examining Socio-Political Challenges to Energy Security," *Draft Paper*, 33rd World Nuclear Association Annual Symposium 2008, p.112

views. Needless to add that, India is well on its way to meeting the aspirations of its people to achieve global significance. Prime Minister Singh, even when his Government has stumbled domestically, as has been the case more often in its second term since 2009, has been an effective spokesman for his country internationally. There is an urgent need to develop political instrumentalities and mechanisms to make foreign policy more responsive to popular concerns and this, make foreign policy decisions more democratic and representative.

As we shall explain in the forthcoming chapters, public opinion has continued to influence major foreign policy issues such as Indo-US nuclear agreement. For this we will look how has India's Government replied to the anxieties of the people regarding their distinctive interests in adapting of India's foreign policy in the case of Indo-US Nuclear Agreement? As stated earlier, this is the chief theme, which we intend to deliberate in the upcoming chapter. Following this line of enquiry, we shall endeavour to examine the next chapter how Parliamentary debates helped India to get concession from the US regarding the nuclear agreement.

Chapter II

Parliament and Political Parties: Coherent Left and Suspicious BJP

India follows the British Constitutional model and creating foreign policy choices is the function of the Cabinet, which in turn, is receptive as well as accountable to the opinion stated in the Lok Sabha. In fact, as a national legislature and repository of the constituent power of the Union Government, the institution of Parliament occupies a pivotal position in India's democratic system. And it has indeed consistently reflected peoples' feelings, hopes and aspirations.¹ Besides, it observes the development of international relations and participates in forming political will about important foreign policy questions and decisions. It may make laws governing the formulation and execution of international treaties and agreements, or pass a resolution recommending a negotiation, but it has no power to make, accept or reject treaties. The one exception is that when an agreement affects the private rights, or involves cession of a part of the territory, parliamentary consent becomes necessary. This chapter therefore, provides a description and create the base for subsequent analysis of parliamentary debates over the Indo-US nuclear agreement. But before coming on to a discussion of this, it would be relevant to discuss briefly about how Parliament is consulting the public views regarding the foreign policy issues.

Parliament as a Medium of Public Opinion

Historically, Parliament of India is the visible symbol of people's aspiration to be free, and their resolve to be in charge of their own destiny. As an extension of the Indian people, Indian Parliament represents their struggle and their vigilance against the forces, which possess the potentiality to subvert freedom. Like a reflecting surface, Parliament mirrors the country-sometimes reflective, sometime upbeat; morose, angry or noisy; divided or united-but always truly and profoundly Indian.² It also provides a mechanism for uninterrupted endorsement of a regime because an adverse mood may

¹ R. B. Jain, "The Parliament in the Indian Political System," in Dr. N. R. Inamidu, ed, *Profiles of Indian Government and Politics* (Poona: Vishwanil Publications, 1989), p.75

² Krishan Kant, "Fifty Years of Indian Parliament," in Ajay K. Mehra and Gert W. Kueck, ed, *The Indian Parliament A Comparative Perspective* (Delhi: Konark Publishers, 2003), p.25

lead to the erosion of majority support in the house. Change in public opinion gets reflected in the support of a ruling party or coalition enjoys on a day to day basis. Besides, the extent of accountability and popular control is far higher in a parliamentary system.³ The members of Parliament are bound to articulate the interests and aspirations of the constituencies they represent.⁴ Parliament is thus the nodal centre of Indian public life and it not merely proposes public institutions but also strives to enforce accountability over their actions.

The house expresses through its representatives the mind of the people on all matters coming before it. The opinions of its members help to identify the controversial issues with the public opinion, which act as a restraint on the party decision making in the House. Further, even issues including foreign, which will have obtained the sanction of the public at the time of elections, get modified during the course of time due to change in time and circumstances. Because the elected members of the Parliament in the process of nursing their constituencies become aware of any change in public opinion. They express this changed attitude in public opinion in Parliament with a view to appraise the Government of public feeling. It is in this way serve as a medium of public opinion expressing the mind of the people on matters coming before the house.⁵

Additionally, public protests are inevitable and will grow more and more under Parliamentary Governments, because they have become fetters on the concrete democratic rights of the vast majority of the population. Lord Strang, a former British under Secretary of State says, “the Government can build up a body of knowledge in the public mind which will ensure that, as policy develops, the public will not be taken by surprise.”⁶ Assuming that the people are well-informed on foreign affairs and that it is an imperative of democracy to have popular control over foreign as well as domestic policy. It means that Parliament as the representative of the people must have decisive

³ B. L. Shankar and Valerian Rodrigner, *The Indian Parliament: A Democracy at Work* (New Delhi: Oxford University Press, 2011),

⁴ Pushpesh Pant, *International Relations in the 21 Century* (New Delhi: Tata McGraw-Hill Education, 2011), P.97

⁵ H. S. Fortyal, *Role of Oppostion in the Indian Parliament* (Allahabad, 19971), p.130

⁶ A. Appadorai, *The Domestic Roots of India's Foreign Policy 1947-1972* (Delhi: Oxford University Press, 1981), p.64

voice in determining the foreign policy to be followed by the Government.⁷ Hence, Parliament of India, representing as it does all constitutionally organised shades of public opinion at the national level, occupies a pre-eminent and central position in Indian polity. It embodies and epitomises the ‘sovereign will’ of the people; it is the mirror and voice of the nation.⁸ As the Preamble of the Constitution marks it copiously clear that the final source of all power are the people of India in whom sovereignty vests. It is, therefore, one of the overriding concerns of Parliament to see that the will and the aspirations of the people as reflected in its chambers are fulfilled in the best manner possible. In this context, it is relevant to discuss, what our Constitution offers with respect to the carrying out of the accountabilities in the foreign policy.

Constitutional Provisions

In light of the above discussion of public opinion and Parliament, now we can turn our attention towards legal provisions and methods through which Indian Parliament is supposed to exercise control over foreign policy. Constitution of India accords a pivotal place to Parliament in Indian political system. To begin with, Article 73 of the Constitution, extends “executive powers of the Union (a) to the matters with respect to which Parliament has power to make laws; and (b) to the exercise of such authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty or agreement.” It is to be noted that this Article provides, “a parallel power to the executive as are provided to the Union legislature.” So it is necessary to look into Article 246 as well. This allows Parliament to legislate on all aspects of foreign affairs, defined as “all matters which bring the Union into relation with any foreign country.” The Union list includes, among the matters over which Parliament has legislative powers, treaties, diplomatic consular and trade representation, war and peace, the UN and international conferences, international emigration, visa etc.⁹

⁷ Ibid, p.64

⁸ “Place, People’s Interest above Partisan Interest”, available at <http://graphic.com.gh/news/politics/2036-place-people-s-interest-above-partisan-considerations-doe-adjaho-urges.html>, accessed on October 5, 2015.

⁹ J. Bandyopadhyaya, *The Making of India’s Foreign Policy: Determinants, Institutions, Processes, and Personalities* (New Delhi: Allied Publishers, 2003), p.97

Parliament is the supreme legislative body and the executive is accountable to Parliament, which exercises regulate over the preparation and application of both domestic and foreign policies. As mentioned in Clause (3) of Article 75 of the Constitution which proclaims, “the Council of Ministers shall be collectively responsible to the House of the People.” Moreover, Article 253 in part XI of the Constitution empowers “Parliament to exercise exclusive authority to legislate for implementation of international treaties, agreements and conventions and decisions arrived at any international conferences.”¹⁰ Under the Indian legal system, “Executive has powers to enter into any treaty, agreement or convention with any state or with any international organisations as per this Article of the Constitution.” This Article is to be recite with Entry 10 and Entry 14 of the Union list. Entry 10 concerns “foreign affairs, all matters which bring the union into any relation with any foreign country.” Similarly, Entry 14 deals “with entering into treaties and agreements with foreign countries.”¹¹

The above mentioned constitutional provisions, apart, Parliament is expected to influence the formulation of foreign policy in a variety of ways. “Its resolution either supporting or opposing the policy suggested by the Government or by suggesting or forcing up on the Government new policies, whether of a broad or of a specific nature, are expected to influence the broad orientation, detailed formulation and implementation of foreign policy. It can also influence specific aspects of foreign policy through its power to sanction appropriations, by cutting down or increasing the budgets of ministries of External Affairs, Defence and other allied ministries.” Besides, Parliament has the power to set up by legislation new machinery and governmental institutions for the making of foreign policy.¹²

Equally, important are Parliamentary Committees that controls the executive branch of the Government in the making of foreign policy.¹³ There are two Committees

¹⁰ Ibid

¹¹ “Treaty Making Power Under our Constitution,” *Consultation Paper* (New Delhi: Vigyan Bhavan Annexe, January 8, 2001), available at <http://lawmin.nic.in/ncrwc/finalreport/v2b2-3.htm>, accessed on October 02, 2015

¹² Bandyopadyaya, n.11 p.96

¹³ Naheed Murtaza, *Parliament and Foreign Policy: Reflections on Indo-China Relations* (New Delhi: Cadplan Publisher, 1998), p.56

of Parliament –Consultative Committee and Standing Committee, which interact on a continuous basis with the MEA and Government of India on foreign policy matters. An important institutional link between Parliament and foreign policy is “Consultative Committee of Parliament on External Affairs,” which if properly worked, can be useful instrument for Parliament to influence the Government’s decision making on foreign affairs.¹⁴ The Foreign Minister serves as the ex-officio chairman this committee, which can be equated to a miniature Parliament discussing the Government’s foreign policy. A new step was taken by Indira Gandhi, “was to give important place to the Consultative Committees attached to the different ministries and departments which provided an opportunity to members of Parliament of both the houses to participate effectively in the discussions of the business or affairs of the Ministry concerned and express their informality.” This opportunity of participation in informal discussion to the Members of Parliament through these committees established a direct channel of communication to the Government which is not available on the floor of the house. It can control the formulation of foreign policy through its consultative role whose practices in this regard vary from state to state. This opportunity of Parliament provides “a permanent effort to relate expertise in foreign affairs to a momentum based upon the thrust of the historical national experience.”¹⁵

As far as the Standing Committee on External Affairs is concerned, it does not include any Minister from the Government. This committee is essentially a forum for dialogue between opposition parties and foreign service bureaucracy.¹⁶ These are the ways for parliamentary control over foreign policy. So, the need is to improve and galvanise the working of its Committees and increase Parliamentary accountability.¹⁷ Parliament thus controls foreign policy matters through two ways, namely, to approve, modify, or reject foreign policy framed by the executive and, executive has to place all relevant information before both the houses of Parliament and various programmes,

¹⁴ Bandyopadyaya, n. 11, p. 98

¹⁵ M. L. Sondhi, “Parliament and India Foreign Policy,” July 24, 1976

¹⁶ Madhavi Bhasin, “The Making of India’s Foreign Policy: A Case for Connecting Scholars, Practitioners and Public Opinion,” *ISA Annual convention 2010, Draft Paper* (Berkeley), Centre for South Asia Studies, University of California, February 17, 2010.

¹⁷ Naheed Murtaza, n. 15, p.56

negotiations, treaties, agreements and other actions of the Government with other countries.¹⁸

Parliamentary Debates on Indo-US Nuclear Agreement

In the light of the above backdrop, now we propose to discuss how Parliament debated Indo-US nuclear agreement. Theoretically both the houses are empowered to control foreign policy by using legal constitutional provisions. But the Lok Sabha, exercises more control over foreign policy than the Rajyasabha. It has a special power over the passage of money bills, which allows it to regulate the activities of the Ministry of External Affairs.¹⁹ There has been substantial public deliberation and conversation on various features of the nuclear agreement. It is but natural that it has generated a lot of interest and heat. Much of the criticism is made on grounds of sovereignty that the deal compromises the independence of India's nuclear programme. Following are the issues deeply debated in the Lok Sabha.

The July 2005 Statement

The debate started in the last week of July after the statement made by PM Manmohan Singh on his visit to the US. He stated, "his visit to the US opened up new opportunities and possibilities for promoting India's energy security and pathways for promoting socio-economic development."²⁰ While participating in the discussion, Prabodh Panda of CPI charged, "Pandit Nehru viewed the central aim of Indian foreign policy and said that it had to be democratising external relations to make prosperous phenomenon and only public opinion can put nation States on to a vital role." Further he mentioned:

India is broadly following this line, though we have witnessed the trend of weakening and diluting this stand overtly and covertly at different times. But the joint statement and prior to that Indo-US Defence Framework seemed to

¹⁸ L. M. Singhvi and A. R. Mukherjee, *Parliamentary Procedure in India* (Delhi, 1972), pp.69-77

¹⁹ Krishnan D. Mathur and P. M. Kammath, *Conduct of India's Foreign Policy* (New Delhi: South Asian Publishers, 1996), p. 74

²⁰ "India Lok Sabha Debate, Statement by Prime Minister," July 29, 2005, available at <http://164.100.47.192/Loksabha/Debates/result14.aspx?dbsl=2846>, accessed on September 17, 2012. Also see at <http://indiankanon.org/docfragment/1424592/?formInput=nationality>, accessed on October 12, 2014.

have been a deviation from India's autonomous foreign decision and also from the essence of Common Minimum Programme of the UPA Government. These were in continuation of the pro-US shift, which was initiated by the former Prime Minister Vajpayee.

Moreover, he said "the situation scripts the end of India's independent disarmament policy and it should be noted that the US neither supported our claim for a membership in the UN Security Council, nor has accepted India as a nuclear-powered weapon power. It is therefore, painful to see India becoming something more than a major non-NATO ally of the US and went on to question whether this was in consonance with our independent foreign policy?"²¹

Rupchand Pal of CPI (M) too expressed the same opinion and stated:

It is a continuation of a trend of titling towards strategic partnership with America. He raised some questions like, is it built on national consensus? Or is it in conformity with the independent foreign policy that was underscored in National Common Minimum Programme? The party was not against the bilateral relations but it must be balanced and equitable. Further he argued that for gaining access to our weapons market, the US is entering into many agreements. But India is not getting the due recognition, which is not required to be given at the mercy of others - when it originates to permanent association in UN Security Council. Even, the US has not said a word in recognition of India but supported Japan openly. Finally he concluded his speech by saying that, in the interest of multilateralism and multi-polarity, we should not surrender the hegemonic interest and nothing should done which may create problem in our independent atomic energy programme.²²

While supporting the agreement Pawan Kumar remarked, "it is a fact that today India is accepted as a global power and India's geo-political importance is recognised all over the world. Also India is on the threshold of making much bigger strides in our economic development. In that scenario if a country like the US feels that it is mutually beneficial, it would synergise the efforts of the two countries, if we get together and agree on certain things." As a developing country, India can't afford the heavy import bills of hydro carbons and the fossil fuels. So, it will affect India's economic growth. It is in this context, the time has come for us to really rely more purposefully on nuclear

²¹Ibid, Also see at Nalini Kant Jha and S. Prabhakar, "Indo-US Civil Nuclear Deal: Parliamentary Inputs," in Nalini Kant Jha ed, *Nuclear Synergy: Indo-US Strategic Cooperation and Beyond* (New Delhi: Pentagon Press, 2009), p.206

²² Ibid

energy. He added, “PM assured the house that joint statement refers to our identifying, and separating Indian civilian and military nuclear facilities in a phased manner and taking a decision to place voluntarily civilian nuclear facilities under the IAEA safeguards. Also India has the right to decide what will be civilian or military and it is our sovereign right to take out any time any civilian facility out of the domain of civilian category and treat it as a military one.” Therefore, there is no compromise on our minimum deterrent.²³

While continuing the discussion B. C. Khanduri criticise PM’s comment on “the purpose of my visit was to sensitise the US Government about the full extent of the changes that have taken place in India since 1991.” Khanduri asked the Government, “whether anything has been done between 1991 and till date, and America does not know what is happening India? He also raised issues like India had a vast reserves of thorium but when we are trying to put our mines under inspection, obviously, the raw material gets limited and controlled.” Hence, the US is trying to ensure that India will not produce more than a certain quantity of raw material, then how do we ensure that our strategic nuclear weaponry is available as per our requirement? And also what are the implications of separation plan as far as India is concerned.²⁴

While defending the Government Kirip Chaliha said, “although there was scepticism in 1991, there is enough proof that Manmohan Singh’s Manmohanomics has succeeded like nothing else in this country and he has brought this country to the present position of honour and this has been acknowledged by all today.” Further he said, “as far as foreign policy of a country is concerned, it cannot remain static, since, the world has been changing rapidly. Subsequently, adapting to changes does not mean that India is surrendering to something. It means India is taking steps to survive and respond to the new world order and new situations.”²⁵

Joining his colleague in defending the Government’s decision, Shri Milind Deora highlighted, “the erstwhile NDA and BJP Government were the ones, who

²³ India Lok Sabha Debate, “Statement by Prime Minister,” July 29, 2005, available at <http://164.100.47.192/Loksabha/Debates/result14.aspx?dbsl=2846>, accessed on September 17, 2012.

²⁴ Ibid

²⁵ Ibid

started the process of Indo-US nuclear deal. The BJP has all along been engaged in secret deals and the discussion of Talbott and Jaswant Sinha has not been made public but now they are criticising the Congress. And they were trying for this deal six years and then failed.” He went further to the extent of saying, “the deal was manifestation of where India is globally today in terms of its economic power and its strong democratic system. Therefore, the proposed agreement will help to strengthen India’s energy security needs and mark its role as a responsible global nuclear power.” Besides it gives us the option or the choice, without even having signed the NPT, to participate in this global framework whereby India can access certain fuels, infrastructure, technology, equipment, etc.²⁶

Finally Prime Minister, Singh expressed his view by stating, “as a fast growing economy, nuclear energy is an inevitable ingredient for India.” But the opposition parties are too much stressing on the implications of separation plan. For that, PM assured, “this is not imposed one and will be decided voluntarily, solely on the basis of our own judgement and it will be made by the people of India and by our Government.” At the same time, he replied to the debate by informing the House, “we will not compromise our autonomy and sovereign will power in managing our nuclear assets and he expressed his concerns when he was in Washington to impress upon the US that, if the US genuinely felt that it had a change of heart regard to India, then it must do something to lift these 35 years of restrictions, which hampered our request to nuclear energy.”²⁷

Regarding the foreign policy matters he quoted Nehru’s views by stating, “we live in a dynamic world; in a fast changing world. Therefore, our approach should reflect the flexibilities which are necessary in managing the complex polity in a dynamic world, but there can be no compromise on basic fundamentals. It is therefore, the foreign policy of our country has been designed to promote our enlightened national interest.” That orientation has not changed. Hence, there is nothing in the joint statement which in any way compromised our autonomy or our sovereign will-power.

²⁶Ibid

²⁷ Ibid

Likewise, in the case of energy security, he stated that the nuclear energy is clean because the greater use of coal result in environmental hazards, like CO2 emissions. Moreover, “we are too much dependent on hydrocarbon imports for meeting seventy per cent of our requirements. Therefore, in our quest for energy security, we must widen the options that are open to us and nuclear energy is one such option.”²⁸

While responding to Vajpayee and George Fernades who has asked that India was not given the status of a nuclear weapon state, he stated, “it is true. Because, in the international idiom, the nuclear weapon states are the ones, which are identified in the NPT. We are not a party to that treaty and that treaty cannot be changed overnight. What we have done with the US is that we have virtually got all the benefits that go with being a Nuclear Weapon State without having the de-jure status of a nuclear weapon state.”²⁹ Further, he stated, “it is an agreement between two states possessing advanced nuclear technologies, both parties having the same benefits and advantages and it is based on the principle of mutual benefit.” Then he informed the house, “the agreement stipulates full civil nuclear cooperation will include nuclear reactors and aspects of the associated nuclear fuel cycle, including technology transfer on industrial or commercial scale. It would also include development of a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of our reactors”³⁰ Additionally, an important aspect of the agreement is “our right to reprocess US origin spent fuel, which will enable us to make full use in our national facilities of the energy potential of the nuclear fuel used in our reactors. Hence, this agreement does not in any way impact on India’s ability to produce and utilise fissile material for its current and future strategic needs.”³¹

²⁸ Ibid

²⁹ Ibid

³⁰ Salvil Paul, “India’s Foreign Policy,” in Tapan Biswal, ed, *International Relations* (New Delhi: MacMillan, 2009), p.137, Also see at PM’s Statement in the Lok Sabha on Civil Nuclear Energy Cooperation with the United States, *Ministry of External Affairs, Government of India*, August 13, 2007 and “This Agreement does not in any way Restrict our Strategic Autonomy,” *The Hindu*, August 14, 2007.

³¹ “The Prime Minister made a statement regarding Civil Nuclear Energy Cooperation with United States,” *Lok Sabha Questions*, available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=8107>, accessed on September 17, 2012.

Though PM made a statement on each and every features of the nuclear deal, but the Government could not convince the opposition parties and they questioned the implication of the separation plan on India's nuclear energy programme.

Implementation of Separation Plan

Details of the civil nuclear cooperation were set out for the period of Bush's visit to India in March 2006, when India's Separation Plan was announced. It reflects the transformation in Indo-US partnership that "will promote democracy, stability, prosperity and peace in the region and globally." Both countries had so far, "shown their political will to realise the strategic partnership, by doing their part towards the finalisation of the deal, for example, presenting the separation plan for civil and military nuclear facilities and ensuring the passage of the Henry Hyde Act in the Parliament." From July 2005 to March 2006, the Bush Government assigned with its Indian counter parts to "secure nuclear restraints, involving the separation of India's energy generating reactors and the plutonium from these reactors could therefore be used for military purposes." The Bush administration wanted "India to place these civilian reactors under safeguards. So the plan provided for an India-specific safeguard agreement with the IAEA, with assurances of uninterrupted supply of fuel to reactors that would be placed under IAEA safeguards together with India's right to take corrective measures in the event fuel supplies are interrupted." An important assurance given "is the commitment of support for India's right to build up strategic reserves of nuclear fuel to meet the lifetime requirements of India's reactors. But Indian Government faced domestic resistance to safeguarding its reactors." As a result, while India's nuclear separation plan publicised for the period of Bush's March 2006 official visit to India placed 14 power reactors under safeguards.³²

The opposition parties initially objected to the fact, "by opening India's nuclear sector to inspection, the proposed agreement would restrict India's sovereignty or its

³² "Discussion on the statement made by the Hon'ble Prime Minister on 7. 03. 2006 regarding Civil Nuclear Energy Cooperation with the United States, in the context of the recent visit of the President of USA," available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=5489>, accessed on September 17, 2012. Also see at http://www.mea.gov.in/images/main_2007.pdf, accessed on September 23, 2012.

sovereign right to independent nuclear decision making.”³³ Parliament discussed about this matter in the first week of March, 2006. The debate began with the statement of the PM on “civil nuclear energy cooperation with the US: implementation of India’s Separation Plan.” PM has explained about the various decisions taken by the two Governments during the course of the discussions. It covered, “the expansion of both countries ties in the field of agriculture, economic and trade cooperation, energy security and clean environment, strengthening innovation and knowledge economy, issues relating to global safety and security and on deepening democracy.”³⁴

A number of members participated in the discussion. Prominent among them were, Rupchand Pal of CPI(M), C.K. Chandrappan of the Communist Party of India (CPI), Kapil Sibal, Ministry of Science and Technology, Anand Sharma, Ministry of External Affairs, and PM. Some members of the Parliament criticised the deal, “it will lead to the expansion of India’s nuclear weapon programme, thus triggering an arms race in the region and it undermines the global non-proliferation regime critically by rewarding non-compliance.” On the other hand, proponents hailed the deal as historic emphasising its strategic benefits.³⁵

While initiating the discussion, C. K. Chandrappan made a statement in the circumstance of the current visit of the President of US. He observed, “after the collapse of the Soviet Union, US don’t want another contender in the world and so, they want to contain China. Therefore, the US has taken India to the stable of the United Nations global strategy of containing China, containing Russia and to have upper hand in politics in the Asiatic region.” As far as the reprocessing of nuclear fuel, he asked the house, “whether we will have facilities for reprocessing the nuclear wastes.” Further he remarked, “the Government has exchanged the independent foreign policy that has been continuing for decades since the time of independence. This foreign policy of peace, solidarity and the policy of disarmament that stood against the arms race, has been

³³ Ibid

³⁴ Discussion on the statement made by the Hon’ble Prime Minister on 7. 03. 2006 regarding Civil Nuclear Energy Cooperation with the United States, in the context of the recent visit of the President of USA,” available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=5489>, accessed on September 17, 2012.

³⁵ Ibid, Also, see at Jha and Prabhakar, n.23, p.207

bartered for a little nuclear energy and arms which they are sending to us and probably will instigate arms race in this parts of the world.” Finally, he concluded his speech by saying that the statement speaks good things, but the statement is silent about India’s place in the Security Council.³⁶

While participating in the discussion, Shri. Kharabela Swain said, “PM rests his argument on two bases; availability of nuclear energy and energy security of the country and he assured the house that nuclear energy is clean. But when we look at the case of US, is the biggest polluter on this planet and not signed Kyoto Protocol. Our emission of greenhouse gases is 0.05 per cent of the total US emission.” Further he elucidated:

it is a very wrong premise to say that only the nuclear energy which can sort out the problem of India in the next two decades since, it constitutes less than three percent of the energy basket of India. If we achieve 20000 MW of nuclear energy by 2020, it will be not more than 10 per cent of the total energy need of India. In fact, our potential for hydroelectricity is enormous and there is also the possibility of having non-conventional source like wind energy.³⁷ Then why we should go for such a huge capital cost?

As far as the cost of nuclear energy, he mentioned, “for a target of 40,000 megawatt of installed capacity by 2020, the total additional investment required would be Rs.2, 40,000 crore.” The interesting thing is that, this is only the installation cost of the reactor and we could imagine what would be the cost of the uranium. Therefore, the capital cost involved in a nuclear project and fuel cost is very high and we are not using our resources capacity. The two-third of the world’s thorium deposits is available in India. He pointed, “as regards thorium, it can also work as fuel for the nuclear reactor. If we will utilise the thorium deposits, then India will be self-sufficient in the field of nuclear energy and India need not be critically dependent on any of these nations of the world for its nuclear fuel and energy.”³⁸ He further observed, “the agreement not on reciprocity because as per this separation plan, we have to voluntarily place our civilian nuclear facilities under IAEA safeguards and in future, we have to sign and adhere to an additional protocol with regard to the civilian nuclear facilities. The IAEA inspection

³⁶ Ibid

³⁷ Ibid

³⁸ Ibid

is very nominal in the case of USA, Russia, China, UK and France because they are Nuclear Weapon States and are recognised under the NPT.” Here the question is whether India would get the same treatment as other nuclear-powered weapon countries, since India is considered as a de facto nuclear weapon state. Another important thing he pointed, “the IAEA now applies safeguards at only four US facilities out of the 250 civil nuclear facilities, which the US has made eligible for the IAEA safeguards under its Voluntary Offer Agreement with the IAEA.” For them it is good but for India it has to be in perpetuity. Besides, the nuclear weapon states can declare one facility as civilian and in future if it does not suit them they can change it to military and thereby exclude it from international safeguards.” Finally he pointed out, “no nuclear power country has separated the military and civilian nuclear facilities in actual practice including the US.” Subsequently, the query arise is why should India do something which they have not done?³⁹

Similarly, Rupchand Pal of CPI (M) inquired, “what is the cost involved in the separation and who will pay the cost? Since nowhere in the world we have heard that such separation is an easy thing. Then, there will be difficulties with regard to the movement of our scientists from the strategic programme to the civilian programme, as nowhere there is any such separation.” For instance, we had recently refurbished the Cyrus, and how much would it cost to shift Apsara and Cyrus from the BARC arrangements? So, PM can explain us about the past experience of this nuclear separation. Finally, he remarked, “as per this agreement, neither India is having energy security nor it is going to be self-reliant in the energy security and, it is basically a programme of imported fuel and reactors.”⁴⁰

Though supporting the Government, Kapil Sibal argued:

Energy is at the heart of development and there is a need to protect our resources as well as ourselves from the security threat. Though we cannot give up our military programme but we must compromise on the civilian programme for larger uses of energy. Hence, the agreement will open up huge possibilities of transfer of technologies in the field of agriculture, health and industrial as well as in the sphere of environment and while using these

³⁹ Ibid

⁴⁰ Ibid

technologies to have zero emission in nature. He further indicated that our decision to go nuclear agreement was merely to deter adversaries and we were firmly committed to a weapons free world and a non-nuclear world regime.⁴¹

At the same time Rupchand Pal of CPI (M) raised the issue of nuclear energy security. He commented:

Till today, the country does not have any nuclear energy security policy. And after the joint statement, the Left parties has cautioned the Government that it should be careful that India has a sovereign nuclear programme and our strategic programme should never be opened up for inspections. Then he enquired the house that how the development of our research can be protected from the inspection through IAEA power centre because American President has the authority to declare agreement null and void. Thus, it creates suspicion in the minds of the people. Moreover, the country needs energy security but it should not be at the cost of national security and also we are a buyer of nuclear weapons but we don't know the cost of nuclear weapons. Therefore, the house has to be convinced about each and every issue related to the nuclear doctrine.⁴²

While supporting the agreement Nikhil Kumar said, “an India specific safeguards agreement will be negotiated between India and the IAEA, providing for safeguards to guard against withdrawal of safeguarded nuclear material for civilian use.” Further he mentioned, “if despite these arrangements, a disruption of fuel supplies to India occurs, then the US and India would jointly convene a group of friendly supplier countries such as Russia, France and United Kingdom to pursue such measures to restore fuel supply to India.” Then he specified that the safeguard agreement is only for the civilian-nuclear facilities not about the strategic reactors.⁴³

In the case of other sources of energy, he mentioned, “we are importing coal because our coal is second grade. And also we are importing 17 million tonnes of oil at the cost of 60 dollars per barrel. It is very likely that the price will rise to 100 dollars in the next one or two years.” What will be the mind-boggling expenditure that we shall

⁴¹ Ibid

⁴² Ibid

⁴³ Ibid. Also see at U.S. and India Release Text of 123 Agreement, available at <http://2001-2009.state.gov/r/pa/prs/ps/2007/aug/90050.htm>, accessed on August 23, 2013.

then be incurring for importing oil? It is in this context, the proposed agreement assumes significance.⁴⁴

Countering the argument of Nikhil Kumar, Uday Singh of BJP observed, “the over-dependence on nuclear energy is without any basis because we have the world’s largest reserves of coal, which can yield tremendous amounts of thermal coal.” Then, why are we wanting to depend on something where we will never be self-reliant? Even with the separation plan in operation or even with the nuclear energy co-operation with the US in operation, we will always be dependent on fuel from abroad.⁴⁵

Further he stated, “India is sufficient in its natural resources and he requested to the Government, if you want to tap the atomic energy and create more energy from the atomic resources, we should first tap our natural resources and then go beyond that, since one third of the thorium deposit of the world lies in India.” Accordingly, we have to exploit our resources and depart from the generation of our natural source of energy.⁴⁶

Echoing the same sentiment against the Government, Shri Braja Kishore Tripathy belonging to Biju Janata Dal remarked, “the PM has not been clarified whether our country has the right to have more reactors in future or will continue with these reactors,” as he mentioned “India has decided to place under safeguards all future civilian thermal power reactors and civilian breeder reactors.” Tripathy criticised the Government by stating that it is unilaterally deciding everything without taking people into confidence. He further pointed out that, “as per this plan the entire civilian programme for energy purpose and military purpose will remain under safeguards. And also, we are self-reliant as far as nuclear weapons is concerned, but after this agreement we will be completely dependent on other countries for fuel, uranium and other things.”⁴⁷

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ Ibid

Anand Sharma, Minister of States in the Ministry of External Affairs, defended the Government by quoting the statement made by the PM in the Parliament, who had stated, “India shall only determine as to what would be our requirements, which facilitates our nuclear establishments concur with to put in the civilian list for the IAEA safeguards and which facilitates should remain in the strategic list.”⁴⁸ So in this connection, where has India’s interest been compromised? He added, “by entering into this agreement with the US, the UPA Government tried to unlock the NSG. Once it meets the endorsement of the US Congress, the unlocking of the NSG would lead to access dual use technology and also help India to join in the rest of the world.” In addition to this, “India will have same advantages and benefits, which any other nuclear State has, and at the same time, we commit ourselves to the same responsibilities and obligations, which other nuclear States have.”⁴⁹

He clarified the confusion raised by the opposition parties about whether India has moved away the thorium reserves and thorium cycles. He said, “the three-stage nuclear development plan was conceived by the father of our nuclear establishment, Dr. Homi Bhabha. It clearly states that, stage-I was about uranium and heavy water leading to plutonium, making uranium fuelled reactors. The stage-II of fast breeder reactors is plutonium and thorium and the stage-III is the fast breeder reactor when uranium 233 would be used along with thorium.” That is why the fast breeder reactors, the prototype reactors remain out and the research continues. So, the agreement will not affect the three stage nuclear development programme. He claimed, “if the deal is finally through, it would certain by take care of not only the present security interest of the country but also long term energy needs and security needs.”⁵⁰

While responding the question raised by the opposition parties, the PM made an elaborate speech to explain his Government’s position. He stated, “his statement on July 29, 2005, February 27, 2006 and March 7, 2006 were a measure of commitment of his Government to proper accountability and transparency in dealing with a very

⁴⁸ Jha and Prabhakar, n. 23.

⁴⁹ Ibid

⁵⁰ India, Lok Sabha Debates, Statement on March 7, 2006, available at <http://www.indialoksabhadebate.nic.in>, accessed on 17 September, 2012, also available at <http://indiankanoon.org/doc/1544880/>, accessed on October 6, 2015.

sensitive and important issue of Indo-US nuclear energy in our country.”⁵¹ He further mentioned, “India will identify and separates its civilian and military nuclear facilities, and places its civilian nuclear facilities under IAEA safeguards.”⁵²

The PM assured the members in Parliament, “the integrity of our nuclear doctrine and our liability to sustain a minimum credible nuclear deterrent is adequately protected and also our nuclear policy will continue to be guided by the principles of restraint and responsibility.” Besides, he pointed, “the plan does not come in the way of integrity of our three-stage nuclear programme, including the future use of thorium reserves and also the autonomy of our research and development activities in the nuclear field will remain unaffected.” In spite of this, an important concern was “the rising costs and reliability of imported hydrocarbon supplies which constitute major uncertainty at a time when we are accelerating our growth rate.” For that he said, “today, we are excessively dependent on import of hydrocarbons from the Middle-East, from West Asia to meet our requirements of commercial energy. We consume normally about 110 million tonnes of oil and produce not more than 30 million tonnes. This dependence on the outside world is going to increase.” Besides, “we have, of course, plentiful reserves of coal but it has high ash content and excessive use of coal also runs into the problems of environmental hazards and the global warming.” In this context, nuclear energy offers one such option to meet our energy requirements in the future.⁵³ Therefore, “we must endeavour to expand our capabilities across the entire energy spectrum- from coal and coal-led methane, to gas hydrates and wind and solar power.”⁵⁴

While responding to the issue raised by Kharabela Swain of BJP as to whether New Delhi ensured “availability of sufficient material and other inputs for both current

⁵¹Ibid

⁵² Statement Regarding the Discussion on Civil Nuclear Energy Cooperation with the United States: Implementation of India’s Separation Plan, available at

<http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=4816>, accessed on September 17, 2012.

⁵³ Discussion on the statement made by the Hon’ble Prime Minister on 7. 03. 2006 regarding Civil Nuclear Energy Cooperation with the United States, in the context of the recent visit of the President of USA,” available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=5489>, accessed on September 17, 2012n. 34

⁵⁴ Statement Regarding the Discussion on Civil Nuclear Energy Cooperation with the United States: Implementation of India’s Separation Plan, available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=4816>, accessed on September 17, 2012.

and future requirements of our strategic programme,” PM assured, “the separation plan was drawn up in such a manner that it would not adversely affect our strategic programme.”⁵⁵ Additionally, “it will not limit our options either now or in the future to address evolving threat scenarios with appropriate responses consistent with our nuclear policy of restraint and responsibility.” Regarding India specific safeguard agreement with the IAEA, he stated, “it has to be a unique safeguard agreement, which we would work out to negotiate with the IAEA.” Further he guaranteed, “India will not accept the safeguards agreements signed by non-nuclear weapon state under the NPT. This is precisely because our military facilities will remain outside the purview of safeguards like those of other nuclear weapon state. Each of the nuclear weapon states has concluded separate safeguard agreements with the IAEA, listing specific facilities offered for safeguards.”⁵⁶ Similarly, further he remarked, “India will include in an India specific safeguards agreement a list of facilities offered for IAEA. It will be negotiated so that India will be permitted to take corrective measures to ensure uninterrupted operation of our civilian nuclear reactors in the event of disruption of foreign fuel supplies.”⁵⁷

As stated earlier, the issue related to the shifting of CIRUS and Apsara research reactors, he clarified the house, “only the fuel core will be shifted and not the reactor. Because the BARC complex is of high national security importance and we will not allow any international inspection in this area. Both CIRUS and Apsara are not related to our strategic programme and therefore, our scientists has assured that these steps announced in the separation plan will have no impact on our strategic programme.”⁵⁸

⁵⁵ S. Prabhakar, Indo-US Civil Nuclear Deal: Parliamentary Inputs, available at http://www.academia.edu/6067030/India-US_Civil_Nuclear_Deal_Parliamentary_Inputs, accessed on October 10, 2015.

⁵⁶ PM’s reply in the Lok Sabha to the debate on Civil Nuclear Energy Cooperation with the United States, March 11, 2006, available at http://www.nti.org/media/pdfs/8_india.pdf?_=1316627913, accessed on October 6, 2015.

⁵⁷ Discussion on the statement made by the Hon’ble Prime Minister on 7.03.2006 regarding Civil Nuclear Energy Cooperation with the United States, in the context of the recent visit of the President of USA,” available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=5489>, accessed on September 17, 2012.

⁵⁸ Ibid

Apart from that the most important issue debated in this phase was the question of constraints on India's nuclear weapon capability under the nuclear agreement. Brajesh Mishra, the former National Security Adviser raised a concern regarding the threat of a cap on India's nuclear programme. Similarly, the former Prime Minister A B Vajpayee echoed the same criticism in the debate.⁵⁹ While responding these concerns PM said, "India's fissile material requirements for the weapon programme would be fully protected under the nuclear pact." Further he added that "the Government will not allow any fissile material shortages or any other material limitations on our strategic programmes in order to meet current or future requirements. The defence and security interests of our country are our highest priority and will continue to remain so."⁶⁰

He tried to allay the fears of the Left members by stating, "our foreign policy has been rooted in our civilisation heritage and we are also in pursuit of our enlightened national interests." He assured the Lok Sabha, "while his Government has been working towards strengthening our relations with the US, we have not forgotten our traditional strategic partners like Russia and France." He added, "we have not compromised our autonomy with regard to our strategic programme. We have not agreed to any formula or any proposal which would amount to cap on our nuclear programme. We have made sure that we have taken care of India's present and future requirements, as far as possible humanely. The decision will have to be made by the Government of India, taking into account the security concerns of our nation and we are alone competent to judge what is desirable and what is not desirable. This is the essence of the arrangement that we have made with the US."⁶¹

Additionally, "the US is a global power and their interests do not all the time converge with India's interests. But there are opportunities and occasions when our interests do converge. However, it is the duty of any Government to take advantage of all those opportunities which widen the development options that become available to us. That is precisely what the present Government has done in dealing with the US.

⁵⁹ Lok Sabha Debates, August 3, 2005, available at www.loksabha.nic.in, accessed on September 17, 2012.

⁶⁰ "PM Statement on US Visit to Parliament," July 29, 2005, available at <http://www.pmindia.nic.in/speech.htm>, accessed on September 17, 2012.

⁶¹Ibid

However, India will be able to join the international mainstream and occupy its rightful place among the top countries of the nuclear community.” At the same time, “we will also be able to internationally share our recognised capabilities in the field of civilian nuclear technologies.”⁶² Finally, with lot of heated debate, India confirmed its separation plan in March 2006 and the PM tabled it in the parliament on March 7, 2006. The full description of this plan was once again laid on the table of the Parliament by PM on 11 March 2006.⁶³

The Winter Debate, 2006

The issue of the nuclear agreement again came up for discussion in the Lok Sabha on December 12, 2006, when the Ministry of External Affairs Minister Pranab Mukerjee made a statement in that house on this subject and shared the recent development relating to the enactment of sympathetic between India and US on the recommencement of civilian nuclear cooperation. He assured, “the agreement represents a careful balance of rights and obligations. It provides cooperation in various aspects of nuclear fuel cycle includes the fuel supply assurances, which are the basis of our civil nuclear initiative as well as our right to build strategic fuel reserve, to ensure the uninterrupted operation of our civil nuclear reactors under IAEA safeguards and assures the right to reprocess the nuclear material that we obtain from our international partners.” So the agreement is” fully consistent with India’s national interest, with the assurance that PM had given to Parliament and that Government has made to the people of India.”⁶⁴

It was during this period, many members were raised a question against the implication of the Hyde Act on India’s nuclear programme. While initiating the

⁶² Statement Regarding the Discussion on Civil Nuclear Energy Cooperation with the United States: Implementation of India’s Separation Plan, available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=4816>, accessed on September 17, 2012.

⁶³ Discussion on the statement made by the Hon’ble Prime Minister on 7.03.2006 regarding Civil Nuclear Energy Cooperation with the United States, in the context of the recent visit of the President of USA,” n. 34.

⁶⁴ Discussion on Statement made by Minister of External Affairs on 12.12.2006 Regarding Indo-US Civil Nuclear Cooperation, available at, <http://164.100.47.192/Loksabha/Debates/result14.aspx?dbsl=7134>, accessed on September 16, 2012.

discussion, L. K. Advani, the leader of the opposition, quoted PM speech in the Washington press conference on 20th July, 2005, where he said, “it goes without saying that we can move forward only on the basis of a broad national consensus.” Whether the Government be able to carry out these promises because would he find consensus in the country today. Advani remarked, “there is no consensus on this particular deal as far as the opinions of various nuclear scientists, political parties and members of Parliament. And many of the people in the country has concerned about the consequence of this particular deal if this goes through in the form which has been given to it by the Hyde Act. Because the primary objective of the Hyde Act is to cap, then roll back and ultimately eliminate India’s nuclear weapons capability.”⁶⁵

Additionally, “the act deals more with India’s nuclear weapon credibility and only incidentally with the question of nuclear fuel to be provided to our civil reactors, and that too under conditionalities which are humiliating.” Another objection is that PM assured the Parliament on July 29, 2005 that our arrangement with the US is on the basis of reciprocity. For this he said, “India will reciprocally agree that it would be ready to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology, such as the United States.”⁶⁶ Advani went further to the extent of saying, “the Hyde Act explicitly rules this out and it imposes fetters on us, shackles on the Indian nuclear military capability, which none of the five nuclear weapons are subjected to.”⁶⁷

As far as the foreign policy autonomy, he observed, “its foreign policy options of its strategic matters are in stake, and that is being questioned. It is true that there is a reference to Iran here, but the other provision that in the India’s foreign policy, if they are to assist India in the matter of nuclear fuel, it has to be congruent with the foreign policy of United States.” Section 102 of the act says, “one of the reasons why it recommends nuclear cooperation with India is that India would have a foreign policy that is congruent to that of the US and in working with the US on key foreign policy initiatives related to non-proliferation.” Besides, section 103 says, “one of the US policy

⁶⁵Ibid

⁶⁶ Ibid

⁶⁷Ibid

objectives to be realized through the nuclear deals is to secure India's full and active participation in the US efforts to dissuade, isolate, and if necessary, sanction, and contain Iran for its efforts to acquire weapons of mass destruction." Meanwhile, from 1947 we have always had an independent foreign policy.⁶⁸

Then he wanted a clarification from the PM, "whether India has accepted such a deal earlier for the sake of getting nuclear fuel from the US? Would you like to mortgage away India's autonomous right to conduct Pokhran– III and Pokhran–IV in the future? Would you not be agreeing to push India back to its pre-Pokhran status, that is, as a non-nuclear weapon State both de jure and de facto by signing this coercive deal?" Because the Hyde Act clearly mentioned, "in the event of a future nuclear test by India for any reason including such instance in which India describes its actions as being peaceful purposes, the President must make full and immediate use of the US right to demand the return of all nuclear related items, materials, and sensitive nuclear technology that they have exported, and re-exported to India."⁶⁹

Another important aspect is PM has given assurance in the house, which he said "the US will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supplies over the lifetime of India's reactors." But the Hyde Act neither guarantees uninterrupted supply of fuel nor allows India to accumulate fuel to cover and safeguard the reactors lifespan. It explicitly bans this kind of cooperation. It says, "any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements."⁷⁰

Therefore, the act's descriptive declaration states, "India will not be allowed to build any uranium stock of a size that would permit its driving out any sanction that might be imposed by the US in the future. And also the Hyde Act pursues to enforce both quantitative and qualitative ceilings on India's nuclear deterrent capability, and lays great stress on getting India to cease all fissile material production." Hence, the

⁶⁸ Ibid

⁶⁹ India Lok Sabha Debate, Short Duration Discussion under Rule 193 on December 12, 2006, available at <http://www.parliamentofindia.nic.in>, accessed on September 17, 2012.

⁷⁰ Ibid

demand for the opposition and the people before the Government is not to push India into a dangerous trap of self-enslavement.⁷¹

Participating the scintillating discussion, Ramadass argued, “the Hyde Act is an internal matter of the US and the US administration has assured the Indian Government that they would address all our concern when we sign the deal. While there is no constitutional requirement in India for the Government to seek Parliament’s approval for international treaties, it is not unfair to expect that the concerns expressed by the Parliament will be kept in mind by the Government.” He further mentioned, “India should evolve a foreign policy of being an effective player in the global geopolitical game.” Accordingly, we should see the agreement in the wider geo-political context and as the first of a series of improving relationship with other powers to stop technology apartheid. And, let us concentrate on opening the door to advanced technology and getting the best deal that we can.⁷²

Rupchand Pal of CPI (M) started his speech by asking the house as what is the cost that the country has to pay and what is the benefit that this country would derive. It is a major criteria for judging the proposed agreement. It may be very difficult to say ‘nuclear weapon state’ because there are non-proliferation issues and non-proliferation lobbies. Nevertheless, the PM agreed, “India is a State with advanced nuclear technology enjoying the same rights and benefits of other nuclear weapons states, such as the US.” But we are not equal partners. We are the receiving end and also there is a denial of dual use technology. He further observed, “the nuclear energy, in a country like ours, has a huge potential, particularly where the resources in hydroelectricity, non-conventional energy and coal are limited.” But when we see the Parikh Committee Report in Planning Commission document clearly mentioned, “it is seen that even if India succeeds in exploiting its full hydro potential of 1,50,000 MW, the contribution of hydro-electricity to energy mix would five to six per cent. Similarly, even if there is

⁷¹ Ibid

⁷² Ibid

a 24 fold increase in nuclear power capacity by 2031-32, the contribution of nuclear energy to India's energy mix is, at best, expected to be five to six per cent.”⁷³

Then he made an attention towards the house on India's foreign policy autonomy. India cannot compromise on the issue of Iran. How can a country which is committed for independent foreign policy can subjugate its foreign policy to such an extent? He observed:

The Hyde Act is unacceptable and it does not serve our long term nuclear energy interest and it affects our sovereign, autonomous nuclear programme. So, it tries to bind us with its own foreign policy and philosophy at the cost of our independent foreign policy. Finally, he pointed out that PM must reassure the country through Parliament that the Government would stick to the reassurance given on 17th August 2006.⁷⁴

Similarly, Karabela Swain indicated, “section 123 of the US Atomic Energy Act talks about cooperation with other nations. That is why the Atomic Energy Act, the Hyde Act and the bilateral 123 Agreement are all related hierarchically. Any agreement under section 123 of this Act, would be, by definition under the US law.” Consequently, in negotiating such an agreement, the US administration cannot go against its internal law and in any conflict between an international agreement and the US law, then the US law prevail and not this international agreement. For instance, India had the fuel supply agreement with the US for Tarapur Atomic Plant. But when India tested atomic bomb in 1974 under the leadership of late lamented PM Indira Gandhi, the fuel supply to Tarapur was stopped because the US domestic law kicked in. What will we do in that case, because there is a glaring example that the same thing happened in Tarapur? Finally, he argued, “the act does not provide full nuclear cycle cooperation and there is no guarantee of life of fuel supply in return for ‘safeguards in perpetuity’ for civilian nuclear power plants.”⁷⁵

Carrying the discussion further on the issue of Hyde Act, Shri Nikhil Kumar observed, “nothing in the Hyde Act which attempts to cap India's nuclear programme. In fact, at the heart of this US legislation is something very significant which is a

⁷³ Ibid

⁷⁴ Ibid

⁷⁵ Ibid

permanent waiver granted by the US administration from applying the provisions of the US Atomic Energy Act to India and thereby permitting civilian nuclear energy cooperation between the two countries.” There are three waivers and these are; “ firstly, the requirement that the partner country should not have exploded a nuclear explosive device. India has exploded it not once, but twice. Secondly, the requirement of that country having all its nuclear facilities under safeguards, that is, full scope of safeguards.” The thing is that, “India is not going to be covered by this and the only safeguard that we are opening our facilities to be those which are meant for civilian use. And finally, the condition that the country does not have any active nuclear weapons programmes involving development and production of nuclear weapons.” These are the waivers that has been built into the Hyde Act. Then, where is the question of capping our nuclear weapons programme. Therefore, the act is not applicable to India and we reserve to our sovereign right to react to whatever provisions it contains.⁷⁶

Finally, after immense discussion in the house, PM responded to the opposition party’s criticisms by emphatically stating, “we have never discussed with the US or anybody else about the content and scope of our strategic programme.” He recalled his assurance made to the House before and repeated, “our strategic programme will respond to our own decisions and will not be subjected to any international scrutiny of any country. So, we will not do anything which will hurt the ability of our Department of Atomic Energy to pursue research and development; to pursue the development of Fast Breeder Reactors; and to pursue the complete three stage cycle programme from Uranium to Plutonium to Thorium.”⁷⁷

He claimed that as against the BJP Government, “which was negotiating in secret with Strobe Talbot for umpteen numbers of months, his Government never did that and it took Parliament into confidence at every stage.” He reiterated, “his Government would make every effort to translate the vision of the July 2005 statement into reality and added that this objective would not be achieved at the cost of our vital

⁷⁶ Ibid

⁷⁷ India Lok Sabha Debate, Short Duration Discussion under Rule 193 on December 12, 2006, available at <http://www.parliamentofindia.nic.in>, accessed on September 17, 2012.

national interest and that he would continue to stand by the commitments made by him to Parliament.”⁷⁸

While responding about the Iran issue, PM said, “no legislation of a country can take away from us our sovereign right to conduct foreign relations, be it with Iran or with other countries, solely in accordance with our national interest. Though the July 18 Joint statement and the March 2 Separation plan involved complex issues and our strategic programme was outside the discussions and it will not be subject to external scrutiny or interference of any kind. So the opposition party does not have to worry about the future of the nuclear programme.” Further he pointed, “there was wide public support when the issues were fully explained. This has been made possible using innovative and creative approaches to these complex issues. There is a large measure of support within the country in favour of breaking out of our isolation, and for joining the international mainstream in a manner that secures for India full civil nuclear cooperation with the international community while protecting our strategic programme.”⁷⁹

Regarding the Hyde Act, PM clarified the house by stating, “it is certainly true that, the act that has been passed by the US Congress has several features which are in our favour. The fact that the US Government has gone to the US Congress to seek a waiver for India speaks volumes for India’s recognition in the world community. And the US administration has assured us that they will be able to fully comply with their commitments as outlined in the July 18 Statement and the March 2 Separation Plan.” Hence, our primary concern is lifting “international restriction on international trade with India in nuclear materials, nuclear equipment and nuclear technologies which has lasted for nearly 35 years. In this context, it is a great advantage that US is willing to cooperate with the India in the development of our civilian nuclear capacities.”⁸⁰

The debates concluded by Mukherjee by explaining, “the purpose of the bill is to provide waiver to the US administration to enable them to enter into an agreement with India for the civil nuclear programme. It was needed because of the 1954 Act that

⁷⁸ Ibid

⁷⁹ Ibid

⁸⁰ Ibid

if any country had tested nuclear explosions, then they would be debarred to be a partner with the USA in any nuclear programme.” Similarly, “if all the nuclear arrangements of a country are not under total safeguard of the IAEA, that country is not eligible to be a partner with the US for any nuclear cooperation programme. Therefore, these waivers are necessary. Without these, the US administration is unable to deal with India in respect of the civilian nuclear cooperation arrangement.” While responding to the members raised on matters regarding safeguards of nuclear cooperation on the basis of the media reports, he said, “the bilateral cooperation agreement contains elaborate provisions in Articles 5 and 14 to ensure the continuous operation of India’s reactors. These include fuel supply assurances, the right to take corrective measures, and a strategic fuel reserve for the lifetime of India’s reactors in case of cessation of cooperation.”⁸¹

Political Storm of 2007

The Monsoon session of the Parliament in 2007 witnessed political storms on the issue of Indo-US civilian nuclear agreement. The issue came up for a discussion, when the PM Singh made a statement on this subject and assured, “the agreement does not in any way inhibit, restrict or curtail our strategic autonomy or capabilities and the rights to pursue our three-stage nuclear power programme remain undiluted.”⁸² A deadlock struck Parliament during this session as the NDA led by BJP insisted on a discussion on the Indo-US nuclear agreement, which the ruling UPA objected to on the ground that “when the Cabinet had endorsed the deal, there was no need to have a discussion in the Lok Sabha.” With the result, there was pandemonium ensued by obstruction of business of the Lok Sabha and finally, the house was adjourned sine die well before the scheduled date of ending the monsoon session.⁸³

It was during this session that a reported remark of the Indian ambassador in the US, Ronen Sen, during an interview to a US based news magazine in which he allegedly

⁸¹ Ibid

⁸² The Prime Minister Made a Statement Regarding Civil Nuclear Energy Cooperation with United States, 13 August, 2007, available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=8107>, accessed on 04 January, 2015.

⁸³ Prabhakar, n. 57

described the Parliamentarians criticising the deal as ‘headless chicken’ invited very sharp reaction from diverse sections of Parliament. The members demanded immediate withdrawal of the Ambassador. Shri Rupchand Pal submitted a notice for privilege motion against concerned Indian ambassador and stated, “he is not serving India’s national interest, rather he is serving some one’s interest which is against India’s interest.” It is a shameful for the members of Parliament as well as for the Indian Parliament that the members are degraded by the Indian ambassador in the US.⁸⁴ Sensing the mood of the members, Pranab Mukherjee, too said, “in democracy, there will always be dissension and divergence of opinion and nobody can accuse others who hold divergent views. If the report was correct the Ambassador deserved strong condemnation and action.” He however, invoked for patience till he is given an opportunity to explain the matter.⁸⁵ It was only when Sen personally appeared before the privileges committees of both the houses of Parliament separately and begged unconditional apology that he was let off.⁸⁶

It was in this session the honourable members, Shri L.K. Advani, Santosh Gangwar and Ram Gopal Yadav has given identical notices under Rule 184 to discuss about the Hyde Act. The content of the notice was, “the agreement needs to be renegotiated to ensure that the misgivings expressed by Parliament after the US Congress has passed the Hyde Act, and the assurance given by the Prime Minister in response to that debate are fully addressed and India’s independence insofar as its strategic and foreign policy is concerned is scrupulously protected.” But the notices of motion was rejected on the ground that here has been no occasion where any treaty or agreement was ever discussed under Rule 184.⁸⁷ To evaluate the strength of constitutional tentacles on the proposed nuclear agreement, one needs to keep in mind

⁸⁴ Demanding Recall of Indian Ambassador to United States of America about Indian Parliamentarians and the

Media, available at <http://www.parliamentofindia.nic.in>, accessed on September 17, 2012.

⁸⁵ Statement Regarding Clarification on the Purported Statement by Indian Ambassador in Washington on the Civil Nuclear Energy Cooperation Agreement, August 21, 2007, available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=8151>, accessed on September 17, 2012.

⁸⁶ Ibid. also see at Jha and Prabhakar, n.23, p.211

⁸⁷ Regarding Admissibility of Notice for Discussing Civil Nuclear Cooperation Agreement with the USA, 17 August 2007, available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=8270>, accessed on September 17, 2012.

that unlike in US, Parliament in India has not delegated the Entry 14 power either to the President or the Prime Minister. In this background, Speaker Somnath Chatterjee's decision to allow the debate on this crucial issue not under Rule 184 but under 198 assumes significance, for a 184 debate would have ended with a division of votes.⁸⁸

While participating the discussion L K Advani stated, “in the Hyde Act, Congress made it very clear that if India were to test a nuclear weapon, then the US cooperation with India should cease.” Therefore, “the 123 Agreement was completely consistent with the Hyde Act and well within the bounds of the Hyde Act itself.” He added, “there is need for an amendment in the Constitution or the law to make agreements which impinge on our national sovereignty. Hence, the Government must seriously consider enacting a law to make it obligatory that if there is an international agreement which impinges on our sovereignty, national security or territorial integrity, it must be ratified by both the Houses of Parliament.”⁸⁹

Similarly, Shri Rupchand Pal observed, “in the US law it has been stated categorically that their national law, that is the Hyde Act, will prevail in case of confrontation between the provisions of the 123 Agreement and the Hyde Act. Thus, it will adversely affect our independent foreign policy programme.”⁹⁰

The November Debate, 2007

The much-awaited debate on the nuclear agreement took place in the Monsoon session of the Lok Sabha on November 28, 2007. But it failed to produce a “broad national consensus” despite a forceful defence of the accord by Mukherjee. After the Congressional action and the signing of the legislation in December 2006, the Bush administration officials predicted a speedy conclusion of the 123 Agreement.⁹¹ But the

⁸⁸ “N-deal: House Holds no Power to Ratify Treaties, *Times of India*, August 20, 2007, available at http://timesofindia.indiatimes.com/India/N-deal_House_holds_no_power_to_ratify_treaties/rssarticleshow/2293093.cms, accessed on September 18, 2012.

⁸⁹ Regarding reported statements made by US Spokesperson on Indo-US Civil Nuclear Deal, August 17, 2007, available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=8283>, accessed on January 04, 2015.

⁹⁰ *Ibid*

⁹¹ Prabhakar, n. 57

process has exposed to a cessation over several months due to differences over the details of the agreement.

While initiating the short duration discussion under Rule 193 on nuclear agreement, Rupchand Pal of CPI (M) wanted “to identify from the PM as to what the India-Specific Safeguard is and as to what is the guarantee. While the Hyde Act passed by the US Congress contained certain provisions regarding ceasing of US cooperation with India in the event of conducting any more nuclear test by India, the 123 Agreement is silent on this issue.”⁹² Further he added, “canards has been spread saying that we are doing it at the behest of China since, the US want to create a new regional architecture in Asia. Because the US need India as a new Asian NATO ally.” Therefore, he argued, “the Government to take the sense of the House and asked it not to proceed further, because the majority of sovereign House is against this very important deal.” He concluded his speech by stating that this deal has a serious bearing on the future economy of this country, on our nuclear programme, on our self-reliance and on our relation with other countries in an emerging multi-polar world.⁹³

In his speech, L. K. Advani, quoted the statement of PM Singh, in which Singh said, “there is today talk the world over of a nuclear renaissance, and we cannot afford to miss the bus or lag behind these global developments,” and he highlighted the importance of India’s agreement with the US on civil nuclear cooperation known as 123 Agreement and argued that this agreement cannot override the Hyde Act. It was during this period the UPA Chairperson, Sonia Gandhi, went a step further while speaking at Jhajjar in Haryana, she said, “those who are opposed to the deal are not only enemies of the Congress, but also of India’s development.”⁹⁴

Advani further to the extent of saying that Section 106 of the Hyde Act “bans India’s further test and also specifies the consequent punitive actions that might follow

⁹² See for details, Nalini Kant Jha, “Taking Stock of India-US Deal on Civil Nuclear Cooperation,” *India Quarterly* (New Delhi), vol.53, no.4, October-December, 2007, pp 1-17

⁹³ India Lok Sabha Debate, “Short Duration Discussion on Indo-US Nuclear Deal,” November 28, 2007, available at <http://164.100.47.192/Loksabha/Debates/result14.aspx?dbsl=9110>, accessed on September 17, 2012.

⁹⁴ Ibid

including the US return of nuclear reactors and other materials sold to India.”⁹⁵ He invited the attention of the house towards the statement of Nicholas Burns, the US under Secretary of State for political affairs, who explained in a press conference that, “in the Hyde Act the US Congress made it quite clear that if India were to test a nuclear weapon, then American cooperation with India would cease.” Further he remarked, “the US Congress has debated over six or seven months about those agreements and finally the Congress has passed the Hyde Act. Therefore, we have to make sure that everything in this proposed nuclear agreement, the 123 agreement was completely consistent with the Hyde Act and well within the bound of the Hyde Act itself.” However, the agreement is the centrepiece of Indo-US strategic partnership but this it is in the nature of a junior or an unequal partner.”⁹⁶

PM intervened at this stage and explained, “India is not bound by the Hyde Act and it is bound only by the 123 agreement, which does not contain any provision that prevents the exercise of India’s sovereignty to conduct further nuclear test.” Then, Advani concluded his speech by saying, “123 agreement is unacceptable to the nation because it is deeply detrimental to India’s vital and long-term interest. If NDA gets a mandate, we will re-negotiate this deal to see that all the adverse provisions in it are either deleted or this treaty is rejected completely.”⁹⁷

While participating the discussions Shri Jyotiraditya expressed:

If India has to grow at 9 to 10 percent, then we cannot ignore the civilian nuclear option. The agreement open the doors for 30000 to 40,000 MW of nuclear energy by 2020. He added that India as a responsible nuclear nation that can be trusted not to proliferate nuclear weapons technology and not to illegally export to any fissile material. He quoted the Nicholas Burns argument, “I can assure you that the US is not going to suggest a similar deal with any other country in the world. We have always felt of India as an exception.” This shows the decks for India’s greater involvement in global affairs. Therefore, we must congratulate our PM for achieving an outstanding accomplishment in foreign policy.⁹⁸

⁹⁵ Ibid

⁹⁶ Ibid

⁹⁷ Ibid

⁹⁸ Ibid

Nevertheless, the issue regarding the Hyde Act, he invited the attention of the House towards the announcement of Bush, who explained, “section 103 of the Act purports to establish US policy with respect to various international affairs matters. My approval of the Act does not constitute my adoption of the statements of policy as US foreign policy. Given the Constitution’s commitment to the presidency of the authority to conduct the nation’s foreign affairs, the executive branch shall construe such policy statements as advisory.” Also, if section 104(d) (2) of the Act were construed, “to prohibit the executive branch from transferring or approving the transfer of an item to India contrary to Nuclear Suppliers Group transfer guidelines that may be in effect at the time of such future transfer, a serious question would exist as to whether the provision unconstitutionally delegated legislative power to an international body. In order to avoid this constitutional question, the executive branch shall also construe section 104(d) (2) as advisory.”⁹⁹

Therefore, the Hyde Act in Sections 102, 103 and 104 are not enforceable and cannot be acted upon and it does not have the power to determine US foreign policy. C. K. Chandrappan of CPI made the position of Left parties by saying that they are opposing this agreement, as it is an unequal treaty. He added, “the cost of producing energy is high and it would not help the common people or even our industries to utilize it in an economic manner.” So, we are paying too much in terms of money, in terms of political concessions for little advantage. Another important thing is that PM assured in the house, “it will be our own decision that we will do nuclear test or not.” But after making the statement in the Parliament last time, the US Ambassador to India publically said, “if India conducted further nuclear test, which is the end of the nuclear deal.” However, to spend these huge resources for producing small percentage of increase in nuclear energy, whether we are going to abandon our programmes of economic development? Because it will affect the large masses of Indians, who are common people.¹⁰⁰

⁹⁹ Ibid

¹⁰⁰ Ibid

While appreciating the PM, Ramdass mentioned, “this agreement is a part of the larger programme of the Government of India to develop India’s progress.” He observed, “the opposition party’s fear about the agreement are hypothetical statement or statement which are in the form of guess work as well as hunches, which cannot be substantiated from the agreement. The significant thing is that through this agreement we will be able to import nuclear fuel supply from 45 countries and the US has pledged support to help India in the matter of revising the rules of Nuclear Suppliers Group to favour India.” Once the NSG amends its guidelines, India becomes open for nuclear commerce for rest of the world. Therefore, the deal does not cap India’s nuclear weapon programme in any way, and if it comes through, then India can use its scarce indigenous Uranium exclusively for weapons while importing Uranium for power reactors.¹⁰¹

Dr C Krishan invited the attention of the house regarding the cost of imported nuclear reactors. He said, “when we build a plant, we put in some money, called equity and borrow the rest. This is called the debt equity ratio according to Central Electricity Regulatory Commission’s (CERC) norms. The debt equity ratio for thermal plants is 70:30, in this we need to put in 30 percent of the total capital cost as equity and are allowed to borrow the rest. As per CERC guidelines, the return on equity allowed which comes out of the tariff the consumer pays is 14 percent.” Besides, “there is plant depreciation, which is computed at 3.6 percent of plant cost. All these have to be included in calculating the tariff, if we take only these components into account and the cost of the plant as Rs. 9 crore per MW (around \$ 20000 per KW). And the accumulated interests during construction, obviously there is no sale of electricity, the total capital cost including this interest is Rs 11.2 crore per MW. The cost of electricity using just the capital cost of the plant alone for imported reactors would be Rs 365 per unit as against the cost per unit from coal including the fuel and all other operating costs of Rs 2.20-2.60 depending on their distance from the coal mines. Therefore, to find coal reserves or mine more efficiently, requires far less money than buying expensive reactors from Westinghouse.”¹⁰²

¹⁰¹ Ibid

¹⁰² Ibid

Though supporting the Government Shri Naveen Jindal said, “if at any stage the US is compelled to break the agreement for any reason, including India’s decision to carry out a nuclear test, then other countries can continue to supply atomic fuel and technology to India. The right to reprocess spent fuel has also been conceded.” Further, he reminded the house:

The growth of power sector in India was retarded due to the nuclear discrimination against India exercised by several nuclear powers. But now the situation has changed and they came in the way of the expansion of our nuclear energy sector. However, the proposed agreement will enable us to gear up our power production for civilian use thereby reducing our dependence on conventional fossil fuels and bring down the pollution levels.¹⁰³

It was during this session some members of Parliament demanded, “a Joint Parliamentary Committee to study the deal. Because the Government of India has set up two subcommittees dealing with nuclear separation plan.” These committees included the representative from India’s National Security Council Secretariat, the Ministry of External Affairs, the Department of Atomic Energy, the Armed forces and Prime Minister’s office. Out of these, the ministry of External Affairs and PM office favoured nuclear concession as they gave high priority to further ties with the US. The sub-committees discussions were influenced by a broader debate involving India’s opposition parties, security analysts, nuclear scientist and the media.¹⁰⁴ In his speech, L. K. Advani, the leader of the opposition said, “it was a surprise for the country to find that instead of a joint parliamentary committee the Government formed a committee of the UPA and the Left.”¹⁰⁵

While participating the discussion Shri. Arjun Sethi of Biju Janata Dal said, “in past, many times, this kind of a discussion had arisen on the floor of the House. The chair, on different occasions, has ruled that when the House is in session, announcements regarding important matter of policy as well as on such other important

¹⁰³ Ibid

¹⁰⁴ Dinshaw Mistry, “The Politics of the US-India Nuclear Agreement,” *Paper Presented at the American Political Science Association Annual Meeting* (Philadelphia), August-September, 2006

¹⁰⁵ Indo-US Nuclear Deal: Why Does BJP Oppose It? *Bharatiya Janata Party*, New Delhi, August 2006, p.38 available at http://www.bjp.org/images/upload/other_publications/indo_us_deal_e.pdf, accessed on August 13, 2012.

matters should not be made outside the House. But when the House is in Session and when the House is seized of this matter, how can the Government declare the constitution of a particular Committee outside the House?" So, this is rightly a matter of privilege.¹⁰⁶

B. Mahtab of Biju Janata Dal (BJD) too demanded that a Joint Parliamentary Committee to study the deal. He observed, "it is the domestic law of the US which is causing all problems and we should examine whether we can alter our law such as the Atomic Energy Act of 1962 in such a way so as to insulate our strategic objectives. If that can be done, we would be strengthening our law and on the basis of those altered laws renegotiate the 123 Agreement."¹⁰⁷ At the same time, Sebastian Paul viewed, "we need a Constitutional amendment to make all international treaties and agreements entered into by the Government subject to parliamentary approval. In the case of US, the US Congress is supreme and the Presidential actions are subject to ratification by the US Congress." Further he said, "here, we have the parliamentary system and our Parliament is supreme. So, this Constitutional change has become absolutely necessary for making all the Governmental actions regarding international treaties and agreements subject to Parliamentary approval and control."¹⁰⁸

While defending the Government on this issue, Priyaranjan Dasmunshi said, "when the House will form a Committee or the Government will form a Committee, each party should be taken into confidence. It is not a Government Committee. In every coalition, there can be discussions between parties and partners who are supporting the Government, if politically they sit together and find out how to settle the issue."¹⁰⁹ But the opposition led by BJP wanted PM to reply to the debate, as he was present during the discussion. They also raised questions about the composition of Joint Parliamentary

¹⁰⁶ India Lok Sabha Debate, Short Duration Discussion on 28 November, 2007, <http://164.100.47.192/Loksabha/Debates/result14.aspx?dbsl=9110>, accessed on September 17, 2012.

¹⁰⁷ Ibid

¹⁰⁸ Ibid

¹⁰⁹ Need to set up a Joint Parliamentary Committee to Examine the Various Aspects of Indo-US Civil Nuclear Deal in the Context of the Statement Made by the Government on the Issue, Outside the Parliament, Even though the House is in Session, available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=8674>, accessed on September 17, 2012.

Committee. But the Government could not agree to the opposition request, they staged a walk out from the House.

While discussing the issue on security aspects, some concerns was raised by Shri P. Karunakaran and Shri. P. C. Thomas to Pranab Mukherjee about nuclear test for security interests of the country. While replying, MEA minister elucidated, “the purpose of the agreement is to enable civil nuclear energy cooperation between India and US covering nuclear reactors and aspects of the associated nuclear fuel cycle including enrichment and reprocessing. It enables the creation of a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India’s reactors. It grants prior consent to reprocess nuclear material obtained through international cooperation, under IAEA safeguards.” The agreement also provides “for a multi-layered consultation mechanism to protect our interests as regards uninterrupted operation of our reactors in case either party decides to terminate. It meets the concerns of both sides and fulfils all the assurances made by Prime Minister to Parliament on August 17, 2006.” He added, “the deal will help us to increase the share of nuclear power in our energy mix, to reduce reliance on fossil fuels, and will contribute to our energy security and also will lead to expansion of high technology trade in the future. Therefore, the agreement will provide us the passport to enter into agreement on nuclear trade with a host of other countries.”¹¹⁰

Though responding the issue of Hyde Act, he clarified the house, “the Act is an enabling provision between the executive and legislative organs of the US Government. As per the 1954 Act, the US cannot cooperate with a non-NPT country. Therefore, in that Act, they require a waiver, that waiver has been provided by the Hyde Act.” Further he explained, “as a law passed by the Indian Parliament is not binding the US Congressmen, similarly a law passed by the US Congressmen may be binding on the US administration but not on India. Therefore, India’s right and obligations regarding

¹¹⁰ Nupur Brahma, “Selected Questions and Answers from the Indian Parliament on Nuclear Issues,” 2003-09 *IDSA*, p.12

civil nuclear cooperation with the US arise only from the bilateral 123 Agreement that we have agreed up on with the US.”¹¹¹

In the case of Joint Parliamentary Committee, he went further to the extent of saying, “it does not consist only of the Members of Parliament. There are three non-parliamentarian members of that Group. It was an informal group to work out differences between the Government and left parties and also it is an internal arrangement. What the Parliament has to do with it?” So, there is need to form a Joint Parliamentary Committee to discuss the nuclear deal.¹¹² Regarding the cost of energy, he clarified, “today our import of oil is 100 million tonnes at the cost of \$ 100 per barrel. The experts are telling that the nuclear power generation capacity can be raised from 10,000 megawatt to around 500 thousand megawatt exclusively using the contents from spent fuelled is charged from PHWRs following the Plutonium 239, Uranium 238, fuel cycle in FBRs.” Finally he concluded his statement by saying, “even though the cost of importing nuclear reactors is high, but through this agreement India can access to the clean energy technology at an affordable cost from the international market.”¹¹³

At the end of the seven-hour debate, it achieved to excerpt a guarantee from Mukherjee that the Government would come back to Parliament at every phase of the process of discussions regarding the agreement. But the Left parties intervened the debate and said, the proposed agreement will compromise India’s independent foreign policy autonomy and strategic programme. However, Mukherjee rejected the Left demand and he said, “unless the process is complete, where is the question of taking the sense of the House.” In his brief intervention midway through the discussion, PM said there is nothing in the 123 Agreement that prevented India from conducting further nuclear tests, if necessary.¹¹⁴ But the disparagement from political parties, and disapproval from nuclear scientists, made it hard for the ruling Government to remain

¹¹¹ India Lok Sabha Debate, Short Duration Discussion on Indo-US Nuclear Deal, November 28, 2007, available <http://164.100.47.192/Loksabha/Debates/result14.aspx?dbsl=9110>, accessed on September 17, 2012.

¹¹² Ibid

¹¹³ Ibid

¹¹⁴ “123 Agreement with US is Unacceptable to us: Advani,” *The Hindu*, November 29, 2007, available at <http://www.thehindu.com/todays-paper/123-agreement-with-us-is-unacceptable-to-us-advani/article1958019.ece>, accessed on October 18, 2012.

challenging its internal criticisms. Finally, the Government faced difficulty to continue its term after the Left party's withdrawal.

Special Session on the Motion of Confidence

While initiating the motion of confidence PM said, “the specific developments which necessitated this vote of confidence is the withdrawal of support by the Left parties on the issue of UPA Government initiative of seeking international cooperation in the development of civil nuclear energy. He repeatedly assured all political parties including the Left Parties that if the Government was allowed to complete the negotiations with the IAEA on its safeguard agreement, and after the decision of the NSG we will come to Parliament and seek its guidance before operationalizing the agreement. But the situation of the country is in reverse.”¹¹⁵ While participating the discussion, L K Advani said, “it is the first time in the history of the Indian Parliament a special session of two days just to discuss whether this minority Government should be allowed to continue or not. So the UPA Government is responsible for this special session, since even the Communists had been prolonging the whole matter trying to find a way out.” The Government invented the device of a joint UPA-Left Committee and assured that committee that the Government will go to the IAEA with safeguards only after the Government has taken their consent. Advani specified, “NDA has no objection to making strategic relationship with the US, Russia or Japan. But this particular agreement makes India a subservient partner to the US.” Further he asked, “if the Government really thought that the agreement is important, then why is it did not mention in their Common Minimum Programme, since the UPA Government had made an appeal that the nuclear deal is in the best interest of the nation. Thus, it seems to be a kind of an agreement between two individuals. Moreover, today nuclear energy is provided 3 percentage of our total energy capacity and even after this deal is done, it would increase maximum 6 percentage and the remaining 94 per cent has to come from

¹¹⁵ Motion of confidence in the Council of Ministers (Discussion not concluded), July 21, 2008, available at <http://164.100.47.132/LssNew/psearch/Result14.aspx?dbsl=10235>, accessed on May 15, 2013.

other sources. So, before going to finalise the agreement we should think about this matter.”¹¹⁶

While supporting the confidence motion T. R. Baalu of DMK said, “the proposed agreement is not at the cost of our indigenous three stage nuclear programme or the provision does not affect India’s right to conduct nuclear test in any manner. Hence, it is the full nuclear energy cooperation covering nuclear reactors, associated reactors, fuel cycle and enrichment including reprocessing.” Besides, it provides “for nuclear trade and transfer of nuclear material, equipment, components and related technologies and cooperation.”¹¹⁷

Continuing the discussion on confidence motion, B. Mahtab said:

The party recognises the necessity of energy sufficiency for the development of our country. As all are aware that there is a huge and growing dependence on imported hydro carbon and soaring oil prices, which has forced us to search for indigenous renewable sources of energy. But the question is at what cost? Another thing he mentioned that PM solemnly declared that his Government will not share the details of the privileged IAEA safeguards agreement with the Left since they are not a part of the Government. But the agreement is already on the internet for all to see. Then what is the value of its assurances?¹¹⁸

While explaining the reasons for the Left Party’s withdrawal Gurudas Dasgupta remarked, “the Left parties want a viable political alternative in the country to be able to take the country forward not only to hold the communalism at bay but also to fight poverty, hunger, unemployment, destitution and the basic human problems of the country.” Moreover, there has been a breach in the Government because it is an aggressive unilateralism that was followed by the UPA Government.¹¹⁹ Then how can we support the agreement something go beyond the interest of India. Kharabela Swain observed, “the way the UPA initiated their debate it seems that the UPA wants to contrive a situation where the nuclear treaty is central to what the country is aspiring for. That means that they want a referendum on the nuclear treaty.” Further he pointed out that the PM gave an interview *The Telegraph* wherein he said, “if the Left wanted

¹¹⁶ Ibid

¹¹⁷ Ibid

¹¹⁸ Ibid

¹¹⁹ Ibid

to quit, so be it.’ Consequently, all got an impression that he was a very strong and determined person and he will go by the nuclear deal even if the Left did not support him. But the interesting thing is that just after about a few months he went to attend a meeting organized by the FICCI in which he said, the nuclear treaty is not the end of life and there is life after the nuclear treaty. It meant that if the Left was opposing the deal, then he could not go for the nuclear deal.”¹²⁰

Further he observed the writings made by nuclear experts including Dr. P.K. Ayengar, Dr. A.P. Gopalakrishnan and Dr. A.M. Prasad. In their article, they said, “we are, therefore, strongly of the opinion that the Government should not proceed to seek the IAEA Board’s approval until its implications are debated more fully with a group of experts, since we are not a party to the IAEA nuclear discussions. These are the nuclear scientists of the country who have sent an appeal to all these people.” Then he added, “once we will go through the nuclear treaty, there is nothing India-centric and there is no separate guideline for India and those guidelines are applicable only to the non-nuclear weapon States. The most interesting thing is that the guidelines applicable to non-nuclear weapon States are much harsher than that of the nuclear weapon State. For instance, there are 400 atomic facilities all over the world and only five were allowed for inspection of the IAEA. But in India out of the 21, we have given 14 for their inspection.” It clearly shows that the agreement is not based reciprocity. Then why should we go for such a risk, if the nuclear energy can produce only three percentage of our total energy capacity.¹²¹

While clarifying the difference between the 123 Act and the Hyde act Chithambaram said, “in 1954, the US adopted the Atomic Energy act and it prohibits the US from cooperating on nuclear matters with any country until certain conditions are fulfilled. Section 123 authorises the President of the US to exempt the proposed agreement from the conditions. That is why this agreement is called 123 Agreement. Whereas the Hyde Act was passed in 2006 and it became law in December, 2006. Also, the 123 agreement text was agreed between India and US on August 1, 2007. Therefore,

¹²⁰ Ibid

¹²¹ Ibid

it is an agreement after the Hyde Act came into force.” Accordingly, article 16.4 of the agreement says, “the agreement shall be implemented in good faith and in accordance with the principle of international law. Under the customary international law as well as the Vienna Convention on the Law of treaties, any party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. So, the 123 agreement is a treaty and the Hyde Act is an internal law.”¹²²

Finally, after a lot of heated debate, the Government could not convince the Left parties and it led to a number game in the Parliament. The proposed controversial nuclear agreement got green signal from the Indian Parliament. In the 543 member house the United Progressive Alliance (UPA) led by the Indian National congress got 275 votes whereas the trust vote was opposed by 256 members.¹²³ Thus, PM felt to bring a trust vote in the Lok Sabha in favour of his Government.

The hot and controversial debate that followed this trust vote resulted in bringing out some new faces of leaders and political parties. During this debate, “the politics based on principles in favour and against the trust vote came to the fore front but at the same time cunning, artful and skilful politics was also seen. Some parliamentarians were charged of being sold and purchased whereas some parliamentarians were sorry to be away in opposition from the ruling association for four and half years. Meanwhile, the second largest party of India, BJP showed its double role in this issue from time to time.¹²⁴ In the beginning, many leaders of BJP gave statement that BJP would favour the deal when the time comes. But during the issue of the nuclear deal, the Union Government was in trouble, the BJP was in the front line to oppose the trust vote. Just same time before putting the trust vote, the BJP Parliamentarians tried to attempt by showing the bundles of currency notes that supposedly they have been paid by the Congress party as a bribe to vote in favour of the trust vote or to abstain from voting.”¹²⁵ This led to pandemonium in the house leading to members rushing to the well of the house and disordered proceedings. The

¹²² Ibid

¹²³ Tanveer Jafri, “Nuclear Deal and Indian Parliament,” July 30, 2008, available at <http://newsblaze.com/story/20080730082609tanv.nb/topstory.html>, accessed on December 18, 2011.

¹²⁴ Ibid

¹²⁵ “Cash-for-vote: BJP MPs Allege Bribe by SP,” *Times of India*, July 22, 2008.

question arise here, “even in management of sensitive, high level and ultra-modern security, how such big bags full of currency not reached in the Parliament. How the guards of the Parliament house were deceived by these people who brought these currency notes inside the Parliament house.”¹²⁶

Anyhow, this was unique in the history of Indian Parliament. Some they argued, “the public of the country easily understood that the motive of the BJP was not to see whether the nuclear deal is passed by the Parliament or not but its only aim was to defeat the UPA Government in trust vote and to create the environment of midterm poll in the country. But during the trust vote, the BJP could not hold its 8 members in its favour. Some of them favoured trust vote and some of them abstained.”¹²⁷

Finally, Pranab Mukherjee gave a statement about the developments about the civil nuclear initiative on October 21, 2008. He said, “the India-specific safeguards agreement with the IAEA was approved unanimously by the IAEA Board of Governors on 1st August 2008. We will bring the agreement into force and offer facilities for safeguards in a phased manner in accordance with the provisions of the safeguards agreement and in keeping with our Separation Plan.”¹²⁸ Likewise, “on 6th September 2008 the Nuclear Suppliers Group (NSG) adopted a decision by consensus which enables its members to engage in full civil nuclear cooperation with India. This decision opens the door for India to resume civil nuclear cooperation with the international community to meet its energy and development requirements. The IAEA approval and the NSG decision provide us the passport which allows us to engage in civil nuclear cooperation with our international partners.”¹²⁹

On October 10, 2008 India signed the agreement for cooperation with the US concerning peaceful uses of nuclear energy also known as the 123 Agreement.¹³⁰ Finally, Mukherjee once again assured the house, “we will never compromise on our

¹²⁶ Tanveer Jafri, n. 125

¹²⁷ Ibid

¹²⁸ “The Minister of External Affairs Laid a Statement Regarding India’s Civil Nuclear Energy Initiative,” 21 October 21, 2008, available at <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=10246>, accessed on September 19, 2012.

¹²⁹ Ibid

¹³⁰ Ibid

independent foreign policy. Our foreign policy will be determined at all times by our own assessment of our national interest. Moreover, the proposed initiative in no way constrains our ability to pursue an independent foreign policy and it does not in any way affects our strategic autonomy.” However, “the civil nuclear initiative is a landmark achievement which not only allows us to meet our future energy requirements in a sustainable manner but is also one which acknowledges India’s growing role in global affairs.”¹³¹

Rajya Sabha Debate

Although many doubts and fears were expressed before the agreement was signed, after the details have become public, a general consensus has emerged that India has not only fully safeguarded its national interests, but has, in fact, got a rather good deal. Like the Lok Sabha, the upper House, the Rajya Sabha, too debated India’s nuclear agreement with the US. Following are the issue debated in the Rajya Sabha.

The PM Official Visit to America on 18 July, 2005

While initiating the discussion Sushma Swaraj said, “the proposed agreement is against our strategic and independent foreign policy autonomy.” Then Ambika Soni intervened the debate by specifying, “the recent visit of the PM was a joint exercise of putting the case of India’s permanent membership of UNSC and cooperation in the fields of agriculture, industry, science and technology, etc.” Regarding India’s nuclear weapon status she said, “it is not an easy job to get the US Congress to change and dismantle the entire NPT set-up. In any way, the nuclear agreement will increase the employment opportunities in India and the relationship between the two countries also helpful to combat terrorism and the commitment to treat India as an important player in global affairs.”¹³²

¹³¹ Ibid

¹³² Discussion on the Statement by Prime Minister Regarding his Recent Official Visit to the United States of America, 04 August, 2005, available at http://rsdebate.nic.in/bitstream/123456789/58762/1/PD_205_04082005_9_p209_p280_12.pdf#search=DISCUSSION%20ON%20THE%20STATEMENT%20BY%20PRIME%20MINISTER%20REGARDING%20HIS%20RECENT%20OFFICIAL%20VISIT%20TO%20THE%20UNITED%20STATES%20OF%20AMERICA,%2004%20august%202005, accessed on September 17, 2012.

Countering this argument, N.P. Durga remarked, “there was not even a single reference made by PM with President Bush about a permanent member of UN Security Council because it was a golden opportunity to put forth our viewpoint. Then, she wanted to clarify the doubts regarding the Bush statement that he would seek agreement from the US Congress to adjust US laws and policies to work with friends and allies to adjust international regimes to enable civil nuclear energy cooperation and trade with India. How he is going to convince US Congress as we know how in spite of Mr. Clinton backing for CTBT, US Senate has rejected the proposal.” Furthermore, “how a Government can put civilian nuclear facilities under IAEA safeguards without the approval of the Parliament and what is the necessity for India to concede a key demand of US for allowing the IAEA safeguards to monitor the non-military side of our nuclear energy programme. Also, through this cooperation what exactly India is going to get from the US. Therefore, our criticism of the nuclear agreement is that it does not specifically mention the aim of India, as a nation, for a global nuclear-free regime which will bring nuclear discrimination and division of the world into nuclear haves and have-nots.”¹³³

On behalf of CPI (M) Nilotpal Basu observed, “the statement clearly shows that the compelling argument given by the honourable Prime Minister for entering into this nuclear deal is to search for an alternative source of energy.” Then he asked the PM “did we have a national debate in the country on what should be the appropriate energy-mix in this country? Since when was there a sudden recognition of nuclear energy as a major source of alternative energy? Has there been any financial accounting, and is nuclear energy the most viable form of energy? Because there are several new technologies including coal gas and hydel power with regard to alternative sources of energy. Then why we should choose nuclear energy with high economic cost.”¹³⁴

While ongoing the debate, Dr. P.C. Alexander remarked:

In any agreement between two countries, there are bound to be certain areas with which one country may not agree, and certain areas with which the other country may not agree because any bilateral agreement which cannot be

¹³³ Ibid

¹³⁴ Ibid

claimed to satisfied both sides on all the points. But in this nuclear agreement the most important thing we have to be careful about the assurance of fuel supply. We should not repeat the mistake again in the nuclear sector since our past experience with the US in particular about the Tarapur Project and supply of nuclear fuel was not respectable.¹³⁵

On behalf of Government Anand Sharama said, “the joint statement clearly states that India’s commitment is reciprocal and if the US does not fulfil its obligations, there is no pressure on India to do so either. Moreover, India is an emerging power, so energy and power is a vital factor for India to grow at a faster pace. Thus, the agreement has been reached without compromising India’s position.” Regarding the issue of nuclear test he stated, “the Vajpayee Government has asserted in 1998 itself that they can moderately produce powerful fission and thermo-nuclear warheads without any further tests. This was the decision which was conveyed to the US by the Vajpayee Government. But today BJP was eloquent on deterrence.” Hence, he criticised the BJP Government by stating, “our Government is not keeping the agreement secret.” He quoted the Jaswant Sinha’s statement regarding the CTBT, he said, “India would sign the CTBT by the end of May. If this were actually to happen, it would be a significant development...” But, by the time Strobe Talbott pointed out that it would still leave ratification of the treaty for the indefinite future. Then Vajpayee assured him that under the Indian system, signature was tantamount to ratification, which he called ‘a mere formality.’ Sharma concluded his speech by saying “the UPA Government remains committed, in a very pragmatic manner, to ensure that India plays its rightful role in the comity of the nations.”¹³⁶

Jaswant Sinha, the leader of the opposition rounded of the debate and stated, “the US is the single largest military power in the world and the fabric of its economic structure is beginning to sag. Moreover, the US has different priorities in our own region, in our neighbourhood, in Afghanistan, Iraq and Pakistan. As those differences are geopolitical and it will have a strategic implications for our future.” So how do you manage the hegemonic power of today that is a challenge to our diplomatic finesse? In the case of IAEA safeguards he said, “it has now the satellite surveillance method. Its

¹³⁵ Ibid

¹³⁶ Ibid

satellite will not only access the movement of fuel from the mine to the processing plants, but even outside. Besides, the Government should also note that the NSG was established by the US as a reaction to the peaceful nuclear explosion of India in 1974.”¹³⁷

While responding all the questions raised by the opposition parties PM said, “as far as the nuclear policy is concerned, the objective of this visit was to preserve and maintain our independence and autonomy in the management of strategic assets and, at the same time, open up new pathways to cooperation, to enhance India's energy security.” Besides, he added, “India’s nuclear power programme was facing difficulties, not because our scientists lacked expertise, but because of the inequitable restrictive regimes that various powers had adopted, to deny India access to technologies and other associated facilities, which would enable us to leapfrog in the race for social and economic development.”¹³⁸

He went further to the extent of saying, “we have to rely more on nuclear energy for our energy security and it is environment friendly. The commitments we discussed in the joint statement are moratorium on nuclear tests, commitment to work with the US for the conclusion of Multilateral Fissile Material Cut-Off Treaty and, to secure nuclear materials and technology through comprehensive export control legislation as well as through coordination and adherence to Missile Technology Regime and Nuclear Suppliers Group guidelines.” He assured the House:

President Bush agreed that he would seek agreement from the US Congress to adjust US laws and policies to work friends and allies to adjust international regimes to enable civil nuclear energy cooperation and trade with India. Moreover, whatever the designs, whatever the contents of the nuclear weapon programme, that will continue to be exclusively the decision of the Government and the people of India. Therefore, he informed the house that the first effort has been to use whatever opportunities that exist in the present system, to take advantage of those to move India into a high growth path.¹³⁹

Winter Debate of 2005

¹³⁷ Ibid

¹³⁸ Ibid

¹³⁹ Ibid

The issue of the nuclear agreement again came up for discussion in the Rajya Sabha on December 22, 2005. To begin with, raising the matter during the Zero Hour, Yaswant Sinha, a Rajya Sabha member of the BJP and the former External Affairs Minister, objected to the criticisms of India by Tom Lantos, a US Congress man in the context of India's vote on Iran in the IAEA. Sinha observed:

The offensive remarks of the US legislators show that the proposed agreement has already become totally unequal and non-reciprocal because we must place our civilian nuclear safeguards in perpetuity with the IAEA, which is an international multilateral body in return for bilateral concessions, which may or may not be made available by the US and other NSG members. He wanted to know should Parliament remain a mute spectator to this enormity of the kind objection which is being raised.¹⁴⁰

While appreciating the points made by the former Foreign Minister, Brinda Karat of CPI (M) charged the Government, "there are some very crucial issues which do require to be taken up and to be discussed in the house because this deal is nothing, but a shift from the independent foreign policy, which India is committed to and which is part of the National Common Minimum Programme." As Indian citizens we have a point of view about the foreign policy directions of the Government of India. In fact, by going for the deal, the opposition is of the view that, the Government is only following the policies of surrendering to the US.¹⁴¹

While retorting the issue on behalf of Government, Arjun Singh, Human Resources Development Minister said, "in very clear terms PM stated the basic parameters under which the agreement was made. A crucial part of that was the reciprocity." Now, if what the PM has said in this House is being deviated by anyone- there are only two parties, one is the India part, have we deviated anywhere- that is a cause for immediate attention and definitely, we have a right to object to it. Further he pointed out, "as it appears from the statement of the former foreign minister, there is a statement by a member of the US Congress. A member of the US Congress is entitled

¹⁴⁰ India Rajya Sabha Debate, Matters Raised under Permission, December 22, 2005, available at <http://www.parliamentofindia.nic.in>, accessed on September 17, 2012.

¹⁴¹ Ibid

to make a statement as he deems fit. Neither I, nor you, nor anybody can object. But that has not become a policy.”¹⁴²

Discussion Regarding Separation Plan

There was a serious debate held in Rajya Sabha on March 11, 2006 regarding the statement made by the PM on separation plan. While initiating the discussion Murali Manohar Joshi remarked, PM assured the house that India will acquire the same benefits and advantages as other nuclear powers and never accept discrimination. But the question is have we received the same rights or are we enjoying the same rights? Because we have not been recognised as a nuclear weapon state and the mind-set of the American President is not to treat us as a nuclear weapon state but as a client state. So in such condition how can we get same rights and benefits? PM intervened the debate and said, we will consider the views of opposition and we will not compromise our sovereign right of the country.¹⁴³

While congratulating the PM, Karan Singh observed, “India has not fully safeguarded its national interests, but has, in fact, got a rather good deal.” He raised the issue of energy deficiency and said, “our economy is growing rapidly and continue to accelerate for this, we have to depend upon importing vast quantities of oil. But the cost of oil is increasing day-by-day and we have fossil fuels also, but our fossil fuels have a very high ash content and it will produce environmental hazards. Therefore, we need an additional source of energy like nuclear power, which is non-polluting the environment.” Moreover, regarding the reciprocity, the Bush administration agreed to the PM, “they will change their law in order to honour this agreement. It does not have to on each particular reactor or issue, it is the overall reciprocity of this agreement between the two great nations.” Finally, he pointed out, “our nuclear scientists were functioning under severe disabilities imposed by the NSG. Thus, this agreement will

¹⁴² Ibid

¹⁴³ Discussion regarding the PM Statement on Indo-US Civilian Energy Cooperation, March 11, 2006, available at http://rsdebate.nic.in/bitstream/123456789/52196/1/PD_207_11032006_18_p31_p110_4.pdf#search=DISCUSSION%20ON%20STATEMENTS%20MADE%20BY%20THE%20PRIMEMINISTER%20%20Civil%20Nuclear%20Energy%20Cooperation%20With%20The%20United%20States%20of%20America,%20march%202011,%202006, accessed on September 22, 2012.

break that barrier and help our scientific community to maximise its activities and will open up new vistas for our scientists.”¹⁴⁴

Continuing to highlight the cost of nuclear energy, Arjun Kumar Sengupta remarked:

There are capital costs involved in the case of nuclear energy but, if we are allowed to import uranium, then the cost of nuclear energy goes down three to four times than what it is today. It is still quite likely that we shall depend more on hydrocarbon, more on the conventional energy, but this particular agreement allows us to move to a new era where nuclear technology is going to be very important. Because most of the countries including the US, Europe, Japan, etc, has realised that dependence on hydrocarbon as their energy source is going to be suicidal for them. This particular global nuclear energy initiative is the result of that they are not going to spend enormous amount of money, enormous efforts to build technology, but to build new equipment so that nuclear power can be made available to countries, who require energy at a reasonable cost. Thus, India is going to be a party of that agreement.¹⁴⁵

While participating the discussion Nilotpal Basu criticised, “the present share of nuclear electricity is small, but it has the potential to meet a significant part of the future needs of electricity. Then again, with the completion of the projects under construction, progressively by December 2008, the total nuclear capacity in the country will be 6,680 MW. It is more than average projected nuclear energy production in the global mix and this is despite the technology denial regime.” Besides, he raised “the issue of India-specific safeguard agreement and asked the house that how we will pursue our independent foreign policy? Because Section 123 (2) says, “in the case of non-nuclear weapon States a requirement as a condition of continued US nuclear supply under the agreement for cooperation that IAEA safeguards be maintained with respect to all nuclear materials in all peaceful nuclear activities within the territory of such State under its jurisdiction or carried out under its control anywhere.” However, the proposed deal is not in the interest of the country. Therefore, the PM has to give us more explanation.”¹⁴⁶

While supporting the agreement K. Kasturirangan observed:

¹⁴⁴ Ibid

¹⁴⁵ Ibid

¹⁴⁶ Ibid

It is an important step in fostering science and technology cooperation, and that too, with a country which has been providing path-breaking solutions in science and technology in a variety of areas. Further he said, one has to see in some of the economically developed countries across the world, particularly, the US, 18 per cent of their total energy produced is accounted for by the nuclear energy; France, of course, is around 60 percent; Russia is 22 per cent; Japan is about 25 per cent, and China hopes to boost its energy output from the nuclear source between 30,000 MW and 40,000 MW by 2020. So, it is quite obvious that it is not without consideration that one has been investing in the nuclear energy. Certainly, it has a role. But the question of how far this role will be played is a matter which still is not very settled. It is in this context, there is certainly an urgency to boost and step up the nuclear energy production.¹⁴⁷

While defending the Government, Shri Anand Shrama of Minister of State in the MEA said, “the 2 March, 2006 underlines the successful completion of discussions on India’s separation plan and looks forward to the full implementation of the commitments in the July 18, 2005 joint statement on nuclear cooperation. This will permit our country to move forward towards our common objective of full civil nuclear energy cooperation between India and the US and between India and the international community as a whole.” Regarding the safeguards he said, “we have not agreed to cap our programme or to cap the future production of fissile material. And there is no prohibition or restraint on India to build future nuclear reactor. It again will be determined by us for future reactors, which one is to be put under civilian and which one is to be under military.”¹⁴⁸

Though responding all the questions, PM said, “we are living in a world of unequal power and we want the world become multi-polar in which we would have greater elbowroom. Therefore, wherever opportunities arise, it is in our national interest to widen and deepen our relations with other countries. It is the duty of the Government to take full advantage of those opportunities for the well-being of the people. However, the nuclear agreement will help India to become a major power in international politics.” Moreover, as far as the separation plan is concerned, “it will not affect our

¹⁴⁷ Ibid

¹⁴⁸ Rajya Sabha Debate, Implementation of the Indo-US Deal, March 9, 2006, available at http://rsdebate.nic.in/bitstream/123456789/51786/1/PQ_207_09032006_U1803_p67_p67.pdf#search=implementation%20of%20Indo%20US%20deal,%20March%209,%202006, accessed on September 21, 2012.

strategic programme and the actual implementation of separation plan will be conditional upon US legislation amending existing laws and upon our negotiating with the IAEA.”¹⁴⁹

With reference to the India-specific safeguards agreement, he remarked, “India will not accept a safeguards agreement signed by non-nuclear weapon states under the NPT otherwise comprehensive safeguards, because our military facilities will remain outside the purview of safeguards like those of other nuclear weapon states and also India will be permitted to take corrective measures to ensure uninterrupted operation of our civilian nuclear reactors in the event of disruption of foreign fuel supplies.” Moreover, he assured the house, “it will not limit our option, either now or in future, to address evolving threat scenarios with appropriate responses consistent with our nuclear policy of restraint and responsibility.”¹⁵⁰

Short Duration Discussion on 19 December 2006

The lack of political consensus is an important internal obstruction for the implementation of the nuclear agreement. The Government has not been able to elucidate the matters raised by the Left parties concerning the consequences of the Hyde Act and 123 Agreement. It raised suspicions, generated political debate and became a reference point for the opposition parties to criticize the nuclear deal.¹⁵¹ The CPI (M) found serious objectionable provisions in the Act and they stated, “the US legislation on the nuclear deal was not acceptable and asked the Government to stop talks with the Bush administration.”¹⁵² There was a heated debate in the Rajya Sabha regarding this issue on December 19, 2006.

While participating the debate Arun Shourie observed:

¹⁴⁹ Ibid

¹⁵⁰ Ibid

¹⁵¹ Prakash Karat, “Why the CPI (M) and the Left Oppose the Nuclear Deal,” *The Hindu*, August 20, 2007, available at <http://www.thehindu.com/todays-paper/tp-opinion/why-the-cpim-and-the-left-oppose-the-nuclear-deal/article1895441.ece>, accessed on September 17, 2012.

¹⁵² End Talks on Nuclear Deal: CPI (M), *The Hindu*, December 12, 2006, available at <http://www.thehindu.com/todays-paper/end-talks-on-deal-cpim/article3032819.ece>, accessed on September 17, 2012.

The PM has given assurance in the Parliament that we will have the same rights, as any other State, with advanced nuclear technology like the US. But there are two information circulars under which the Additional Protocols are done; namely, 153, which is for nuclear weapon states, and 540, which is for non-nuclear weapon states. However, the Act says specifically in section 110 (1) that the Additional Protocol can be only under the information circular 540, which is applicable to non-Nuclear weapon states. Through this we will not only be bound by the safeguards of the IAEA, but also the additional safeguards imposed by the US itself. Another important thing is that China has come close to third-generation weapons only because of repeated testing and the US is also conducting sub-critical tests. Thus, there is absolutely no doubt that we need nuclear tests for the next generation of atomic weapons.¹⁵³

Additionally, he observed that PM made a logical statement that we don't have enough Uranium for nuclear energy. Therefore, we need imported Uranium and for this we have to sign this particular agreement. But when we look at the website of the Indian Embassy in Washington, 19th April, 2006 saying, 'we don't have enough Uranium. Therefore, we need your help and such bright business prospects are opening up for you.' It is a true fact, because the eminent specialist Ashley Tellis said that apart from our energy needs, we have enough Uranium for 2023 to 2028 nuclear weapons and the shortage of Uranium, today, in India, is a temporary aberration because Indians have not been able solve their land acquisition problems. Then the query is that for what is the purpose behind this agreement with a huge risk?¹⁵⁴

While countering the argument of Shourie, Abhishek Manu Singhvi remarked, "there are huge uranium reserves in India but the question is how to get it, because it is in tribal lands. This was the reason for India is depending on other source of energy. Out of this fifty per cent of our energy sources come from coal and another 33 percent from oil. It is a less efficient, more unclean and more environmentally messy method of producing power. In fact, one tonne of uranium produces for more energy than produced by several million tonnes of coal or several million barrels of oil. It is in this context, is it possible, in the future, to access high economic growth rate without the

¹⁵³ Short Duration Discussion on the Recent Development in the Indo-US Nuclear Cooperation, December 19, 2006, available at http://rsdebate.nic.in/bitstream/123456789/30227/1/PD_209_19122006_20_p274_p394_49.pdf#search=indo%20US%20nuclear%20deal%202006%2012%2019, accessed on September 17, 2012.

¹⁵⁴ Ibid

basic source of power, namely, energy? Today India is the fifth largest energy consumer in the world and not anywhere near the highest producer.”¹⁵⁵

Nevertheless, through this agreement India is estimated to become the third largest behind the US and China, and ahead of Japan and Russia. Regarding the nuclear test he pointed out that, from 1974 till 1998, no Government declared any kind of moratorium, voluntary or involuntary on nuclear testing. But in 1998, Vajpayee Government made a statement, suo motu, unilaterally and voluntarily putting itself a moratorium on India against nuclear testing in perpetuity. However, the UPA Government is committed to pointing out to the US that, “we shall adhere to the moratorium on testing, but not as a matter of binding, as per the law in your statute.”¹⁵⁶

While participating the discussion Shri. Sitaram Yechury stated:

The Hyde Act reflects what the US wants to extract from India. There are certain provisions within the Act which can be used against our country’s sovereignty, because the US has tied itself to the parameters that are bound by the US legislature which neither we nor the US President can now change. These parameters are violates the assurances that are given by the PM. Therefore, how are we going to get away from this situation? Moreover, section 102, clause 6 clearly states, “the country has a functioning and an uninterrupted democratic system of Government, has a foreign policy that is congruent to that of the US and is working with the US on key foreign policy initiatives related to non-proliferation.” And in the same section also stated that “India would give greater political and material support to the achievement of US global and regional non-proliferation objectives.” However, the US is expecting India to actually dovetail to their strategic objectives globally and regionally.¹⁵⁷

Another point he mentioned about the full nuclear cycle. For that he said, “Section 103 (a) (5) of the Act says, given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel and the production of heavy water, work with members of the NSG, individually or collectively, to further restrict the transfers of such equipment and technologies,

¹⁵⁵ Ibid

¹⁵⁶ Ibid

¹⁵⁷ Ibid

including India. In this context, the full nuclear cycle which we have been promised is under question mark.”¹⁵⁸

While supporting the agreement Shrimati Shobhana Bhartia stated:

If India has to take a leap forward, it is this agreement that holds the key for us to access-sensitive technologies and equipment and allow us to join the mainstream of collaborative research and development at the global level. She clarified the house that under pressure from India, the US Congress has changed the annual certification to assessment because unlike certification the assessment does not impede on the continuation of cooperation. In the case of fuel supply assurance, she said, the US will assist India to create a strategic reserve of nuclear fuel. If despite this, there is a problem, then the US will jointly convene a group of friendly countries to try and restore fuel supply to India. Therefore, India got as much concession as possible from the US.¹⁵⁹

While responding the debate Pranab Mukherjee said, “as a significant foreign policy initiative, the Indo-US nuclear understanding has been subject of public discussion and debate. The Government of India has conveyed its concern with regard to the waiver bills to the US Government. The two Government has held discussions at senior levels and to ensure that the final legislation would enable the US Administration to fulfil all its commitments under the July 18, 2005 Joint Statement and the March 2006 Separation Plan.” Further he clarified the house, “we are not going to accept any treaty-bound commitment but we are just sticking to the voluntary moratorium which we declared. If the situation demands, or the national priority demands, we may go for further nuclear test.”¹⁶⁰

Regarding the India-specific additional protocol, he said, “the reference in the legislation to a particular model of additional protocol do not, in any way detract from our entitlement to negotiate an India-specific additional protocol with the IAEA.” Further he pointed, “even a NPT nuclear weapon States like US has followed the same model for its additional protocol with the IAEA as the one that is referred to in the

¹⁵⁸ Ibid

¹⁵⁹ Ibid

¹⁶⁰ Concern of Experts on Nuclear Deal with US, December 14, 2006, available at http://rsdebate.nic.in/bitstream/123456789/27993/1/PQ_209_14122006_U2448_p99_p99.pdf#search=Concern%20of%20Experts%20on%20Nuclear%20Deal%20with%20US,%20December%202014,%202006, accessed on September 18, 2012.

legislation, with exemptions and exceptions based on national security and other considerations. Furthermore, the legislation does not impose any obligation on India by the way of fissile material production moratorium as a condition of cooperation.” Finally he argued, “India did not have to worry about the legislation passed by the US Congress as it was meant for the US law makers.” According to him, “India was obliged only to the bilateral agreement (123) and that the US administration had categorically assured India that this legislation enabled the US to fulfil all of the commitment, it made to India in the July 18 and March 2 joint statements and that this legislation explicitly authorized civil nuclear co-operation with India in a manner fully consistent with those two statements.”¹⁶¹

Another debate was initiated by Brinda Karat on 4 May 2007, about the American Senators letter to the PM. She said:

The Senators are insulting our honourable PM by writing him a letter which is nothing but an open threat to the sovereignty of the country. This is not the first time that the US, in this country, has tried to intervene directly in matters pertaining to our own sovereignty. It is, therefore, absolutely essential for the House to unanimously condemn this threat which we consider a threat to our national sovereignty and, following from this, the US Ambassador should be immediately called. Her second statement was the negotiations between the two countries are going on while Parliament is in Session and the Parliament is not being informed at all. So what is the basis of the negotiations? Unless the PM comes to the House and explains to us about the agreement, reiterates his commitments for the nine points which he has made to this House, it will mean basically that the Parliament again will be kept in the dark about such an important matter which impinges on our national sovereignty.¹⁶²

Highlighting the issue of national sovereignty, Jaswant Sinha stated, “because of the US pressure the Government of India is not informing the Parliament about the 123 negotiations. We came to know about this through the reports in media from enterprising journalists who are trying to find out what is happening in the negotiations.” Further he said, “the US pressure is being brought for the Government

¹⁶¹ Short Duration Discussion, n. 156.

¹⁶² Rajya Sabha Debate, 04 May 2007.

of India to accept the terms of the Hyde Act, and this is something which files in the face of the assurances that the PM of India had given to this House.”¹⁶³

While countering the argument on behalf of Government Priyaranjan Dasmunshi, the UPA Government is determined not to hide anything here or there, but to make things clear and transparent to the House every time and he assured the House that the Government is not in a position to make any kind of compromise that would affect the sovereignty of the country.¹⁶⁴

Short Duration Discussion, December 2007

The much-awaited debate on the nuclear agreement took place in the winter session of the Rajya Sabha on December 04, 2007. While initiating the short duration discussion on December 4, 2007 regarding the cost of nuclear energy Sitaram Yechuri said, “the nuclear power being used for energy production is the most expensive of all options. The cost estimation for every MW will be 11 crore rupees, that is, we will be spending 3,30000 crores of rupees for 30000 MW. The same if we produce through thermal energy it will be 4 crore per MW and through hydro-electricity or through gas, it will be 3 crore per MW. So the cost differential is two lakh crore plus. In fact, he said, we can utilise the balance money by building new 2.5 lakh Navodaya Vidyalaya in our country and we can educate 2.5 crore Indian boys and girls and give them quality education. The same money we will spend on health, we can create 20000, hospitals in this country and meet the health needs of the people. So why are we going for such an expensive option?”¹⁶⁵

Further he added, “the party extended support to the UPA Government to keep the communal forces at bay, and on the basis of an agreed Common Minimum Programme.” The CMP, he recalled, favoured a completely independent foreign policy

¹⁶³ Ibid

¹⁶⁴ Ibid

¹⁶⁵ Short Duration Discussion on Indo-US Nuclear Deal in Rajya Sabha on December 04, 2007, available at

http://rsdebate.nic.in/bitstream/123456789/72507/1/PD_212_04122007_14_p241_p296_43.pdf#search=Short%20Duration%20Discussion%20on%20Indo%20US%20Nuclear%20Deal%20in%20Rajya%20Sabha%20on%20December%2004,%202007, available at accessed on September 17, 2012

and made no mention of entering into a strategic alliance with the US. He also pointed out, “the nuclear agreement was faulty in its pretext, text and context. It was anchored on the Hyde Act, which would give any new US President the prerogative to over-ride the deal any time. Reiterating his party’s opposition, he said it wanted the Government to stay in power by not going ahead with the agreement.”¹⁶⁶ Though countering the argument of Yechury, Pranab Mukherjee stated, “everybody admits that the nuclear energy establishment of the reactors is definitely costly. But the technology is moving ahead and advancing. If it appears too costly today perhaps it will not appear that costly tomorrow.”¹⁶⁷

On behalf of BSP Ambeth Rajan remarked, “the doubts are spreading in peoples’ minds that the nuclear agreement would deny us freedom in framing our foreign and nuclear policy. It is true that electricity is one of the essential requirements for speeding up the process of development, but the nuclear energy is not the only solution for this. And it is a well-known fact that it is the most expensive and there are other sources also can be better option in the Indian context like wind, hydel, thermal, solar, etc can meet our energy requirement.” It is, therefore he suggested, “before finalising the agreement which is going to have far reaching effects, the Union Government should have first taken the public into confidence and removed several doubts arising their minds regarding this agreement. It is the responsibility of the Government to ensure that the entire nation agrees and support the agreement. Furthermore, the opinions of our nuclear scientists regarding this agreement should be made public.”¹⁶⁸

While supporting the agreement Kanimozhi observed, “apart from strategic and political concerns, there are many environmental concerns too. Our worldwide industrial civilization runs on energy and 85 per cent of the world’s energy is provided

¹⁶⁶ Do a Rethink on Deal: CPI(M), *The Hindu*, December 05, 2007, available at <http://www.hindu.com/2007/12/05/stories/2007120554101400.htm>, accessed on October 04, 2012

¹⁶⁷ Short Duration Discussion on Indo-US Nuclear Deal, n. 168, available at http://rsdebate.nic.in/bitstream/123456789/72507/1/PD_212_04122007_14_p241_p296_43.pdf#search=Short%20Duration%20Discussion%20on%20Indo%20US%20Nuclear%20Deal%20in%20Rajya%20Sabha%20on%20December%202004,%202007, accessed September 17, 2012.

¹⁶⁸ Ibid

by the fossil fuels, coal, oil and gas. By burning fossil fuels, we inject 23 billion tonnes of carbon dioxide every year into the atmosphere, that is, 730 tonnes per second. However, the climate change and rising carbon emissions has compelled the country to look into other avenues and look for environmentally sustainable source of energy and nuclear energy is being one of the major options.” Besides, “since India is not a signatory to the NPT, we are not a part of the NSG and it makes it difficult for us to conduct nuclear trade with the 45 member countries of the NSG. In fact, we are denied dual use technology which can be greatly useful in fields like nano-technology, medicine, information technology and related industries. However, the 123 agreement is the only way we can get access to the nuclear technology and resources we need to fulfil our own power plans.”¹⁶⁹

It was during this session Arun Shourie of BJP raised an issue regarding the passage of the Hyde Act and he said, “the contribution of nuclear energy to India’s energy is expected to be 4 to 6.4 per cent. For this small amount, we are mortgaging the security of the country.” He quoted Condoleezza Rice’s view, in which she said, “we have made it clear to the Government of India that this civil nuclear cooperation initiative relies on India’s commitment to continue its unilateral nuclear testing moratorium.” This gives India a clear economic and energy incentives not to test. If India were to test a nuclear weapon, then US will cease fuel supply and further cooperation. Therefore, Shourie remarked, “the objective of this agreement is to provide a lasting incentive for India to abstain from further nuclear weapons test and cooperate closely with the US in stopping proliferation.”¹⁷⁰

Commenting on Shourie’s statement, K. Kasturirangan observed, “through a set of interlocking and inter-related provisions reflected in articles 13 and 14 of the agreed text, it would appear that it is extremely difficult for the US to take back the equipment and materials that it would have supplied to India.” further he pointed, “in any case the agreement specifically provides for an arrangement through the IAEA stated that to guard against withdrawal of safeguarded nuclear material from civilian use at any time

¹⁶⁹ Ibid

¹⁷⁰ Ibid

as well as, providing for corrective measures that India may take to ensure uninterrupted operation of its civilian nuclear reactors in the events of disruption of foreign fuel supplies.” Therefore, there are numerous layers of defence that have been built into this text in terms of a situation where the disruption of fuel could take place.¹⁷¹

Further, he mentioned that Article 6 (iii) of the agreement saying, “the parties grant each other consent to reprocess or otherwise alter in form or content nuclear material transferred pursuant to this agreement.” This provision also makes it clear “the consultations on the arrangements and procedures between the two sides should be concluded within a year of any party making a request for reprocessing the spent fuel. It also provides for guaranteed and assured fuel supplies for the various reactors that would be set up after the deal comes into effect.”¹⁷²

Similarly, Kapil Sibal defending the issue on behalf of the Government by stating, “the energy demand increasing at higher level and nuclear energy is one of the options to deal with the requirement of ordinary people in this country. He clarified the house that we need not worry about Hyde Act because India is not a part of this Act and it cannot override the 123 Agreement.” Further, he quoted the statement made by the former PM Vajpayee in 1998, wherein he said, “we can maintain credibility of our nuclear deterrent in the future without testing.” Then why the opposing parties is too much stressing on the nuclear test. Nevertheless, in the case of any disruption of fuel supplies to India occurs, “the US and India would jointly convene a group of friendly supplier countries like Russia, France and the UK to pursue such measures as would restore fuel supply to India. It is a part of the 123Agreement.” Further he remarked, “the future of nations in the 21st century will really depend on access to technologies, and, especially dual-use technologies. Since all the petaflop computers, teraflop computers, all research, for example, in bio-technology is done through bio-informatics and, bio-informatics includes huge computerisation, which is all dual-use. It depends

¹⁷¹ Ibid

¹⁷² Ibid

on the proposed agreement because most of these arrangements, dual-use technologies are used in all this, which are denied to us.”¹⁷³

Though opposing the agreement Barun Mukherjee observed:

The agreement will push India to American military bloc because the text of the agreement reveals that it is “desirous of strengthening the strategic partnership between them.” He added that once we are bound under this agreement, it will hamper our own indigenous nuclear research and development programme. India has passed through Pokhran-I and Pokhran-II and we did not need to depend on foreign assistance at that time. Even now, we should not lose confidence in the talented capabilities of Indian scientists and technologists. As reported in the Press, our Department of Atomic Energy, with increased 11 Plan budget provisions and thorium exploration, plans to reach independently the state of nuclear power generation capacity of 20,000 MW. So, why should India run after nuclear dependence on America?¹⁷⁴

Finally, Pranab Mukherjee responded the debate by stating, “as far as the 123 agreement is concerned, it is an enabling provision and enabling framework. With this framework, the restrictions which are there, of having nuclear trade with India, will be removed. And, of course, it is applicable to the US and India.” further he remarked, “as per the 1954 Atomic Energy Act of USA—the US cannot enter into any civilian-nuclear cooperation with any country which is not a signatory to the NPT. Therefore, waiver is required under that Act, and that waiver is to be provided by an act passed by the legislature. That act is the Hyde Act, which enabled the US administration to cooperate with India.”¹⁷⁵

While responding to the concerns of Arun Shourie, External Affairs Minister said, “after introducing a bill in Parliament, it goes to the Standing Committee. The Committee invites evidence from all over the country. The Committee listens, analyses, comes to a conclusion and makes its recommendations. The Government scrutinises it and after that when the legislation is passed.” Further he added, “after passage of the legislation, who said at what stage in the decision-making is not relevant; what is relevant here is the product of these exercises. The 123 Agreement is the product. So

¹⁷³ Ibid

¹⁷⁴ Short Duration Discussion on Indo-US Nuclear Deal, n. 168

¹⁷⁵ Ibid

there is no need of mentioning what Condoleezza Rice and Nicholas Burns said at the different committee stages. However, we are only bound by the 123 agreement, which is a bilateral agreement between India and the US.”¹⁷⁶

In the light of the above discussion, we can sum up that because of the competitive and confrontational politics that has overtaken the country today, Parliament cannot approximately discharge its essential functions. Of course, there is no Constitutional provision for parliamentary veto in foreign policy but at the same time, there is no constitutional prohibition for the emergence of strong parliamentary conventions which will ensure the dignity of Parliament itself. Such Parliamentary conventions alone will be able to rescue our democracy.¹⁷⁷ Since the Preamble of our Constitution speaks of the resolve of the people of India to constitute India into a ‘Democratic Republic among other requisites,’ it is Parliament that represents the will of the people and not the executive, which is only a part of Parliament.¹⁷⁸

Parliament apart, print media too played an important role in reflecting and shaping of public opinion regarding Indo-US nuclear agreement, which we propose to discuss in the next chapter.

¹⁷⁶ Ibid

¹⁷⁷ Shivakumar M V, “Parliamentary Control Over Foreign Policy Theory and Praxis”, in G. Gopa Kumar, ed, *Foreign policy, federalism and International treaties* (New Delhi: New Century Publications, 2011), p.123

¹⁷⁸ B.P. Jeevan Reddy, “Putting the Executive in its Place,” *The Hindu*, March 6, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/putting-the-executive-in-its-place/article1214682.ece>, accessed on September 22, 2012.

Chapter III

The Print Media: Illusion and Reality

In a world where information increasingly plays an important role in all aspects of a country's development, media plays a crucial role in reflecting as well as shaping public opinion regarding public policy. Freedom of press/media is not merely the press/media promoters' freedom to publish or mediate. It is fundamentally the freedom guaranteed to the people under the Constitution for expression of ideas, opinions, etc. through speech, writing, drawing, singing, acting etc. And it also includes freedom of the citizen to hold and propagate any idea that does not endanger the safety or future of the country or fellow citizens. Hence, the media institutions have the right as well as responsibility to advocate personal freedoms of all citizens. They are social institutions carrying social responsibilities too, besides upholding the tenets of democracy. Occasionally, media proprietors forget their social responsibilities and try to make capital out of given situations offering sensational versions of events and issues, sometimes damaging the personal reputations of average citizens.¹ It is in this context, the present chapter first identifies the place of enquiry about the role of the media to mould public opinion. It then explains, the choice of the coverage of the Indo-US nuclear agreement as a case study.

To begin with, mass media has been used to promote international relations since long time. It is perhaps in the field of creation of images and opinions that the newspapers play an important role. In every political system, the Government must pursue consent of the people, since a large population can only be reached through the means of mass communication. It is a vital factor that links public opinion with foreign policy decision making. Additionally, the fragmentation of the political parties opened up more space for media commentary. It has provided the principal arena for intellectual and policy debate on Indian foreign policy. Voice in the media includes not only those of seasoned journalists but also scholars, former diplomats, bureaucrats and

¹ J.V. Vilanilam, "Media and Indian Democracy," in Kiran Prasad, ed, *Political Communication: The Indian Experience* (Delhi: B.R. Publishing, 2003), pp.7-8

defence personnel.² The media have thus important functions to investigate the policies of the Government and offer an opportunity for political debate and to act as a network for public opinion.³

According to Sanjay Baru, "India's economic globalization and the rise of the globalized professional middle class has raised the profile of media in Indian foreign policy making. Hence, the influence of media on foreign policy is shaped by two important factors, first, the extent of domestic political disagreement or consensus on foreign policy issues and second, the relationship between the Government of the day and the media."⁴ But the coverage on issues concerning foreign policy has always taken the backseat in Indian newspapers compared to other issue of domestic concern. The reason for this lack of interest vary from an inactive public.

Few scholars argued, "media try to publicize what the Government wants to hide. Foreign policy decision makers also rely on the media for information about foreign affairs. Yet, the media also depend on Government for information; the size and resources of the foreign policy bureaucracies dwarf those of the press. These advantages give the Government great power to manipulate journalists by feeding them information, in order to shape the news and influence public opinion."⁵ Similarly, Kapur opined, "it was seen as a passive transmission mechanism that informed the public of the views of opinion makers by circulating opinions between decision makers and opinion makers."⁶ Further he said, "the electronic media like Parliament, has become an arena in which party political differences on foreign policy do get articulated more forcefully because of the nature of the medium. In fact, television news channels may have contributed to increased public discord on foreign policy by deliberately strait-jacketing all 'discussions' into binary, conflictual 'for-and-against' debates.

² Poorvi Chitalkar and David. M. Malone, "Democracy and Indian Foreign Policy," *Canadian Foreign Policy Journal*, vol.17, no.1, 2001, p.76.

³ Eugene Cotran, Mai Yamani, *The Rule of Law in the Middle East and the Islamic World: Human Rights and the Judicial Process* (Middle East: I.B. Tauris Publications, 2000), p.99

⁴ Sanjaya Baru, "The Growing Influence of Business and Media on Indian Foreign Policy," *Indian Review* (New Delhi), vol.8, no.3, July-September, 2009, p.278

⁵ Joshua S. Goldstein and Jon C. Pevehouse, *International Relations* (Pearson Education India, 2008), p.139

⁶ Devesh Kapur, "Public Opinion and Indian Foreign Policy," *India Review* (New Delhi), vol.8, no.3, 2009, p.289.

Rather than facilitate a consensus such ‘argumentative’ debates foster divergence. While television resorts to this practice to increase viewer attention and make news more ‘entertaining’, this has increased the role of the media in shaping political thinking on foreign policy issues.”⁷

Most countries maintain some regulation over mass media, laying down, for instance, that they must be owned by nationals of the country concerned. But the Constitution of America has provided unlimited freedom to the media in an unconditional manner. In the case of India, the first Amendment of the Constitution says, “the Parliament shall make no law abridging the freedom of the press.” This covers not only the press, but also all the media. This unabridged and unlimited freedom of the media is not found in any other Constitution. In India, the freedom of the press is basically the freedom of the citizen to hold and express his views.⁸ A free press has thus a dynamic and strategic role to play in a democracy like India.⁹ Moreover, some countries have important contacts in political and Government circles in several countries, and who comments regularly on the conduct of foreign policy. But only a very small minority in any country is actively interested in foreign news, it is these people who make the basic decisions concerning that country’s foreign policy. The kind of foreign news they receive is one of the major factors influencing them. They should, ideally, get as much foreign news, giving as faithful a representation of international events, as possible.¹⁰

As mentioned earlier, the function of the press in the field of foreign policy are both critical and interpretative. The interpretative function performed through the publication of particular writings on existing international progresses. It helps the public to realise the importance of developments in their country in relation to past improvements there as well as to developments in other parts of the world. The critical

⁷ Ibid, p.279

⁸ Baru, n.4, p.9

⁹ V. R. Krishna Iyer, “Foreign Print Media Incarnating as Indian Fourth Estate?” *Economic and Political Weekly* (Mumbai), vol.29, no.49, December 3, 1994, p.3083.

¹⁰ Alexander Craig, “The Media and Foreign Policy,” *International Journal* (Toronto), vol. 31, no. 2, 1976, pp.322-24

function is performed not only through letters to the editor but also in editorials and special articles a critical analysis of the country's foreign policy is attempted.

Newspaper Coverage of the Indo-US Nuclear Agreement

In the previous chapter, we have seen that the Members of Parliament in the course of a debate brought every aspects of the nuclear issue. Through such debates, people were informed, and the media played a positive role as a channel of communication.¹¹ According to Baru, "an early example of media playing an important role in shaping public opinion and Government policy with respect to a foreign and strategic policy issue, was the role played by *Times of India* in 1996 on the issue of CTBT. However, when CTBT got linked to NPT renewal and India felt it was being discriminated against on the question of its nuclear status, the view gained ground that India should not sign CTBT."¹² The main discussion took place in the columns of Indian newspapers in which the *Times of India* editorially called "for India rejecting CTBT in the form in which it was then being proposed. This finally became the official Indian position." Further he stated, "the media has become the principal theatre for intellectual and policy contestation on the direction of Indian foreign policy. This was most visible in the passionate discourse on the Indo-US civil nuclear initiative that saw the Left parties withdraw support from the Singh Government, which in turn had to go to the floor of the Parliament to demonstrate majority support in July 2008."¹³

The nuclear agreement thus raised much controversy within both the US and India and also in international circles. This was mainly because India is not a signatory to the Non-Proliferation Treaty and should not be allowed access to sources of nuclear fuel. The entire mainstream media has been a strong and consistent supporter of the nuclear agreement. Besides, it was for the first time that a bilateral agreement faced stiff political opposition from both the Indian Left and Right. Overpowering, media support for the civil nuclear agreement, with the exclusion of the *The Hindu*, reinforced the Government's hand in politically defending its case at home, against political

¹¹ Kapil Sibal, "1 2 3... Get Set, Go," *Indian Express*, August 27, 2007, available at <http://www.indianexpress.com/news/1-2-3...-get-set-go/212755/0>, accessed on September 25, 2012.

¹² Baru, n.4., p.280

¹³ Mohan, n.8, p.8

criticism from Left and Right opposition. More than print, electronic media also played an active role in generating public support for the nuclear accord.¹⁴

Since the nuclear agreement's launch in 2005, the Indian mainstream press viewed, the agreement primarily through on political lines. The editorial pages of the *The Hindu*, *Indian Express* and *Times of India* were concerned about the nuclear sovereignty of the country. No issue aroused as much controversy in the past as nuclear agreement. The adverse part of the agreement was the lack of transparency at all levels. Hence, the angers ran high and politicians got another tool to whip up passions.¹⁵ The questions is will the Government enlighten the public? Whether the people of India, on whose votes it was in power, was not entitled to know the details of the agreement? The people never imagined the nuclear agreement would have influence in destabilising an elected Government. Meanwhile the people of India and their representatives were not informed about the agreement in a transparent manner to form their own views because all negotiations were kept secret.¹⁶ Finally, Indian Government failed to reach out to the Indian media and experts, and provided them with little access or clear information at each stage of the nuclear agreement's enactment. But almost every aspects of the agreement was examined in the Indian media and whatever information they got concerning the deal were made public at relevant occasions.

Needless to say, the ordinary Indians might not have grasped the complexities of the nuclear jargon. As many of the issues related to the nuclear agreement involved were technical and the media, barring a few newspapers, did a good job of educating the public about what was at stake for India and the world.¹⁷ But a notion was created that every shade of public opinion expressed on the pros and cons of nuclear agreement. However, the media played a yeoman role in providing a platform for the expression of every shade of opinion in the country. A perusal of Indian newspapers beginning with

¹⁴ Baru, n.4, p.280

¹⁵ "Nuclear Deal," *The Hindu*, available at <http://www.thehindu.com/todays-paper/tp-opinion/nuclear-deal/article>, accessed on October 07, 2012.

¹⁶ Ibid

¹⁷ "Accepting America's Nuclear Hegemony," *Indian Express*, December 24, 2006, available at <http://www.indianexpress.com/news/accepting-america-s-nuclear-heg>, accessed on 28 September, 2012.

July 18, 2005 to October 10, 2008 shows that generals, bureaucrats, atomic energy experts and managers all discussed every aspect of the nuclear agreement in the media.¹⁸

It is in this context, that this chapter seeks to understand the story of the nuclear issue in three phases through the eyes of Indian media:

- The first concludes with the text of the 123 agreement being finalised on 20 July 2007;
- The second phase covers the political character of the nuclear agreement and slow separation of the Left from the Government, and ends with trust vote in Parliament on 22 July 2008;
- The last phase sees the deal's actual passage through the IAEA, the NSG and the US Congress, leading up to being signed on 10 October 2008.¹⁹

The First Phase: Finalisation of the 123 Agreement

The biggest problem with the nuclear agreement was the differences between the Indian and the US perceptions of what the deal meant and what it aimed to achieve.²⁰ Therefore, during the first phase, there was a poor admiration by both the Governments of the importance of shaping public opinion in favour of the deal, and the role the Indian electronic media could play in influencing public opinion. The perception of the Indian media in this period was not only negative, but in most cases, failed to understand the deal and its importance.²¹ In this phase there were three pillars on which 123 Agreement rested. "Strong export control Indian laws, separation of civilian and military nuclear facilities in India, and a dedicated facility for reprocessing spent US fuel."²²

¹⁸C. P. Bhambhri, "Debating the Deal," *Indian Express*, December 22, 2006, available at <http://www.indianexpress.com/news/debating-the-deal/19135/0>, accessed on September 28, 2012.

¹⁹ Vidya Shankar Aiyar, "Prime Time Deal," in P R Chari, ed, *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism* (New Delhi: Routledge, 2014), p.32

²⁰ Marie Lall, "India's New Foreign Policy: The Journey from Moral Non-alignment to the Nuclear Deal," in Marie Lall, ed, *The Geopolitics of Energy in South Asia* (Singapore: Institute of Southeast Asian Studies, 2009), p.38

²¹ Aiyar, n. 20, p.32

²²Ibid, pp.39-40

Strong Export Control Indian Laws

Mistry said, “the successful completion of the nuclear agreement has the potential to remove many of the stumbling blocks in high technology transfers from the US to India by facilitating India’s entry into strong export control mechanisms. Subsequent to the July 2005 statement, India’s cabinet and both houses of Parliament passed stronger export control legislation by adopting the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill. This bill strengthened existing Indian laws against exporting sensitive nuclear, chemical, biological, and missile-related technologies.”²³ It brought “India’s export control list in harmony with the export control lists of NSG, MTCR, Wassenaar Arrangement and the Australian Group. Currently, India is the only non-member country with full range of capabilities, research, development and industry in the areas covered by these export control regimes.”²⁴

An authoritative account of this process is available in the words of key negotiator, Nicholas Burns, the then Under Secretary of State for Political Affairs. Burns held a media conference after Rice and Mukherjee issued a joint statement on the text of the 123 Agreement on 27 July 2007 in Washington DC. He unambiguously confirmed, “the origins of the nuclear agreement go back to Rice’s visit to India on 16 March 2005, which got fructified into the 123 agreement. He reiterated it was her initiative which resulted in the visit of the Indian Prime Minister to Washington and the Joint Statement with President Bush on 18 July 2005.” He also confirmed, “new export control laws being in place before that visit was a US demand that India had responded to. It was the first pillar of the nuclear agreement. It was also the same new legislation that Rice had mentioned during her March 2005 visit.”²⁵

²³ Dinshaw Mistry, “Diplomacy, Domestic Politics and the Indo-US Nuclear Agreement,” *Asian Survey*, vol. 46, no. 5, September to October, 2006, p.683.

²⁴ Gopalan Balachandran, “Nuclear Realpolitik: The Prospects for Indo-US Relations,” *Australian Journal of International Affairs* (New Delhi), vol.61, no.4, December 2007, p.551.

²⁵ Aiyar, n.20, p.39

Separation of Civil and Military Facilities

The second pillar of the agreement during this phase was the idea of separation of civilian and military facilities. Hectic discussions were held on the issue of separation plan. Taking as a pacifying view, *Times of India* quoted PM's assurance about the separation plan on March 7, 2006 by stating "a tough negotiations were held between the two countries regarding the separation of civilian and nuclear facilities. It would ensures adequacy of fissile material and other inputs to meet the current and future requirements of our strategic programme.²⁶ And also the US, on its part, promised to change its domestic as well as international nuclear rules in favour of India."²⁷ But the opposition came from Left parties who stated, "the agreement will prevent the development of the nuclear programme and impact India's bilateral and multilateral relations." They, therefore, wanted assurance from the PM that the Government must ensure independence of the nuclear programme and on the issue of IAEA inspection of nuclear facilities, the Government would have to make sure it was a sovereign programme. Nilotpal Basu, the CPM leader, stated, "there can be no compromise on the question of reciprocity, because the US has a history of going back on its promises."²⁸

Additionally, the *The Hindu* observed that Anil Kakodkar's statement, in which he said, "the separation plan clearly stated that there would be a multi-layered assurance for fuel supplies including the ability to build stockpile to meet the lifetime requirements of reactors. If that did not into reality, India's interests would be adversely affected. They pointed that in a way Tarapur was also a 123 agreement and it had very clear kind of provisions for reliable supply for the whole life. But inspite of that, we had difficulties. Hence, we can't have the same problems similar to Tarapur."²⁹

²⁶ "Indo-US Nuke Deal: PM Spells out Separation Plan," *Times of India*, March 07, 2006, available at <http://timesofindia.indiatimes.com/india/Indo-US-nuke-deal-PM-spells>, accessed on January 22, 2103.

²⁷ C. Raja Mohan, "All Well with N-deal, Start Moving: US," *Indian Express*, October 20, 2005, available at <http://www.indianexpress.com/oldStory/80395/>, accessed on, September 29, 2012.

²⁸ "N-Deal: Left Calm, BJP Wants PM's Statement," *Indian Express*, March 4, 2006.

²⁹ Pallav Bagla, "Implementation of Hyde Act Would Mean Shifting of Goalposts," *The Hindu*, January 17, 2007, available at <http://www.hindu.com/2007/01/17/stories/2007011702641100.htm>, accessed on October 10, 2012.

Apart from that, there was a difference over the number of nuclear reactors to be placed on the civilian list. The US, which started from a position that India should put all reactors producing energy on the civilian list, first brought it down to 90 percent. However, India has made it clear that it was difficult for it to match Washington's expectations given the nature of its nuclear programme. Finally, at the last round of talks New Delhi made a further reduction. India, for its part, pegged its final offer at 70 to 75 of its total production capacity.³⁰ *Times of India*, quoted, "India offered 14 thermal power reactor for IAEA safeguards. This would raise the total installed thermal power capacity from 19 per cent at present to 65 per cent by 2014. Moreover, PM assured that India will decide the choice of specific nuclear reactors and the phases in which they would be placed under safeguards."³¹

Right to Reprocess the US Spent Fuel

The third major issue for finalising the agreement was India's right to reprocess the US spent fuel from the safeguarded reactors and the consequences in the event of a future nuclear weapon test. The pragmatists in New Delhi and Washington had always known that these issues have been complex and might be amenable to mutually satisfactory resolution.³² On 18 December 2006, *Indian Express* editorial, titled 'About as Debatable as 1, 2, 3,' mentioned, "for India the key issue is an explicit commitment to allow reprocessing of US origin spent fuel and up to 20 percent enrichment of US origin uranium. The bill is silent about this because this is under negotiations in the 123 agreement, where India has made it clear that it needs the right to reprocess and enrich US origin fuel. It is encouraging that the bill does not tie the hands of US negotiators on the issue."³³ Finally, after immense debate Washington accepted India's proposal

³⁰ "N-deal: Now it's Over to Singh, Bush," *Indian Express*, February 26, 2006, available at <http://www.indianexpress.com/oldStory/88617/>, accessed on September 27, 2012.

³¹ "Indo-US Nuclear Deal: Separation Plan," *Times of India*, March 7, 2006, available at <http://timesofindia.indiatimes.com/india/Indo-US-nuclear-deal-Separati...>, accessed on January 22, 2013.

³² "123 Countdown," *Indian Express*, February 5, 2007, available at <http://archive.indianexpress.com/news/123-countdown/22535/>, accessed on August 17, 2012.

³³ Pranab Dhal Samanta, "About as Debatable as 1, 2, 3," *Indian Express*, December 18, 2006 available at <http://www.indianexpress.com/news/about-as-debatable-as-123/18838/0>, accessed on September 28, 2012.

for dedicated facility to store spent fuel. The acceptance came up in talks between National Security Advisor M K Narayanan and his US counterpart Steve Hadley.³⁴

Consequently, the *Indian Express* published an article entitled “N-deal Text is as Good as it Gets, Even Between the Lines,” quoted PM’s assurance, in which he said, “the reprocessing and enrichment capabilities and other facilities associated with the fuel cycle for strategic programme had been kept out of the separation plan. Further he said, we received from the US a reliable supply of fuel to India for reactors that will be offered for safeguards. The US reaffirmed its assurance to create necessary conditions for India to have assured and full access to fuel for such reactors.”³⁵ Moreover, the US agreed to let India import fuel for civilian programme and is committed to get a similar exemption from NSG and also agreed to grant advance consent to reprocess spent fuel under safeguards. This enlarged the base for the second-stage programme and can prove useful to expand the civilian programme.³⁶

Regarding the fuel supply guarantee, the same newspaper quoted, “section 2.2(e), 4.1, 5.6, 14.5 and 14.8 of the 123 agreement deals with various dimensions of fuel supply guarantees. They fully committed the US to help India develop a strategic reserve of nuclear fuel for the entire lifetime of the reactors and US also promises to create conditions for India’s assured and full access to the international fuel market.” And, section 5.6 (b) (iv) of the agreement stated, “if despite these arrangements, a disruption of fuel supplies to India occurs, the US and India would jointly convene a group of friendly supplier countries to pursue such measures as would restore fuel supply to India.”³⁷

³⁴ Pranab Dhal Samanta, “India’s N-Fuel Storage Gets US Ok,” *Indian Express*, July 20, 2007, available at <http://archive.indianexpress.com/news/india-s-nfuel-storage-gets-us-ok-/205859/>, accessed on September 27, 2012.

³⁵ “N-separation: Two Tarapur Reactors out of Safeguards, Apsara from BARC in,” *Indian Express*, March 8, 2006, available at <http://www.indianexpress.com/oldStory/89196/>, accessed on September 27, 2012.

³⁶ “N-deal Text is as Good as it Gets, Even Between the Lines,” *Indian Express*, August 04, 2007, available at <http://www.indianexpress.com/news/ndeal-text-is-as-good-as-it-gets-e....>, accessed on September 25, 2012.

³⁷ C. Raja Mohan, “India Gains, US Doesn’t Lose,” *Indian Express*, August 04, 2007, available at <http://www.indianexpress.com/news/india-gains-us-doesnt-lose/208517/0>, accessed on August 13, 2012.

Likewise, in case of reprocessing of spent fuel, section 6 (iii) of the 123 agreement conceded, “New Delhi’s unambiguous right to reprocess spent fuel. This right would come when India would build a dedicated reprocessing facility that meeting the current standard of IAEA safeguards. Once India would be ready to reprocess, the two sides would begin consultations on the arrangements for reprocessing within six months and complete them in one year.”³⁸ Then Rediff News stated, “there was a silence on what would happen if the two sides do not reach agreement on these arrangement and procedures. In addition to this, article 5.2 of the 123 agreement ruled out transfer of any sensitive nuclear technology. There was no change in the position regarding dual-use items and it remain subject to the prevailing laws and regulations in the US.”³⁹

In an interview to *The Hindu*, the former Chairman of the Atomic Energy Commission, M. R. Srinivasan said, “reprocessing spent fuel is an essential step in India’s three stage nuclear programme. For exploiting the energy potential of the vast thorium reserves will require India to build a large number of fast-breeder reactors in the second stage. India has been reprocessing spent fuel for over four decades, although initially on a small scale.” Further he pointed out, “if we accept the present US position, India will be able to build only light water reactors fuelled with enriched uranium and then store the spent fuel indefinitely. In the process, the fuel value of the spent fuel will remain dormant and apart from this, there will be costs and risks involved in such long term storage of highly radioactive material.” In addition to that, the total energy potential of global uranium reserve will be very limited, if there to be used in this once-through without recycling.⁴⁰ However, “to operationalize the major concession of allowing India to reprocess spent fuel, we must build, at our own cost, a national reprocessing plant, estimated to cost Rs.100000 crore. Furthermore, before building such plant, we must provide all detailed drawings and technical documentations to the IAEA to review and clear. This means providing highly sensitive and classified documentation, embargoed to us by the West and generated by us after many years of

³⁸Ibid

³⁹ Rajiv Sikri, “Disturbing Implications of 123 Agreement,” *Rediff News*, August 3, 2007, available at <http://www.rediff.com/news/2007/aug/03guest.htm>, accessed on September 27, 2012.

⁴⁰ M. R. Srinivasan, “The India-US Nuclear Stalemate,” *The Hindu*, May 31, 2007, available at <http://www.hindu.com/2007/05/31/stories/2007053102211000.htm>, accessed on September 17, 2012.

research and development, formally to the IAEA, which is as much a political body as anything else.”⁴¹

The editorial of *The Hindu* on 6 August took a realistic note of a couple of limitations of the 123 agreement, thus they recognised, “the limitations of the agreement in three aspects. Firstly, the US will not lift its embargo on the sale of components or even dual use items intended for the safeguarded Indian reprocessing plant. It will be overcome if the NSG does not introduce new discriminatory clauses when it changes its guidelines. Secondly, there is some uncertainty over the nature of the arrangements and procedures to be agreed upon before India can reprocess spent fuel. However, the prudent course will be for India to request consultations as soon as the 123 enters into force. Thirdly, the US will surely expect and try to hold India into strategic affairs, foreign policy and commercial arenas.”⁴²

Again on August 6, the same newspaper published an article which stated, “the Government went into the last round of the 123 negotiations, three issues were unresolved: the country’s right to reprocess American-origin spent fuel, guarantee the uninterrupted running of its reactors, and ensure the application of only IAEA safeguards and not additional American inspections.” Another important challenge before the Indian negotiators was to ensure that the country’s nuclear power sector would not be disrupted in the event of a nuclear explosive test.⁴³ Giving a contradictory view against *The Hindu*, *Indian Express* stated, “the real gain for India from the nuclear agreement was that, it had brought the international community into accepting India as a country that will officially maintain its separate strategic nuclear facilities. And even more important was the recognition that India is gaining as a responsible owner of sensitive high technology. This would enable it to transform itself from being one of the

⁴¹ Ashok Parthasarathi, “Judge the Nuclear Fuel on Facts, not Convictions,” *The Hindu*, July 15, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/judge-the-nuclear-d>, accessed on September 17, 2012.

⁴² “A Sound and Honourable 123,” *The Hindu*, August 6, 2007, available at <http://www.hindu.com/2007/08/06/stories/2007080650051000.htm>, accessed on September 17, 2012.

⁴³Ibid

prime targets of technology embargo, to a partner in the international high technology business.”⁴⁴

Finally, the text of the India-US nuclear cooperation was made public on August 3, 2007. The editorial of *The Hindu* mentioned, “a serious effort was made by both India and the US to square a very difficult circle. Both sides made and received concessions. As regards the Government of India- including the Department of Atomic Energy that is reached a consensus this country could live with the deal provided it did not become the template for the Nuclear Suppliers Group when it considers changing its guidelines to allow nuclear commerce with India. In particular, Indian officials hoped that NSG would not prohibit the sale of fuel cycle technology and components, or adopt a rule terminating cooperation in the event of an Indian nuclear test. While those were issues of the future, it is important to understand the extent to which the 123 agreement addressed India’s concerns and how it got politicised.”⁴⁵

Second Phase: Political Character of the Deal

Beyond the details of the nuclear agreement, the main benefit from an Indian perspective was the agreement became a political path. As a result, the political impasse over the nuclear agreement throw up an interesting question, that is whether Parliamentary sovereignty is obedient to an executive Government’s autonomous treaty making power. To evaluate the strength of constitutional tentacles on the nuclear agreement, one needs to keep in mind that unlike in US, Parliament in India has not delegated the Entry 14 (“entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with other countries.”) power either to the President or the Prime Minister.⁴⁶ Therefore, the agreement generated heated debate, mostly political.

⁴⁴ Amitav Malik, Nuke Numbers: Deal Adds Up, *Indian Express*, August 17, 2006, available at <http://www.indianexpress.com/news/nuke-numbers-deal-adds-up-->, accessed on September 28, 2012.

⁴⁵ A Guide to the Provisions of the 123 Agreement, *The Hindu*, August 4, 2006, available at <http://www.thehindu.com/todays-paper/tp-opinion/a-guide-to-the-provisions-of-the-123-agreement/article1885399.ece>, accessed on September 28, 2012.

⁴⁶ “N-Deal: House Holds No Power to Ratify Treaties,” *Times of India*, August 20, 2007, available at http://articles.timesofindia.indiatimes.com/2007-08-20/india/27992459_1_treaty-parliament-nuclear-deal, accessed on August 17, 2012.

Indian Express quoted, “it all started as a historic initiative of the Vajpayee Government symbolised by Pokharan II. The Congress found it difficult to overcome its oppositional stance at that time. It refused to pat the NDA Government on its back for this unique achievement. But look at the way the scenario got changed in less a decade. The NDA Government was replaced, but not before making amends with the same US Government of Bill Clinton and even starting negotiations on a nuclear agreement. The agreement concluded by UPA Government after prolonged negotiations with the US and with the full involvement of representatives from both Governments. It is, therefore, the nuclear establishment might be regarded as an analytic continuation of the earlier efforts by the NDA.”⁴⁷

Further the same newspaper viewed, “the reality is that the UPA Government found itself in a hopeless minority on this issue. The main opposition, the BJP, and its NDA allies aggressively attacked the deal as a sell-out of national interests and of the strategic nuclear programme. And also all the constituents units of the Third Front bloc, the United National Progressive Alliance, strongly opposed the agreement. The biggest supporting bloc, the Left parties with 61 MPs in the Lok Sabha, demanded that the Government should not go forward with IAEA recommendation to operationalize the deal.”⁴⁸ The murky and complex political situation created a huge debate among the people of India. As a result, *The Hindu* quoted the people views regarding the agreement by stating, “the nuclear commerce with the US was not the need of the hour but only an addition to our existing nuclear programme. Nobody can understand India’s energy security scenario better than our scientists.” But the fact that the scientific community was not the triggering force behind the nuclear agreement, showed that it was a result of political engagement rather than national compulsions.⁴⁹

⁴⁷ A. N. Mitra, “Debate on deal: not Rocket Science,” *Indian Express*, August 28, 2007, available at <http://www.indianexpress.com/news/debate-on-deal-not-rocket-science>, accessed on August 23, 2012.

⁴⁸ N Ram, “The Nuclear Deal: Key Issues and Political Circumstances,” *The Hindu*, August 22, 2007, available at <http://www.hindu.com/2007/08/22/stories/2007082254341100.htm>, accessed on August 18, 2012.

⁴⁹ “Indo-US Nuclear Deal,” *The Hindu*, September 05, 2007, available at <http://www.hindu.com/2007/09/05/stories/2007090554941001.htm>, accessed on October 04, 2012.

On August 24, 2007, *The Hindu* published an article entitled, “Make Public Debate Mandatory for Nuclear Agreement,” which observed, “the mass organisations raised against the Government and demanded public debate for the nuclear treaties. They said, there was a need for all citizens to question and speak out against the nuclear agreement that was contrary to the national security and sovereignty. And the basic objections to this deal stemmed from their opposition to the production and use of both nuclear weapons and nuclear energy. They highlighted the irreversible dangers of radioactivity and its ongoing impact on health, water, and the environment.”⁵⁰

Similarly, V R. Krishna Iyer too mentioned, “the nuclear waste can cause lethal radiation after two or three decades of each nuclear power plant that represents the gravest crime against humanity.”⁵¹ Hence, the public demanded not to proceed further and asked the Government to go for viable alternative for other source of energy.

In an interview to *Indian Express*, L. K. Advani said:

The complexities of the separation of civil and military reactions and the reprocessing tangle are not the stuff of popular discourse. As an important feature of the kerfuffle over the nuclear agreement is that in the public perception it has translated into a debate on India’s relation with the US. What count is the middle class belief that good relations with America are inextricably linked to India’s economic growth and global opportunities for Indians? Further he said, the agreement will badly affect our independent foreign policy.⁵²

Countering this argument, speaking to the Sunday Express, Kapil Sibal on 26 August 2007 pointed out, “it was both unnecessary and unfair to question the UPA’s credentials by slamming the agreement as being against India’s interests. The sovereignty of India is clearly cherished by the Government and nothing shall be done

⁵⁰ Aruna Roy, “Medha Question Deal,” *The Hindu*, August 24, 2007, available at <http://www.hindu.com/2007/08/24/stories/2007082460701400.htm>, accessed on July 22, 2012.

⁵¹ “A Betrayal of India’s Constitutional Vision,” *The Hindu*, July 17, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/a-betrayal-of-indias...>, accessed on October 9, 2012.

⁵² Swapan Dasgupta, “BJP, Seek Don’t Hyde,” *Indian Express*, August 8, 2007, available at <http://www.indianexpress.com/news/bjp-seek-dont-hyde/213053/0>, accessed on September 24, 2012.

to compromise with that because this has been the history of Congress party were the ones who did not sign either the NPT or the CTBT.”⁵³

On September 07 2007, *The Hindu* published an article entitled, “India and the Deal: Partner or Pawn,” in which the author argued, “the nuclear agreement was part of an effort to draw India into a strategic alliance geared to US interests. Perhaps the reason why this simple message was falling on deaf ears in the corridors of powers was that it comes from the Left parties. Interestingly, however, the US Government and its advisers were said the same thing.” An influential US strategic expert Ashley Tellis viewed, “accommodating India on the issue of nuclear cooperation would strengthen its potential utility as a hedge against rising China. And also encourage it to pursue economic and strategic policies aligned with US interests, helping to shape the Asian environment in a way that suits our interests.”⁵⁴

In the meanwhile face-off between PM and the Left worsened when the Left, on whose support the Government depended for its survival, threatened to withdraw support to the Government if it refuses to renegotiate the deal.⁵⁵ This made the PM to declare on August 11, 2007, “I told them (the Left) that it is not possible to renegotiate the deal. It is an honourable deal, the Cabinet has approved it, and we cannot go back on it. I told them to do whatever they want to do; if they want to withdraw support, so be it.”⁵⁶

After a lot of heated interactions between the UPA and Left, a breakthrough was found with the remarks of the PM and retreated his challenging position stating that “we are not a one-issue Government. If the deal does not come through, it will be

⁵³ Shishir Gupta, 123 Agreement is not Hyde-Bound, says Sibal,” *Indian Express*, August 26, 2007, available at <http://www.indianexpress.com/news/123-agreement-is-not-hydebound->, accessed on November 23, 2012

⁵⁴ Jean Dreze, “India and the Deal: Partner or Pawn,” *The Hindu*, September 07, 2007, available at <http://www.hindu.com/2007/09/07/stories/2007090754861300.htm>, accessed on October 04, 2012.

⁵⁵ Nalini Kant Jha and S. Prabhakar, “Indo-US Civil Nuclear Deal: Parliamentary Inputs,” (ed) in Nalini Kant Jha, *Nuclear Synergy: Indo-US Strategic Cooperation and Beyond* (New Delhi: Pentagon Press, 2009), p.211.

⁵⁶“Anguished PM to Left: If you want to withdrew, so be it,” *The Telegraph*, August 11,2007, available at <http://www.telegraphindia.com/archives/archive.html>, accessed on 23 October 2012. Also, see at Rekha Chakravarthi, “Internal Roadblocks,” in P.R. Chari, n.20, p.63

disappointing. But in life, one has to take disappointment. However, the failure of the deal would not mean the end of life.”⁵⁷

Even Sonia Gandhi, the Congress Party President, backed Singh by claiming that it was the Government’s duty to understand and accommodate each other’s (coalition) view, and disagreed that the Left’s stand on the nuclear agreement was ‘unreasonable.’⁵⁸ This was a clear indication by the Congress party that it was not in favour of early elections. While addressing a rally in Haryana she said, “those who opposed the nuclear agreement as enemies of development and progress.” The target here seems to be the Left more than the BJP. The interesting thing is that BJP is watching the nuclear agreement from the side-lines, hoping, that the internal contradictions between the allies will lead to the end of the Manmohan Singh led Government.⁵⁹

In an article in *The Hindu* soon after the 123 text was made public, Siddarth Varadarajin suggested, “one way for India to nail down any ambiguities of interpretation in the 123 agreement was to balance the US Hyde Act with an amendment to the Indian Atomic Energy Act making it illegal for nuclear material or equipment to be transferred out of the country if the transfer would disrupt the continues operation of our power reactors or pose an environmental or security risk.”⁶⁰

Further he mentioned, “by amending its domestic statute, India can effectively balance the provisions of the Hyde Act.” Similarly, “if the US insists in the future that internal law trumps the 123 agreement and uses that to build a case for demanding the return of material even when the strict conditions of Article 14 of the 123 have not been met, Indian would be bound by its own internal law.”⁶¹ This suggestion was picked up by the BJP leader, L. K. Advani, which was accepted as a possibility by the UPA

⁵⁷“Failure of Nuclear Deal Won’t be End of Life: PM,” *Indian Express*, October 12, 2007, available at <http://www.expressindia.com/latest-news/failure-of-Ndea-wony-be-ene-of-life-PM/227551/>, accessed on 8 December 2012. Also see at Jha and Prabhakar, 57, p. 212.

⁵⁸ “Don’t Want Early Polls: Sonia,” *Rediff News*, October 12, 2007, available at <http://www.rediff.com/news2007/oct/12sonia.html>, accessed on 14 September 2012.

⁵⁹ “UPA - Left: The Gloves are Off,” *India Times*, October 08, 2007

⁶⁰ Siddarth Varadarajan, “An Endgame with No Clear Winners Reality Check,” *The Hindu*, July 21, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/an-endgame-with-no>, accessed on October 10, 2012.

⁶¹ Siddarth Varadarajan, “Deal Breather, Not Deal Breaker,” *The Hindu*, August 20, 2007, available at <http://www.hindu.com/2007/08/20/stories/2007082058271500.htm>, accessed on October 03, 2012.

Government at the highest level. The Government, however, continued with its efforts to go ahead with the deal. Finally, PM, Singh called on his predecessor, Atal Bihari Vajpayee, and the leader of the opposition Advani, to seek their party's cooperation in the deal when issue came up in Parliament. But both the leaders categorically stated, "the BJP could not review its position, as according to Advani, BJP's concern on the nuclear deal was not addressed."⁶² Though Advani once told the *Indian Express*, "BJP would have no problem with the 123 Agreement, if the UPA Government could bring an amendment in the domestic Atomic Energy Act to protect India's strategic independence." Yet after a span of merely four days, he called for the renegotiation of the agreement.⁶³

Similarly, speaking to the *Indian Express*, Brajesh Mishra, National Security Adviser to Vajpayee said, "if I were to get credible guarantees from the Government about the integrity of what we (the NDA) had left behind three and a half years ago, what has been done in these three and a half years for them to prove that they are also enthusiastic about the nuclear weapon programme, then I would say, personally, go forward with the deal because I am not so critical of the US for following this particular policy. I am critical of the Government bending to the wishes of the US."⁶⁴

The Parliamentary Affairs Minister Priyaranjan Dasmunshi responded to persistent questions from the media regarding BJP demand for a Constitutional amendment to make it mandatory for all Governments to get international treaties ratified by Parliament. For that he said, "the BJP made similar demands before 1998 and from 1998 to 2004 when it was in power. It was set up a Constitution review committee, which, however, did not make any recommendation on this point. Nor did the NDA Government do anything to bring in the amendment."⁶⁵ But BJP pointed out, "the issue of 'right to test' as its argument for opposing the deal and suggested that the

⁶² *The Hindu*, November 19, 2007. Also, see at Jha and Prabhakar, n. 57, p.212.

⁶³ *Indian Express*, August, 31, 2007. Also, see at Jha and Prabhakar, n. 57, p.212

⁶⁴ "BJP is Ready for Debate, Talks on Deal: Rajnath," *Indian Express* (New Delhi), October, 28 2007, available at <http://archive.indianexpress.com/news/bjp-is-ready-for-debate-talks-on-deal-rajnath/233544/>, accessed on May 12, 2015.

⁶⁵ Neena Vyas, "Dasmunshi: No Question of Putting Talks on Hold," *The Hindu*, September 01, 2007, available at <http://www.hindu.com/2007/09/01/stories/2007090161711600.htm>, accessed on October 04, 2012.

deal should be renegotiated.”⁶⁶ The party has however, stated, “it would, if re-elected to power, renegotiate the deal and if need be keep open the right to conduct nuclear tests.”⁶⁷

As far as the BJP’s objection regarding the measure of protection provided by Article 14 of the 123 agreement was worthless, because the “Hyde Act disallows the provision of fuel guarantees beyond normal reactor operating requirements misses the point by a mile. A more favourably drafted Act would offer, at best, illusory protection, since a US administration or Congress could change its provision at any time. So, the true protection will come only when the country uses the new opportunities for nuclear commerce to build a stockpile of fuel-light enriched and natural uranium, to run a vastly expanded nuclear power programme.”⁶⁸

G. Balachandran, wrote an editorial in the *Indian Express* entitled, ‘Renegotiate What?’ in which he said:

No analyst of any repute had even remotely suggested that the international embargo on civil nuclear trade as a result of NSG guidelines could have been removed without US initiative. Even Russia and France, faithful supporters of India in the NSG, had admitted this. Further he said, “the fundamental question was, would any future India Government, be it BJP, BSP or the Marxist, able to negotiate 123 agreement, which would have a written promise that the US will not impose any sanctions on India if India were to conduct nuclear test in future? No analyst from any political party or professional fraternity has gone on record to state that this is possible.”⁶⁹

Nevertheless, when we look at the US nuclear agreement with other countries clearly shows that domestic laws would not affect their cooperation. In an interview to *The Hindu*, BJP leader Yashwnat Sinha said, “in the case of 123 agreement with China, the US had specifically stated that domestic laws of the two countries would not in any way apply. But it was not the case with the agreement negotiated with India. It was clear that the Hyde Act, a document of India’s humiliation would apply to India. Therefore,

⁶⁶ “Renegotiate Nuclear Deal, BJP Tells Centre,” *Rediff News*, November 7, 2007, available at <http://www.rediff.com/news/3007/nov/07ndeal.htm>, accessed on 03 October, 2012.

⁶⁷ “Will Renegotiate the N-deal When we Come to Power, says BJP,” *Rediff News*, October 2, 2008, available at <http://www.rediff.com/news/2008/oct/02ndeal6.htm>, accessed on September 17, 2012.

⁶⁸ “A Sound and Honourable 123,” *The Hindu*, August 6, 2007, available at <http://www.hindu.com/2007/08/06/stories/2007080650051000.htm>, accessed on October 03, 2012.

⁶⁹ “Renegotiate What?” *The Indian Express*, July 22, 2008

the basic interest of the US was to cap, rollback and eliminate India's strategic programme."⁷⁰

Accordingly, the Left parties also argued, "in the Common Minimum Programme of the ruling alliance did not mentioned about the strategic programme. It was the responsibility of the Congress to see that the Government did not take any policy which contradicts with the US."⁷¹ Speaking to *The Hindu*, PM clarified the concern raised by the opposition parties. He said, "the nuclear agreement would enable us to enter into international trade for civilian use without any interference with our strategic nuclear programme. Thus, our strategic programme would continue to be developed at an autonomous pace determined solely by our own security perceptions." Further he stated, "nothing in these agreements which prevents us from further nuclear tests. All that we were committed to a voluntary moratorium on further testing."⁷²

Just when the nuclear deal appeared in its most critical phase, media commentators in support of it had raised the issue of domestic fuel shortage. Such reports appeared just before the joint Left-UPA Committee was formed.⁷³ After the UPA-Left Committee meeting Karat made a press conference and said, "we covered some ground and the discussions mainly focussed on the Hyde Act and its implications on the country's self-reliant nuclear programme and the 123 agreement. He added that, many provisions of the Hyde Act are contrary to the promise made by the PM in August 2006. The Act denied cooperation or access in any form whatsoever to fuel enrichment, reprocessing and heavy water production technologies."⁷⁴

⁷⁰ Neena Vyas, "Negotiate Deal Again, Says BJP," *The Hindu*, August 17, 2007, available at <http://www.hindu.com/2007/08/17/stories/2007081762221400.htm>, accessed on October 03, 2012

⁷¹ "N-deal: PM to Make Statement in Parliament," *The Hindu*, August 13, 2007, available at <http://timesofindia.indiatimes.com/home/specials/N-deal-PM-to-make-s...>, accessed on January 24, 2013.

⁷² "Nothing in the Nuclear Agreements Prevents US From Conducting Further Tests: Manmohan," *The Hindu*, July 23, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/nothing-in-the-nuclea..>, accessed on October 10, 2012.

⁷³ R. Ramachandran, "Better Shore up Domestic Uranium Resources," *The Hindu*, July 11, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/better-shore-up-domestic-uranium-resources/article1294502.ece>, accessed on September 17, 2012.

⁷⁴ Vinay Kumar, "UPA-Left Talks on Nuclear Deal Constructive, says Pranab," *The Hindu*, September 20, 2007, available at <http://www.hindu.com/2007/09/20/stories/2007092050150100.htm>, accessed on October 04, 2012.

The Left party also raised issue against UPA keeping the draft of the IAEA agreement secret from the people. They said, “it was critical for the country that the agreement is discussed with full transparency.”⁷⁵ Yet, “the 123 agreement ran into trouble with both the BJP and the Left Party. The Left raised strong objections to some aspects, mainly the implications of the Hyde Act, the possibility of the country being drawn into a closer military and strategic alliance with the US and loss of external autonomy with an increased American influence on foreign policy making.”⁷⁶ When we look at the Hyde Act, “most of the people are unhappy with this but no one seriously suggested that they would be able to influence the US Congress to modify it or pass another law because it was purely a domestic law and had no relevance for India. The Hyde Act was combative issue for the Left.” Hence, they were posed a question on how the Hyde Act and other US domestic laws would apply to the agreement. According to them, “certain sections in the Hyde Act refer to India’s support or compliance with the US designs to contain Iran and the Government voted twice against Iran in the IAEA.” It was not appreciated by the Left and they argued that India’s independent foreign policy going to be in the hands of US. In fact, just before the US Senate approved the nuclear deal, PM said, “India would not like another weapon state emerging in its neighbourhood, that’s why it was opposed to Iran’s nuclear weapon ambitions.”⁷⁷

It was during this period many of the editorials were focussed on the issue of Iran. There were two kinds of concerns among the international community arising out of Iran’s acquisition of nuclear weapons. The first was that Iran might become an Islamic proliferator and second was that nuclear weapon acquisition by Shia would unleash a Sunni Arab backlash, particularly from Saudi Arabia. As Subrahmanyam rightly pointed out;

A nuclear Iran, if it ever manages to become one, will have a totally destabilising effect over West Asia. Iranian nuclear weapons, besides stocking

⁷⁵ “Left: Why Keep Draft Text of IAEA Safeguards Agreement Secret?” *The Hindu*, July 09, 2008, available at <http://www.thehindu.com/todays-paper/left-why-keep-draft-text-of-iaea-safeguards-agreement-secret/article1293110.ece>, accessed on September 20, 2012.

⁷⁶ “When Realism Dawns,” *The Hindu*, September 01, 2007, available at <http://www.hindu.com/2007/09/01/stories/2007090155901000.htm>, accessed on September 27, 2012.

⁷⁷ “India opposes Iran’s Nuclear Weapons Ambition,” *The Hindu*, September 30, 2008, available at <http://www.hindu.com/2008/09/30/stories/2008092060691200>, accessed on July 10, 2012.

Saudi Arabian proliferation reaction and an Israeli strategic countervailing response, may bring Tehran into conflict with Islamabad. The anti-Shia seccaraianism in Pkaistan is notorious.....Paksitan would lose much of its utility for the US and the West if a nuclear armed Iran were to dominate the Gulf. However, an unstable Middle East is not in India's interest, and this realisation will bring India closer to the US position on Iran.⁷⁸

Continuing its rough criticism of the UPA Government's foreign policy, *The Hindu* quoted the Left parties statement, "the agreement would not provide India's energy security since it was anchored in a US law, the Hyde Act."⁷⁹ The Left was not convinced about the application of the Hyde Act because it was a domestic US law and stated that it cannot override the provisions of an international treaty. However, the Government failed to persuade the Left parties. The US Secretary of State, Condoleezza Rice's commented, "the US would support nothing with India in the NSG that contradicts the Hyde Act," which further stimulated the Left's opposition to the deal.⁸⁰ Sounding a fresh warning, *Times of India* quoted Prakash Karat's view, in which he said, "the agreement would hinder our independent foreign policy and restrict strategic autonomy because in every stage of negotiation, the US has been dictating to India. It was evident in the Iran case." Further he mentioned, "the agreement will not solve our energy problems, as according to the calculations of the Government, even if we produce 40,000 MW of nuclear energy in the next 12 to 30 years, it will not constitute more than eight percent of our energy requirement."⁸¹

While giving a balanced view, *Indian Express* published an article on January 16, 2008, stated, that the American leadership was necessary but not sufficient political condition for ending India's nuclear isolation. The implementation of the nuclear agreement involves the endorsement of the 35 members of the Board of Governors of the IAEA and the 45 members of the NSG. Hence, to regain access to international

⁷⁸ K. Subrahmanyam, "If Iran Went Nuclear," *Indian Express*, October 05, 2005, available at <http://archive.indianexpress.com/oldStory/79396/>, accessed on November 30, 2014.

⁷⁹ "Withdrawal of Support: Text of Left Parties Statement," *The Hindu*, July 09, 2008, available at <http://www.thehindu.com/todays-paper/withdrawal-of-support-text-of-le>, accessed on July 10, 2012.

⁸⁰ "Rice Insists on Hyde Act for Accord with the NSG," *The Hindu*, February 15, 2008, available at <http://www.hindu.com/2008/02/15/stories/200821560281500.htm>, also see Rekha Chakravarthi, "Internal Roadblocks," in P.R. Chari, n. 20, pp.69-72

⁸¹ "Karat Gives Fresh Warning against Indo-US Nuke Deal," *Times of India*, July 5, 2008, available at <http://timesofindia.indiatimes.com/india/Karat-gives-fresh-warning-agai>, accessed on August 03, 2012.

nuclear energy markets, India needs the support of all major nuclear suppliers including the US, France, Russia, China and Canada. However, the civil nuclear initiative was never about being pro-US or anti-US and it was not a favour to any political party in India. It was about changing the nuclear regime in favour of India.⁸² Accordingly, on July 2, 2008, the National Security Advisory Board member Rajiv Kumar quoted in *Indian Express*:

The PM and his party colleagues explained economic and political benefits of the nuclear agreement to their coalition partners. So the partners realised that aborting the deal would have greater negative fallout than finalising it because oil price was increasing day by day and was seen as the most important cause for the inflation. However, the time had come for the PM to appeal directly to the people and explain how the nuclear agreement would contribute to building a stronger India.⁸³

The proposed agreement does not affect the average Indian directly because its complexities render it hard to explain. But in the week leading up to the trust vote, there were some contents mentions of the deal in major Indian newspapers. Because the agreement's significance had been lost on the general public and mainstream media concentrated on the new political alliance of the country. However, by July 2008, the deal had terminated to a technical foreign policy issue and acquired a complete political character. It was in this period that the media was most active, with key Indian negotiators and players frequently appearing on television and interacting with the press.⁸⁴ The period marked a dramatic break between the UPA-led Government and its allies, and the formation of a new politically expedient alliance with the Samajwadi Party in India. This political turn of events allowed for far greater coverage of the deal on different newspaper. In a major turn of events, realisation dawned on the Samajwadi Party that the nuclear agreement was in India's 'national interest' and it withdrew from the UNPA to give support to the UPA. They justified its support to the UPA after having been assured of the benefits of the deal by former President A.P.J. Abdul Kalam.⁸⁵ The

⁸² C. Raja Mohan, "The Nuclear Endgame," *Indian Express*, January 16, 2008, available at <http://www.indianexpress.com/news/the-nuclear-endgame/261728/0>, accessed on September 30, 2012.

⁸³ Rajiv Kumar, "Try Thinking Big," *Indian Express*, July 2, 2008.

⁸⁴ Aiyar, n. 20, pp.32-33

⁸⁵ "SP Finally Backs Nuclear Deal, Says it in National Interest," *Financial Express*, July 5, 2008, available at

New Indian Express published from Chennai wrote that while the Congress-Samajwadi Party agreement had, in substance, made the path of the nuclear deal smooth, it also led to a new political alignments in the country.⁸⁶

On 2 July, 2008, M. K. Narayanan, the National Security Adviser, met the Samajwadi party leaders, including Amar Singh, and explained why the Government should go ahead with the deal. But Singh asked him for a public explanation of the Government's stand. Within hours, the PM's media adviser issued a press release which reproduced the points made by Narayanan to Amar Singh. This was the first time that the Government was publically revealed any details of that agreement.⁸⁷ There was a speculation in the media about Amar Singh dealing with the Congress. A leading columnist of *Indian Express*, Ravesh Tiwari, in his article entitled "SP Deals Kalam Trump Card" in which he said, "the SP's Kalam announcement came after it got its allies in the UNPA to climb down from their strident opposition to the deal by saying they were ready for a national debate."⁸⁸ In a hard-hitting editorial of *Times of India* on July 3, 2008 stated, the Samajwadi Party, whose 39 MPs kept its cards close its chest said "communalism is bigger danger than the nuclear deal." All the leaders of the party grilled about on their stand there should be a national debate because it is not only an issue for the Government and Parliament but also an issue of whole country. Therefore, the PM should explain what the deal is?⁸⁹ Tiwari quoted Amar Singh views, in which he said, "according to Kalam advice, the deal was in the national interest of the country and it should be kept above political interests." On concerns over nuclear sovereignty, Kalam told to the Samajwadi Party:

If other neighbouring countries make nuclear weapons, we would not be bound to the extent that we cannot scrap the deal for the sake of the nation. We are nuclear weapon state and we don't need to behave like other country. Further

<http://www.financialexpress.com/news/SP-finally-backs-nuclear-deal-says-it-is-in-national-interest/331444/>

accessed on September 11, 2012.

⁸⁶ "Politics of a Deal," *Indian Express*, July 18, 2008.

⁸⁷ "NSA Meets SP Leaders, the PMO," (New Delhi), 2 July 2008, available at <http://pmindia.nic.in/pressrel.htm>, accessed on September 04, 2012.

⁸⁸ Ravish Tiwari, "SP deals Kalam Trump Card," *Indian Express*, July 3, 2008

⁸⁹ "Nuke Stalemate: SP Still Unclear on Support to the UPA," *Times of India*, July 03, 2008, available at <http://timesofindia.indiatimes.com/india/Nuke-stalemate-SP-still-unclea...>, accessed on September 03, 2012.

he said, the NSG is a group of 45 countries and till we develop thorium-based plants, any one of these particular countries can supply uranium to us.⁹⁰

Talking to journalists after meeting the Prime Minister, the SP leaders said, “they changed their position on the deal in view of the new facts presented by the Government. Their opposition to the 123 Agreement was based on the details provided by the Communist Party of India (Marxist) and newspaper reports.” On the change in their stand on the nuclear agreement after opposing it both inside and outside Parliament, Mr. Mulayam Singh said, “we had always maintained that we would reconsider our position if new facts were brought to light.”⁹¹ It was criticised by other political parties. While speaking to the press conference, L. K. Advani said, to save its tottering Government, Congress was compounded its opportunistic alliance with the SP. Recalling the history of bitterness in Congress-SP ties, further he said, the moral and political legitimacy of the nuclear deal got further eroded by what was talked about as the deal behind the deal between the two parties.⁹² There was a widespread suspicion and speculation that something scandalous has suddenly sweetened the relation between the two parties. CPI (M) stated that the main concern of Samajwadi Party was to counter BSP in Uttar Pradesh and the Congress also realised that it would be liquidated in UP if it fought alone. This mutual need led to the SP’s support to the nuclear deal and extend support to the Government and they work out seat sharing understanding in U.P.⁹³

Notwithstanding the controversial nuclear issue moved on religious line. This was marked by it being projected as an anti-Muslim deal. A survey conducted by an Urdu newspapers stated that 70 percent of the Indian Muslims were against the nuclear agreement. This feelings gained ground among Muslims following US stance towards Iraq and its support for Israeli occupation of Palestine.⁹⁴ But some Muslim MPs

⁹⁰ Ravish Tiwari, “SP Deals Kalam Trump Card,” *Indian Express*, July 3, 2008

⁹¹ “SP Favours Nuclear Deal,” *The Hindu*, July 2008, available at <http://www.thehindu.com/todays-paper/sp-favours-nuclear-deal/article...>, accessed on October 07, 2012.

⁹² Mohua Chatterjee, “BJP Says Government Lacks Numbers to Survive,” *Times of India*, July 09, 2008, available at <http://timesofindia.indiatimes.com/india/BJP-says-govt-lacks-numbers-t...>, accessed on January 25, 2013.

⁹³ “CPI (M): SP’s Volte-face on Nuclear Deal,” *The Hindu*, August 03, 2008, available at <http://www.thehindu.com/todays-paper/tp-national/cpim-sps-volte>, accessed on August 07, 2012.

⁹⁴ “Indian Muslims Oppose Indo-US Nuke Deal,” July 10, 2008, available at <http://muslimmedianetwork.com/mmn/?p=2485>, accessed on September 09, 2014.

criticised this argument and said, “the nuclear agreement was in no way against any particular community. Some parties were trying to bring division between Muslims and other communities on the issue.”⁹⁵

The matters surrounding the nuclear agreement continued to dominate the pages of newspapers. On the issue of Muslim opposition to the deal, well known writer and journalist Hasan Kamal, in his column in *Rashtriya Sahara* (July 12) said that Muslims were not against America or the Americans, for, otherwise they would not have craved for green cards and jobs in the US for their children. But they hate the US President George Bush.⁹⁶ It was during this period, Mr. Amar Singh in a press conference declared that forces were trying to communalise the deal and claiming that the Muslims were against it and questioned the integrity of the minority community. He added, “Muslims were Indians first and they would support anything that was good for India.”⁹⁷ Another views expressed by SP general Secretary and Rajya Sabha member Shahid Siddiqui in an interview to *Indian Express* said, “calling the nuclear deal anti-Muslim and communal was wrong, and those who were used these terms were themselves anti-Muslim. Indeed, Muslims were not against the deal but were opposing it because of their suspicion that the proposed agreement would lead the country into a strategic orbit of the US.”⁹⁸

Throughout this period *Indian Express* contacted several Muslim MLAs from the BSP and SP regarding this issue and found that opinion was clearly divided on political lines. The BSP MLAs preferred to go by what Mayawati said and evaded a direct answer and so did Muslim organisations backing the BSP. But SP MLAs, however, attacked Mayawati’s statement as being ‘communal’ underlined the fact that their key political objective was to defeat the BJP. No wonder then that Amar Singh, at

⁹⁵ “Lone MP of Majlis-e Ittehadul Muslimeen to Vote for UPA,” *Times of India*, July 20, 2008, available at <http://timesofindia.indiatimes.com/india/Lone-MP-of-Majlis-e-Ittehadu...>, accessed on January 25, 2013.

⁹⁶ “Politics of a Deal,” *The Indian Express*, July 18, 2008.

⁹⁷ “Samajwadi Party Declares Support to UPA,” *The Hindu*, July 09, 2008, available at <http://www.thehindu.com/todays-paper/samajwadi-party-declares-suppo>, accessed on September 26, 2012.

⁹⁸ “Whatever Behanji Said about Deal is Correct, Don’t Wish to Know Details,” *Indian Express*, July 03, 2008, available at <http://archive.indianexpress.com/news/whatever-behenji-said-about-deal-is-correct-don-t-wish-to-know-details.../330625/>, accessed on September 09, 2014.

every opportunity in the unfolding political drama, made it clear that the central focus was to keep the BJP out and the nuclear deal was a mere footnote in the script.⁹⁹ Finally, the newspaper highlighted that a poll was conducted over 18000 registered voters in 18 states by the Indian Express, CNN-IBN and CDS, showed that the division among Muslims on the deal approximated the divisions in the larger population-19 percent supported the nuclear agreement and 15 percent were opposed it. However, the survey found that no evidence to support the argument of a monolithic ‘Muslim opinion’ against the deal.¹⁰⁰

Apart from this issue, another argument raised by the opposition parties was about the safeguard agreement. The draft of India’s safeguard agreement with the IAEA, which caused so much heartburn in the BJP and Left, that they got together to try and bring down the Government. The linkage that the Left has established between the IAEA talks and operationalization of the civil nuclear initiative never accepted by the Government. As a founding member of the IAEA, India was consistently supported the proposition that international cooperation in civilian nuclear energy should not be misused for weapons purpose. As a consequence, the reactors that India built in collaboration with the US, Canada and Russia over the years were all under IAEA safeguards. India’s planned agreement with the IAEA was only an extension of this tradition and a consequence of the planned separation of the nation’s civilian and military nuclear facilities. Neither the separation nor the safeguards agreement with the IAEA will kick in until the international community lifts all restrictions on civilian nuclear cooperation with India, which have been in place for more than 30 years.¹⁰¹

Though the ruling Congress and its allies made a lot of efforts to persuade these parties, particularly Left Parties, but could not succeed. A total of eight meetings of the UPA-Left Committee, specifically constituted to discuss various aspects of the nuclear agreement but all in unsuccessful. However, the Government went ahead with negotiations with the IAEA to finalise the text of India-Specific Safeguard Agreement

⁹⁹Ibid

¹⁰⁰ Ibid

¹⁰¹ “Nuclear Nihilism,” *Indian Express*, November 15, 2007, available at <http://www.indianexpress.com/news/nuclear-nihilism/239173/0>, accessed on September 27, 2012.

and there were three round of talks so far. At the end of the talk, the Government, submitted the draft document to the UPA-Left Committee for authorisation. But the Left told the Government to stop negotiations with the IAEA because of the uncompromising attitude of the Government and asked the Government to prepare for early elections.¹⁰²

Speaking to *Times of India*, Prakash Karat said, “the Government refused to present the complete text of the pact, made it difficult for the UPA-Left committee to reach any conclusion. But Pranab Mukherjee went to the extent of stating that the matter was discussed and presented to the UPA-Left committee meeting on March 17, May 6 and June 25.” Further he added, “it was a privileged document held in confidence between the Government of India and the IAEA Secretariat. Therefore, he claimed that the full text could not be shared with third parties without going through procedures of the IAEA. When some members of the committee asked for the full text, he pointed out that they would have to join the Government in order to have access to it.”¹⁰³ To the embarrassment of the Government, the IAEA clarified that all such restrictions only apply to its staff and not to sovereign states. The third parties referred to by Mukherjee could only be a reference to other states that were members of the IAEA but were not parties to the agreement.¹⁰⁴

Reminding the Tarapur case, Left parties said, “in the case of nuclear agreement, the IAEA safeguards would continue even in such scenarios, since they were applicable in perpetuity to the entire civil nuclear energy sector. Therefore, the question was how the IAEA safeguards agreement provides for fuel supply assurances in the case of India claimed in the 123 agreement.”¹⁰⁵ Nonetheless, the BJP leaders Yashwant Sinha and Arun Shourie in a joint statement at a press conference said, “the draft safeguards agreement with the IAEA made a mockery of the assurance that PM had given to the

¹⁰² Reshmi Kazi, “The Process of Negotiation,” in P. R. Chari, n. 20, p.95

¹⁰³ “Pranab Replies to Left: We Can’t Share Text of N-safeguard,” *Times of India*, July 08, 2008, available at <http://timesofindia.indiatimes.com/home/specials/Pranab-replies-to-Le...>, accessed on September 22, 2012.

¹⁰⁴ David Temple, “The internal Political Dynamics Influencing US Congressional Approval of the Nuclear Deal,” in P. R. Chari, n. 20, p.42

¹⁰⁵ “Left slams Government for Veil of Secrecy on Safeguards Pact,” *Times of India*, July 9, 2008, available at <http://timesofindia.indiatimes.com/india/Left-slams-govt-for-veil-of-sec>, accessed on September 22, 2012.

Parliament. They stated that while the five nuclear weapon states (US, Russia, Britain, France and China) accepted only voluntary, revocable inspections and had the sovereign right to terminate their agreement, but the safeguards applicable to India would be perpetual, legally irrevocable obligations which India cannot suspend or end, even if the supplier-states cut off supply of fuel and replacement parts.”¹⁰⁶

In the meanwhile *The Hindu* quoted the three of the country’s top nuclear scientist’s views, P.K. Iyengar, A.N. Prasad and A. Gopalakrishnan, in which they said:

Once the nuclear deal was in place, India’s commercial nuclear interaction with other countries would be firmly controlled by US through the Hyde Act. Therefore, the proposed agreement would not be governed by the bilateral 123 agreement because it was anchored in US domestic laws, including the Hyde Act. They also drew attention to the fact that the Hyde act prohibits the US administration from directly or indirectly assisting India with lifetime fuel supplies after suspension of the deal.¹⁰⁷

Similarly, Prakash Karat in a press conference said:

It was betrayal of India’s vital interests. There was no guarantee of fuel supply and no assurance of building a strategic fuel reserve for the life-time of the reactor. And whatever the corrective measures India engaged regarding the fuel supply did not permit taking the reactors out of safeguard and US would also work to prevent other countries from providing nuclear supplies to India, if the US terminates the agreement. Moreover, India would be paying about \$ 70 billion to import the reactors, which was about seven to eight times higher than the capital cost for setting up a thermal power plant.¹⁰⁸

Therefore, “the Government owes a clarification to the Parliament and the public about how they intend to avoid the consequential huge economic loss from the non-proliferation of these extremely costly imported reactors, as a result of fuel denial.”¹⁰⁹ Consequently, the political developments over the nuclear agreement with the US reached a crescendo in the Parliament, with four Left parties announced withdrawal of

¹⁰⁶ “BJP: It’s Mockery of Manmohan’s Assurances,” *The Hindu*, July 15, 2008, available at <http://www.thehindu.com/todays-paper/tp-national/bjp-its-a-mock>, accessed on September 21, 2012.

¹⁰⁷ “Three top Nuclear Scientists Caution on Deal,” *The Hindu*, July 19, 2008, available at <http://www.thehindu.com/todays-paper/three-top-scientists-caution-on-deal/article1299666.ece>, accessed on September 17, 2012.

¹⁰⁸ “Complete Surrender: CPI (M),” *The Hindu*, October 03, 2008, available at <http://www.thehindu.com/todays-paper/complete-surrender-cpim/articl...>, accessed on September 17, 2012.

¹⁰⁹ “Three top Scientists Caution on Deal,” *The Hindu*, July 19, 2008

support to the UPA over its move to go to the IAEA Board of Governors to seal the safeguard accord.¹¹⁰

Describing the nuclear agreement as fundamental to India's energy problems, *Times of India* on 16 July 2008, quoted Congress leaders views by stating that the reason behind the negative attitude of the Left parties against the nuclear agreement was highly on ideological or political in nature. But every young person in the country who was bound to support the deal, as the deal would make India a global player. However, it was going to change the future face of the country.¹¹¹ While giving a contradictory view on this, V .R. Krishna Iyer in his article in *The Hindu* entitled, "A Betrayal of India's Constitutional Vision," in which he said, "Bush's stubborn hegemonistic strategy promoting US big business investment became India's national policy and it was virtually a reversal of the non-alignment principles."¹¹²

Another argument was expressed by Mayawathi:

Even though the DAE-led negotiating team finally produced a safeguards text that provides a framework to address India's concerns, the Government was unable to win the battle for public opinion. The safeguards agreement made it clear that there was no auto-pilot since the first Indian reactor would be subject to IAEA scrutiny only after separate fuel supply arrangements were tied up after the 123 was ratified by the US Congress. However, precisely because there were misgivings in both countries as well as differences in interpretation about several clauses in the 123 Agreement. Therefore, it was best if the decision on operationalizing that agreement were made after elections were held in both the countries.¹¹³ So, the Indian Governments failed to persuade the opposition parties and led to a Left Parties withdrawal of support from the UPA Government.

¹¹⁰ Vinay Kumar, "Left Parties Withdraw Support," *The Hindu*, July 09, 2008, available at <http://www.thehindu.com/todays-paper/left-parties-withdraw-support/ar...>, accessed on October 07, 2012.

¹¹¹ "Rahul Supports PM 100 Per cent on N-deal," *Times of India*, July 16, 2008, available at <http://timesofindia.indiatimes.com/india/Rahul-supports-PM-100-per-ce...>, accessed on August 14, 2012.

¹¹² "A Betrayal of India's Constitutional Vision," *The Hindu*, July 17, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/a-betrayal-of-indias...>, accessed on October 09, 2012.

¹¹³ Siddharth Varadajan, "An Endgame with no Clear Winners Reality Check," *The Hindu*, July 21, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/an-endgame-with>, accessed on October 10, 2012.

It was delightful to read the newspapers on the proceedings of the Lok Sabha, convened to vote on the confidence motion moved by PM. The tug of war between the political parties to win or defeat the confidence vote exposed the mockery in Indian politics.¹¹⁴ During this period, the focus of the media on man-to-man that marked the current turn in our politics. Nuclear power for environmentally sustainable growth was necessary for India but for the Left parties, accepting a strategic alliance with the US marked to withdraw support from the UPA Government because the agreement would compromise our military capability and worsen our relations with neighbours.¹¹⁵ However, the lack of political consensus, more so a complete breakdown of consensual politics over the nuclear agreement was the biggest roadblock that stood in the face of implementing the civilian nuclear cooperation with the US. Finally, it placed greater reliance on the numbers game in Parliament.

Scientists hold conflicting views on the subject while many of our MPs did not understand the agreement because it was highly on technical issue. Yet, the issue drove the UPA Government to seek trust vote and it won in the Parliament. But the 275-256 win of the trust vote turned out to be a double-edged sword-with dramatic allegations of bribes-for-votes and live television images of wads of cash ambushing the debate on the nuclear agreement as it neared end.¹¹⁶ After this, *The Hindu* quoted the opinion of public and stated that Parliament had lost its credibility and sanctity. The most terrible spectre was that of BJP MPs waving bundles of rupees claiming they were offered money to refrain from voting.¹¹⁷ In an article in *Indian Express* entitled, 'Before Came the Note, Then it Became a Footnote,' in which stated, "three BJP MPs shocked the nation by tabling Rs one crore in the Lok Sabha before trust vote, alleging they were being bribed by Samajwadi party MP Reoti Raman Singh and party general secretary Amar Singh to abstain from voting"¹¹⁸ Though this incident led to pandemonium in the

¹¹⁴ "Trust Vote," *The Hindu*, July 23, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/trust-vote/article131>, accessed on October 10, 2012.

¹¹⁵ Amitabh Mukhopadhyay, "The Clinching Vote," *Indian Express*, July 19, 2008.

¹¹⁶ "After the Vote," *The Hindu*, July 24, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/after-the-vote/articl>, accessed on October 10, 2012.

¹¹⁷ "It was no Victory," *The Hindu*, July 24, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/it-was-no-victory/art>, accessed on October 10, 2012.

¹¹⁸ "Before Came the Note, then it Became a Footnote," *Indian Express*,

House leading to members rushing to the well of the House and disrupted proceedings.¹¹⁹

The television channel found itself an unwilling partner in conducting a sting operation into the scam. None of this had anything to do with the nuclear deal, but it brought the story into every household in India. Its 19-votes victory margin was a function of various inspiring factors, including the effects of delimitation of Lok Sabha constituencies. It made up for the considerable erosion in the strength of the Samajwadi Party, its life-saving ally and the fourth-largest grouping in the Lok Sabha.¹²⁰ After the trust vote, Advani said, “the Government scored the numerical victory but lost on moral grounds. Thus UPA victory only validated the theory that money power was used to secure votes.”¹²¹ However, on July 22, yet another reprehensible chapter was added to the history of parliament, when some lawmakers made a mockery of our most highly regarded institution.¹²²

The Third Phase: Actual Passage through the IAEA, the NSG and the US Congress

After winning of the domestic front, the next important step for the Government of India was to negotiate with the IAEA on specific nuclear safeguard agreement and get waiver from the NSG, before presenting it to the US Congress for final approval. The press in India covered this stage much like a race to the finish line.¹²³ Indian Express quote, “since India is not a non-nuclear weapon state under the Nuclear Non-Proliferation Treaty, the IAEA would have to figure out a unique India-specific safeguard arrangement.”¹²⁴ Among the 35 members of the IAEA Board, 26 were NSG countries, but the remaining NSG countries also invited for the special briefing,

¹¹⁹Cash-for-vote: BJP MPs allege bribe by SP, *Times of India*, July 22, 2008, available at <http://timesofindia.indiatimes.com/india/Cash-for-vote-BJP-MPs-allege-bribe-by-SP/articleshow/3264707.cms?referral=PM>, accessed on August 14, 2012.

¹²⁰ “After the Vote,” *The Hindu*, n, 118

¹²¹ “Numerical, Not Moral Win for UPA: Advani,” *Times of India*, July 22, 2008.

¹²²It was no Victory, *The Hindu*, n. 119

¹²³ Aiyar, n. 20, p. 33

¹²⁴ C. Raja Mohan, “Three Meat Grinders for N-Deal: US Congress, NSG and IAEA,” *Indian Express*, April 06, 2006, available at <http://www.indianexpress.com/news/three-meat-grinders-for-ndeal-us->, accessed on September 27, 2012.

considering that the India has to seek a waiver from the 45 nation grouping after the approval of the IAEA Board.¹²⁵

The Left parties stated, “neither the 123 agreement provide any fuel supply guarantee nor can the IAEA ensure uninterrupted fuel supply since it was only a monitoring agency.” Quoting the introductory statement of the IAEA Director-General Mohamed ElBaradei, “the termination provisions contained in the agreement were the same as for other 66-type agreements, it said, the safeguards agreement can only be terminated under the standard termination conditions contained in Articles 29 and 32 of the agreement. It implied that, nuclear facilities can be withdrawn from safeguards only after these facilities are no longer usable for any nuclear activity.”¹²⁶ While speaking to the *Indian Express* L.K. Advani said, “we were not against a very close relationship with America and our concern was that this particular agreement made us a subservient partner. Further, the agreement would never consider India as a nuclear weapon state because the draft agreement sent to the IAEA was on the basis of a chapter which relates to the non-nuclear weapon states. And also, the Constitution of India did not provide that an international agreement should be approved by the Parliament. But after this experience with the nuclear agreement, the Constitution should be amended so that in certain cases relating to security and integrity of the country, the Parliament’s approval must be sought before entering into an agreement.”¹²⁷

As India debated whether the safeguard agreement with the IAEA was in the interest of the country or not, a careful reading of the draft agreement reveals a number of provisions which were designed specifically to address India’s strategic concerns. Amitabh Sinha a noted columnist published an article in *Indian Express* said, “the draft agreement would give a special status on India. He quoted that Paragraph 5 of the draft agreement stated that the safeguards agreement would be implemented in a manner designed to avoid hampering India’s economic or technological development and not

¹²⁵ “India to Brief IAEA Board, NSG Nations,” *Economic Times*, July 16, 2008, available at http://articles.economictimes.indiatimes.com/2008-07-16/news/27705935_1_iaea-board-safeguards-agreement-nsg-nations, accessed on May 11, 2015.

¹²⁶ “Hyde Act will Determine Path of Deal: CPI (M),” *The Hindu*, August 03, 2008, available at <http://www.thehindu.com/todays-paper/hyde-act-will-determine-path-o>, accessed on August 07, 2012

¹²⁷ L. K. Advani, “Agreement between Two Individual,” *Indian Express*, July 24, 2008.

to hinder or otherwise interfere with any activities involving the use by India nuclear material, non-nuclear material, equipment, information technology produced, acquired or developed by India independent of this agreement for its own purposes.”¹²⁸

Additionally, paragraph 79 to 84 deals with India’s reprocessing rights, a provision that was absent from every other safeguard agreement that the IAEA had with other countries. And it also stated, “in case of reprocessing plants, having both safeguarded as well as unsafeguarded nuclear material, IAEA should restrict its safeguards procedure to the area in which irradiated fuel was stored. As a result, this non-hindrance clause was to ensure that India’s weapon programme was completely unaffected by this agreement.”¹²⁹ Besides, this also allowed India to build a strategic fuel reserve for the lifetime supply of fuel to its reactors.¹³⁰ Therefore, the proposed agreement was an opportunity for India to enhance its relation with international community in general and US in particular.

The Fast Breeder Controversy

It was during this period most of the newspapers were focussed on the issue of fast breeder controversy. The critics argued that the IAEA safeguards regime allow the protection of intellectual property rights. G. Balachandran, among the few in India with detailed knowledge of the IAEA safeguard procedure said, “this was, not surprisingly, the subject of intense discussion in the US at the time of its safeguards agreement with IAEA. There is an Article 5 of the IAEA statute, which requires the agency to take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge. Such information is subject to special handling procedures which limit access on a strict need to know basis. At the time of appointment, agency personnel sign a document, obligating them not to disclose any

¹²⁸ Amitabh Sinha, “IAEA Safeguard Agreement takes care of India’s Strategic Interests,” *Indian Express*, July 11, 2008, available at <http://archive.indianexpress.com/news/iaea-safeguards-agreement-takes-care-of-india-s-strategic-interests/334549/v>, accessed on August 18, 2014.

¹²⁹Ibid

¹³⁰ Pranab Dhal Samantha, “IAEA Calls Board for India Pact on Aug 1, Delhi Plans to Brief Friday,” *Indian Express*, July 15, 2008.

confidential or propriety information.”¹³¹ Further he stated, “it is open to the Government of India to appoint a neutral agency, in this case perhaps the Atomic Energy Regulatory Authority, which will be the agency to supply the IAEA the information, it may seek in respect of any installation for implementing its safeguards procedures and practices. The bottom line is, the IAEA would require, and be provided, information only where such information is necessary for it to make its determinations on its safeguards on the facility concerned. Therefore with proper regulatory practices by Atomic Energy Regulatory Board (AERB), the Government can ensure that DAE’s proprietary and intellectual property rights are well protected. Therefore, unless national security reasons in respect of India’s strategic programme can be cited there is no justification for excluding the Fast Breeder Reactors from facilities eligible for IAEA safeguards.”¹³²

In an exclusive interview to the *Indian Express*, Anil Kakodkar, who was also Secretary, Department of Atomic Energy, told that as per this agreement, “India has the right to decide what goes on which list, civilian or military. Both, from the point of view of maintaining long term energy security and for maintaining the minimum credible deterrent (as defined by the nuclear doctrine) the Fast Breeder programme just cannot be put on the civilian list. This would amount to getting shackled and India certainly cannot compromise one for the other.”¹³³

In article entitled, “Second Tryst with Destiny,” by K Subrahmanyam in *Times of India* stated:

The new safeguards agreement and protocol would address all our concerns on research and development of fast breeders. The world, concerned about energy shortage, has no incentive to hamper our research and development of fast breeders and thorium-based energy economy. Do those who oppose the deal have any alternative? Some would argue that our continued struggle will some years hence give us 100 per cent results. The opportunity cost, in terms of money and time, in this case will be huge. But by accepting the deal, India can

¹³¹ G. Balachandran, “Separation is Not Rocket Science,” *Indian Express*, January 27, 2006, available at <http://archive.indianexpress.com/oldStory/86661/>, accessed on November 30, 2014.

¹³² Ibid

¹³³ Pallava Bagla, “US Shifting Goalpost on N-deal: Atomic Energy Chief,” *Indian Express*, February 06, 2006, available at <http://archive.indianexpress.com/oldStory/87388/>, accessed on November 30, 2014.

accelerate its arsenal building and achieve its credible minimum nuclear deterrent earlier than envisaged. The choice before our nuclear establishment was stark and unenviable. Do they accept this deal which was not 100 per cent satisfactory, join the international mainstream, break the shackles of technology denial, and accelerate the advancement of nuclear power in this country? Or would they prefer to cocoon themselves from the world, to keep a couple of fast breeders out of the imagined threats of a safeguards regime, not yet negotiated? It was also not an issue restricted to atomic energy. The technology denial regime has affected our technology across the board. Therefore, a cost and benefit analysis on our rejection of this deal must take into account the total costs and benefits to the country.¹³⁴

The Hindu quoted, “in an indication of how significant the decision is for the arcane and often opaque world of nuclear politics, virtually every one of the 35 countries which make up IAEA’s apex body took the floor to make statements either endorsing India’s case or, in the case of the majority, expressing reservations and qualifications of one kind or another. Out of that the three countries—Austria, Ireland and Switzerland could barely disguise their unhappiness.” But finally, the hard sell indulged in by the US and India—and the strong backing the agreement received from IAEA ensured that the text sailed through without vote. Some members of the Board especially Ireland, Austria, Japan and even Brazil pointedly declared that their going along with the consensus at the IAEA did not mean they would sit quiet when the 45-nation nuclear cartel discusses India’s case. New Zealand, which spoke as an observer said, it did not wish to say much about the safeguard agreement since it was not a member of the Board. But it said it would make its stand on India clear at the NSG.¹³⁵

There was a full endorsement from countries like UK, Canada, France, Russia, etc. supported the nuclear agreement. But the surprise came from Iran. Even though it was not a board member, it took special permission to speak and expressed serious concern about US double standards and said that the agreement was only a ‘precedent’ for legitimising Israel’s ‘clandestine nuclear programme.’¹³⁶ In a meeting and

¹³⁴ K Subrahmanyam, “Second Tryst With Destiny,” *Times of India* (New Delhi) January 30, 2006, available at <http://timesofindia.indiatimes.com/home/edit-page/Second-tryst-with-destiny/articleshow/1391399.cms>, accessed on November 30, 2014

¹³⁵ Siddarth Varadarajan, “IAEA Board Approves India Safeguards Agreement,” *The Hindu*, August 02, 2008, available at <http://www.thehindu.com/todays-paper/iaea-board-approves-india-safe>, accessed on October 10, 2012.

¹³⁶ “Deal Sails through IAEA, Brace from Some NSG,” *Indian Express*, August 02, 2008, available at <http://www.indianexpress.com/news/deal-sails-through-iaea-braces-for>, accessed on October 10, 2012.

interviews with several members of the Board, Mexico, as one the earliest supporter of the NPT was prepared to go on record about their reservations. They preferred that India should come inside the NPT rather than outside.¹³⁷ Finally, under pressure from both Washington and New Delhi, all 35 members of the agency's apex body agreed to approve the draft by consensus. With this, India was closer to securing nuclear fuel for its reactors and dismantling the technology denial regime against it. The approval was announced by IAEA's director general, Mohamed ElBaradei, after a long debate marked by discordant notes struck by some members that made an unlikely combination. For example Iran at one end and countries like Switzerland, Norway and Ireland, which are hypersensitive to proliferation, on the other.¹³⁸

Nevertheless, many sought to place on record their own partial understanding of the agreement, making interpretative statements in an effort to dilute or negate the meaning of provisions they were not entirely happy with. It was therefore, not just politeness or the expression of gratitude alone that led India to read out a statement immediately after the IAEA approved the draft. While expressing their willingness to back the safeguards agreement, many Board members said, they want India to become a party to the NPT and CTBT. Linked to this was the reservation entered by Russia that the agreement does not contain clauses, which could be interpreted as recognition of India as a nuclear weapon state in the sense of NPT. The Russian statement was gratuitous since the agreement took note of India possessing a nuclear weapon programme but did not seek to confer any status on the country. Thus, India's response to these reservations was to reiterate its long-standing opposition to the NPT and we will follow our principle of universal disarmament.¹³⁹

¹³⁷ Siddarth Vradarajan, "IAEA to Back India, but With Mixed Feelings," *The Hindu*, August 01, 2008, available at <http://www.thehindu.com/todays-paper/iaea-to-back-india-but-with-mi>, accessed on October 10, 2012.

¹³⁸ "IAEA Green Signal for Nuke Deal," *Times of India*, August 01, 2008, available at <http://timesofindia.indiatimes.com/india/IAEA-green-signal-for-nuke-deal/articleshow/3315538.cms>, accessed on January 25, 2013

¹³⁹ "India, the IAEA and the Art of Reservation," *The Hindu*, August 07, 2008, available at <http://www.thehindu.com/todays-paper/tp-opinion/india-the-iaea-and-th>, accessed on October 10, 2012.

In a statement to the IAEA Board of Governors right after the Indian safeguard agreement was approved, Anil Kakodkar, a key player in the torturous negotiations with IAEA, pledged India's support to the further strengthening of the IAEA's role "in promoting international cooperation and the peaceful use of nuclear energy." Further he said, "the significant thing was that the safeguard agreement was adopted by consensus and he stressed the positive impact of nuclear energy, which was recognised today as a clean environment-friendly source of energy that could meet the twin challenges of sustainability and climate change, was indispensable to addressing our common energy future."¹⁴⁰ Further he mentioned, "the safeguard would apply only to atomic facilities declared voluntarily as civilian. He explained that in future if Indian material was used in a nuclear facility it would be the Government's decision to declare to take it out of the safeguard regime or not. And also it would be an autonomous Indian decision as to what would be civilian or military. Therefore, India's autonomous nuclear programme would be free from the safeguards coverage."¹⁴¹

Thus, the safeguard agreement pushes the Indo-US nuclear agreement one step closer towards the finishing line. *Times of India* illustrated, "anyhow the agreement with the IAEA was a pre-condition for the implementation of the nuclear agreement and allowed the 45 member NSG to supply material and technology for India's ambitious nuclear power programme."¹⁴² For the first time, an international body, in this case the UN nuclear watchdog, acknowledged India's nuclear weapon programme. However, despite all these hectic, another bigger hurdle is up next-the 45 member Nuclear Suppliers Group, which was a major diplomatic challenge for both New Delhi and Washington¹⁴³ because some NSG members already raised some serious doubts about the agreement in the IAEA board meeting. So the question was how the NSG would

¹⁴⁰ Siddarth Vardarajan, "India Pledges Support to IAEA," *The Hindu*, August 02, 2008, available at, <http://www.thehindu.com/todays-paper/india-pledges-support-to-iaea/ar>, accessed on October 10, 2012.

¹⁴¹ Srinivasan Laxman, "Nuclear Weaponisation out of IAEA Purview: Kakodkar," *Times of India*, July 11, 2008, available at <http://timesofindia.indiatimes.com/india/Nuclear-weaponisation-out-of>, accessed on September 22, 2012.

¹⁴² "India Signs Safeguards Pact with IAEA," *Times of India*, February 02, 2009.

¹⁴³ Pranab Dhal Samanta, "Deal sails through IAEA, Braces for some NSG Rough Weather," *The Indian Express*, August 02, 2008, available at <http://www.indianexpress.com/news/deal-sails-through-iaea-braces-for>, accessed on September 30, 2012.

look at the deal, since the NSG approval was a very important step in India's own interest.¹⁴⁴ The newspaper's editorial assessment of the key provisions of the 123 agreement was, "they do provide adequate protection for both fuel supply to the nuclear power reactors and for the strategic programme. However, some uncertainties and challenges lie ahead, especially in relation to how the NSG would respond when it was asked to change its guidelines to accommodate India to India's satisfaction."¹⁴⁵

The most controversial aspect in the third phase was the release of a letter written by the late Tom Lantos to the State Department and the Department's reply to him. This was released on the eve of the NSG's meeting to approve of change in its global guidelines for nuclear commerce in favour of India.¹⁴⁶ The letter in effect controverted all the crucial assurances in the 123 Agreement that India had negotiated. The State Department claimed, "the assurances of fuel supply in the 123 agreement were not legally binding. They were earnest Presidential commitments the administration intends to uphold."¹⁴⁷ Rather than analyse the letter and its contents, the media in India was happy to repeatedly ask when the nuclear agreement was going to be signed. Equally, politicians rushed to come on television to repeat US Ambassador to India, David Mulford's formulation that, 'there was nothing new conditions in this letter and no data...which was not shared in an open and transparent way with the members of Congress and with the Government of India.' An interesting thing was that, New Delhi refused to comment on the correspondence and said it would be guided by the agreement between US and India. On testing, the MEA said, "our position was well known. We have a unilateral moratorium on testing and this was reflected in the India-US Joint Statement of July 18, 2005."¹⁴⁸

¹⁴⁴ Amitav Mallik, "Nuke Numbers: Deal Adds Up," *Indian Express*, August 17, 2006, available at <http://www.indianexpress.com/news/nuke-numbers-deal-adds-up>, September 28, 2012.

¹⁴⁵ N Ram, "The Nuclear Deal: Key Issues and Political Circumstances," *The Hindu*, August 22, 2007, available at <http://www.hindu.com/2007/08/22/stories/2007082254341100.htm>, accessed on August 18, 2012.

¹⁴⁶ "Reply to Tom Lantos, letter of October 2007 Made Public, September 2008, available at <http://www.hindu.com/nic/ag123-us-reply.pdf>, accessed on September 04, 2012.

¹⁴⁷ Ibid.

¹⁴⁸ "To Stir NSG Pot, key US N-deal Critic Reveals Tough Line Already Known," *Indian Express*, September 04, 2008, Available at <http://www.indianexpress.com/news/to-stir-nsg-pot-key-us-ndeal-critic>, accessed on September 17, 2012.

Then, the opposition parties opined that the content of the letter showed that the Government was deceiving the country.¹⁴⁹ Not only the politicians but also the editors of newspapers and commentators were on air instantly dismissing the report. It was evident that they had not read the contents of the letter that answered 45 detailed questions posed by the legislators. The exception was Anil Kakodkar in an interview to NDTV said, he was aware of the existence of this letter, but not contents. He stated that “a quick reading tells me that it actually does not take away anything that we have been saying and we need to study this in detail.”¹⁵⁰

The key issue for NSG members was that many of them have stringent domestic laws on non-proliferation and any such exemption would have to be debated internally. There was strange irony in the fact that the NSG was set up in 1975, to implement sanctions on nuclear commerce with India, as a reaction to India’s nuclear explosion in 1974. Quite naturally, the issue of India conducting more nuclear tests was one of the focal points of discussion in the NSG meeting. This was reflected in the debate in the IAEA Board of Governors on August 01. At that time, a number of countries, even among those that supported the India-Specific safeguard agreement, called for India to adhere to the CTBT. Furthermore, Anil Kakodkar stated:

India has nuclear weapons, therefore, it has the option to walk out of the entire exercise because the NSG guidelines were for non-nuclear weapons states; India has nuclear weapons and was not in violation of any laws or obligations as it was not a member of the NPT. However, he said, India retained the option to walk out of the entire exercise, if unwelcome conditions were attached to the NSG decisions.¹⁵¹

Taking as a conciliatory view, the UPA Government in the press conference said, “the NSG draft, which circulated to member countries by the US, did not mention that India was bound to sign either the CTBT or NPT. According to the draft,

¹⁴⁹ “India Pushes for US nuclear Deal,” *BBC News*, September 05, 2008, available at http://news.bbc.co.uk/1/hi/ukfs_news/mobile/newsid_7590000/newsid_7597300/7597310.stm, accessed on October 07, 2012.

¹⁵⁰ NDTV, September 04, 2008 (Vienna), available at <http://www.ndtv.com/convergence/ndtv/story.aspx?id=NEWEN20080064120>, accessed on October 07, 2012. Also see at Aiyar, n. 20, p.45

¹⁵¹ “Nuclear Soothsayers’ Group,” *Indian Express*, August 07, 2008, available at <http://www.indianexpress.com/news/nuclear-soothsayers--group/345630/0>, accessed on October 06, 2012.

the 45 member countries has taken note of steps that, India has taken voluntarily as a contributing partner in the non-proliferation regime and they welcome India's efforts with respect to the non-proliferation commitments and actions."¹⁵²

It needs to be noted that the NSG only issue guidelines. Each participating state would decide, on the basis of its own export control laws, how it should implement the guidelines. To that extent, even if there was clean waiver, India would have to negotiate with supplier countries on an individual basis, before commercial contracts could be signed for the import of reactors, technology or fuel. Therefore, the choice before the NSG should be clear; if the waiver was not acceptable to India, it would be free to go its own way but this would surely not be in the interest of the global non-proliferation regime. On the other hand, a clean waiver would make India a powerful partner in the struggle against proliferation and the efforts towards nuclear disarmament.¹⁵³

During this period, one of the issue raised by the Left parties, that, a related to a letter to Condoleezza Rice by Howard Berman, Chairman of the House Foreign Affairs Committee said, "the deal should be shelved till January next, as there was not enough time for Congress to study it by September 8 when it is scheduled to meet next." Further he said, "I am a friend of India and a supporter of US-India nuclear cooperation. Yet I find it incomprehensible that the administration apparently intends to seek or accept an exemption from the NSG guidelines for India with few or none of the conditions contained in the Hyde Act. An exemption inconsistent with the US law will place American firms at a severe competitive disadvantage and undermine critical US non-proliferation objectives. It will also jeopardise congressional support for nuclear cooperation with India in future."¹⁵⁴

After the first days of the intense deliberations at the NSG meeting the Government told to the press "it was a tough game but expressed optimism about

¹⁵²"NSG draft doesn't make NPT, CTBT binding on India", *Indian Express*, August 15, 2008, available at <http://www.indianexpress.com/news/nsg-draft-doesn-t-make-npt-ctbt-bi>, accessed on October 06, 2012

¹⁵³ "Nuclear Soothsayers' Group," *Indian Express*, August 07, 2008.

¹⁵⁴ "Key Democrat threatens to block India-U.S. nuclear deal", *The Hindu*, August 08, 2008, available at <http://www.thehindu.com/todays-paper/key-democrat-threatens-to-block>, accessed on October 06, 2012

getting the exemption. During the meeting, the representatives of Austria, New Zealand and Switzerland questioned why India should be granted the waiver as they raised issues related to Non-Proliferation Treaty and testing?”¹⁵⁵ They asked for full scope safeguard from India. *The Hindu* highlighted the views of NSG diplomats by stated, “*We don’t want to scuttle deal on 23 August 2008. The question of enrichment and reprocessing technology and equipment was proving contentious, especially given the NSG’s failure to reach agreement among themselves about a general tightening of export rules. And also some countries suggested that there was a kind of monitoring mechanism to assess the extent to which India is abiding by its non-proliferation commitments. But other countries favoured making their own national assessments on this question, rather than being tied down to an NSG-wide perception on Indian compliance.*”¹⁵⁶

Even though, the US efforts to settle consensus at NSG meeting on the waiver dragged proceedings well, but finally stumbled on the testing issue. Many members of the groups, which seeks to prevent the spread of proliferation-prone nuclear fuel and technology, welcomed an Indian pledged rejecting any nuclear arms race and confirming a voluntary moratorium on tests. But some in the nuclear club felt that the commitment was not sufficiently binding on New Delhi. They demanded an automatic cessation of the waiver if India tested another bomb.¹⁵⁷ The diplomats said, “the important thing we needs to be looked as is how to deal with the new situation which would be created were India to test again.” Some countries wanted the NSG waiver to terminate nuclear cooperation immediately, while others wanted a more explicit consultation process going beyond that which was already envisaged in the guidelines.¹⁵⁸

¹⁵⁵ “NSG Meet: India Allays Fears as Nations Raise Questions,” *The Times of India*, August 21, 2008.

¹⁵⁶ “Conditions Mooted for Indian Nuclear Waiver,” *The Hindu*, August 23, 2008, available at <http://www.thehindu.com/todays-paper/conditions-mooted-for-indian-n>, accessed on October 10, 2012.

¹⁵⁷ “Nuclear Suppliers hold up US-India Deal: Diplomats,” *Indian Express*, September 05, 2008, available at <http://www.indianexpress.com/news/nuclear-suppliers-hold-up-usindia>, accessed on August 26, 2012.

¹⁵⁸ “Conditions Mooted for Indian Nuclear Waiver,” *The Hindu*, August 23, 2008.

Indian Express quoted, “at last the India-specific waiver draft was changed after demands made by a number of NSG countries to address non-proliferation concerns. The revised draft provides for the NSG chair to confer and consult with India and keep the plenary informed of these consultations with a view to intensifying dialogue and partnership with New Delhi. It also envisages notification by each member country to inform the others about the approved transfer of nuclear fuel and technologies to India.”¹⁵⁹

BBC’s diplomatic correspondent Jonathan Marcus said, “the nuclear agreement was the centrepiece of US efforts to bolster ties with India, but the agreement looks to be deep trouble.” The Report stated that some members of the NSG meeting in Vienna expressed concern that the latest revisions were cosmetic and did clarify whether the nuclear agreement would enable India to stop production and testing of nuclear weapons. BBC has given contradictory view regarding this matter by stating that, an unnamed diplomat was quoted by the Reuters news agency as saying that the ‘outlook for consensus is dim because India and US won’t accept any reference in the waiver text to automatic cessation of trade in case India tests another nuclear weapon.’ But report in the Washington Post newspaper said that the Bush administration had told the US Congress in a ‘secret’ letter that the US had the right to stop nuclear trade with India should the latter conduct a nuclear test.¹⁶⁰ Therefore,” if the US administration wants to seek special procedure to quicken Congressional consideration of the accord. It should show how the NSG decision is consistent with the Hyde Act, including which technology can be sent to India and what impact a nuclear test by New Delhi would have.”¹⁶¹

¹⁵⁹ “Revised N-draft Specifies Regular Talks among NSG Members,” *The Indian Express*, September 04, 2008, available at <http://www.indianexpress.com/news/revised-ndraft-specifies-regular-ta>, accessed on October 06, 2012

¹⁶⁰ “India Pushes for US nuclear Deal,” *BBC News*, September 05, 2008, available at http://news.bbc.co.uk/nol/ukfs_news/mobile/newsid_7590000/newsid_7597300/7597310.stm, accessed on September 18, 2013.

¹⁶¹ “Convince Congress on Need to Quicken Deal Clearance: Berman,” *The India n Express*, September 08, 2008, available at <http://www.indianexpress.com/news/convince-congress-on-need-to-qui>, accessed on October 06, 2012

Despite the hugely divisive debate on the nuclear agreement in India, the fact is that no one opposed the idea of civil nuclear cooperation with the US. Prakash Karat, the General Secretary of the Communist Party of India (Marxist), said, “his party was not against civil nuclear cooperation with any country, including the US but it should be a balanced and equitable one and any agreement should not hamper the country’s civilian nuclear research programme.”¹⁶² He added that “our problem is with the nuclear agreement as an American passport to which all future administrations would be bound. We should have tried for multilateral efforts with Russia, France and others.”¹⁶³

The NSG waiver for India involved three days of tough negotiations with both the proponent and skeptic countries sticking to their positions. Not surprisingly, China, a member of the 44-nation NSG, showed its hand at the very last minute in the NSG. While China saw the nuclear agreement in terms of its consequences for Asian balance of power, therefore, it had to fall in line. It needs to be noted here that, China’s support to the nuclear agreement was essential as there should be ‘consensus’ within the NSG members to amend its rules to pave the way for the implementation of the deal.¹⁶⁴ Finally the nuclear agreement reached a common ground after US prodding and dexterous diplomacy by New Delhi. Almost three years the nuclear agreement has gone through major ups and downs and overcame major political opposition in India. Then things looked much brighter for the supporters of the deal when it got approval from the NSG.¹⁶⁵

As India secured a historic waiver from the NSG to carry out nuclear commerce, that all eyes then shifted towards the Congress for approval to operationalize the deal after Howard Berman, a principal opponent to the agreement, withdrew his version of the approval resolution and backed the Senate version which was accepted by the Bush administration. Finally the agreement was passed by the US Congress without any

¹⁶² Aiyar, n. 20, p.45.

¹⁶³ “Don’t Operationalize the Deal: Karat,” *The Hindu*, September 30, 2008, available at <http://www.hindu.com/2008/09/30/stories/2008093060611200.htm>, accessed on October 06, 2012.

¹⁶⁴ “Indo-US Deal: Mukherjee May Seek China’s Support,” *Times of India*, May 26, 2006, available at <http://timesofindia.indiatimes.com/world/rest-of-world/Indo-US-deal-Mukherjee-may-seek-Chinas-support/articleshow/1574374.cms>, accessed on January 22, 2013.

¹⁶⁵ “Indian Joy Over US Nuclear Deal,” *BBC News*, October 02, 2008, available at

amendment and signed at the State Department in formal ceremony by Pranab Mukherjee from the Indian side and Condoleezza Rice, on behalf of the US. In a statement issued to the press after the Agreement's signing, Pranab Mukherjee said, "the provisions of this agreement will legally binding on both sides and we intend to implement this agreement in good faith and in accordance with the principle of international and I am confident that the US will do the same."¹⁶⁶

To sum up Indian newspapers thus involved in a continuous process of framing the news in response to the often competing requirements of leaders and the public. It was true in the case of Indo-US civil nuclear agreement. The print media thus reflected as well as guided public opinion regarding India-US nuclear agreement. Now we propose to turn our attention in next chapter towards the role of the academic and scientific commentary in this regard.

¹⁶⁶ Siddarth Varadarajan, "India Reiterates Legally Binding Nature of 123 Pact's Provisions," *The Hindu*, October 12, 2008, available at <http://www.thehindu.com/todays-paper/india-reiterates-legally-binding->, accessed on October 10, 2012.

Chapter IV

Academic and Scientific Commentary: One Text, Many Contexts

The Indo-US nuclear agreement received considerable attention on the part of scholars as well as publicists. It drew wide attention and criticism within India as well as in the world. The chief concern was whether the development of nuclear power would be feasible in India, since in the past fifty years, India was only able to generate less than 3 percent of annual electricity production from its commercial nuclear power facilities. Apart from this, India's weak uranium resource base would face the threat of shut down of some reactor in the near future. The key question that engaged scholars was how the country can insulate itself from the global energy challenges. This led the academic, policy makers and strategic think tanks to focus on energy as one of the key issues concerning the national security of India.¹

Following the announcement of the nuclear agreement, opposition was visible among the scholarly community in India and the US. Both sides were cautious of their losses and anxious of the gains of the other. Most of the debates in India focused, "on fears regarding capitulation of national sovereignty and foreign policy." But the international community's concern was over "its consequences on the regional actors as well as global non-proliferation regime." The existing literature on this subject, mainly composed of brief articles, draft papers, etc. which provide a comprehensive account of the theme under discussion. There are two prominent groups in India which argue for nuclear energy development. The first group, which includes India's nuclear establishment, argues that nuclear energy is the only solution to satisfy the country's growing appetite for energy. The establishment asserts that with adequate technological support and international cooperation India would be able to boost its domestic nuclear energy capability. The second argument revolves around the importance of nuclear energy to the overall energy security of the country and places nuclear energy as the

¹ Janrdhanan Nandakumar, "India and Nuclear Power: Examining Socio-Political Challenges to Energy Security," *Draft Paper*, 33rd World Nuclear Association Annual Symposium 2008, p.111.

key pillar in the country's energy security.² They believed that nuclear energy is vital for a developing country like India, but the limited availability of fossil fuels within the country will lead to dependence on foreign sources. If India has to speed up its present 8 to 9 percent economic growth rate, it will have to depend on nuclear energy to develop its power generation. Additionally, the increasing oil prices and its impact on the environment caused by fossil fuels have made nuclear power look more attractive as a source of clean, abundant and affordable energy.³

But others were less than excited and said, "the separation of civilian and military facilities is a huge task and might cause serious consequences for research and development in weapons enlargement, and for production facilities needed for the nuclear deterrent."⁴ This has raised several questions and concerns about the distinct feature of the nuclear agreement among the scholars of both countries. Such as, is it only a deal to enable India to achieve energy security? Or is it another way of bringing India under the provisions of the NPT through backdoor? And what are its implications to Indo-US relations in general? These questions are obviously important in the matters of India's foreign policy.⁵ It is hard to say exactly how much of an affect the Indian foreign policy had on the outcome of the nuclear agreement. But it is clear that despite much criticisms, the agreement was welcomed by the Indian people and got a de facto nuclear status to India.

There is a considerable literature by academicians, NGOs, think tanks and scientific community condemning the nuclear agreement. Hence, this chapter analyses the story of the nuclear agreement in three angles through the eyes of scholars and writers. The first is from the standpoint of nuclear proliferation. These writers and scholars were mostly against the nuclear agreement because they believed, "it clearly undermines the global non-proliferation and disarmament efforts." The second set of

²Ibid, p.111

³Lalit Mansingh, "The Indo-US Nuclear Deal in the Context of Indian Foreign Policy," in P R Chari, ed, *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism* (New Delhi: Routledge, 2014), p.180

⁴Harsh V Pant, "The US-India nuclear deal: the Beginning of a Beautiful Relationship?", *Cambridge Review of International Affairs*, vol. 20, no. 3, September 2007, p. 462.

⁵ P M Kammath, "India-US Nuclear Deal: Concerns Raised in Washington and New Delhi and its Aftermath," in Nalini Kant Jha, ed, *Nuclear Synergy: Indo-US Strategic Cooperation and Beyond* (New Delhi: Pentagon Press, 2009), p.131

authors emphases, “on the implications of the nuclear agreement for India’s strategic and political sovereignty.” And the third set of authors believes, “the agreement is a welcome change in Indo-US relations.”⁶

Global Non-proliferation and Disarmament Efforts

The problem of nuclear non-proliferation was one of the core issue in the proposed nuclear agreement, which was raised by the international community. There are four major nuclear non-proliferation measures available in the world, namely, the Partial Test Ban treaty (PTBT), the Nuclear Non-Proliferation Treaty (NPT), the Nuclear Weapons Free Zones (NWFZs), and the Comprehensive Test Ban Treaty (CTBT).⁷ While writings on nuclear proliferation, especially after July 18, 2005 tended to debate the problems merely as the difficulties of implementing a rule that had the approval and support of all the great powers. Most of the literature provided a pessimistic view regarding the consequences of nuclear agreement in the non-proliferation efforts. They stated that will undermine the global disarmament and most of the literature critically focused on three aspects:⁸

- By relaxing US non-proliferation laws for India would undermine the goals of US non-proliferation policy;
- It compounded in the face of current challenges posed by Iran and North Korea;
- The proposed deal could move other suppliers, like China, to rationalise its proliferation and support Pakistan and, it will lead to arms race in Asia.

In the light of the above mentioned points now we can turn our attention towards the effects of the agreement for US non-proliferation policy. But before going into detail, it is necessary to look what are the conditions of the NPT. The NPT dates back to 1968, when the five states made a proposal for to “prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of

⁶ Prashant Hosur, “The Indo-US Nuclear Agreement: What is the Big Deal,” *International Journal* (New York), 2010, pp.437-8

⁷ S. Rajen Singh, “India’s Response to Nuclear Non-Proliferation Measures,” *India Quarterly* (New Delhi), vol.58, no.31, 2002, p.31.

⁸ Rajesh Kumar Mishra, “Indo-US Nuclear Deal and Non-Proliferation,” *Strategic Analysis*(New Delhi), vol. 29, no. 4, October-December 2005, p. 612

nuclear energy and to achieve the goal of nuclear disarmament.” According to article IX of the NPT, “for the purpose of this treaty, a nuclear weapon state is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.”⁹ By this, five countries were considered as nuclear weapon states such as, the US, Russia, UK, France and China. The treaty establishes, “a safeguard system under the responsibility of IAEA to further the goal of non-proliferation. It is used to verify compliance with the treaty through inspections conducted by the IAEA.”¹⁰ India has declined to sign the NPT and said “it was a discriminatory treaty and stated, it forms a club of nuclear haves and a larger group of nuclear have-nots.” Thus, India’s disagreement to the NPT stems not from the provisions of the treaty regarding to non-proliferation, but the division between the five and the other states.¹¹

Nevertheless, the nuclear tests of 1998, which provide India to the status of not just a nuclear power, but a major global power. According to Stephen Cohen, “unlike the people of other middle powers such as Indonesia, Brazil and Nigeria, Indians believe that their country has both the destiny and an obligation to play a large role in the international stage.”¹² New Delhi argued, “it will join the NPT as a non-nuclear state only if there is a guarantee that the agreement would involve complete disarmament by the nuclear weapon state.” Immediately after the Pokhran tests, PM Vajpayee declared a statement in Parliament that, “India still whole-heartedly supported the goal of universal nuclear disarmament, but would not disarm until all other nuclear states did so too.”¹³

As stated earlier, the nuclear installations of the country became symbols of transitioning to maturity of the country that signalled a new beginning for India. The voluntary moratorium on the ‘no first use’ policy reflected the country’s commitment to become a mature global power since the nuclear tests in 1998. While damning this

⁹ The Treaty on the Non-Proliferation of Nuclear Weapons (NPT), available at <http://www.un.org/en/conf/npt/2005/npttreaty.html>, accessed on October 22, 2014.

¹⁰ Ibid

¹¹ Swapna Kona Nayudu, “The Indo-US Nuclear Deal and the Non-Proliferation Debate,” in P R Chari, ed, *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism* (New Delhi: Routledge, 2014), p.167

¹² Stephen P. Cohen, ‘India Rising’, *Wilson Quarterly*, vol. 24, Summer 2000, p. 46. Also see at T.V. Paul and Mahesh Shankar, Why the US–India Nuclear Accord is a Good Deal, *Survival*, vol. 49 no. 4, Winter 2007–08, p.112.

¹³ Ibid, p.114

view, Bharat Karnad, the well-known strategic expert examined, “various nuclear arrangements under the leadership of the US, like NPT, CTBT and FMCT strictly limited India’s possible to emerge as a mature global power.¹⁴ Further he argued that the kind of things mentioned in the preamble of the nuclear agreement had all things like NPT, CTBT and the Iran issue.”¹⁵ In this background, the former PM A. B. Vajpayee expressed, “we have been subjected to technology denials since virtually from the time of our independence. Our own export control regimes are extremely stringent and there has been no leakage of equipment or technology from India. Despite this, we find the US unwilling to accommodate us in terms of technology transfers.”¹⁶

In the view of Dhruva Jaishankar, the US non-proliferationists stated three main arguments against the 123 agreement. Firstly, India would receive a pass for its previous ‘bad nuclear behaviour,’ as it would not be held to the same conditions as non-weapons signatories of the NPT. Secondly, the nuclear agreement would allow India to strengthen its nuclear arsenal by diverting all its indigenous nuclear material to its strategic programme, without compelling it to submit to a fissile material cap. And finally, India’s special status would spur other nuclear weapon countries to go for similar deal with nations such as Pakistan, Iran or North Korea.¹⁷

As Daryl G. Kimball of the Arms Control Association said, “the US and other nuclear weapon powers committed in the NPT not in any way to assist the acquisition of nuclear arms by non-weapon states since, India is a non-nuclear weapon states by the treaty definition.” Further he added, “by opening up the spigot for foreign nuclear supplies to India, the proposed deal would free up India’s limited domestic reserve of uranium for both energy and weapons to be singularly devoted to arms production in

¹⁴Shivaji Kumar, “Impact of Middle Class Discursive Identities on the India-US Nuclear Agreement (2008),” November 03, 2011, p.17-18, available at http://citation.allacademic.com/meta/p_mla_apa_research_citation/5/0/2/1/2/pages502129/p502129-1.php, accessed on October 26, 2014.

¹⁵M J Vinod, “India-United States Nuclear Deal: Issues and Challenges,” *Mainstream* (New Delhi), vol. XLV, no,29, July 07, 2009, p.7 pp.1-11

¹⁶Sujata K. Dass, *Atal Bihari Vajpayee Prime Minister of India* (Delhi: Kalpaz Publications, 2004), p.263

¹⁷Nuclear Agreement,” in P R Chari, ed, *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism* (New Delhi: Routledge, 2014) p.109-110

the future. Therefore, the agreement would allow India to increase its current capacity to produce 6-10 additional nuclear bombs a year to several dozen per year.”¹⁸

It is necessary to add here that to gain supply of nuclear fuel from NSG members, countries must submit all their facilities to IAEA inspections. Therefore, the IAEA-through its safeguards, the NPT-through its framework and the NSG through its trade regulation would restrict the proliferation of nuclear weapons, since it is a part of the existing non-proliferation measures.¹⁹ But in the case of India to separate its nuclear facilities and place only some of them under inspections would go against the principle of the NSG. However, the proposed nuclear agreement and particularly the exception made for India by the NSG noticed a completely new position toward India as well as new stand on non-proliferation.²⁰

Similarly, Robert J. Einhorn, questioned, “how can the US seek exceptions to the rules for India without opening the door to exceptions in less worthy cases-indeed, without weakening the overall fabric of rules the US worked so hard to create?”²¹ But many writing suggested, “India is an emerging global power, it is necessary to accept it as a nuclear power for the development of a healthy international order in the 21st century.” Through this agreement, India adopted 14 of its 22 reactors for IAEA safeguards which has never happened before. The other eight reactors are strategic, which would be used to produce fissile material for weapons. Therefore, the agreement increased nuclear safety in India through increased IAEA safeguards and strengthened non-proliferation efforts.”²²

The opinions for and against the deal from a non-proliferation viewpoint continued more or less constant at every phase of the nuclear agreement’s enactment. Gopalan Balachadran viewed, “currently India is the only non-member country with full range of capabilities in research and development. With the increasing emphasis on

¹⁸ Daryl G. Kimball, U.S.-India Nuclear Deal Fails Non-Proliferation Test, March 02, 2006, available at https://www.armscontrol.org/pressroom/2006/20060302_India_Deal, accessed on October 22, 2014.

¹⁹ Nayudu, n. 10, pp.160-61

²⁰ Ibid

²¹ Robert J. Einhorn, “The US-India Civil Nuclear Deal, Senate Foreign Relations Committee,” April 26, 2006, available at <http://csis.org/files/media/isis/congress/ts060426einhorn.pdf>, accessed on October 26, 2014.

²² Hosur, n.6, p.441

export controls as one of the mechanism for controlling proliferation it is essential that India be a part of the NSG regimes at some point of time. Therefore, the gains to these regimes are obvious.”²³ Apart from controlling technology exports from India,” it will also help in successful implementation of future international rules and regulations for such exports.”²⁴ Commenting on his statement, A N Prasad said, “ever since the NPT came into existence in 1970, India opting out on ground that it is a discriminatory treaty, dividing the states into ‘haves’ and ‘have-not.’ But the US has been trying hard to use every opportunity to somehow bring India into the mainstream global non-proliferation regime.” Further he said, “the creation of NSG led by the US in response to our 1974 nuclear test is one such measures to deny us access to nuclear market and any form of cooperation in the nuclear field. Nevertheless, through this nuclear agreement the US tried to achieve their aim that is to exploit the Indian market for nuclear energy at the same time, used its resources to revive their nuclear industry.”²⁵

Rahul Roy-Chaudhary in his article mentioned, “the nuclear agreement was criticised by the non-proliferation lobby on the ground that the concessions being made to India, including the absence of direct reference to Indian nuclear tests or explicit abrogation of the agreement if India carried out a nuclear test. But this was in marked distinction to the Hyde Act, which enabled the US administration to negotiate with the bilateral 123 nuclear agreement and restart nuclear commerce with India. Though the Indian Government has welcomed the Hyde Act, but it would not admit any conditions that went beyond the parameters of the July 18, 2005 joint statement.”²⁶

Equally, Shyam Saran, the former Foreign Secretary of India said, “for inducting India into the nuclear club, proposes that the global non-proliferation regime would be more effective.”²⁷ However, with the immense support the Hyde Act enjoyed

²³ Gopalan Balachandran, “Nuclear Realpolitik: The Prospects for Indo-US Relations,” *Australian Journal of International Affairs*, (London), vol.61, no.4, December 2007, p.551.

²⁴Ibid

²⁵A N Prasad, “Indo-US Nuclear Deal: A Debate,” *Vikalpa* (Ahamedabad), vol. 32, no.4, October-December 2007, pp.95-96.

²⁶ Rahul Roy-Chaudhary, “India's Nuclear Doctrine: A Critical Analysis,” *Strategic Analysis* (New Delhi), vol. 33, no.3, May 2009, pp.410-11.

²⁷Subrata K. Mitra and Jivanta Schottli, “The New Dynamics of Indian Foreign Policy and its Ambiguities,” *Irish Studies and International Affairs*, vol.18, 2007, p.23.

in the US Congress, such opposition was not expected to have any influence on either the US administration or the Congress.²⁸

M. K. Badrakumar in his article quoted, “there is a great contradiction in what PM assurance about the nuclear deal that the agreement would go a long way in safeguarding India’s energy security. But, the draft bill in the US Congress did not even make a peripheral reference to India’s energy security. It was about sustaining and strengthening NPT’s implementation, which is a keystone of the US non-proliferation policy. And also it was about seeking a halt in the production of nuclear weapons in India and the reduction and eventual elimination of nuclear weapons from the South Asian region.”²⁹

While giving a contradictory statement against this, Ramesh Babu emphasised:

The nuclear agreement has nothing to do with non-proliferation, arms control or disarmament. Its main aim was to relieve pressure on the global demand for fossil fuels, especially from the fast growing economies of China and India. But, the non-proliferation activists in the US failed to push India into the NPT fold. Further he stated that in any agreement whether it is bilateral or multilateral no nation can have everything it wants. At times, it seemed that the Indian side was indulging in hair splitting and nit-picking.³⁰

India’s allegiance to nuclear non-proliferation was not new. The strategic community through a long debate persuaded the Government to exercise the nuclear weapon status, since India conducted the tests for its own security purposes.³¹ Then the query was why the international community is not considering India as a nuclear weapon state. On the contrary, Mukherjee stated:

India is a nuclear weapon state. Though not a party to the NPT, India’s policies have been consistent with the key provisions of NPT that apply to nuclear weapon states. These are, Article I states a nuclear weapon state not to transfer nuclear weapons to any other country or assist any other country to acquire

²⁸Gopalan Balachandran, “Indo-US Nuclear Deal: A Debate,” *Vikalpa* (Ahmedabad) vol.32, no.4, October-December 2007, p.99

²⁹ M. K. Badrakumar, “Is the Indo-US Nuclear Deal a Capitulation of National Sovereignty,” June 28, 2006, available at <http://www.rediff.com/news/2006/jun/28guest.htm>, accessed on September 21, 2014.

³⁰ Ramesh Babu, “India-US Nuclear Deal: A Paradigm Shift in the Bilateral Equation,” in Nalini Kant Jha, ed, *Nuclear Synergy: Indo-US Strategic Cooperation and Beyond* (New Delhi: Pentagon Press, 2009), pp.65-67

³¹ Rajiv Nayan, “Is NPT Membership as a Nuclear Weapon State an Option for India?, *Strategic Analysis* (New Delhi), vol.31no.6, 2007, p.872

them. Article III requires a party to the Treaty to provide nuclear materials and related equipment to any other country only under safeguards. And Article VI commits the parties to pursue negotiations to bring about eventual global nuclear disarmament. In fact, India's record on non-proliferation has been impeccable.³²

In this connection, T.V. Paul raised a question, "why India should be integrated into the international non-proliferation regime as a nuclear weapon state? There is no mechanism to integrate a state that developed nuclear weapons after the cut-off of 1967. But the Bush administration has taken a pragmatic stance on India's case."³³ Further he said, "this attempts by the US to integrate India into the non-proliferation regime as lead actor augur well for the longevity of both the non-proliferation regime and the international order. And also it suggest to other rising powers that the system is flexible enough to allow for inevitable changes in the global distribution of power." But it is not fair to mix India with other non-nuclear weapon countries, since India had a good non-proliferation record. So, the proposed agreement ensures, "India had a legal obligation towards the non-proliferation goals of the international community, and strengthens rather than undermines the present regime."³⁴

Challenges Posed by Iran and North Korea

As mentioned earlier, even though the nuclear agreement with India could a worrisome of many countries, it is still possible that an exemption for India could affect the calculations of those countries dependent on nuclear energy. According to Ganguly and Mistry "if a country relies significantly on nuclear energy, and on foreign imports of reactors and fuel, it would be less likely to break out of the NPT regime, if that were to lead to a significant disruption in its energy supplies. Yet, if leaving the regime would not affect its nuclear energy imports because it received an exemption and it might be more inclined to go ahead with such a decision". Nevertheless, "it is doubtful that states

³²Ibid, p.872

³³T.V. Paul and Mahesh Shankar, Why the US-India Nuclear Accord is a Good Deal, *Survival*, vol. 49 no. 4, Winter 2007-08, pp.119-20

³⁴ Ibid, pp.119-20

that have neither the capability nor the desire to develop nuclear weapons will change their stand as a result of the Indo-US nuclear agreement.”³⁵

The critics warned, “the other nuclear weapon state may argue for similar deals for their friends and allies. China, for instance, might seek to extend a similar deal to Pakistan, and Russia might do the same with Iran. Pakistan already asked for equal treatment, though it has been rebuffed by the Bush administration, largely because of its nuclear export.” Therefore, the proposed agreement will “convince these countries that they can break the rules of international community and not only get away with it, but eventually be rewarded for it.”³⁶ But the supporters of the deal has argued, “it is the difference in behaviour with respect to non-proliferation and India cannot be grouped with countries like Iran, North Korea and Pakistan. Also, India has been more straightforward in its dealing with the international community than these countries. The chance of the international community considering these three countries for a similar nuclear deal is unwelcoming, given their records on non-proliferation and the nature of their polities.”³⁷ Manuka Khanna too specified, “as far as nuclear non-proliferation is concerned, India had a clean record on nuclear disarmament. And despite not being a member to the NPT, India extended its faith in peaceful uses of atomic energy and followed the principle of nuclear disarmament as the basis of international security.”³⁸

Notwithstanding, India took a reliable position with reverence to the non-proliferation treaty. India always measured the treaty was a biased regime and denied to sign it. But India was a signatory to the Chemical and Biological Weapons Conventions. This displays India’s commitment to the nuclear disarmament.³⁹ According to Prashant Hosur, “the democratic framework of India and its good record on non-proliferation, inspite of being a non-signatory to the non-proliferation treaty,

³⁵ Sumit Ganguly and Dinshaw Mistry, “A Good Deal,” *Outlook*, October 20, 2006, available at <http://www.outlookindia.com/article/a-good-deal/232887>, accessed on May 15, 2015.

³⁶ Hosur, n. 6, p.441

³⁷ Hosur, n. 6, p. 439-42

³⁸ Manuka Khanna, “Evolution of Indo-US Nuclear Relations: Issues of Conflict and Cooperation,” (ed) in Nalini Kant Jha, *Nuclear Synergy: Indo-US Strategic Cooperation and Beyond* (New Delhi: Pentagon Press, 2009), p.30

³⁹ Hosur, n. 6, p.442

made it easier for the US to sell the nuclear deal at the NSG. It not only enabled India to engage in nuclear trade with the US but also other members of the group as well.”⁴⁰

According to Choudary, “following the nuclear test of 1998, India rapidly set forth some important elements of its potential nuclear doctrine. These included, the nuclear weapons being used only for self-defence to prevent nuclear threat or coercion, ‘no first use’ of nuclear weapons, the development of a minimum credible nuclear deterrent, a voluntary moratorium on nuclear tests, and commitment to seek the principle of nuclear disarmament.”⁴¹ India understood that in order to gain acceptance, it needed to alter its traditional nuclear defiance of the international system and offer support to various global non-proliferation measures. Further, the post-Pokhran changes in India’s nuclear diplomacy involved the endorsement of the basic objective of the NPT after decades of demonising it, support to the non-proliferation regime in the form of strong export control, tighter domestic law against proliferators, accepting regional arms control through military/nuclear CBMs with Pakistan and support to nuclear weapons free zones in Southeast Asia and Africa. This changed attitude of India were summed by Jaswant Singh, the former External Affairs Minister, “India’s shift in the attitude towards global nuclear arms control was not very different from that seen in China—which castigated the non-proliferation system in the 1960s and 1970s and was quite happy to support it as part of its own integration into the global order under Deng Xiaoping in the 1980s.”⁴² Unlike China, however, India’s place as a nuclear-weapon state was not predetermined in the NPT; it had to find its way into the system through an extraordinary arrangement.⁴³

In the views of Paul and Sankar, “as long as nuclear weapons remain a source of structural and deterrent power in the international system, States with ambitions to be autonomous in their security choices have major incentives to keep their nuclear weapons open. States which are seek to pursue nuclear weapons might use the accord

⁴⁰ Ibid, p.442

⁴¹ Rahul Roy-Chaudhary, “India’s Nuclear Doctrine: A Critical Analysis,” *Strategic Analysis* (New Delhi), vol.33, no.3, May 2009, pp.410-11,

⁴² C Raja Mohan, “India and the Emerging Non-Proliferation Order: The Second Nuclear Stage,” in Harsh V. Pant, ed, *Indian Foreign Policy in a Unipolar World* (New Delhi: Routledge Publications, 2009), p.69

⁴³Ibid, p.69

as a foil to justify their programmes. But they would have pursued such capability anyway. Both Iran and North Korea has been working on their nuclear programmes far longer than the Indo-US nuclear agreement. Neither state have in any case shown any inclination in the past to follow through on treaty commitments to global norms.”⁴⁴

Unlike China, Pakistan and North Korea, India never used proliferation as a tool of foreign policy. In the opinion of T.V. Paul, “India has been an exceptional case, pursuing and developing a fairly advanced nuclear programme, including weapons, to meet its security and economic needs while maintaining a consistent stand against signing the NPT. It never technically violated the treaty. Furthermore, New Delhi have proven record in maintaining secrecy and control over its nuclear knowledge and technology, preventing further proliferation. This responsible behaviour has been voluntary rather than part of any international treaty obligation.”⁴⁵

An eminent scholar of Carnegie Endowment for International Peace, Ashley Tellis pointed out, “New Delhi has established an exemplary record of controlling onward proliferation. India’s commendable non-proliferation history, however, is owned entirely too sovereign decisions made by its Government, not to its adherence to international agreements. As a result, any unilateral change in the Indian Government’s policy of strict non-proliferation could pose serious problems for American security. He added that bringing New Delhi into the global non-proliferation regime through a bilateral agreement that defines clearly enforceable benefits and obligations, not only strengthen American efforts to curtail further proliferation but also enhance US national security.”⁴⁶

From the above literature analysis we can see that how New Delhi followed its principles of nuclear disarmament compared to other proliferation countries. But some of scholars were of the opinion that the proposed agreement led to arms race in Asia. Now we can turn our attention towards the implications of the agreement on Asia.

⁴⁴ Paul and Shankar, n.32, p.118

⁴⁵Ibid, pp.118-19

⁴⁶ Ashley J. Tellis, ‘Should the US Sell Nuclear Technology to India? – Part II’, *Yale Global*, November 10, 2005, available at <http://yaleglobal.yale.edu/content/should-us-sell-nuclear-technology-india-%E2%80%93-part-ii>, accessed on September 21, 2014.

Nuclear Arms Race in Asia

On the one hand, India maintained that its weapons are a deterrent against China but on the other hand Pakistan also upheld that its weapons are a deterrent against India. At the centre of this nuclear climax, if India decided to speed up its nuclear programme whether it is civilian or military, there would be a ripple effect through the region.⁴⁷ In the opinion of Council on Foreign Relations, “the US favouritism to India could increase the nuclear rivalry between the intensely competitive nations like India and Pakistan.”⁴⁸ The interesting thing is that the US want “India’s assistance in dealing with a range of dangerous contingencies involving Pakistan. Pakistan’s stock of nuclear weapons, along with Russia’s, is the focus of urgent concern about nuclear terrorism.”⁴⁹ According to Carter, “Pakistan is already a proliferation risk: Pakistani nuclear scientist A.Q. Khan’s unlawful nuclear network, revealed in 2004, shocked the world with its brazen trade of nuclear technology. In fact, many of the nuclear proliferation problems of today were directly linked to the A. Q. Khan network. Parallel with Khan’s efforts, China also provided Pakistan with key nuclear technology, equipment and materials.”⁵⁰

The Director General of IAEA noted, “A. Q. Khan network had commercial contacts with at least 20 different countries and large companies. At the same time, he acknowledged that India never encouraged nuclear weapon proliferation and also accepted the fact that India is treated as a valued partner and a trusted contributor to international peace and security.”⁵¹ Accordingly, the basic point worth stressing here is that the US-India nuclear agreement could prompt Pakistan to go for similar deal with China on the principle that an enemy’s enemy is a friend.⁵² P. R. Chari in his article mentioned, “China already provided loans and technical assistance to Pakistan for building two atomic power reactors. It has now been revealed that China has signed a

⁴⁷ Nayudu, n.10, p.164

⁴⁸ Ashton B. Carter, “America’s New Strategic Partner?” *Foreign Affairs*, p.4, <http://www.foreignaffairs.com/articles/61730/ashton-b-carter/americas>., accessed on November 11, 2014

⁴⁹Ibid

⁵⁰Mishra, n.8, pp. 616-618

⁵¹ Rajesh Kumar Mishra, “Nuclear Proliferation Challenges and India's Response,” *Strategic Analysis* (New Delhi), vol.31, no.5, 2007, p.804

⁵² Jayshree Bajoria and Esther Pan, “The U.S.-India Nuclear Deal, Council on Foreign Relations”, available at <http://www.cfr.org/india/us-india-nuclear-deal/p96663>, accessed on October 26, 2014

US \$2. 375 billion agreement for supplying two 340 MW power reactors (Chasma-3 and Chasma-4) to Pakistan. Beijing would also loan some 80 percent of the project cost. It is a matter of concern for the US. But the Chinese official argued that the supply of Chasma-3 and Chasma-4 was included in the earlier agreement of 1985 pertaining to the supply of Chasma-1 and Chasma-2.”⁵³

Likewise, C. Raja Mohan’s opined:

Being a NSG member China was bound by certain rules. Under those rules neither India nor Pakistan is eligible for civilian nuclear cooperation. Because of this reason Bush administration was seeking a modification of these rules in favour of India, and only India. This partial attitude created some apprehension among the Chinese scientific community. And China claimed that it has past agreements with Islamabad that should be grandfathered from the NSG rules.⁵⁴

This issue raised global nuclear safety concern with Pakistan’s nuclear programme, and China’s commitment to the nuclear non-proliferation regime. It also complicated India’s case for entering the NSG by highlighting that the exception made for India in the proposed agreement was structurally weakened the international non-proliferation regime.⁵⁵ However, the opponents argued, “even though, India followed the principle to prevent the spread of nuclear materials and technologies and observing a unilateral moratorium on testing and supporting the FMCT, but the proposed agreement does not prevent India’s fissile material production, a step that the other five official nuclear weapon states have voluntarily taken.” Therefore, it created pressures for other countries and they thought that it would increase nuclear hazards in the future.⁵⁶

Kapur observed, “the proposed agreement could boost more conventional Indo-US military cooperation, giving India access to cutting-edge systems and weaponry,

⁵³P. R Chari, Nuclear Dealing Wheeling, *Institute of Peace and Conflict Studies*, May 10, 2010, available at http://www.ipcs.org/article/pakistan/nuclear-dealin_g-wheeling-3123.html, accessed on October 28, 2014.

⁵⁴C. Raja Mohan, *Impossible Allies: Nuclear India, United States and Global Order* (New Delhi: India Research Press, 2006), p.223

⁵⁵P. R. Chari, “Why Indians are not Welcome Members at the NSG Club,” available at <http://www.dnaindia.com/analysis/comment-why-indians-are-not-welc...>, accessed on October 28, 2014.

⁵⁶S. Paul Kapur , “Mixed Consequences of the Indo-US Nuclear Deal,” in Wade L. Huntley and Karthika Sasikumar , ed, *Nuclear Cooperation with India: New Challenges, New Opportunities* Canada: The Simons Centre for Disarmament and Non-Proliferation Research, 2006), p. 45

even though such provisions were not explicitly part of the nuclear deal. It would increase Indian military capabilities and lead to greater Sino-Pakistani cooperation.”⁵⁷ Consequently, “the US-India alliance against China could lead to rethinking of Beijing’s export policy towards Islamabad, which became increasingly restrictive since 1991. As one analyst remarked, since there are theorists in both Washington and Delhi who seek to play the India card against China, it makes sense for Beijing to use the lower-cost option of propping Pakistan’s military capabilities against India. Never shy of upgrading its military strength, Pakistan in effect gets a licence to weaponise, with materials and technology from China.”⁵⁸

Notwithstanding, K Subrahmanyam pointed out:

China’s assertive behaviour caused concerns to the international community, not about China starting a war but trying to dominate as an ‘untethered hegemon.’ It’s growing involvement in Pakistan including in Pakistan-occupied Kashmir, serious threat to India’s security. However, he argued that India would have the option to engage with the US and ensure that China does not become the foremost knowledge power of the world. It would also ensure that the world order will be pluralistic, democratic and secular.⁵⁹

Vinod Kumar also said, “despite China being India’s rival, the military irregularity posed by a China-Pakistan partnership constrains the scope of an Indian military response to deal with proliferation and terrorist threats emanating from Pakistan. In this circumstances, India’s anti-proliferation strategy has to address the China factor through credible strategies that would contain this partnership without depriving strategic stability in the region.”⁶⁰ Hence, preventing an arms race between India, Pakistan and China is a vital objective, but it is best pursued in non-technical ways.” However, the US observed that in the future, a free-wheeling India might not

⁵⁷ Ibid, p.44

⁵⁸Karsten Frey, “India’s New Global Role after the US-India Nuclear Deal,” in Subrata K. Mitra and Bernd Rill, ed, *India’s New Dynamics in Foreign Policy* (Hanns-Seidel Foundation, 2006), p.132.

⁵⁹K Subrahmanyam, “Grand Strategy for the First Half of the 21st Century,” in Krishnappa Venkatshamy and Princy George, ed, *Grand Strategy for India: 2020 and Beyond* (New Delhi: Pentagon Press, 2012), p.22

⁶⁰A. Vinod Kumar, “Counter Proliferation: India’s New Imperatives and Options,” *Strategic Analysis* (New Delhi), vol.31, no.1, Jan-Feb 2007, p.34.

work to the benefit of the neighbouring region. Hence, bringing India into the nuclear club is essential.⁶¹

In the light of above mentioned discussion we can understand that non-proliferation is an important step for global peace. It is, therefore, some of the scholars of the opinion, “to achieve global non-proliferation goals, the idea of Regional Non-proliferation Regime (RNR) could be explored, which could involve India, Pakistan, and possibly US and China as guarantors. It is compartmentalisation of the problem to deal with the two non-NPT members, which cannot be resolved without restructuring of the NPT, or both sides giving up their nuclear weapons. Therefore, involvement of China and the US in a RNR could ensure that the nuclear technology provided by these two or other members of the NSG is not misused for any other purpose.” Of course, bringing Pakistan and India to the table together may be difficult, but there is a need to participate both countries into the normal non-proliferation regime or under some kind of treaty obligation, which could make them a responsible nuclear weapon states.⁶²

Issue of Fast Breeder Controversy

It was during this period most of the writings were focussed on the issue of fast breeder controversy. According to Gopalakrishnan, “the Indian experience in fast breeder technology was mainly from operating a 13 MWe Fast Breeder Test Reactor (FBTR) supplied by France in the early 1970s, up to just about one-third its rated power level, for a few years. Based on this limited experience, and some very good research and development work carried out on fast breeder technology over the decades, India decided to took a bold step of designing and building a 500 MWe commercial scale PFBR. It operates at much higher temperatures and with substantially greater plutonium inventories than the PHWRs.”⁶³

Annpurna Nautiyal in her article mentioned, “India’s prototype fast breeder reactors were kept out of this agreement. It can produce significant amounts of weapon-

⁶¹ Nayudu, n.10, p.164

⁶² Ibid, p.24

⁶³ A Gopalakrishnan, “Indo-US Nuclear cooperation: A Non-Starter,” ed in P. K Iyengar, A. N. Prasad, A. Gopalakrishnan and Bharat Karnad, *Strategic Sellout: Indian-US Nuclear Deal* (New Delhi: Pentagon Press, 2009), p.350

grade plutonium. Therefore, the non-proliferationists argued that the deal was more in India's interest, as India would be able to conduct the nuclear test in the future."⁶⁴ However, they observed that the nuclear deal changed the guidelines of the NSG, which involves negotiating India-specific safeguards with the IAEA and yet did not bring all of India's nuclear facilities under international inspection. Additionally, they said if imported fuel frees up domestic fuel, the latter could be diverted to military purposes. It would allow India to produce more nuclear weapons in the future and damage to the credibility of US non-proliferation efforts.⁶⁵

R. Rajaraman emphasised:

We use plutonium in our nuclear weapons, but unlike uranium it is not available under the ground. It has to be produced artificially. It happens just as thorium is converted to Uranium 233 under irradiation by neutrons, likewise, uranium is also converted to plutonium under neutron bombardment. There are two types of plutonium- weapons grade plutonium and reactor grade plutonium. In India CIRUS and Dhruva were the two weapons-grade plutonium producing reactors which are crucial to the Indian strategic programme. However, the deal would allow us to import uranium for civilian reactors, all of India's domestic uranium would be freed for producing weapon grade plutonium. In this case, the nuclear non-proliferationists argued that it would permit India to greatly enhance its weapon grade plutonium and undermines the NPT.⁶⁶

As a consequence, the non-proliferation ayatollahs called for India to end its production of fissile material for nuclear weapons and said India should take similar step like other nuclear weapon states, since India committed to accepting the same obligations as the five nuclear states because these states stopped fissile material production though they have much larger inventories than India.⁶⁷ Further they said, "while giving this concession to India could have a huge impact on the global non-proliferation regime, and many of those nuclear have-nots would be more inclined to

⁶⁴Annupurna Nautiyal, "Indo-US Nuclear Deal: Issues of Concerns in India and the US," in Nalini Kant Jha, ed, *Nuclear Synergy: Indo-US Strategic Cooperation and Beyond* (New Delhi: Pentagon Press, 2009), p.143

⁶⁵Nayudu, n.10, pp.160-61

⁶⁶R. Rajaraman, "Implications of the Indo-US Nuclear Deal for India's Energy and Military Programs," in P R. Chari, ed, *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism* (New Delhi: Routledge, 2014), pp.132-135

⁶⁷ Dinshaw Mistry, "The Politics of the US-India Nuclear Agreement," *Paper Presented at the American Political Science Association Meeting* (Philadelphia), August-September, 2006, p.9

regard NPT as an anachronism, reconsider their self-restraint, and be tempted by the precedent that India successfully established and that now, in effect, has an American blessing.”⁶⁸ As Squassoni pointed, “at a time when the US called for all states to strengthen their domestic control laws and implementation, but the US nuclear cooperation with India would require loosening its own nuclear export legislation, as well as created an exception to NSG full-scope safeguard agreement.”⁶⁹

This nuclear doubles standards damaged the NSG agreement of 1992, which forbids reactor sale to recipients operating nuclear facilities that are not under IAEA safeguards. As Spector notes, “if you open the door for India, a lot of other countries are likely to step through it.”⁷⁰ Contrary to this, the report by India’s Department of Atomic Energy on its official website states, “we (India) have rather meagre reserves of uranium.....on the other hand, the energy demands are fast growing. With our modest uranium reserves.....” India’s national magazine *Frontline* also acknowledged the fact, “India’s nuclear programme is heading for a crisis, due to uranium shortage in the country.”⁷¹

While focusing on the issue of uranium shortage, A. Gopalakrishnan examined:

The Department of Atomic Energy Agency never discussed the growing concern of uranium deficiency in public. To meet the Bhabha’s ambitious nuclear power targets, we need to build a number of Pressurised Heavy Water Reactors. But due to the shortage of natural uranium, it is getting difficult for India to construct PHWRs. Because the known resources in Jadgunda mines are exhausting fast and the DAE is unable to start fresh mining in Domiasiat in the north-east and Nalgonda in Andhra Pradesh due to the local hostility.

Further he said, “in India, to produce uranium is roughly six to seven times as costly compared to its price in international market. But, presently India was banned from buying natural uranium from the international market due to the NSG restrictions.

⁶⁸Strobe Talbott, “Good Day for India, Bad for Non-proliferation,” *Yale Global*, July 21, 2005, available at <http://yaleglobal.yale.edu/content/good-day-india-bad-nonproliferation>, accessed on November 15, 2014.

⁶⁹Mario E. Carranza, “Can the NPT Survive? The Theory and Practice of US Nuclear Non-proliferation Policy After September 11,” *Contemporary Security Policy*, vol.27, no.3, 2006, p.500.

⁷⁰ Ibid, p.501.

⁷¹ Adil Sultan Muhammad, “Indo-US Civilian Nuclear Cooperation Agreement: Implications on South Asian Security Environment,” July 2006, p.14, available at <http://www.stimson.org/images/uploads/research-pdfs/AdilSultan.pdf>, accessed on July 23, 2012.

It draws attention to one of the critical areas where the Indian civilian nuclear programme could urgently benefit from international cooperation. In this circumstances, the cooperation with the US would be helpful for India to lessen the energy demands in the future.”⁷²

Notwithstanding, if the US is providing meaningful nuclear cooperation, then PM must seek US intervention in the following three areas. Firstly, request the US to assist India in purchasing sufficient quantities of natural uranium from the international market. We must ask pointedly how the US is planning to help us meet the enriched uranium requirement for Tarapur reactors. And, finally, ask the US to help remove any NSG objections that may in the way of India, Russia and France having bilateral consultation on the design, construction, operation and safety of our PFBR.⁷³

M J Vinod in his article noted, “access to fissile materials does not mean that India use all that for weapon making. If a country like China, which rather strained ties with the US, can access civilian nuclear technology without sacrificing its weapon programme, then it seems odd that it was denied to India. The deal might increase India’s reliance on imported fuel, which could make India susceptible to external pressure. Hence it would be in India’s interest to shift to relying on thorium, which could take two or three decades.”⁷⁴

In the view of Sumit Ganguly and Dinshaw Mistry, “India’s fast breeder reactor will produce vast amount of plutonium. But even then India might not use this for nuclear weapons. Because, India soon have enough nuclear material to field a minimum deterrent. Expert opined that if India has between 100 and 150 deliverable nuclear weapons, then it would be sufficient for deterrent against China and Pakistan. Therefore, India may not require much plutonium from the breeder for a minimum deterrent. But it may require to fuel future breeder reactors, since the plutonium derived

⁷² Gopalakrishnan, n. 62, pp.348-49

⁷³A. Gopalakrishnan, “India-US Nuclear Mismatch,” in P. K Iyengar, A. N. Prasad, A. Gopalakrishnan and Bharat Karnad, ed, *Strategic Sellout: India-US Nuclear Deal* (New Delhi: Pentagon Press, New Delhi, 2009), p.10

⁷⁴Vinod, n.14, p.9

from India's heavy water reactors may be insufficient for fuelling more than two or three breeder reactors."⁷⁵

P K Iyenkar pointed out, "the enriched fuel for the power sector may be viable under the proposed agreement, but every gram of that should be proven as necessary for utilisation in the power sector. It was not clear whether India would have the option of accelerating its own, well-established, nuclear power programme based on PHWR. And, there was no estimate of the economics of imported nuclear power stations, nor a comparison with other sources, such as oil, coal, etc."⁷⁶

Ashley Tellis remarked, "in the period before the 1998 tests, India was produced 12-16 kilograms of weapon-grade plutonium per year. But when the 1998 tests consisted of approximately 280 kilograms of weapon-grade plutonium- sufficient for about 48 weapons."⁷⁷ Therefore, international community felt that, importing fissile material might be increase India's nuclear weapon capability. Because of this reason, the non-proliferation lobby demanded for India to shut down CIRUS reactor, since India pledged to use CIRUS for peaceful purposes in its 1960 agreement with Canada. But the plutonium from this reactor was used in India's 1974 nuclear test. Therefore, the non-proliferationist argued that "India's past violation of international nuclear transfer agreements should be rectified by placing this reactor under safeguards. Finally, India agreed to close the CIRUS reactor by 2010, due to immense pressure from the non-proliferation lobby."⁷⁸

Implications of the Nuclear Agreement for India's Strategic and Political Sovereignty

⁷⁵ Dinshaw Mistry and Sumit Ganguly, "The US-India Nuclear Pact: A Good Deal," *Current History*, vol.105, no.694, Special Issue/ Other, November 2006, p.3.

⁷⁶P. K. Iyenkar, "The Indo-US Unclear Deal," Iyengar, P. K, Prasad, A. N, Gopalakrishnan, A and Karnad, Bharat, *Strategic Sellout: Indian-US Nuclear Deal* (New Delhi: Pentagon Press, 2009), p.110

⁷⁷ Ashley J. Tellis, "Atoms for War: U.S.-Indian Civilian Nuclear Cooperation and India's Nuclear Arsenal," *Carnegie Endowment for International Peace*, 27 June 2006, p. 14, available at <http://carnegieendowment.org/2006/06/27/atoms-for-war-u.s.-indian-civilian-nuclear-cooperation-and-india-s-nuclear-arsenal>, accessed on October 26, 2014.

⁷⁸ Dinshaw Mistry, n.66, p.9. Also see at Dinshaw Mistry, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics* (Delhi: Cambridge University Press, 2014), p. 77

The second set of literature focussed on the aspects of its implications for India's strategic autonomy. Some authors believed, "the agreement not only severely compromised the country's sovereignty and foreign policy, but also it did not offer cheap energy alternative. Moreover, the deal would makes India subservient to the US because it would have to follow the rules of the Hyde act."⁷⁹ Finally, after a lot of intense debate, the nuclear agreement was officially on, it is quite appropriate to look at its implications for India's strategic programme. It was copiously clear that the proposed agreement was more than just around nuclear energy for India, but it has several strategic implications, including India's national security and foreign policy autonomy. The critics mainly focused on the national safety parts of the deal. There were several questions and concerns regarding the strategic autonomy of India among the scientific and academic communities such as, "would the agreement cap India's strategic programme? Would the deal affect our three stage civil nuclear programme? And would the deal restrict to conduct nuclear tests in the future?" Thus, the proposed agreement represents a paradigm shift in India's foreign and security policy.

The agreement signalled major implications for global strategic alliances, military security and energy security. According to Bajoria, "at the strategic level speculation may persist over a couple of issues. Firstly, there were different interpretations of the nuclear agreement with respect to the ability of India to test in the future."⁸⁰ According to the Council of Foreign Relation article, "there is a potential area of dispute with India over the terms for suspending the agreement. Before clearing the bill, the US Senate rejected an amendment that would require US nuclear supplies to be cut of if India test nuclear weapons. The deal does not explicitly impose that condition, though it is part of a 2006 law known as the Hyde act, which gave the deal preliminary approval."⁸¹ However, the issue of nuclear testing was a hot debate among the Indian academic and scientific communities, since they considered that tests might be essential in the future to improve India's nuclear arsenal. It is, therefore, now we can

⁷⁹ Hosur, n.6, p.438

⁸⁰ Jayshree Bajoria and Esther Pan, "The U.S.-India Nuclear Deal," *Council on Foreign Relations*, available at <http://www.cfr.org/india/us-india-nuclear-deal/p9663>, accessed on October 26, 2014.

⁸¹ Ibid

turn our attention towards the implication of the agreement for India's policy of minimum deterrence.

Nuclear Deal and Minimum Deterrence

One of the major concern was whether the deal impacts on the credibility of India's minimum nuclear deterrence. Writing soon after the Pokran II, Kanti Bajpai attempted to cut through the fallacy of the belief:

Weaponisation offered India a credible deterrent. Instead, it had put the country in the unenviable position of facing a two-front nuclear threat. Without effective delivery systems to threaten China, India's deterrent vis-a-vis the Middle Kingdom only made India a target of China's nuclear weapons, in keeping with Beijing's policy of no-first use against a non-nuclear weapon power. The confirmation of Pakistan's possession of nuclear weapons, suspected since 1987, had publicly neutralised India's conventional superiority and raised the possibility that armed conflict could quickly escalate into a nuclear exchange.⁸²

India, as is well known, have a self-imposed moratorium on nuclear testing. There was strong opposition that the US is trying to legally institutionalise India's unilateral moratorium. A Gopalakrishnan in his article mentioned, "the fears was first expressed by senior weapon scientists who once led the programme, and quickly repeated by Vajpayee and other opposition leaders."⁸³ For this, PM has assured, "there should be no doubt whatsoever that we have done anything which compromises our strategic autonomy in the management of India's strategic assets."⁸⁴

Some scholars were of the opinion that the proposed agreement also "affects India's ability to field thermonuclear weapons. Most of India's nuclear weapons are first-generation fission weapons and the thermonuclear test of 1998 was at best a partial success."⁸⁵ Bharat Karnad, a strategic analyst said, "a thermonuclear weaponised India, holding all the high cards, will only strengthen its bargaining position by not being seen

⁸² Kanti Bajpai, "The fallacy of an Indian Deterrent," ed in Amitabh Matto, *India's Nuclear Deterrent: Pokhran II and Beyond* (New Delhi: Har-Anand Publications, 1999), pp.150-88. Also see at Priyanjali Malik, *India's Nuclear Debate: Exceptionalism and the Bomb* (New Delhi: Routledge, 2010), p.239.

⁸³ A Gopalakrishnan, "Some Concerns on Indo-US Deal," *Economic and Political Weekly* (Mumbai), August 27, 2005, p.3802

⁸⁴ *Ibid*, p.3802

⁸⁵ Sumit Ganguly and Dinshaw Mistry, "The Case of the US-India Nuclear Agreement," *World Policy Journal*, Summer 2006, p.16. p.16

as too eager for a rapprochement other than on its terms... If however, the Government surrenders this country's sovereign right to test, weaponise and to secure itself against any and all threats for bits of technology, lifting sanctions, a veto-less UN Security Council seat or whatever, then the odds are that India in the 21st century will subside gently to the position of a minor power.”⁸⁶

Daryll Kimball, argued, “the NSG should at minimum, make clear that nuclear trade with India shall be terminated if it resumes testing for any reason. If India cannot agree to such terms, it suggests that India is not serious about its nuclear test moratorium pledge.”⁸⁷ It is, therefore, necessary to mention here that, New Delhi committed to a “moratorium on nuclear testing under its agreement, which means it would have to forgo further testing of its thermonuclear device. If New Delhi were to break the moratorium on testing, it would endanger its ability to import nuclear reactors and fuel to meet its energy requirements.”⁸⁸

While giving a different view by A Gopalakrishnan, “when the moratorium on weapon test becomes a part of the nuclear agreement, and this in turn becomes the only basis on which the NSG and other elements of the non-proliferation regime are going to accept the retention of India's nuclear weapons status, it will then become a serious violation if India breaks the bilateral promise and conducts nuclear tests in the future. If we do so, one can be sure it will bring unprecedented international criticism as well as economic and trade sanctions from most parts of the developed world, and their adverse impact then would be countless compared to 1998. In this aspect, the Vajpayee's Government five year moratorium, coupled with the continuation of this moratorium under the present nuclear agreement, in effect will be almost equivalent to India signing and ratifying the CTBT.” Further he pointed, Article 9.2 of the treaty states, “each State party shall, in exercising its national sovereignty, have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of this treaty have jeopardised its supreme interests.” However, India should also

⁸⁶ Gopalankrishnan, n.74, p.3803

⁸⁷“Nuclear Suppliers Fail to Reach Consensus on U.S.-India deal,” (Vienna), August 22, 2008, available at http://www.energy-daily.com/reports/Nuclear_suppliers_fail_to_reach_consensus_on_US-India_deal_999.html, accessed on September 23, 2014.

⁸⁸ Ganguly and Mistry, n. 84, p.16.

assert on the inclusion of similar clause for withdrawal from the unilateral moratorium, in the recent bilateral agreement with the US.⁸⁹

Further he stated, “the chief concern of the US was that they should not be seen as rewarding India through any nuclear cooperation, since most of the non-nuclear states who have willingly forgone their right to develop nuclear weapons and joined the NPT would understand it as betrayal of a co-operative trust and undervaluing of their nuclear self-denial all these years. As a non-signatory to the NPT, India has the right to build and operate nuclear plants and no obligation to assist India in this initiative. In this connection, the US would be sensitive about recommending any relaxation of export controls for India.”⁹⁰

While focusing on the importance of nuclear test, Bharat Karnad opined:

For India it is necessary to do further test. Because the 1998 tests elevated some serious doubts about the thermonuclear and ‘boosted fission’ plans that are detonated. These prototype weapon projects need to be revised and tested and retested in order for them to obtain credibility as operational weapons which can perform consistently and with care. But the 123 agreement prevent India from doing this. India should have undertaken to stop testing only after it had first repeatedly tested to get harmless, conventional and reliable collection of nuclear and thermonuclear armaments. In this stance, New Delhi would have compelled Washington to accept this demand. Because for many persuasive geopolitical, economic and strategic reasons, it is in the US national interest to have an India well-disposed to it.⁹¹

However, most of the writers remarked, “the agreement would make it difficult for India to conduct nuclear tests in the future without compromising its foreign policy because the US would force India to team up with the US on certain foreign policy issue.”⁹² It is, in this context, Praful Bidwai argued, “the nuclear agreement signifies a paradigm shift in India’s foreign policy. The agreement was a vital part of the global system and therefore, Washington is trying to build its strength to dominate the world

⁸⁹ Gopalakrishnan, n.62, p.364

⁹⁰ Ibid, pp.353-54

⁹¹ Bharat Karnad, “The India-United States Rapprochement, the Nuclear Deal, and the Indian National Interest,” ed in P. K Iyengar, A. N. Prasad, A. Gopalakrishnan and Bharat Karnad, ed, *Strategic Sellout: Indian-US Nuclear Deal* (New Delhi: Pentagon Press, 2009), p.397

⁹² Chintamnai Mahapatra, “Paradigm Shift in Indo-US Relations: Problems and Prospects,” in R.S Yadav and Suresh Dhanda, ed, *India’s Foreign Policy Contemporary Trends* (Delhi: Shipra Publications, 2009), p.46

by stopping the arrival of a rival power or an alliance of states that could encounter it in the foreseeable future.”⁹³

Accordingly, the controversy around conducting nuclear tests by India highlighted the degree of division in the domestic preference. Key policy analysts Bharat Karnad pointed, “India’s current deterrence is ineffective against China’s vastly superior nuclear arsenal and that under the context of nuclear agreement with the US. Moreover, India would be a disadvantage even with Pakistan, which, free by legal undertakings, would endure free to test and design new weapons. However, the proposed agreement will harm our strategic autonomy.”⁹⁴ As well, A. N. Prasad noticed, “while there is nothing in the nuclear agreement which legally prevents us from going in for a test if the situation demands, but the US law is very clear that the deal will be off and they right of return of all materials and equipment supplied.” He raised a question that “after investing billions of dollars in importing reactors and building huge infrastructure, which Government in future will be able to take a decision in favour of test? Thus, the option of testing will be as good as dead and remains only in theory. However, through this agreement, we are trying to achieve energy independence by becoming dependent on uranium imports with all the implications for national security.”⁹⁵

Contrary to such apprehension, K. P. Vijayalakshmi said:

Nuclear testing would surely be India’s sovereign right but the circumstances to utilise this sovereign right would be different than the usual circumstances. Therefore, the agreement clearly envisages that mainly in two situation in which India may conduct test. Firstly, if there is a change in international security environment. And secondly, if China resumes testing or China colludes with Pakistan and helps Pakistan for conducting a nuclear test or China work under their plan to damage the Indo-US agreement. Further she observed that a close reading of the Article 14 of the agreed text sees that the US may not be able to terminate the agreement so easily, since India has been treated as a special case and recognised as a de-facto status.⁹⁶

⁹³Praful Bidwai, “A Divisive Deal,” *Front Line* (Chennai), July 15, 2006

⁹⁴ Mitra and Schottli, n.26, p. 26

⁹⁵Prasad, n.24, pp.96-97

⁹⁶ K P. Vijayalakshmi, “Evolution of Indo-US Civil Nuclear Cooperation,” in N. K. Jha, ed, *Nuclear Synergy Indo-US Strategic Co-operation and Beyond* (New Delhi: Pentagon Press, 2009), p55-56

In his book, *Nuclear Synergy Indo-US Strategic Co-operation and Beyond*, Nalini Kant Jha analysed how the 123 will affect India's strategic autonomy and interests. He observed:

Strategically, the proposed agreement would in no way compromise India's strategic autonomy and interests. By signing this agreement, India and the US have agreed to differ on the issue of conducting future nuclear tests by India. Consequently, most of the criticism in India is based on this. Further, he emphasised that India will have to face the consequences of nuclear test if it does not implement the agreement. Because when we look back to our history even if there were no 123 agreement or Hyde Act, nuclear tests would have entailed consequences as happened in 1974 and 1998. But from the point of view of energy security, the agreement is India's one of the significant diplomatic achievements. One cannot expect to get everything in negotiation because diplomacy is all about bargaining, compromise and accommodation that by definition will not meet the maximum preference of any party. However, the nuclear agreement became a very intense, scientifically well-informed public debate, in which the Government has participated constructively. These debates helped New Delhi to get as much concessions as possible from Washington.⁹⁷

Muchkund Dubey observed, "there is no provision in the 123 agreement preventing India from conducting nuclear tests. CTBT was the only international treaty prohibiting nuclear tests, which has not been ratified by the US or India and which is yet to be operationalised. But the 123 agreement could have the effect of deterring such tests by imposing of its provision on right to return of the nuclear reactor."⁹⁸ Similarly, R. Rajaraman remarked:

The only document India signed is 123 agreement. Therefore, neither this agreement nor the Hyde Act will not bind India on further nuclear test. And our conducting another nuclear test might be threat to the 123 agreement. Because, after the NSG clearance, India would be deal with many nations, mainly Russia and France on reactor building. Hence, the response of these countries to any future test will be different. But in any case, the decision to test or not will be ours. However, the nuclear agreement would permit us to enjoy the benefits of international nuclear commerce and collaboration up to such time we test, should we ever choose to do.⁹⁹

⁹⁷Nalini Kanth Jha and S. Prabhakar "Indo-US Nuclear Agreement: Parliamentary Inputs", in N. K. Jha, ed, *Nuclear Synergy Indo-US Strategic Co-operation and Beyond* (New Delhi: Pentagon Press, 2009) p.156

⁹⁸ Muchkund Dubey, "Demystifying the Indo-US Civilian Nuclear Deal," *Mainstream* (New Delhi), vol. xlv, no. 39, 15 September 2007, p.5.

⁹⁹ Rajaraman, n.65, p.128-29

Kamal Mitra Chenoy argued, “if the US finds any Indian foreign policy position is going against its national interests, such as India’s relation with Iran, India’s non-participation in the Proliferation Security Initiative, or FMCT, it can mean that the US can cut off fuel supplies leading to disruption.”¹⁰⁰ While giving a contrary view by Rekha in her paper mentioning that Article 5.6 of the agreement remarked, “the US will support Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India’s reactors.” In spite of this, “if a disruption of fuel supplies to India occurs, the US and India would jointly convene a group of friendly supplier countries including Russia, France and UK to pursue such measures as would restore fuel supply to India.”¹⁰¹ Similarly, N. K. Kha in his article mentioned, “if US will take back all materials when India conduct nuclear tests in the future, New Delhi too can amend its Atomic Energy Act of 1962 or enact a new law to the effect that India will not return any sensitive nuclear material even if imported from foreign sources.”¹⁰²

While the academic debates focused on whether the nuclear agreement might cap the Indian nuclear weapon programme, and on how many and which of the Indian civilian nuclear reactors have to be put under IAEA safeguards. It is, in this context, there were two kinds of arguments regarding India’s strategic engagement with the US. Firstly, an abundant literature suggests that the 123 agreement was an attempt by the US to build India’s strength as a balance against China. This can be exercised only by an economically vibrant and military strong India. And the second argument was the strategic tie-up with the US does not reduce India’s foreign policy autonomy.

Hedging Against China

We have seen that some literatures were focused on proliferation aspects, but there are others who remain US containment strategy. On the one side US is promoting

¹⁰⁰Kamal Mitra Chenoy and Anuradha M. Chenoy, “The Left Parties and the Indo-US Nuclear Deal”, in Amitabh Mattoo and Happyman Jacob, ed, *Shaping India’s Foreign Policy Peoples, Politics and Places* (New Delhi: Har-Anad Publications, 2010), p.126

¹⁰¹Rekha Chakravarthi, “Internal Roadblocks to the Indo-US Nuclear Deal,” in, P. R. Chari, ed, *Indo-US Nuclear Deal: Seeking Synergy on Bilateralism* (New Delhi: Routledge, 2009), p. 72

¹⁰² Nalini Kant Jha, ed, *Nuclear Synergy: Indo-US Strategic Cooperation and Beyond* (New Delhi: Pentagon Press, 2009) p. xix

mutual cooperation, where the mighty and average would work together to reap the benefits of inter-dependence to maintain a peaceful world order. But on the other side, US does not want Asia to be dominated by any single power and, much more, its own exclusion or marginalisation in the Asian geo-strategic architecture. In fact, almost all the countries are tied with the US economy directly or indirectly.¹⁰³

According to Sazena, “normally, US policy makers looked Asia as three isolated region- East Asia, Southeast Asia, and South Asia. But now, there is a sense of a single region, with each country having an impact on the others. The growing concern of Sino-Indian ties is one of the key aspects in this region. While India is expanding its interests in Southeast Asia as well as Japan, while China is also expanding its interests in Southeast Asia and South Asia.”¹⁰⁴ Similarly, Tasleem viewed, “China’s trade with the African states has tremendously grown in the past few years, while it has strong foothold in East Asia for a longer period. As far as South Asia is concerned, China shares extremely strong ties with Pakistan and Myanmar. It also shares a cordial relations with Nepal, Bangladesh and Maldives. Its observer status in SAARC also demonstrates China’s growing influence in South Asia. This kind of growing web of states around China is seen with suspicion by the US that convinces her to opt for containment.”¹⁰⁵

Qazi argued, “China’s strengthening military capabilities and several moves in Asia led to worrisome situation in the strategic objectives of the US. Its claim of territorial sovereignty in the South China Sea, assertiveness in the Pacific Ocean, and growing naval and commercial presence in the Indian Ocean led to US to move a strategic partnership with India.”¹⁰⁶ As the Council on Foreign Relations and Aspen Institute of India report noted “a military strong India is a uniquely stabilising factor in

¹⁰³ Snehalata Panda, “Global Energy and Alliances: Challenges for India,” *India Quarterly: A Journal of International Affairs* (New Delhi: Sage Publication), vol.62, no.92, 2006, p.109.

¹⁰⁴ Vinod Saxena, “US-India Relationship: Competitors or Partners,” in Sekhar Basu Roy, ed, *India and America Future Portends*, Kolkata, p.163

¹⁰⁵ Sadia Tasleem, “Indo-US Nuclear Cooperation: Altering Strategic Positioning & Shifting Balance of Power in South Asia,” (Colombo), *Regional Centre for Strategic Studies*, 2008, p.64.

¹⁰⁶ Shehzad H. Qazi, “Hedging Bets: Washington’s Pivot to India,” *World Affairs*, November/December 2012, pp. 27-28.

a dynamic twenty-first-century Asia.”¹⁰⁷ However, Sahgal viewed, “India needs to leverage its relationship with the US to its geopolitical advantage, must be on shared mutual values and common interests, without compromising on the country’s core national interests. Thus, the challenge for India is how to boost its relationship with the US that can provide an impetus to its economy and defence capability building without antagonising China.”¹⁰⁸

One of the eminent strategic analyst S D Muni examined:

Strategically, the Asian countries are seeking assurance in the heightened US presence in the region and a new strategic balance to be created with greater involvement of Asian powers like India, Australia and Japan. All these countries wanted to prevent China’s domination in the region. But the exceptions, such as Iran and Pakistan who have no problem with a rising and assertive China.¹⁰⁹

Therefore, the question is would India play the balancing game for US? Because the Indian Government upheld, “it does not propose to follow an aggressive policy towards China and declined to be an American proxy or bulwark under any circumstances. But from a geopolitical point of view, if a US policy strategically confines or weakens China in the region, it is unlikely that India would mind, even though it does not want to be directly involved in any anti-China strategy.”¹¹⁰

There was a strong opposition on the prospects of India joining the US against China. While addressing to the Chinese Academy of Social Sciences in Beijing in January 2008, PM declared, “there is no question of India abandoning its independent foreign policy. The primary task of our foreign policy is to create an external environment that is conducive for our rapid development. Our policy seeks to widen our development choices and give us strategic autonomy in the world. The

¹⁰⁷Ibid, pp. 27-28.

¹⁰⁸ Arun Sahgal, “India and US Rebalancing Strategy for Asia-Pacific,” *Institute for Defence Studies and Analyses*, July 09, 2012, available at <http://idsa.in/idsacomments/IndiaandUSRebalancingStrategyforAsiaPaci>, accessed on January 03, 2014.

¹⁰⁹ S D Muni, “Introduction,” in ed S.D. Muni and Vivek Chanda, *Asian Strategic Review* (New Delhi: Pentagon Press, 2013), p.5

¹¹⁰ Hosur, n.6, p.440.

independence of our foreign policy enables us to pursue mutually beneficial cooperation with all major countries of the world.”¹¹¹

C Raja Mohan said, “Sino-US relation will continue broader and deeper than those between New Delhi and Washington. Nor has Washington made up its mind to go beyond a hedging strategy against China. In that sense there is no American invitation to a containment party that India is pleased to respond to.”¹¹² However, one thing to be sure, there is bound to be a triangular dynamic between the US, China and India. All of them are involved in a hedging strategy.¹¹³ He published a series of articles highlighting this concerns, and he quoted Condoleezza Rice view, in which she said, “I really do believe the US-Japan relationship, the US-South Korean relationship, the US-India relationship, all are important in creating an environment in which China is more likely to play a positive role than a negative role. These alliances are not against China; they are alliances that are devoted to a stable security and political and economic and, indeed, values-based relationships that put China in the context of those relationship, and a different path to development than if China were simply untethered, simply operating without that strategic context.”¹¹⁴

Hosur observed, “hough India never wanted to pursue hedging strategy with respect to China and would not agree to be a part of any alliance against China. While India might not openly pursue an anti-China policy, any US initiative to hedge against China would certainly not be met with opposition from India.”¹¹⁵ Hari Sud argued, “the US could reasonably expect India to share critical intelligence about Chinese military capabilities, especially in the Indian Ocean and its littoral states. As 40 percentage of the world oil and commerce passes through the Indian Ocean sea-lanes. Piracy in the Red Sea and at the Malacca Strait prey on commerce. Indian cooperation would be helpful in keeping the sea-lanes free.”¹¹⁶ Hence, Washington have a clear agenda for

¹¹¹ C. Raja Mohan, “India's Geopolitics and Southeast Asian Security,” *Southeast Asian Affairs* (Institute of Southeast Asian Studies), 2008, p.13.

¹¹² Ibid, p.13

¹¹³ Ibid, p.13

¹¹⁴ Mohan, n. 53 p.264

¹¹⁵ Hosur, n. 6, p.448

¹¹⁶ Hari Sud, “India-US Nuclear Deal: The Benefits,” *South Asian Analysis Group*, Paper no.1740, March 20, 2006.

moving ties with India. It included, “a continuous presence in Central Asia, growing influence in India Ocean, containment of China and isolating Iran. For all these agendas, previous strategies were not paying enough. Therefore, the proposed Indo-US bilateral cooperation is a possibility that the above mentioned calculations added a lot to New Delhi’s existing significance for Washington.”¹¹⁷

In the views of Sumit, “a viable partnership with India could also benefit the US in other ways. For example, in the aftermath of the 9/11 terrorist attack against the US, Indian naval vessels helped patrol areas well beyond the Indian Ocean littoral in concert with the US navy. More recently, in the aftermath of the devastating Asian tsunami, India coordinated relief efforts with the US navy from Sri Lanka to Indonesia. India also started to act in concert with the US on issues of the immediate environs of South Asia.”¹¹⁸ It is, therefore, K Subrahmanyam rightly pointed out that the Indo-US partnership “is not about the containment of China but it is about defending Indian pluralism, secularism and democracy from the challenges of one party oligarchical system allied to jihadism. Moreover, it focus on the future world order and making India the biggest knowledge pool of the world.”¹¹⁹

But China’s strategic respect for India might increase “if the US decided to use India as a counterweight to China in the region. Besides, if India continues its reforms process and to encourage more foreign investment, it might also increase China’s concern about economic competition from India. The interesting thing is that India wants China to show that India-China relations is a central priority. As long as China allies itself with Pakistan, there will be little hope for improved Sino-Indian relations.”¹²⁰

Implications for Indian Foreign Policy

The most contentious issue of the nuclear agreement was its implications for India’s status as a nuclear weapon state. Various political and strategic concerns were

¹¹⁷Tasleem, n. 104, p.101.

¹¹⁸Ganguly and Mistry, n. 84, pp.12-13.

¹¹⁹ K Subrahmanyam, “Grand Strategy for the First Half of the 21st Century,” in Krishnappa Venkatshamy and Princy George, ed, n, 58, p.24

¹²⁰Vinod Saxena, n. 103, p.160-61

expressed by the opposition parties as well as different scholars from India. Therefore, the primary concern was that the deal would make Indian foreign policy an everlasting hostage to US interests. A.G. Balakrishnan, former Chairman of the Atomic Energy Regulatory Board stated, “every year, the US Congress is going to review India’s behaviour and many aspects of its foreign policy. And, if they are happy they will release the fuel and they would have an option to stop the fuel supply if India conduct nuclear tests in the future. It is one of the conditions of the nuclear deal. Therefore, there is no guarantee of fuel supply for Indian reactors.”¹²¹

The Left parties too raised about this issue and they argued that the proposed agreement would adversely affect our independent foreign policy. While opposing the views of Left parties, K Subrahmanyam stated, “the country’s dreams can’t be straitjacketed by an ideology. If the Congress Government agrees to freeze the deal, then, no country in the world will deal with India in future. Through this deal India can stop its nuclear apartheid and can ensure comprehensive national development.”¹²² It was arrived at after much hard work and preparation involving two Indian Prime Ministers (Vajpayee and Manmohan Singh) and three US presidents (Clinton, Bush and Obama), after overcoming sharp domestic criticism from both the US and India.¹²³ However, the proposed agreement is in India’s interest even if the agreement does not address all of India’s concerns. It is clear in the Subrahmanyam’s statement, he said, “the clauses in the 123 agreement will be binding on India only if it buys nuclear reactors and material from the US, and not if it gets NSG clearance to buy them from France and Russia, for instance. This was the strategy China adopted. France and Russia supply reactors and technology on the basis of NSG guidelines and under IAEA safeguards, and do not impose the kind of conditions the US Congress tend to impose.”¹²⁴

¹²¹A. G. Gopalakrishnan, “Indo-US Nuclear Deal: A Debate,” *Vikalpa* (Ahmedabad), vol.32, no.4, October-December 2007, p.93

¹²² K Subrahmanyam, “Nuclear Deal Still on Course,” October 13, 2007, available at <http://www.rediff.com/news/2007/oct/13ndea.htm>, accessed on October 27, 2014.

¹²³Subhash Agrawal, “India and the United States: A New Partnership,” *The International Spectator*, vol. 46, no. 2, June 2011, p.6.

¹²⁴ K Subrahmanyam, “Why the Nuclear Deal is Important,” December 07, 2006, available at <http://www.rediff.com/news/report/ks/20061207.htm>, accessed on November 26, 2014.

Subhash Kapila gave a contrary view in his paper in which he said:

India has no option but to follow foreign policies of interdependence with the US because India's economic development and subsequent rise to global power status can only come about with US strategic and political concurrence. And also India's desire to become an 'Indian Ocean Power' cannot occur without convergence of the US national security interests.¹²⁵

Looking at the issue from a foreign policy perspective, Kamal Mitra Chenoy and Anuradha M. Chenoy in their article noted:

The UPA Government adopted the Indian version of Chinese formula, 'walk on two legs.' It means, the UPA in its Common Minimum Programme (CMP) talked of an independent foreign policy striving for multi-polar world. But in practice, this has meant improvement in relations between India and China as well as with Russia, along with a continued strengthening of a special relationship with the US.¹²⁶

On the other hand, PM has assured that we will follow the path of non-alignment and promote our national interest at any cost. In 2006 IBSA meeting he stated, "I have always said that foreign policy is essentially a device to widen our development options. The foremost problem before our country is to get rid of chronic poverty, ignorance and disease which still afflict millions of people. We need a strong economy. We need a pattern of growth which creates more jobs. Whether it's improving relations with the US or China or choosing the potential cooperation with other developing countries, I think it fits into the over-all picture of making use of all opportunities to expand our economic and other multi-faceted contacts with other countries."¹²⁷

Rajiv Sikri viewed, "India's growing economic and political role in the world is seen as a significant strategic opportunity to achieve US goals. Therefore, the main objective of this agreement is to persuade greater political and material support to advance US goals."¹²⁸ Further he stated that India can hardly have a true strategic partnership with the US when US policies do not coincide with India's priorities and

¹²⁵ Subhash Kapila, "India's New Government and its Foreign Policy Option: An Analysis," Paper no. 1049, 06 July, 2004

¹²⁶ Chenoy and Chenoy, n. 98, p.115.

¹²⁷ Christophe Jaffrelot, "The India-US Rapprochement: State-driven or Middle Class-driven?" *India Quarterly* (New Delhi), vol.65, no.1, 2006, pp.7-8.

¹²⁸ Rajiv Sikri, *Indis-US Nuclear Deal: The Road Ahead*, *South Asian Analysis Group* (New Delhi), Paper no.2072, December 23, 2006

real interests in its immediate neighbourhood. For example, India has a problem with US policies towards Pakistan. While Pakistan is a very special case, India appears to have unwisely cede strategic space to the US even in the rest of South Asia. If the US were actually following the Indian line in India's neighbourhood, that would be welcome; but it seems that it is India that is following the US line in South Asia. India's policy on Pakistan, Bangladesh, Nepal and Sri Lanka is being guided by the US.¹²⁹

Notwithstanding, India had serious differences with the US on several global issues. For example, India believed in a world order based on international law, but the US is prone to violate these law in pursuit of its national interest. Additionally, there is a sharp divergence on the issues of Doha Round of trade negotiations. Because most of US proposals in this round are against developing countries like India.¹³⁰ It is difficult for any nation to conduct its bilateral relations with a strong nation especially with the US, because the manner in which it conducts its foreign policy is entirely different from others. It tended to create a category of 'rouge state' with which it preserves minimal or no relations, and expect friendly countries also to follow the same policy. As the US factor, India nearly lost a great deal for the supply of compressed gas by Iran. There was no doubt that the proposed agreement would compound India's problems in formulating and conducting independent foreign policy and in abiding by the fundamental principles of its foreign policy.¹³¹ As a result, number literature focused on the foreign policy aspect especially on the issue of Iran.

Issues at Stake: Iran

Even as this debate was going on in India, India's decision to vote against Iran in the IAEA angered the opposition parties as well as some sections of the academic community. Prakash Karat in his article mentioned, "the Hyde Act contains directions on India's foreign and other security related matters." He quoted Richard G. Lugar's statement, in which he said, "we have already seen strategic benefits from our improving relationship with India. For example, India's vote at the IAEA on the Iran

¹²⁹Rajiv Sikri, *Challenge and Strategy: Rethinking India's Foreign Policy* (New Delhi: Sage Publications, 2009), p.192.

¹³⁰ Dubey, n. 97, p.11

¹³¹ Dubey, n. 97, p.11.

issue demonstrate that New Delhi is able and willing to adjust its traditional foreign policies and play a constructive role on international issues.”¹³² Correspondingly, Harsh V Pant said, “the US ambassador to India David Mulford went public with his warning that if India did not vote to send Iran to the UN Security Council, the effect on the deal would be ‘devastating,’ since the US Congress would ‘simply stop considering the matter’ and the initiative will die.”¹³³

In the same way, Democratic Congressman Tom Lantos expressed, “if we are turning ourselves into a pretzel to accommodate India, I want to be damn sure that India is mindful of US policies in critical areas, such as US policy towards Iran.” PM Singh dismissed these remarks, stating that “the Government cannot be waylaid by the statement of individual Congressmen.”¹³⁴ Finally, the Government of India explained its vote this way:

In our explanation of vote, we have clearly expressed our position to Iran being declared as noncompliant with its safeguards agreements. Nor do we agree that the current situation could constitute a threat to international peace and security. Nevertheless, the resolution does not refer the matter to the Security Council and has agreed that outstanding issues be dealt with under the aegis of the IAEA itself. This is in line with our position and therefore, we have extended our support.¹³⁵

It would make more difficult to deal with proliferation challenges such as Iran. Robert Einhorn, non-proliferation expert observes, “the Iranians were already querying, why they should give up their right to enrichment capability while India, which rejected the NPT, is being offered nuclear cooperation. In general, the deal conveys the message that the US—the country, the world has always looked to as the leader in fight against proliferation ...is now giving non-proliferation a backseat to other foreign policy goals.

¹³² Prakash Karat, “Indi-US Nuclear Deal: Struggle to Defend National Sovereignty,” *The Marxist*, vol. 23, no.3, July to September, 2007, p.3.

¹³³ Harsh V Pant, “The US–India nuclear deal: the Beginning of a Beautiful Relationship?”, *Cambridge Review of International Affairs*, (New Delhi), vol. 20, no. 3, September 2007, p.462.

¹³⁴ S. Samuel C. Rajiv, “India and Iran’s Nuclear Issue: The Three Policy Determinants,” *Strategic Analysis* (New Delhi), vol. 35, no.5, 2011, p.825.

¹³⁵ “Briefing by MEA Official Spokesperson on Draft Resolution on Iran in IAEA” (New Delhi), September 24, 2005, available at http://www.indianembassy.org/press_release/2005/Sept/16.htm, accessed on September 22, 2012. Also see at Paul K. Kerr, “U.S. Nuclear Cooperation with India: Issues for Congress,” *Congressional Research Service*, June 26, 2012, p.34.

And this will give others a green light to assign a higher priority to commercial and political considerations relative to non-proliferation.”¹³⁶

Analysts highlighting the political and security implications of a nuclear Iran include C. Raja Mohan who wrote: “Iran’s nuclear defiance is only partly about the global nuclear order. It is more about rewriting the geopolitics of the Gulf that could unleash new tensions between Arabs and Persians and between the Shia and Sunni.”¹³⁷ According to M. K. Badrakumar, “the draft bill of the nuclear agreement says the US expects India’s full and active participation in the US stance on the Iran nuclear issue. It means that Washington efforts to dissuade, isolate, and if necessary, sanction and contain Iran.”¹³⁸

Similarly, Paul Kapur observed, “the long-term danger of this agreement is that US leaders may behave as if the nuclear deal has bought them India’s allegiance. The American policy makers believe that in return for the agreement, India is bound to support US non-proliferation efforts, especially in the case of Iran.” As Congressman Tom Lantos put it, “there is quid pro quo in international relations. And if our Indian friends are interested in receiving all of the benefits of US support we have every right to expect that India will reciprocate in taking into account our concerns.”¹³⁹ While focussing the importance of India’s relation with Iran, Jayati Gosh noted:

India can get so many benefits from the Iran gas pipeline project that it cannot be abandoned simply because the US Government does not like it. Through this all three countries (Iran, Pakistan and India) would benefit from increased employment from construction and maintenance of the pipeline. Besides, the very large potential for economic and developmental gain from natural gas may well encourage the Governments of three countries to reassess their role and policies in regional conflicts, including not only Kashmir but also Afghanistan and other national security issues. However, allowing the US to

¹³⁶ Robert Einhorn, “Should the US Sell Nuclear Technology to India? Part I,” *Yale Global*, November 08, 2005, available at <http://yaleglobal.yale.edu/content/should-us-sell-nuclear-technology-india-%E2%80%93-part-i>, accessed on September 21, 2014.

¹³⁷ C. Raja Mohan, “It’s not about Uttar Pradesh,” *The Indian Express*, December 26, 2006, <http://archive.indianexpress.com/news/it-s-not-about-uttar-pradesh/19350/0>, accessed on November 19, 2014.

¹³⁸ M. K. Badrakumar, n.27.

¹³⁹ S. Paul Kapur, “Mixed Consequences of the Indo-US Nuclear Deal,” ed in Wade L. Huntley and Karthika Sasikumar, *Nuclear Cooperation with India: New Challenges, New Opportunities* (Canada: The Simons Centre for Disarmament and Non-Proliferation Research, 2006), p.43

dominate in this manner is certainly not in India's interests. She added that the offer of nuclear fuel as an alternative is partly compensation, since nuclear energy currently meets less than 4 percent of the country's total energy requirement.¹⁴⁰

In the light above mentioned discussion we have seen that how the nuclear agreement affected our independent foreign policy decision making process. Now let's have a look on strategic implications of the nuclear agreement.

Implications for Strategic Programme

After the nuclear tests of 1998 by India saw the US leading a coalition of countries persuading India to sign the NPT and withdraw its nuclear weapons.¹⁴¹ Nevertheless, considering NPT as discriminatory, India refused to sign this non-proliferation regime. It is, in this context, according to Balachandra, "the US had two options. One was to attempt to force India, through agreements, to either cap or scrap its nuclear weapon program. And secondly, to tackle India's growing power for its own geopolitical and economic interests in the region. Hence, the US has chosen the second option in offering the nuclear cooperation to India. It would certainly help in the acceleration of India's economic growth and the development of its technological capacities. It would also contribute to a higher international profile and impact positively on third countries witness the various positive responses to the Indo-US nuclear initiative as compared to the international response to the 1998 nuclear tests."¹⁴²

A N Prasad, former director of Baba Atomic Research Centre viewed, "the nuclear agreement will bring India into the mainstream of global non-proliferation agenda by taking all possible measures to cap and work for a roll-back of its strategic programme and make India a strategic partner in this part of the world in line with their foreign policy goals. In fact, instead of being treated as an equal partner, India is made a client state subjected to periodic assessment of good behaviour."¹⁴³

¹⁴⁰Jayati Gosh, "Sacrifice for a strategic tie?," *Front Line*, vol. 22, Issue 16, Jul 30- Aug 12, 2005, available at <http://www.frontline.in/static/html/fl2216/stories/20050812003110800.ht>, accessed on November 21, 2014.

¹⁴¹ Balachandran, n.22, p.544

¹⁴²Ibid, p.548

¹⁴³ Prasad, n. 24, p.96

Stephen Cohen, a South Asia specialist said, “while supporting the agreement I believe that it should be the initial step in a process of crafting a diplomacy that addresses wider complex arms control and security concerns, not just meeting India’s energy needs. America has such concerns in an area that stretches from Israel to China.”¹⁴⁴

The US wanted to assign important strategic role to India from Strait of Hormuz to Strait of Malacca. US is the most powerful military power in this region because of its Central Command and Asia-Pacific Command. India was strategically located between these two naval task force. Thus its location could be beneficial for both the US commands.¹⁴⁵ In the views of Harsh V Pant, “the US has vital strategic interests in the world’s largest reserves of energy lying in the Middle East, Gulf region and South Asia and India occupies the strategic location linking the Indian and Pacific Oceans.”¹⁴⁶ Likewise, Harsh V Pant noted, “US would like a strong US-India alliance to act as a ‘bulwark against the arc of Islamic instability running from the Middle East to Asia and to create much greater balance in Asia.”¹⁴⁷

It is clear that we cannot permit the nuclear agreement to jeopardise the strategic nuclear weapons ability, which the nation stood a heavy value for years. But the method in which the recent agreement was outlined, raised some apprehension among the Indians. In the view of Sumit Ganguly, “there are three significant strategic queries confronting the Indian leadership. First, how do they manage the contentious relationship with Pakistan even if they cannot bring about a rapprochement on the Kashmir question? Second, how does India respond to and cope with the extraordinary

¹⁴⁴ Remarks of Stephen Cohen, “On US-India Atomic Energy Cooperation: Strategic and Non-Proliferation Implications,” Senate Foreign Relations Committee Hearing, April 26, 2006. Also see at P M Kamath, “India-US Civil Nuclear Deal: Concerns Raised in Washington and New Delhi and its Aftermath,” in Nalini Kant Jha, ed, *Nuclear Synergy: Indo-US Strategic Cooperation and Beyond* (New Delhi: Pentagon Press, 2009), p.120

¹⁴⁵ Tej Pratap Singh, “Indo-US Civil Nuclear Cooperation Agreement: Implications for Asian Security,” in Nalini Kant Jha, ed, n. 101, p.99

¹⁴⁶ Mussarat Jabeen and Ishtiaq Ahmed, “Indo-US Nuclear Cooperation,” *South Asian Studies*, vol. 26, no. 2, July-December 2011, p. 418.

¹⁴⁷ Harsh V Pant, *Contemporary Debates in Indian Foreign and Security Policy* (Palgrave Macmillan, 2008), p.22

rise of the People's Republic of China? And finally, what sort of relationship will India forge with the US in the ensuing decades?"¹⁴⁸

Dilip Mohite in his article quoted:

The main concern of the US is to contain global competitors like China and Europe, which pose a threat to US hegemony in economic, political and strategic spheres. Therefore, US wants partners to preserve its hegemony without territorial possession, which substantiate. Under this circumstances, the policy option for the US is to operationalise 'balance of power' in Asia, as India ideally suits its strategic game plan. It is a rule of the game of world politics. In the past, the world politics is full of such examples, where alignments have been made and broken. Since there are no permanent friends in international relations but permanent interests of the nations.¹⁴⁹ But when we look it from a realistic perspective, the agreement is mutually beneficial for both countries. Further he said, the proposed agreement provide an opportunity to emerge India as an economic, political and military power centre.¹⁵⁰

While criticising the nuclear agreement, Vasant Natarajan said, "we will always be beholden to the suppliers. If they decide to turn off the tap one day, for whatever reason, we will be stuck." Every country is going to look after its own interests, especially in the case of US, they want to ensure their supply of oil from the Middle East or have a counter balance to China.¹⁵¹ However, to make close relation with India, it abandoned its traditional non-proliferation policies to co-opt and integrate India in strategic thinking and planning for the peace, security and stability of Asia. Though, the addition in the field of nuclear energy is a comfortable move, but India requirements to step carefully to defend its interests.

In the opinion of T. P. Sreenivasan, former Ambassador of India, "Bush administration ensured a non-discriminatory route for India to end its nuclear isolation against the backdrop of the bitter arguments of 31 years. Through this, India virtually won the nuclear weapon state status with the same rights and obligations as other

¹⁴⁸Sumit Ganguly & Manjeet S. Pardesi, "Explaining Sixty Years of India's Foreign Policy," *India Review*, vol.8, no.1, 2009 (New Delhi), p.16.

¹⁴⁹ Dilip Mohite, "India-US Nuclear Deal: Security Dilemma and Beyond," in Nalini Kant Jha, ed, n.101, pp.77-81

¹⁵⁰Ibid, p.85

¹⁵¹"New Energy: Nuclear Deals Mushroom in India," February 12, 2009, available at <http://knowledge.wharton.upenn.edu/india/article.cfm?articleid=4352>, accessed on April 24, 2014.

nuclear weapon states. Consequently, in return, India reaffirmed its moratorium on testing and place the civilian facilities under IAEA inspection and abide by the internationally accepted norms for export control and fissile material production. Therefore, the proposed agreement not only good for India and the US but also good for the world.”¹⁵²

Meanwhile, the US considered “India as a de facto nuclear weapon state, India’s opposition to the NPT disappeared without a trace and it has willingly teamed up with the US to propagate the virtues of non-proliferation. Thus, both countries was committed to prevent the proliferation of Weapons of Mass Destruction.” According to Jayaprakash:

the entire workout of giving concealed recognition to India as a nuclear weapon state thoroughly disclosures the wholly descriptive nature of the NPT, as it was merely the handmaiden of US for serving its interests. Finally, India’s subjective desire for nuclear weapon status has prevailed over its objective position as a winner of universal nuclear disarmament for a strategic tie-up with the US.¹⁵³

Therefore, it is a betrayal of our foreign principles of non-alignment. Similarly, A. N. Prasad said, the deal would give “the US near total access to India’s nuclear establishment through IAEA inspections. Besides, to a large extent, the proposed agreement will undermine the pride with which Indian nuclear scientist....developed highly complex nuclear technology under heavy odds.”¹⁵⁴

While naming the agreement as unique, Annapurna Nautiyal emphasised, “the US agreed to help India acquire the same benefits and advantages as other state with nuclear weapons. Towards this objective, India agreed to separate its civil and military facilities under IAEA safeguards. Additionally, the US assured that it would find fuel if the US cuts off the supply for any reason particularly if India tests a nuclear weapon. Because it started to recognise India as a strategic bulwark of growing Chinese power.

¹⁵²T. P. Sreenivasan, “Indo-US Nuclear Deal: A Debate,” *Vikalpa* (Ahmedabad), vol. 32, no.4, October-December 2007, p.91.

¹⁵³N. D. Jayaprakash, “Indo-US Nuclear Deal: India Backtracks on Disarmament,” *Mainstream*, vol. xlvi, no.32, 26 July, 2008, p.3

¹⁵⁴Praful Bidwai, “A divisive Deal,” *Front Line*, vol.23, Issue 14, July 15-28, 2006, p.5, available at <http://www.frontline.in/static/html/fl2314/stories/20060728001608700.htm>, accessed on November 21, 2014.

Interestingly, the US also acknowledges the fact that India as responsible state with advanced nuclear weapon status, but it has diplomatically avoided accepting India as the sixth nuclear weapon state”¹⁵⁵

As P M Kammath averred:

The agreement was unlikely to satisfy all sections of the people of both countries. As it gave a second class status to India as compared with China, Russia and other major nuclear powers. India kept 65 percent of its nuclear reactor under IAEA safeguards but all those countries not one reactor is under any inspection regime whatsoever. Therefore, the US may stress that it is only a civil nuclear agreement, to bring India within the mainstream of non-proliferation regime. But one cannot speak of de facto NPT recognition without speaking of de facto recognition of India’s nuclear weapon status.¹⁵⁶

It was during this period most of the literature focussed on the issue of Hyde Act. According to Muchkund Dubey:

Compare to other countries, India would no longer be able to transfer fissile material from the civilian to the military side. Because there are some contradictions in the 123 agreement. Article 2, paragraph 4 of the agreement states, the purpose of the agreement is not to affect the unsafeguarded nuclear activities in India. But on the other hand, section 103, paragraph 5 of the Hyde Act, provides that the US will “seek to halt the increase of nuclear arsenals in South Asia and promote their reduction and eventual elimination.” Equally, in paragraph 7 of the same section, it is further provided that pending implementation of a multilateral moratorium on the production of fissile material, the US will “encourage India not to increase its production of fissile material at unsafeguarded nuclear facilities.” This is contrary to the provisions of the 123 agreement.¹⁵⁷

But the question arise that which would prevail in the event of a dispute? Rahul Bhonsla, K.R. Gupta and Ved Prakash in their book *Indo-US Civili Nuclear Deal* highlighted, “Hyde Act cannot be binding on India’s sovereign decisions, although it can be construed as perspective for future US reactions. Section 104 of the Hyde Act states that the US President may exempt a nuclear cooperation agreement from the requirement of IAEA safeguards, if the President considers that India has provided a

¹⁵⁵ Nautiyal, n.63, p.140

¹⁵⁶ Kamath, n.5, p.131

¹⁵⁷ Dubey, n. 97, p.7.

plan to separate civil and nuclear programme and, has concluded an agreement applying IAEA safeguards on nuclear facilities and working with the US on a multi-lateral treaty to stop the production material for nuclear weapons.”¹⁵⁸

Sitaram Yechury, one of the most powerful leader of the CPI (M) in his article *Indo-US Nuclear Deal* addresses political as well as technical charges against the agreement. He observed, “the nuclear deal was not in India’s favour because in case of any dispute between the two countries regarding the nuclear agreement, then the law that would finally prevail would be the US domestic law that is, the Hyde Act. Because we could see a huge difference in US dealing with India and other countries such as China and Japan. In case of any dispute, Japan has a provision of Arbitrary Council and for China, it is as per international law. Then, why should the Indian nuclear deal require submission to the US domestic law.”¹⁵⁹

Therefore, the main purpose of this nuclear agreement was to cover India’s nuclear weapon capability. This is sought to be achieved, “preventing transfer for fissile material from the civilian to military side; keeping surveillance, through reporting under the Hyde Act and by the IAEA, over the amount of such material transferred to the military side; India being expected, under the Hyde Act and to stand by the provisions of the Australia Group, Missile Technology Control Regime and the Wassenaar Agreement, without being permitted to become a member of this group.”¹⁶⁰

K Subrahmanyam, the legendary strategic affairs expert remarked:

One should answer how exactly would India want the world to take the nuclear tests, since testing would have its consequences. Further he said, India was considered exceptional in the civilian nuclear energy sector. No other country has a similar agreement with the US. There were two considerations in the nuclear agreement between China and the US. One, China was signatory to the nuclear Non-Proliferation Treaty and it was a Nuclear Weapons State. When it signed a similar treaty with Japan, it treated it as a NPT signatory country. But in this case, India is treated as a country with advanced nuclear technology and, we are not signatories to the NPT. We are special and

¹⁵⁸K.R. Gupta, “US-India Civil Nuclear Cooperation Initiative” in Rahul Bhonsla, K.R. Gupta and Ved Prakash, ed, *Indo-US Civil Nuclear Deal* (New Delhi: Atlantic Publishers, 2007), pp. 330-31

¹⁵⁹Sitaram Yechury, “Indo-US Nuclear Deal,” *Vikalpa* (Ahmedabad) vol.32, no.4, October-December 2007, p.103

¹⁶⁰Dubey, n.97, p.4

exceptional. It never happened before that an entire international nuclear regime was being changed for one country.¹⁶¹

Defending Sovereignty

Picking up on the arguments of sovereignty, strategic analysts Bharat Karnad remarked:

The real problem in the nuclear agreement was not in the nuclear aspects but the fact that India is getting into a subordinated position vis-à-vis the US. Because Indian Government has always been hesitant about acquiring the necessary wherewithal of great power. With the absence of great power outlook and policy approach within the official circles, it is easy, as the Singh-Bush deal suggests, for India to be gratified with falling in with extra-regional great powers' view of what India should be. In this context, the proposed nuclear agreement seemingly seals India's role as an American satrap and stalking horse in the southern Asian region.¹⁶²

Let us now look what are the tactics that US has in mind to adopt. Article IV of the draft says, "this treaty shall enter into force on the date on, which an instrument of ratification has been deposited" by all the five so called nuclear weapon states. They can restrict the size and quality of India's strategic forces, which could upset their individual or collective strategic calculi, these five nuclear weapon states could quickly agree on consensus, compelling India on the basis of the Indo-US nuclear agreement. Through this agreement the US achieved its long standing non-proliferation objectives. Such as, absorb India in the extant non-proliferation order particularly freeze the quality of the Indian arsenal with a no-testing regime and, by insisting India accept FMCT restrictions, cap and roll back the size of the Indian weapon grade plutonium stockpile.¹⁶³ In the same way, P. K. Iyengar said, "it is clear that the intention of the US Government is to strengthen safeguards, impose intrusive inspections, and to bind India in perpetuity to the NPT, CTBT and FMCT, to which we have always been opposed.

¹⁶¹ K Subrahmanyam, "Nuclear Deal Treats India as 'Special and Exceptional,'" August 04, 2007, available at <http://www.rediff.com/news/report/ndeal/20070804.htm>, accessed on October 27, 2014

¹⁶² Bharat Karnad, "Nuclear Deal: Partnership or Subordination," in Iyengar, P. K, Prasad, A. N, Gopalakrishnan, A and Karnad, Bharat, ed, *Strategic Sellout: Indian-US Nuclear Deal* (New Delhi: Pentagon Press, 2009), pp. 374-75.

¹⁶³ Bharat Karnad, "The India-United States Rapprochement, the Nuclear Deal, and the Indian National Interest," n. 161, p .395

One has to admit that these strategic implications of the civilian nuclear cooperation cannot be completely discussed in open fora.”¹⁶⁴

Calculating the Cost of Nuclear Energy and Security

Most of the literature focussed on the aspects of cost of nuclear energy production. Some writers remarked that the Bush administration provided maximum possible concessions to India for the nuclear agreement. There is no denying the fact that the nuclear energy is very costly than other conventional resources like oil and gas, or even than renewable sources of energy like hydroelectric power and wind power. But in view of the limited options for other resources of energy and pressures from the international community for using clean energy sources to control environmental pollution, there is little choice left for India.¹⁶⁵ Moreover, “the future economic costs and consequences of not fulfilling the energy requirement might be worse than the costs involved in harnessing nuclear energy.”¹⁶⁶ Therefore, Nautiyal argued, “India should take this opportunity to become a part of the new security and strategic arrangements to meet the challenges of energy crisis and environmental problems.”¹⁶⁷

Though opposing this view, Indian commentator Brahma Chellaney argued, “importing nuclear reactor will lead to energy insecurity and exorbitant costs. Therefore, a better approach for India would be to secure clean-coal and renewable energy technologies.”¹⁶⁸ Consistently, P. K. Iyenkar former chairman of Indian Atomic Energy Commission substantiates in these words:

The price we are being asked to pay by the US is too high: no testing, no reprocessing, and no guarantee of future fuel supplies. There is another solution to the problem of generating more nuclear power: rapid expansion of the indigenous programme with more capital for more reactors, greater

¹⁶⁴Iyenkar, n.75, p.111

¹⁶⁵ Nautiyal, n.63, pp.148-49

¹⁶⁶ Hosur, n.6, p.445

¹⁶⁷ Nautiyal, n.63, p.148-49

¹⁶⁸Brahma Chellaney, “U.S. Deal is a Bad Choice for Power Generation,” *International Herald Tribune*, December 27, 2005, available at <http://chellaney.net/2007/03/15/nuclear-deal-with-india/>, accessed on November 03, 2014

exploitation of our uranium resources, greater urgency to our fast breeder programme and thorium utilisation.¹⁶⁹

The most interesting thing was that US expected India to buy at least 100 billion dollars' worth of military hardware over the next ten years. But look at the cost, "the import of ten nuclear reactor with 10,000 MW power generation capacity from the US alone would cost near about 50,000 crores to 80,000 crores. Then, we could imagine what would be the costs of imports of other nuclear reactors from the NSG members."¹⁷⁰ Allaying these concerns, Anil Kakodkar and M. S. Srinivasan supported the belief that "import of nuclear reactors was needed for additional nuclear power generation capacity to meet short-term requirement during 2010-2030, until the thorium-based reactors became functional."¹⁷¹ Equally, Manoj Joshi in his article emphasised, "India is not able to run its current reactors at full strength because of an acute shortage of natural uranium. Therefore, importing fuel was vital for the success of our indigenous programme. Besides, access to imported technology also provides us a significant edge in case our fast breeder reactors do not perform to the levels they are required to."¹⁷²

As mentioned earlier, nuclear power is 'clean' but it is hazardous and accident prone and it could have indivisible radiation effects. It leaves poisonous toxic waste which remains active for thousands of years. There was no solution for disposing this waste with complete safety.¹⁷³ Thus, Gopalakrishnan viewed, "the foreign manufactures want liability free environment to set up the reactors. It means they would sell the reactors, turn it on, and hand it over to the Nuclear Cooperation of India Limited (NCPL) and walk out if that reactors causes a major accident." Therefore, "India's regulatory framework needs to be strengthened to build public confidence that safety of nuclear plants would be taken care of while letting in private players. In the case of

¹⁶⁹ P.K. Iyenkar, "Controversy over the nuclear deal," *The Hindu*, May 31, 2001, available at <http://www.thehindu.com/todays-paper/tp-opinion/controversy-over-the-nuclear-deal/article1849703.ece>, accessed on November 08, 2014, also available K. R. Rao, "Present Scenario of the Nuclear Deal," *Current Science*, vol. 93, no. 5, September 10, 2007, p.611.

¹⁷⁰ Sailendra Nath Ghosh, "Indo-US N-Deal: US Power Elite Gains All, India Loses Every," *Mainstream*, vol. XLVI, no. 43, pp.1-7.

¹⁷¹ Vandana Bhatia, "The US-India Nuclear Agreement: Revisiting the Debate," *Strategic Analysis*, (New Delhi), vol. 36, no. 4, July-August 2012, p.617

¹⁷² Manoj Joshi, "Indo-US Nuclear Deal: Kaleidoscope," in Sekhar Basu Roy, ed, *India and America Future Portends*, Kolkata, p.3

¹⁷³ Chenoy and Chenoy, n. 98, p.129

US, there is a Price Anderson Act under which every company that set up a nuclear power plant in the US is liable for accidents, which could happen during its life time. And, they have an act under which \$ 10 billion will be immediately available to the local communities for redemption of whatever loss is faced.”¹⁷⁴

As far as in the case of India, for reprocessing spent fuel, we must build, at our own cost, a national reprocessing plant. The setting up of a reprocessing plant will cost more than 10,000 crores. No doubt, building a new facility and bringing to this facility spent fuel from reactors located in different parts of the country, would be expensive. But the significance of reprocessing for India, this price is worth paying.¹⁷⁵ Here the Gosh raised questions, “whether the improvement of bilateral ties with the US was due to energy crisis. It is to be noted here that if India, once the leader of the global non-aligned movement, could be pulled away from the G-77 countries and also from its friendly ties with Russia and drawn into the US ambit, it would be a great achievement for the US.”¹⁷⁶

In the view of Shibashis Chatterjee:

As far as the national security is concerned, the nuclear agreement was acceptable for three broad reasons. Firstly, in the case of IAEA safeguards, India have the right to decide what would be the civilian or military. Secondly, the deal would grant India the right to reprocess imported fuel. And finally, India could use the existing stockpile of weapons-grade plutonium and make use of the fissile material from the CIRUS and Dhruva reactors to make more nuclear weapons.¹⁷⁷

In this regard, Amitabh Mattoo, one of the country’s leading experts on nuclear policy pointed out, “India offered only those facilities to be safeguarded that will not impact on its military programme.”¹⁷⁸ While observing the parliamentary debates and interventions on the nuclear agreement, Nalini Kant Jha and S. Prabhakar said, “the

¹⁷⁴Goplakrishnan, n. 119, p.92.

¹⁷⁵Dubey, n. 97, p.3

¹⁷⁶Sailendra Nath Ghosh, “Indo-US N-Deal: US Power Elite Gains All, India Loses Every,” *Mainstream*, vol. XLVI, no. 43, pp.4-5

¹⁷⁷ Shibashis Chatterjee, “Domestic Preference and Foreign Policy: The Left Position on Indo-US Nuclear Deal,” in Jha, ed, n.101, p.191

¹⁷⁸Amitabh Mattoo, “Government May Have Got it Right - Small Price to Pay for Joining Nuclear Mainstream,” *Global India Foundation*, available at <http://globalindiafoundation.org/mattooarticle.htm>, accessed on 11 November 2014.

parliamentary debates served India's national interests and forced the Government to get maximum concessions from the US.¹⁷⁹ Therefore, the agreement achieves the dual purpose of growing economic and high technology linkages between India and the US would contribute to the solution of India's economic development in the long term."¹⁸⁰

In the light of mentioned analysis now we can turn our attention towards what are the implications of the agreement for Indo-US relations.

Implications for Indo-US Relations

The third set of literature focused on the implication of the agreement for Indo-US relations. In the past decades the Indo-US relationship was like a Stock Exchange, which had its ups and down. The relationships between the two countries were wounded of mismatched obsessions of India's with Pakistan and America's with the erstwhile USSR. After the Pokhran II tests, US administration imposed sanctions on India's nuclear policy and it became a contentious issue in bilateral relations between the two countries. Ever since the Bush administration took charge, the US comprehended India as major partner and both countries agreed to work cooperatively to promote stability, democracy, prosperity and peace throughout the world. However, the historic agreement of 18th July, 2005 gave an opportunity to improve their bilateral ties and agreed to cooperate in the field of nuclear energy sector.¹⁸¹ It was, however, the offer of the US to "work to achieve full civil nuclear energy cooperation with India, seek agreement from Congress to adjust US laws and policies and work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India." That was the symbolic of the new phase of ties between the two countries.¹⁸² Therefore, the synergy in energy contributed a turning point in the evolution of India's relations with the US. It saw a drastic change in the international community's stance towards India on the nuclear issue.

¹⁷⁹ Jha, ed, n.101, p. xxi

¹⁸⁰Ibid, pp.191-200

¹⁸¹ Balachandran, n. 22, p.546

¹⁸²Ibid, p.546

The relation between the two countries enjoyed unprecedented levels of cooperation in the economic, diplomatic and strategic spheres. Let us now look the two countries leaders' statement about the recent partnership. President Bush, "India and the US are separated by half a globe. Yet today our two nations are closer than even before." And PM Singh's words, India and the US "share the common goal of making this one of the principal relations of our countries."¹⁸³ It clearly indicated that seeking a powerful relationship in the international arena. It was President Woodrow Wilson who said, "I believe in democracy...because it releases the engines of every human being. The two robust and vibrant democracies believe and act on the basis of such ideals."¹⁸⁴ Even though two countries made periodic efforts to join on the basis of common democratic values for many years in the past but could not succeed. It is necessary to mention here that India was one of the co-conveners of Concert of Democracies Initiative led by the US in 2008. It marked the first effort by the world's democracies to 'strengthen and deepen democratic norms and practices worldwide.'¹⁸⁵

Apart from elevating strategic tie-up between the two countries, it is likely to open the gateway for an all-round acceleration in Indo-US relations. These included, *inter alia*: firstly, cooperation in the global democracy initiative to 'uphold and strengthen democratic practices and capacities' world-wide. Secondly, a commitment to deepen the bilateral economic relationship by announcing US-India Strategic Economic Partnership and US-India Agricultural Knowledge Initiative. Being an agricultural economy, India has significant interests in agriculture arena for joint cooperation. Thirdly, partnership in the energy sector including an energy dialogue. And finally, further defence cooperation that would function within the scope of the

¹⁸³S. Paul Kapur and Sumit Ganguly, "The Transformation of US-India Relations: An Explanation of the Rapprochement and Prospects for the Future," *Asian Survey*, vol. 47, no. 4, July/August 2007, pp.642-43

¹⁸⁴Address by Nirupama Rao, Foreign Secretary of India, at the Woodrow Wilson Centre on "Two Democracies - Defining the Essence of India-US Partnership," *Institute for Defense Studies and Analyses*, March 15, 2010, available at <http://idsa.in/resources/speech/DefiningtheEssenceofIndia-USPartnersh...>, January 03, 2013.

¹⁸⁵Ajey Lele and Archana Mishra, Indo-US Strategic Partnership: Beyond the Nuclear Deal," *Asia-Pacific Journal of Social Sciences*, Special Issue, no.1, December 2010, p.104.

New Framework for the US-India Defence Relationship, including in the field of defence technology.¹⁸⁶

Delivering a speech in Washington, Prime Minister Dr. Manmohan Singh said, “our relationship will see a new emphasis on five Es—economy, energy, environment, education and empowerment- even as we further strengthen our ties in defence, security and counter terrorism. We will also harness our natural synergies in science and technology, education and research to advance food security, improve healthcare, develop green technologies and create the human resources for the future.”¹⁸⁷

This paradigm shift in the US strategy towards India is really significant. Chintamani Mahapatra referred, “it as a love-hate relationship particularly in the realm of political and security issues. He added that the paradigm included co-operative economic and cultural relation between the two within the framework of a socialistic pattern of economic policy adopted by India and the dynamic capitalism of the US.”¹⁸⁸ In the view of S. D. Muni, “India’s post-1998 nuclear status and compulsions of 9/11 has led to a positive changes in Indo-US relations.”¹⁸⁹ Similarly, K. Subrahmanyam, a foreign policy analyst called it a “litmus test for the future of Indo-US relation.”¹⁹⁰ And while arguing in favour of the Indo-US strategic partnership, T. V. Paul emphasised, “the proposed agreement has heralded India’s strategic liberalisation, and has also ensured the import of nuclear fuel to India. Through this tie up, India would not only emerge as an important state in the 21st century but also help multi-polarity to become a reality at the global view.”¹⁹¹

In the view of Prashant Hosur, “the nuclear agreement was beneficial for both the US and India. The US was motivated by realpolitik to offer this deal to India and

¹⁸⁶T. Jayaraman , “Indian Nuclear Policy at the Crossroads: The Indo-U.S. Nuclear Deal,” *Contemporary Perspectives* (New Delhi), vol. 2, no. 1, January – June 2008, 159–174, p.169

¹⁸⁷ Address by Nirupama Rao, Foreign Secretary of India, n. 183.

¹⁸⁸Mahapatra, n.91, p.39.

¹⁸⁹S. D. Muni, “Evolution of India as the US Natural Ally,” *Mainstream* (New Delhi), July 10, 2004, p.14

¹⁹⁰ Somini Sengupta, “Interests Drive U.S. to Back a Nuclear India,” *The New York Times*, December 10, 2006, available at http://www.nytimes.com/2006/12/10/world/asia/10india.html?_r=0, accessed on September 23, 2014.

¹⁹¹Sunil Kumar Jangir, “Indo-US Nuclear Deal and 123 Agreements,” *International Journal of Scientific and Research Publications*, vol. 2, Issue 10, October 2012, p.5.

its effects have yet to be seen. But for India, it ends decades of nuclear isolation and provides it with the opportunity to reduce its energy deficit and improve relation with the US. It also an investment opportunity for the US in the vast Indian market. Therefore, the partnership between the two countries focused more on other issues like economic prosperity, closer military and strategic ties, intelligence sharing and cooperation on fighting terrorism.”¹⁹²

Manuka Khanna emphasised, “the nuclear issue is not a new phenomenon, it was emerged in the period of Nehru, when India initiated its nuclear programme with the help of foreign powers including that of the US. Hence, India’s relations with the US have constantly been conditioned by several regional, bilateral and global factors.” The nuclear question is one of those factors, which was conditioned the relations over several years.¹⁹³ According to P. R. Chari:

There are three main agenda in the present Indo-US relations, deriving from the issues that are international, bilateral and regional. At the international level, both countries encouraging global agendas, like combating international terrorism and WMD proliferation. Bilaterally, the two countries concentrating on enlarged trade and commerce. In the regional level, both countries have a clear stake in stabilising South Asian region to serve their interest. For US, to pursue its global war against terrorism in Afghanistan, and for India, to stem the subsequent insecurities and turbulence from spilling across the borders.¹⁹⁴

There are several bilateral initiatives and forums between the two countries that cover collaboration in energy, business, educational and security related areas. For example, there is a Counter Terrorism Cooperation Initiative, under which nearly two thousand Indian law enforcement officials has been trained by US experts so far.¹⁹⁵ Balachandran observed, “New Delhi has both operational experience and knowledge of counter terrorism as well as strongly developed democratic oversight mechanisms. Therefore, for India and the US to negotiate a bilateral agreement for working on joint cooperative research and development programme to combat terrorism. However, the

¹⁹² Hosur, n. 6, p.437-446

¹⁹³ Manuka Khanna, “Evolution of Indo-US Nuclear Relations: Issues of Conflict and Cooperation,” in N. K. Jha, ed, *Nuclear Synergy Indo-US Strategic Co-operation and Beyond* (New Delhi: Pentagon Press, 2009), p.29

¹⁹⁴ P. R. Chari, “The Indo-US Nuclear Deal: An Uncertain Future?,” in P R Chari, ed, *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism* (New Delhi: Routledge, 2014), pp.202-03.

¹⁹⁵Subhash Agarwal, n., p.7

nuclear agreement could assist India in laying a strong technological foundation for both its economic and national security in the long term, by enabling high technology transfers for both civilian and military systems.”¹⁹⁶

India’s current nuclear technology base was largely indigenous, and like many other strategic sector is lacks a vibrant private sector or foreign participation. Therefore, the presence of global companies and other international partnership would help India to develop a vibrant nuclear energy industry for the country. Therefore, by entering the nuclear agreement would permit India’s full emergence as a technological power. It would be able to “exploit its technological capabilities in nuclear, space and biotechnology science to advance its industrial base and its applications.”¹⁹⁷ Furthermore, the new technology sharing agreements has launched, which holds the promise to guide in another Green Revolution in India. And of course, the G20 provides a regular forum for consultation between the two countries on macro-economic issues.¹⁹⁸ At the security level, both countries are:

- trying to help Bangladesh to cope with it aggressive, radical Islamic movement and to stop Bangladeshi support to IIGs
- advising Nepal on how to bring back democracy and to resolve the Maoist movement
- trying and convince the parties in Sri Lanka to agree to a cease-fire
- Supporting the initiative of Kofi Annan’s new initiative on democracy promotion worldwide
- could undertake practical exercises in anti-narcotic operations and in countering piracy
- working jointly to fight global HIV/AIDS in worldwide.¹⁹⁹

At educational level, both countries have a long-term relationship in higher education in terms of students and faculty exchange. A number of joint programmes

¹⁹⁶Balachandran, n. 22 pp.552-53.

¹⁹⁷ Nandakumar, n 1, p.115

¹⁹⁸Subhash Agarwal, p.7

¹⁹⁹J. R. Mukherjee, “Indo-US Relations,” in Sekhar Basu Roy, ed, *India and America Future Portends* (Kolkata), p.25

are being offered by Indian universities in collaboration with US universities for enhancing multicultural exchange in higher education and research. In every year more than 25,000 Indian students going to the US universities for studies. Currently, there are more than 105,000 students from India enrolled across America, representing 15 percent of all international students in US higher education, the second largest group after China.²⁰⁰ The Nehru-Fulbright Fellowship Programme and the Singh-Obama Knowledge Initiative is giving an educational exchange programme between the two countries. Besides, both countries set the India-US Technology Endowment for promoting research collaboration and academic exchange.²⁰¹ However, through these mechanism both countries are trying to “link universities, technical institutions, and businesses to support high-priority joint agricultural education, research, and capacity building projects and including biotechnology for further cooperation.”²⁰²

At the economic level, the US is India’s largest trading partner, source of technology and an important investor in the Indian economy. And India ranks 18th in the list of US’s partners. According to Singh, “the Indian exports to the US were mainly dominated by precious stones, textiles, marine and seafood, pharmaceutical products, and electrical machinery. The major import item from the US are engineering goods and machinery, optical equipment, aviation equipment, aircraft and organic chemicals.”²⁰³ Similarly, Dutt argued, “the technological partnership with the US would extremely benefit a country like India, whose future is so tied to the knowledge and service industries.”²⁰⁴ Another observer noted that the proposed agreement will make it easier for India to import dual-purpose technologies across the board. Besides, enhanced mutual trust and understanding generated by the 123 agreement is very useful for India to deal with its neighbours. If one look this agreement in the light of national interest, then it is essential for India to forge close links with the US, which is

²⁰⁰ Subhash Agarwal, p. 11

²⁰¹ “India-United States 2020,” *IDSA Policy Brief*, p.9, available at <http://www.idsa.in>, accessed on January 03, 2013.

²⁰² “United States and India: Strategic Partnership,” available at <http://2001-2009.state.gov/p/sca/rls/fs/2006/62422.htm>, accessed on August 21, 2013.

²⁰³ Adithya Singh, *India-US: A New Vision for Economic Partnership*, ed by Sekhar Basu Roy, *India and America Future Portends*, Kolkata, p.76

²⁰⁴ Sagarika Dutt, “The Future of US-India Nuclear Cooperation,” *New Zealand International Review*, p. 19.

economically and military powerful country in the world.²⁰⁵ Therefore, an enhanced ties with the US could accelerate India's growth rate and the process of development.

Singh observed, "India's future growth- better termed as Comprehensive National development lies in energy availability. It was the right time for India to develop its energy capability with the help of international community especially from the US. But the nuclear non-proliferation has been a major roadblock on the path of full and friendly relations with the US and its allies, which constituted nearly three dozen industrialised countries. Normalisation of relation with the industrialised world is an imperative necessity for India to achieve its goal."²⁰⁶ However, "there is an essential requirement in India for capital to form its infrastructure and industrial base. There is one source to acquire it, that is, US and Europe." Through this current partnership with the US will help India to fill this gap. According to Nalini Kant Jha, "the agreement ends over four decades of Indian isolation in international community and also allows us to access the nuclear technology in anywhere in the world. Through this deal we can generate around 20,000 MW of nuclear power by 2020."²⁰⁷ Likewise, Dilip Mohite remarked "India's need for fast economic growth is looking for economic intervention from the US, having control over multifarious social, economic military and political institutions. From this viewpoint, the nuclear agreement is the climax in the Indo-US relations."²⁰⁸

Rajiv Sikri wrote a contrary view, in which he remarked, "the current partnership especially, in the knowledge-based initiatives are intended to tap into India's enormous talent pool to work for US interests. As, the US want to ensure that it remains the global centre of cutting edge scientific research and development, and technological innovation."²⁰⁹ Thus, the US has attracted many of India's best and brightest brains, in a wide range of fields, including science, technology, medicine, finance and management.

²⁰⁵Dubey, n. 88, pp.8-9

²⁰⁶ Air Commodore Jasjit Singh, "One, Two, Three, Go: But Critical Question is Which Way, "Indo-US Nuclear Deal: A Debate," *Vikalpa* (Ahmedabad), vol.32, no.4, October-December 2007, pp.89-90.

²⁰⁷N K Jha, n.92, p. 159

²⁰⁸ Dilip Mohite, n. 136, p.76

²⁰⁹Rajiv Sikri, n. 117, p.181.

Raja Menon in his article in *Outlook India* magazine noted, India and US run their relationship through five main channels—economic, science and technology, military-to-military, diplomatic (including arms control and multilateral issues) and Indian interest groups acting directly through Congress. But no one in the US or India is quite clear who is driving.”²¹⁰ Writing in January 2008, Kanti Bajpai remarked, “the relations between the two countries will not collapse, if the nuclear agreement does not go through. Because the relations got ballast—economic, political and strategic convergence, cultural and social linkages.”²¹¹

Despite the fact that, in India the political elites and strategic experts raised a query about how far India should enter the US embrace. In the view of Praful Bidwai, “today’s India is driven by chauvinist nationalism. It seeks recognition as great power, but it callous towards its people, a majority of them poor and victims of centuries of injustice and discrimination.”²¹² Hence, the US viewed, “India as a second giant, multicultural, secular and democratic, would exert a gravitational pull that must limit China’s aspiration as a hegemon and help to balance its rise.”²¹³

The changing perception of the Bush administration about India’s capabilities, allowed “both countries to work collectively on the issues of international peace, security and economic growth. The Bush administration not only showed an interest in developing close relations with India, but also to make India a responsible stakeholder in the non-proliferation regime as well as enabling it to acquire its place in the diplomatic world.”²¹⁴ Moreover, India’s democratic structure affords further weight to this partnership. Both countries agreed to their desire “to promote democratic values

²¹⁰ Raja Menon, “Indo-U.S. Technology Relations, Despite Go-Aheads from Top, Remain Rudderless,” *Outlook India*, April 19, 2004, available at <http://rempost.blogspot.in/2006/03/off-key-techno-notes-indo-us.html>, accessed on November 11, 2014.

²¹¹ Kanti Bajpai, “The Nu Era,” *Outlook India*, January 14, 2008, available at <http://www.outlookindia.com/article/The-Nu-Era/236429>, accessed on December 01, 2014.

²¹² Praful Bidwai, “India’s Global Aspirations,” *Frontline*, July 15, 2005, available at <http://www.tni.org/archives/act/999>, accessed on December 03, 2014.

²¹³ Sharif Shuja, “The Realignment of India-U S relations: Strategic Dimensions,” *Contemporary Review*, p. 207.

²¹⁴ Nautiyal, n. 63, pp.135-36.

and human rights globally through United Nations, the Community of Democracies and other international forums.”²¹⁵

Aspiring Great Power Status

The proposed nuclear agreement played a significant role in enabling the recent Indo-US rapprochement. Ashley Telis, therefore, stated, the nuclear deal “symbolises, first and foremost, a renewed American commitment to assisting India to meet its enormous economic developmental goals and thereby take its place in the community of nations as a true great power.”²¹⁶ According to Lalit Mansingh:

The bilateral relationship with the US helped to enhance India’s international status as a major power. The big powers of the world are willing to promote India’s friendship and more seats are opening for India at the high tables of the world such as G 8 and the East Asia Summit. There is stronger support now than before for India being selected as a permanent member in the Security Council. Another important change was the earlier balance of India with Pakistan has been replaced by a new hyphenation of India with China, reflecting the new global reality.²¹⁷

Correspondingly, Zoya Hassan said that the proposed nuclear agreement is popular with the middle classes because it brings India and US closer. “India’s strategic location between West Asia and Southeast Asia, and her emergence as a major global economic power, place it in a special league. Thus, it is part of larger political arrangement premised on Washington’s offer to help India become a ‘great power’ in the 21st century.”²¹⁸ In the opinion of Rekha Chakravarthi, “a good player is one that not only aims to be a global power or believes in its ability to lead, but also know what kind of power it seeks to be in the emerging world-order and what it wants to do with that power. However, the nuclear agreement offers important lessons in this direction.”²¹⁹

²¹⁵Sharif Shuja, “The Realignment of India-U S relations: Strategic Dimensions,” *Contemporary Review*, p. 207.

²¹⁶Kapur and Ganguly, n.182, p.653.

²¹⁷Lalit Mansingh, n.3, pp.182-83.

²¹⁸ Zoya Hasan, “Bridging a growing divide? The Indian National Congress and Indian democracy,” *Contemporary South Asia* (New Delhi), vol.15, no.4, 2006, pp.483-84.

²¹⁹Chakravarthi, n. 100 p.75

As indicated earlier, the nuclear agreement was an outcome of the US acknowledgement that India is a major power in the 21st century and it has a significant role to play in the emerging Asiatic strategic framework. Let us quote Nehru's words in the Lok Sabha, "if you peep in the future and if nothing goes wrong- wars like, the obvious fourth country in the world (after US, Soviet Union and China) is India."²²⁰ Look at the world scenario changed after concluding the nuclear agreement with a super power and accepted India as a major power in the world. According to Raja Gopalan, "if this century is going to be an Asiatic century, the major powers would be US, China, Russia, Japan and India." further he said, "it is important for the US to have a comprehensive relationship with India, since both India and the US have concerns regarding China's rise and more specifically its military modernisation." At the same time, "among the five permanent members of the UN Security Council with nuclear weapons, only China has consistently played a less than supportive role, and showed their concerns at the NSG meeting it has little interest in seeing another power emerge in Asia, and does not want India to build a closer ties with the US or other Asian power". Because "it could be harmful to China's own regional and global role. But the interesting thing is that China has not categorise India as a threat or challenge even though it considers India as a 'future strategic competitor.'²²¹

In June 2007 US-India business conference in Washington, Secretary of State Rice laid out the perspective, "we in America look to the rise of India an opportunity, a chance to work with a great fellow democracy to share not only the benefits of the international system, but indeed, the burdens and the responsibilities of maintaining it, of strengthening it, and defending it." Further she said, "we are eager to continue charting a global partnership with India, one that addresses the global challenges upon which the safety and success of every nation now depends: stemming nuclear non-proliferation, fighting terrorism, combating disease, protecting the environment,

²²⁰Deventra Kaushik, "Indian Foreign Policy: Challenges and Opportunities in the New Millennium," in R.S Yadav and Suresh Dhanda, ed, *India's Foreign Policy Contemporary Trends* (Delhi: Shipra Publications, 2009), p. 18

²²¹ Rajeswari Pillai Rajagopalan, "Indo-US Nuclear Deal: Implications for India and The Global N-Regime," *IPCS Special Report*, no 62, December 2008, pp.6-7.

supporting education and upward mobility, expanding economic development, and promoting freedom under the rule of law.”²²²

Despite the political opposition of the 123 pact, the Indian strategic community and the media observed, “the nuclear agreement affirmed the depth and maturity of the Indo-US partnership. The Indian scientific establishment started interacting with its US counterpart, giving concrete shape to Indo-US cooperation on areas such as high-energy nuclear physics, nuclear plant design, construction, operation, safety, life extension and regulatory oversight.” However, the nuclear agreement was an “attempt to craft a strategic partnership that can serve the interests of both states in the coming years. And, it was just a first step towards a future realignment of global power.”²²³

As stated earlier, the agreement was an extraordinary triumph for India and it opened the prospect of liberating India from its anomalous standing in the global nuclear order. But the challenge for both India and the US in the coming years lies in expanding the areas of strategic coordination and minimising those where their interests clash. Many Indian and American observers, those who strongly support a deeper relationship between India and the US are doubtful if the two bureaucracies could pull it off. Some scholars argued, “despite the obvious common strategic interests, forging a working alliance—in name or simply de facto—between the US and India will not be easy.” Indeed, “much larger potential pitfalls loom ahead: Pakistan, China, the UN, and, ultimately, the obstacles inherent in the liberal international order. A genuine partnership requires sacrifices and trade-offs on each side.”²²⁴

The academic and scientific community thus produced good literature on the agreement. They were of the opinion that the nuclear agreement provided both an opportunity and challenges. While it assured to end India’s nuclear isolation and pave the way for this sector to play a larger role in energy security, the challenge lied in the fact that whether it would compromise our foreign policy autonomy.²²⁵ It was this

²²²K. Alan Kronstadt, “India-U.S. Relations,” *Congressional research Service*, October 2, 2007, p.11

²²³Harsh V Pant, n. 120, p.471

²²⁴C Raja Mohan, n. 53, p.279-80

²²⁵ M. R. Srinivasan, “Challenge and Opportunity,” *Economic and Political Weekly*, vol. 40, no. 35, 27 August 2005, pp.3806-08

articulation of apprehensions by the scientific and scholarly community backed by the mass media and Parliament that obliged as well as enabled New Delhi to get maximum conclusions from Washington.²²⁶

²²⁶ Nalini Kant Jha, "Taking Stock of India-US Deal on Civil Nuclear Cooperation," *India Quarterly* (New Delhi) vol. 53, no. 4, October-December, 2007, pp.290.

Chapter V

Conclusion

The forgoing pages, it is hoped, make it clear that public opinion is an important source of foreign policy, especially during the crisis period. As no Government can rule by force alone, it must persuade people to accept its policies, because in the end, policies are carried out by ordinary people. This is especially true in democratic political systems such as India, where the Government has to seek mandate from the people.

This is all the more true in the era of IT revolution which has boosted popular awareness as well as channels for participation in the public policy making process. As mentioned in previous chapters, the change in the people's attitude towards foreign policy bringing democratic institutions, namely, Parliament, media, various interest groups, and political parties opinion into picture, has made policy arenas more pervious, which in turn, has considerably weakened the unwarranted secrecy of the Government in matters relating to foreign policy.

India is no exception to the above-mentioned increasing role of public opinion in the making of foreign policy. Constitutional provisions empowering the Indian people such as, Right to freedom of speech and expression, etc, apart, Indian people have time and again displayed interest in capability of influencing foreign policy, especially during crisis period and dealing with significant issues such as threat sovereignty and security of the country in general and countries like the US, China and Pakistan in particular.

The prolonged debate on Indo-US nuclear agreement lasting almost three years provides the most illustrate case of public participation in foreign policy through political parties, Parliament, media, etc. Accordingly, the role of public pressures in the formulation of India's foreign policy has not been as insignificant as some scholars tend to believe. In the light of these observations, we may now make an attempt to sum up the significance of public opinion as a factor in the making of India's policy towards the Indo-US nuclear agreement during 2005-2008.

II

As discussed in Chapter II, Parliament as an institution representing popular will played a significant role in the shaping of India's policy towards the nuclear agreement with the US. There are number of instances where the Members of Parliament reacted very sharply on the nuclear issue. When the Indian side announced its separation plan of nuclear facilities and the US side engaged in bringing about essential changes in US legislation that would allow a completion of the civilian nuclear cooperation agreement many Parliamentarians expressed concern in India that the fine-print of the new agreement with the US would lead to long term negative consequences including shackles on India's strategic and foreign policy autonomy. When the UPA Government did not relent, this created heated debate in and outside Parliament. Both the Lok Sabha and the Rajya Sabha debated the issue in different phases. The most important issue debated in both the houses was the question of separation plan and the issue of safeguard agreement. There was a difference over the number of nuclear reactors to be placed on the civilian list. The US, which started from a position that India should put all reactors producing energy on the civilian list, first brought it down to 90 percent.

Meanwhile, pressure was building upon the Government. The opposition parties, especially the Left began to demand to stop the agreement and threatened to withdraw support to the Government, if it refused to renegotiate the deal. It may be argued here that the views of the opposition, as expressed in the House, greatly influenced the press and the public opinion and thereby determined the popular reaction towards the ruling party and its policies. Moreover, the lack of political consensus created hurdles in going ahead with the nuclear agreement. It was very difficult for the Government to clarify issues raised by the Left parties regarding the Hyde Act and 123 Agreement. It raised suspicions, generated political debate and became a reference point for the opposition parties to criticize the nuclear pact.

The Parliamentary pressure (along with the media, etc.) ultimately obliged as well as enabled New Delhi to make clear that it was difficult for it to fulfil Washington's expectations given the nature of its nuclear programme. Finally, at the last round of

talks Washington agreed for a further reduction. India, for its part, pegged its final offer at 70 to 75 of its total production capacity.¹ It may be argued here that if not acted upon, the nuclear issue could have remained on and in all probability, could have been a continuous source of discontent among politicians, scholars, bureaucrats and the public at large.

Apart from the Lok Sabha, Rajya Sabha members also took active part in the debate because, being the second chamber of Indian Parliament and having a special position made it admirably suited to play the role of an intermediary between the people in the States and the Government. Compared to the Lok Sabha the Rajya Sabha discussed technical aspects of the agreement, as a few Rajya Sabha members, especially scientists and academicians were experts in this field. The cost of nuclear energy generated heated debate in the house. The opposition parties pointed that the capital cost involved in a nuclear project and fuel cost is very high and most of the members wanted the reason for choosing nuclear energy. However, after an immense debate the ruling Government clarified the concerns raised by opposition parties by explaining the importance of nuclear energy and considering it as a pollution free environment.

III

Press is a critical factor that connects public opinion with foreign policy decision making, since a large population can be reached only through the means of mass communication. As discussed in Chapter III, the Indian newspapers have engaged in a constant process of framing the news in response to the often competing requirements of leaders and the public. It was true in the case of nuclear agreement with the US, because almost every aspects of the agreement was examined in the Indian media and whatever information they got concerning the deal were made public at relevant occasions. Several of them, such as *The Hindu* and *The Telegraph*, vehemently criticised the Indian Government and demanded thorough public scrutiny before finalisation of the nuclear deal. Though, the agreement does not affect an average Indian directly because its complexities render it hard to explain, yet in the week leading up to

¹ "N-deal: Now it's Over to Singh, Bush," *Indian Express*, February 26, 2006, available at <http://www.indianexpress.com/oldStory/88617/>, accessed on September 27, 2012.

the trust vote in the Lok Sabha, newspapers raised several critical issues regarding the deal through news reports, editorials and articles.

Needless to add, the enlightened public developed deep interest in reading newspapers to know about proceedings in the Lok Sabha, convened to vote on the confidence motion moved by PM not only because of the tug of war between the ruling and opposition parties to win or defeat the confidence vote, but also it marked a new turn in our politics. Nuclear power for environmentally sustainable development is necessary for India, strategic alliance with the US was not acceptable to the Left parties whose support was vital for the survival of the Government. The Left announced its decision to withdraw support from the UPA Government, because the agreement, they believed, would compromise our military capability and worsen our relations with neighbours. Fortunately, the Government was able to win the support of Samajwadi Party. This brought the Samajwadi Party at the centre stage of negotiations on the issue of nuclear deal. This was justified by the numerous press reports both in national and regional newspapers. *New Indian Express* published from Chennai, for instance, observed that the Congress-Samajwadi Party agreement, in substance, paved the way for the finalisation of nuclear deal.

It was during this period that the Samajwadi Party announced that the nuclear agreement was in India's 'national interest' and it withdrew from the UNPA to give support to the UPA. They justified its support to the UPA after having been assured of the benefits of the deal by former President A.P.J. Abdul Kalam. There was a widespread suspicion and speculation that something scandalous had suddenly sweetened the relations between the two parties. But that is beyond the scope of this work. What is relevant in this context is to note that it was during this period that the National Security Adviser met the Samajwadi Party leaders, including Amar Singh, and explained why the Government should go ahead with the deal. But Singh asked him for a public explanation of the Government's stand. Within hours, the PM's media adviser issued a press release, which reproduced the points made by NSA to Amar Singh. This clearly demonstrates the influence of press factor in the process of establishing a linkage between the polity and the public.

In the meanwhile, the controversial nuclear issue moved on to religious line also. This was marked by its being projected as an anti-Muslim deal. Throughout this period *Indian Express* contacted several Muslim MLAs from the BSP and SP regarding this issue and found that opinion was clearly divided on political lines. The matters surrounding the nuclear agreement continued to dominate the pages of newspapers. Finally, the press highlighted that a poll was conducted over 18000 registered voters in 18 states by *Indian Express*, CNN-IBN and CDS, which showed that the division among Muslims on the deal approximated the divisions in the larger population-19 percent supported the nuclear agreement and 15 percent opposed it. However, the survey found that no evidence to support the argument of a monolithic 'Muslim opinion' against the deal.

Another important step for the Government of India was to negotiate with the IAEA on specific nuclear safeguard agreement and get waiver from the NSG before presenting it to the US Congress for final approval. As discussed in Chapter III, the press in India covered this stage much like a race to the finish line. The most controversial aspect in this period was the release of a letter written by the late Tom Lantos to the State Department and the Department's reply to him. This was released on the eve of the NSG's meeting to approve of change in its global guidelines for nuclear commerce in favour of India. Rather than analyse the letter and its contents, the media in India was happy to repeatedly ask when the nuclear agreement was going to be signed. The public in India eagerly waited for the newspaper's report. But neither the politicians nor the editors of newspapers and commentators did talk much about the matter letter.

Within a few days later, the press in India instantly dismissed the report and concentrated on the NSG approval of the nuclear deal. The Indian press reported each and every session of the NSG meetings. There is strange irony in the fact that the NSG was set up in 1975, as a reaction to India's nuclear explosion in 1974. Quite naturally, the issue of India conducting more nuclear tests was one of the focal points of discussion in the NSG meeting. It was observed that through the coverage of the nuclear issue, Indian newspapers gave massive reporting on the issue of nuclear test. *The Hindu*, for example, in its reportage of nuclear deal was critical of the Government

policies and coverage in the newspaper it favoured the Left perspective. Hence, its reports concentrated on explaining the dangers to foreign policy autonomy of the country. Newspapers such as *Times of India* and *Indian Express*, etc. on the other hand supported the Government policies. There was hardly any criticism of Government initiatives. They did not just report the controversies but also highlighted the positive aspects of the nuclear deal. The policy of these newspapers, it appears, was to prevent critical analysis of the Government and its policies until the finalisation of the nuclear deal. Henceforth, it may be argued that both newspapers played the role of reflecting the Government agenda better than the Government itself would have done.

On the whole, however, the press in India, from the very beginning, implicitly refused to play total subservient role to Governments. Press, realising that public opinion in India is very sensitive and does not compromise on foreign policy issues, like nuclear agreement and strategic autonomy, etc. has been conveying public feeling to the Government and warning it not to deviate from its principled stand. In fact, based on the emphasis of the press on any particular issue that the public learns how much importance can be given to an issue. The press, thus sets the agenda for the public and thereby obliges the Government not to ignore relevant issues raised by it.

IV

Apart from the print media, academic and scientific community also took active part in the nuclear debate. As discussed in Chapter IV, this community too contributed to shaping of views of enlightened public regarding the pros and cons of this agreement based on their research in the last few years. This in turn contributed to a gradual shift in India's approach towards the nuclear issue leading ultimately to harder bargaining by New Delhi. They provided a mixed judgement. Some, accepting the need for nuclear energy in the coming years and others were less than enthusiastic and argued that it would adversely affect India's strategic and foreign policy autonomy.

The problem of nuclear non-proliferation was one of the core issues in the nuclear agreement. The academic and scientific community had a pessimistic view regarding the consequences of nuclear agreement in the non-proliferation efforts. They warned that the other nuclear weapon states especially, China, for instance, might seek

to extend a similar deal to Pakistan, and Russia might do the same with Iran. For, the exception made for India by the NSG could affect the calculations of those countries that they can break the rules of international community and not only get away with it, but eventually be rewarded for it. This made the Indian Government to argue that India cannot be grouped with countries like Iran, North Korea and Pakistan. And the chance of the international community considering these three countries' for a similar nuclear deal was unwelcome because of their records on non-proliferation and the nature of their polities.

Another implication of the agreement was the possibility of an arms race in Asia. Some writers expressed the view that the nuclear deal will allow India to import uranium for civilian reactors. And if imported fuel frees up domestic fuel, the latter could be diverted to military purposes. It might lead to worrisome situation for other nuclear weapon courtiers, especially China. This is the reason that China showed its hand at the very last minute in the NSG meeting. However, due to general consensus in favour of India at NSG meet, China had to fall in line.

As detailed in Chapter IV, the controversy around implications of the nuclear agreement on India highlighted the degree of division in the domestic preferences. There were two kinds of arguments regarding this. Firstly, a considerable literature suggested that the deal was an attempt by the US to build India's strength as a balance against China. For, China's increasing military capabilities and a kind of growing web of states around that country was seen with suspicion by the US. Indo-US bilateral cooperation was, therefore, a major step to achieve US calculations against China. This added a lot to New Delhi's existing significance for Washington. But the exception was K Subrahmanyam's argument that the Indo-US partnership "was not about the containment of China, but it is about defending Indian pluralism, secularism and democracy from the challenges of one party oligarchical system allied to Jihadism. Moreover, it focussed on the future world order and made India the biggest knowledge pool of the world." And the second argument was the strategic tie-up with the US did not reduce India's foreign policy autonomy and nuclear weapon capability.

As already mentioned, the issue of conducting nuclear test in the future without compromising India's foreign policy invited national attention towards the debate concerning strategic autonomy and national interests. Unfortunately, most of the Indian scholars and foreign policy experts, by and large, ignored the implications of the agreement on re-conducting nuclear tests while dealing with national security. However, a few scholars, like Nalini Kant Jha, suggested that India would have to face the consequences of nuclear test if it does not implement the agreement. While looking back to our history even if there was no 123 agreement or Hyde Act, nuclear tests would have entailed consequences as happened in 1974 and 1998. Moreover, if the US would take back all materials in the event of India conducting nuclear tests in the future, New Delhi too can amend its Atomic Energy Act of 1962 or enact a new law to the effect that India will not return any sensitive nuclear material even if imported from foreign sources. So, the decision to test or not will be ours. The academic community thus largely rejected the apprehensions expressed by the opposition parties, especially the Left, regarding compromising of Indian sovereignty due to the agreement.

V

The role of public opinion in the making of India's foreign policy has assumed added significance in the era of globalisation and IT revolution. As explained in Chapter I, earlier there was no institutional link in India between public opinion and foreign policy. But with the growth of political education, spread of the print and electronic media and new institution of public opinion polls and surveys decision makers are now in a better position to feel the pulse of the public. The spread of social media including Facebook, Orkut, Twitter, YouTube, WhatsApp, Flickr, etc, have made and empowered the public to express their views on public policy issues. While the role of social media does not fall within the scope of this work, it can be safely concluded that the Government has generally realised that they had to give due consideration to the public opinion on national issues to avoid repercussions.

Unfortunately, however, political parties which play a crucial role in reflecting as well as shaping foreign policy gave more preference to party interest rather than national interest. As discussed in Chapter II, when New Delhi started closer ties with

the US, especially in civil nuclear cooperation, which, in many ways, was a continuation of the erstwhile NDA Government's efforts headed by Atal Bihari Vajpayee, the Congress party found it difficult to overcome its oppositional stance at that time. It refused to pat the NDA Government on its back for this unique initiative, even though the agreement concluded by UPA Government after prolonged negotiations with the US and with the full involvement of representatives of both Governments was culmination of initiatives taken by the erstwhile NDA Government. Thus, the murky and complex political situation created a huge debate among the people of India.

As already mentioned, the clash of political interests in the conditioning of India's foreign policy invites our attention towards the debate concerning national interests. Unfortunately, most of the Indian press, ignored, by and large, an analysis of main motive behind the political parties in the agreement. The supporters argued that the reason behind the negative attitude of the Left parties against the nuclear agreement was highly ideological or political in nature. While the opponents viewed that it would affect our independent foreign policy and strategic autonomy. This situation raised some apprehensions among the public, whether it's serving ruling Government interests or national interests. In the Indian context, sometimes ruling Government interests have been able to influence its foreign policy. As discussed in Chapter II, UPA's decision regarding the formation of new alliance with Samajwadi Party to survive in Government, for instance, had at least something to do with an eye on the 2009 General Elections. It was expected to influence the elections in Uttar Pradesh at least. This shows how the political interests force the Government to accommodate the demands of its people in the conduct of foreign affairs.

Sometime academic and scientific commentaries have been able to influence its foreign policy particularly in India's nuclear agreement with the US. As pointed out in Chapter IV, when the separation plan was announced in 2006, the US demanded that India should put all reactors producing energy on the civilian list. The Government was unwilling to accept Washington's expectations and finally India pegged its final offer at 70 to 75 of its total production capacity. This shows how the compulsions of public interests force the Government to get as much concession as possible from the US. It

may be argued here that the academic and scientific community produced good literature on the nuclear agreement, but in order to produce results they had to go much closer to the policy makers.

The nuclear agreement thus became a very intense, scientifically well-informed public debate, in which the Government participated constructively. These debates helped New Delhi to get as much concessions as possible from Washington. It is hard to say exactly how much of an affect the Indian foreign policy had on the outcome of the nuclear agreement. But when we look it from a realistic perspective, the agreement is mutually beneficial for both countries. At the same time, there is no denying the fact that despite much criticisms, the agreement was welcomed by the Indian people who got a de facto nuclear status to India.

Finally, this study suggests that the need for influencing public opinion has dawned, though marginally, on the Government of India. For example, the Indo-US civilian nuclear agreement, the passage of which in the Parliament had also come to threaten the UPA Government's survival, evoked highly charged and relevant discussions in the House. A large part of the attempt by the Government in defending the deal rested on convincing the people of India about its viability and value. Therefore, the value of public opinion lies not in its power of initiation but of its control. The study, therefore, supports the assumption that the political structure provides mechanisms and avenues through which the Indian people can exercise and even control over foreign policy issues. It recommends that the public must watch the conduct of foreign policy and lay down the broad parameters, within which the Government should function.

VI

In the light of the above mentioned findings of the study, we may prescribe policy frame concerning public opinion in the making of India's foreign policy. To begin with, while analysing the linkage between public opinion and foreign policy, there has been a tendency to ignore the public while making foreign policy of a country.

It is said that the desire to develop an informed public opinion is a difficult task. No doubt, the mass public is almost always unaware and uninterested in foreign policy. But there is a possibility to develop an informed public opinion with regard to foreign policy by the Government because ultimately foreign policy decisions have to serve the needs of the people of the country. Here, what is important is the creation of participatory “linkage mechanisms” between Parliament, press, political parties and think tanks through which communication between the people and the Government may be ensured. The Government must, therefore, seek to institutionalise interactions between the policy makers and public through different channels. It would contribute to the success of foreign policy making process.

The unwarranted secrecy with regard to the making of foreign policy by the Government should be minimised. For, it weakens the democratic character of the decision making process. Our foreign policy leaders must understand this necessity, and take pains to inform the people accurately and give due weight to their views. This may add to the difficulty of policy-making, but in no other way can we achieve wisdom and steadiness in the foreign policy of our country.

As mentioned earlier, India has a good tradition of taking peoples view in the making of policy. For example, the history of freedom movement itself reflects the popular sentiments of the country. Apart from that, the emergence of social media sites giving a chance to the public for expressing their private thoughts. The opening of official accounts of the Public Diplomacy Division on Facebook, YouTube, Twitter, Blogger, etc., have acted as a two way communication between the Government and the people. The public is entitled to be informed about what a Government is doing in international affairs, and is also entitled to responsiveness from those in authority to their concerns on foreign policy. The Government should, therefore, take a proactive role in the functioning of Public Diplomacy Division. It is one of the forums to enhance public participation in foreign policy decision making.

In the energy security sphere, much greater importance needs to be given to the nuclear power. One cannot deny the fact that no other foreign policy issue has been debated more vociferously at all levels as the nuclear agreement. Even though Indian

people welcomed the nuclear agreement, the public are still lacking knowledge about the agreement. It may be avoided in generating awareness about nuclear energy among the public by the Government and the nuclear establishment. Obviously, this would weaken the anti-nuclear stance of major sections of the country.

In order to be effective foreign policy, there is an urgent need to enable the academic public to participate in the foreign policy decision making process. It is highly probable that this will expand people's interests in foreign policy. It will also serve as valuable inputs in India's foreign policy formulation towards other countries. If combined with the growing overlaps in domestic and foreign policy issue-areas in an increasingly complex and interdependent world, this phenomenon will have significant implications for policy making at the public levels. However, there is a paucity of literature dealing with the issue. The subject certainly warrants greater attention from the academic community.

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APPENDIX I

Joint Statement by Prime Minister Manmohan Singh and President George W. Bush

18 July 2005

Prime Minister Manmohan Singh and President Bush today declare their resolve to transform the relationship between their countries and establish a global partnership. As leaders of nations committed to the values of human freedom, democracy and rule of law, the new relationship between India and the United States will promote stability, democracy, prosperity and peace throughout the world. It will enhance our ability to work together to provide global leadership in areas of mutual concern and interest.

Building on their common values and interests, the two leaders resolve:

- To create an international environment conducive to promotion of democratic values, and to strengthen democratic practices in societies which wish to become more open and pluralistic.
- To combat terrorism relentlessly. They applaud the active and vigorous counterterrorism cooperation between the two countries and support more international efforts in this direction. Terrorism is a global scourge and the one we will fight everywhere. The two leaders strongly affirm their commitment to the conclusion by September of a UN comprehensive convention against international terrorism.

The Prime Minister's visit coincides with the completion of the Next Steps in Strategic Partnership (NSSP) initiative, launched in January 2004. The two leaders agree that this provides the basis for expanding bilateral activities and commerce in space, civil nuclear energy and dual-use technology.

Drawing on their mutual vision for the U.S.-India relationship, and our joint objectives as strong long-standing democracies, the two leaders agree on the following:

For the Economy

- Revitalize the U.S.-India Economic Dialogue and launch a CEO Forum to harness private sector energy and ideas to deepen the bilateral economic relationship.
- Support and accelerate economic growth in both countries through greater trade, investment, and technology collaboration.
- Promote modernization of India's infrastructure as a prerequisite for the continued growth of the Indian economy. As India enhances its investment climate, opportunities for investment will increase.
- Launch a U.S.-India Knowledge Initiative on Agriculture focused on promoting teaching, research, service and commercial linkages.

For Energy and the Environment

- Strengthen energy security and promote the development of stable and efficient energy markets in India with a view to ensuring adequate, affordable energy supplies and conscious of the need for sustainable development. These issues will be addressed through the U.S.-India Energy Dialogue.
- Agree on the need to promote the imperatives of development and safeguarding the environment, commit to developing and deploying cleaner, more efficient, affordable, and diversified energy technologies.

For Democracy and Development

- Develop and support, through the new U.S.-India Global Democracy Initiative in countries that seek such assistance, institutions and resources that strengthen the foundations that make democracies credible and effective. India and the U.S. will work together to strengthen democratic practices and capacities and contribute to the new U.N. Democracy Fund.
- Commit to strengthen cooperation and combat HIV/AIDs at a global level through an initiative that mobilizes private sector and government resources, knowledge, and expertise.

For Non-Proliferation and Security

- Express satisfaction at the New Framework for the U.S.-India Defense Relationship as a basis for future cooperation, including in the field of Defense technology.
- Commit to play a leading role in international efforts to prevent the proliferation of Weapons of Mass Destruction. The U.S. welcomed the adoption by India of legislation on WMD (Prevention of Unlawful Activities Bill).
- Launch a new U.S.-India Disaster Relief Initiative that builds on the experience of the Tsunami Core Group, to strengthen cooperation to prepare for and conduct disaster relief operations.

For High-Technology and Space

- Sign a Science and Technology Framework Agreement, building on the U.S.-India High-Technology Cooperation Group (HTCG), to provide for joint research and training, and the establishment of public-private partnerships.
- Build closer ties in space exploration, satellite navigation and launch, and in the commercial space arena through mechanisms such as the U.S.-India Working Group on Civil Space Cooperation.
- Building on the strengthened non-proliferation commitments undertaken in the NSSP, to remove certain Indian organizations from the Department of Commerce's Entity List.

Recognizing the significance of civilian nuclear energy for meeting growing global energy demands in cleaner and more efficient manner, the two leaders discussed India's plans to develop its civilian nuclear energy program.

President Bush conveyed his appreciation to the Prime Minister over India's strong commitment to preventing WMD proliferation and stated that as a responsible state with advanced nuclear technology, India should acquire the same benefits and advantages as other such states. The President told the Prime Minister that he will work to achieve full civil nuclear energy cooperation with India as it realizes its goals of promoting nuclear power and achieving energy security. The President would also seek agreement from Congress to adjust U.S. laws and policies, and the United States will work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India, including but not limited to expeditious consideration of fuel supplies for safeguarded nuclear reactors at Tarapur. In the meantime, the United States will encourage its partners to also consider this request expeditiously. India has expressed its interest in ITER and a willingness to contribute. The United States will consult with its partners considering India's participation. The United States will consult with the other participants in the Generation IV International Forum with a view toward India's inclusion.

The Prime Minister conveyed that for his part, India would reciprocally agree that it would be ready to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology, such as the United States. These responsibilities and practices consist of identifying and separating civilian and military nuclear facilities and programs in a phased manner and filing a declaration regarding its civilians facilities with the International Atomic Energy Agency (IAEA); taking a decision to place voluntarily its civilian nuclear facilities under IAEA safeguards; signing and adhering to an Additional Protocol with respect to civilian nuclear facilities; continuing India's unilateral moratorium on nuclear testing; working with the United States for the conclusion of a multilateral Fissile Material Cut Off Treaty; refraining from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread; and ensuring that the necessary steps have been taken to secure nuclear materials and technology through comprehensive export control legislation and through harmonization and adherence to Missile Technology Control Regime (MTCR) and Nuclear Suppliers Group (NSG) guidelines.

The President welcomed the Prime Minister's assurance. The two leaders agreed to establish a working group to undertake on a phased basis in the months ahead the necessary actions mentioned above to fulfil these commitments. The President and Prime Minister also agreed that they would review this progress when the President visits India in 2006.

The two leaders also reiterated their commitment that their countries would play a leading role in international efforts to prevent the proliferation of weapons of mass destruction, including nuclear, chemical, biological and radiological weapons.

In light of this closer relationship, and the recognition of India's growing role in enhancing regional and global security, the Prime Minister and the President agree that international institutions must fully reflect changes in the global scenario that have taken place since 1945. The President reiterated his view that international institutions are going to have to adapt to reflect India's central and growing role. The two leaders state their expectations that India and the United States will strengthen their cooperation in global forums.

Prime Minister Manmohan Singh thanks President Bush for the warmth of his reception and the generosity of his hospitality. He extends an invitation to President Bush to visit India at his convenience and the President accepts that invitation.

APPENDIX II

Implementation of the India-United States Joint Statement of July 18, 2005: India's Separation Plan

1. The resumption of full civilian nuclear energy cooperation between India and the United States arose in the context of India's requirement for adequate and affordable energy supplies to sustain its accelerating economic growth rate and as recognition of its growing technological prowess. It was preceded by discussions between the two Governments, particularly between President Bush and Prime Minister Manmohan Singh, of the global energy scenario and the long-term implications of increasing pressure on hydrocarbon resources and rising oil prices. These developments led to the announcement in April 2005 of an Indo-US Energy Dialogue that encompassed the entire spectrum of energy options ranging from oil and gas to coal, alternative fuels and civilian nuclear energy. Through the initiation of a sustained dialogue to address energy security concerns, the two countries sought to promote stable, efficient, predictable and cost effective solutions for India's growing requirements. At the same time, they also agreed on the need to develop and deploy cleaner, more efficient, affordable and diversified energy technologies to deal with the environmental implications of energy consumption. India had developed proven and wide ranging capabilities in the nuclear sector, including over the entire nuclear fuel cycle. It is internationally recognized that India has unique contributions to make to international efforts towards meeting these objectives. India has become a full partner in ITER, with the full support of the US and other partners. India also accepted the US invitation to join the initiative on Clean Development Partnership.
2. Noting the centrality of civilian nuclear energy to the twin challenges of energy security and safeguarding the environment, the two Governments agreed on 18 July 2005 to undertake reciprocal commitments and responsibilities that would create a framework for the resumption of full cooperation in this field. On its part, the United States undertook to:
 - Seek agreement from the Congress to adjust US laws and policies to achieve full civil nuclear energy cooperation.
 - Work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India, including but not limited to expeditious consideration of fuel supplies for safeguarded nuclear reactors at Tarapur.
 - In the meantime, encourage its partner's to consider fuel supply to Tarapur expeditiously.
 - To consult with its partners to consider India's participation in ITER.
 - To consult with other participants in the Generation IV International Forum with a view towards India's inclusion.
3. India had conveyed its readiness to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading

countries with advanced nuclear technology, such as the United States. Accordingly, India for its part undertook the following commitments:

- Identifying and separating civilian and military nuclear facilities and programmes in a phased manner.
 - Filing a declaration regarding its civilian facilities with the IAEA.
 - Taking a decision to place voluntarily its civilian nuclear facilities under IAEA safeguards, and
 - Signing and adhering to an Additional Protocol with respect to civilian nuclear facilities.
4. Other commitments undertaken by India have already been fulfilled in the last year. Among them are:
- India's responsible non-proliferation record, recognized by the US, continues and is reflected in its policies and actions.
 - The harmonization of India's export controls with NSG and MTCR Guidelines even though India is not a member of either group. These guidelines and control lists have been notified and are being implemented.
 - A significant upgrading of India's non-proliferation regulations and export controls has taken place as a result of Weapons of Mass Destruction Act of May 2005. Inter-Ministerial consultations are ongoing to examine and amend other relevant Acts as well as framing appropriate rules and regulations.
 - Refrain from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread. This has guided our policy on non-proliferation.
 - Continued unilateral moratorium on nuclear testing, and
 - Willingness to work with the United States for the conclusion of a multilateral Fissile Material Cut-Off Treaty.
5. The Joint Statement of 18 July 2005, recognized that India is ready to assume the same responsibilities and practices as other leading countries with advanced nuclear technology, such as the United States. India has an impeccable record in non-proliferation. The Joint Statement acknowledges that India's nuclear programme has both a military and a civilian component. Both sides had agreed that the purpose was not to constrain India's strategic programme but to enable resumption of full civil nuclear energy cooperation in order to enhance global energy and environmental security. Such cooperation was predicated on the assumption that any international civil nuclear energy cooperation (including by the US) offered to India in the civilian sector should, firstly, not be diverted away from civilian purposes, and secondly, should not be transferred from India to third countries without safeguards. These concepts will be reflected in the Safeguards Agreement to be negotiated by India with IAEA.
6. India's nuclear programme is unique as it is the only state with nuclear weapons not to have begun with a dedicated military programme. It must be appreciated that the strategic programme is an offshoot of research on nuclear power programme and consequently, it is embedded in a larger

undifferentiated programme. Identification of purely civilian facilities and programmes that have no strategic implications poses a particular challenge. Therefore, facilities identified as civilian in the Separation Plan will be offered for safeguards in phases to be decided by India. The nature of the facility concerned, the activities undertaken in it, the national security significance of materials and the location of the facilities are factors taken into account in undertaking the separation process. This is solely an Indian determination.

7. The nuclear establishment in India not only built nuclear reactors but promoted the growth of a national industrial infrastructure. Nuclear power generation was envisaged as a three stage programme with PHWRs chosen for deployment in the first stage. As indigenous reactors were set up, several innovative design improvements were carried out based on Indian R&D and a standardized design was evolved. The research and technology development spanned the entire spectrum of the nuclear fuel cycle including the front end and the back end. Success in the technologies for the back end of the fuel cycle allowed us to launch the second stage of the programme by constructing a Fast Breeder Test Reactor. This reactor has operated for 20 years based on a unique carbide fuel and has achieved all technology objectives. We have now proceeded further and are constructing a 500 MWe Prototype Fast Breeder Reactor. Simultaneously, we have launched design and development of reactors aimed at thorium utilization and incorporating inherent safety features.
8. Concepts such as grid connectivity are not relevant to the separation exercise. Issues related to fuel resource sustainability, technical design and economic viability, as well as smooth operation of reactors are relevant factors. This would necessitate grid connectivity irrespective of whether the reactor concerned is civilian or not civilian.
9. It must be recognized that the Indian nuclear programme still has a relatively narrow base and cannot be expected to adopt solutions that might be deemed viable by much larger programmes.
10. Another factor to be taken into account is the small capacity of the reactors produced indigenously by India, some of which would remain outside safeguards.
11. The complexity of the separation process is further enhanced by the limited resources that India has devoted to its nuclear programme as compared to P-5 nations. Moreover, as India expands international cooperation, the percentage of its thermal power reactor installed capacity under safeguards would rise significantly as fresh capacity is added through such cooperation.
12. India's approach to the separation of its civilian nuclear facilities is guided by the following principles:
 - Credible, feasible, and implementable in a transparent manner;
 - Consistent with the understandings of the 18 July Statement;
 - Consistent with India's national security and R&D requirements as well as not prejudicial to the three-stage nuclear programme in India;
 - Must be cost effective in its implementation; and
 - Must be acceptable to Parliament and public opinion.
13. Based on these principles, India will:

- Include in the civilian list only those facilities offered for safeguards that, after separation, will no longer be engaged in activities of strategic significance.
 - The overarching criterion would be a judgement whether subjecting a facility to IAEA safeguards would impact adversely on India's national security.
 - However, a facility will be excluded from the civilian list if it is located in a larger hub of strategic significance, notwithstanding the fact that it may not be normally engaged in activities of strategic significance.
 - A civilian facility would therefore, be one that India has determined not to be relevant to its strategic programme.
14. Taking the above into account, India, on the basis of reciprocal actions by the US, will adopt the following approach:
- i. **Thermal Power Reactors:** India will identify and offer for safeguards 14 thermal power reactors between 2006 and 2014. This will include the 4 presently safeguarded reactors (TAPS 1&2, RAPS 1&2) and in addition KK 1&2 that are under construction. 8 other PHWRs, each of a capacity of 220MWe, will be offered. Such offer would, in effect, cover 14 out of the 22 thermal power reactors in operation or currently under construction to be placed under safeguards, and would raise the total installed Thermal Power capacity by MWe under safeguards from the present 19% to 65% by 2014.
 - ii. **Fast Breeder Reactors:** India is not in a position to accept safeguards on the Prototype Fast Breeder Reactors (PFBR) and the Fast Breeder Test Reactor (FBTR), both located at Kalpakkam. The Fast Breeder Programme is at the R&D stage and its technology will take time to mature and reach an advanced stage of development.
 - iii. **Future Reactors:** India has decided to place under safeguards all future civilian thermal power reactors and civilian breeder reactors, and the Government of India retains the sole right to determine such reactors as civilian.
 - iv. **Research Reactors:** India will permanently shut down the CIRUS reactor, in 2010. It will also be prepared to shift the fuel core of the APSARA reactor that was purchased from France outside BARC and make the fuel core available to be placed under safeguards in 2010.
 - v. **Upstream facilities:** The following upstream facilities would be identified and separated as civilian: -
 - List of specific facilities in the Nuclear Fuel Complex, Hyderabad which will be offered for safeguards by 2008 is give below:
 - Uranium Oxide Plant (Block A)
 - Ceramic Fuel Fabrication Plant (Palletizing) (BlockA)
 - Ceramic Fuel Fabrication Plant (Assembly) (Block A)
 - Enriched Uranium Oxide Plant
 - Enriched Fuel Fabrication Plant

- Gadolinia Facility
 - The Heavy Water Production plants at Thal, Tuticorin and Hazira are proposed to be designated for civilian use between 2006-2009. We do not consider these plants as relevant for safeguards purposes.
- vi. **Downstream facilities:** The following downstream facilities would be identified and separated as civilian:
 - India is willing to accept safeguards in the ‘campaign’ mode after 2010 in respect of the Tarapur Power Reactor Fuel Reprocessing Plant.
 - The Tarapur and Rajasthan ‘Away From Reactors’ spent fuel storage pools would be made available for safeguards with appropriate phasing between 2006-2009.
- vii. **Research Facilities:** India will declare the following facilities as civilian:
 - (a) Tata Institute of Fundamental research
 - (b) Variable Energy Cyclotron Centre
 - (c) Saha Institute of Nuclear Physics
 - (d) Institute for Plasma Research
 - (e) Institute of Mathematics Science
 - (f) Institute of Physics
 - (g) Tata Memorial Centre
 - (h) Board of Radiation and Isotope Technology
 - (i) Harish Chandra Research Institute

These facilities are safeguards-irrelevant. It is our expectation that they will play a prominent role in international cooperation.

15. Safeguards:

- a) The United States has conveyed its commitment to the reliable supply of fuel to India. Consistent with the July 18, 2005, Joint Statement, the United States has also reaffirmed its assurance to create the necessary conditions for India to have assured and full access to fuel for its reactors. As part of its implementation of the July 18, 2005, Joint Statement the United States is committed to seeking agreement from the U.S. Congress to amend its domestic laws and to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to obtain full access to the international fuel market, including reliable, uninterrupted and continual access to fuel supplies from firms in several nations.
- b) To further guard against any disruption of fuel supplies, the United States is prepared to take the following additional steps:
 - The United States is willing to incorporate assurances regarding fuel supply in the bilateral U.S.-India agreement on peaceful uses of nuclear energy under Section 123 of the U.S. Atomic Energy Act, which would be submitted to the U.S. Congress.

- The United States will join India in seeking to negotiate with the IAEA an India-specific fuel supply agreement.
- The United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors.
- If despite these arrangements, a disruption of fuel supplies to India occurs, the United States and India would jointly convene a group of friendly supplier countries to include countries such as Russia, France and the United Kingdom to pursue such measures as would restore fuel supply to India.

(C) In light of the above understandings with the United States, an India-specific safeguards agreement will be negotiated between India and the IAEA providing for safeguards to guard against withdrawal of safeguarded nuclear material from civilian use at any time as well as providing for corrective measures that India may take to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplies. Taking this into account, India will place its civilian nuclear facilities under India-specific safeguards in perpetuity and negotiate an appropriate safeguards agreement to this end with the IAEA.

16. This plan is in conformity with the commitments made to Parliament by the Government.

APPENDIX III

**Agreement for Cooperation between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy (123 Agreement)
Agreed Text 1 August 2007**

The Government of India and the Government of the United States of America, hereinafter referred to as the Parties,

RECOGNIZING the significance of civilian nuclear energy for meeting growing global energy demands in a cleaner and more efficient manner;

DESIRING to cooperate extensively in the full development and use of nuclear energy for peaceful purposes as a means of achieving energy security, on a stable, reliable and predictable basis;

WISHING to develop such cooperation on the basis of mutual respect for sovereignty, non-interference in each other's internal affairs, equality, mutual benefit, reciprocity and with due respect for each other's nuclear programmes;

DESIRING to establish the necessary legal framework and basis for cooperation concerning peaceful uses of nuclear energy;

AFFIRMING that cooperation under this Agreement is between two States possessing advanced nuclear technology, both Parties having the same benefits and advantages, both committed to preventing WMD proliferation;

NOTING the understandings expressed in the India - U.S. Joint Statement of July 18, 2005 to enable full civil nuclear energy cooperation with India covering aspects of the associated nuclear fuel cycle;

AFFIRMING their support for the objectives of the International Atomic Energy Agency (IAEA) and its safeguards system, as applicable to India and the United States of America, and its importance in ensuring that international cooperation in development and use of nuclear energy for peaceful purposes is carried out under arrangements that will not contribute to the proliferation of nuclear weapons or other nuclear explosive devices;

NOTING their respective commitments to safety and security of peaceful uses of nuclear energy, to adequate physical protection of nuclear material and effective national export controls;

MINDFUL that peaceful nuclear activities must be undertaken with a view to protecting the environment;

MINDFUL of their shared commitment to preventing the proliferation of weapons of mass destruction; and

DESIROUS of strengthening the strategic partnership between them;

Have agreed on the following:

Article 1 – Definitions

For the purposes of this Agreement:

- A. "By-product material" means any radioactive material (except special fissionable material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special fissionable material. By-product material shall not be subject to safeguards or any other form of verification under this Agreement, unless it has been decided otherwise by prior mutual agreement in writing between the two Parties.
- B. "Component" means a component part of equipment, or other item so designated by agreement of the Parties.
- C. "Conversion" means any of the normal operations in the nuclear fuel cycle, preceding fuel fabrication and excluding enrichment, by which uranium is transformed from one chemical form to another – for example, from uranium hexafluoride (UF₆) to uraniumdioxide (UO₂) or from uranium oxide to metal.
- D. "Decommissioning" means the actions taken at the end of a facility's useful life to retire the facility from service in the manner that provides adequate protection for the health and safety of the decommissioning workers and the general public, and for the environment. These actions can range from closing down the facility and a minimal removal of nuclear material coupled with continuing maintenance and surveillance, to a complete removal of residual radioactivity in excess of levels acceptable for unrestricted use of the facility and its site.
- E. "Dual-Use Item" means a nuclear related item which has a technical use in both nuclear and non-nuclear applications.
- F. "Equipment" means any equipment in nuclear operation including reactor, reactor pressure vessel, reactor fuel charging and discharging equipment, reactor control rods, reactor pressure tubes, reactor primary coolant pumps, zirconium tubing, equipment for fuel fabrication and any other item so designated by the Parties.
- G. "High enriched uranium" means uranium enriched to twenty percent or greater in the isotope 235.
- H. "Information" means any information that is not in the public domain and is transferred in any form pursuant to this Agreement and so designated and documented in hard copy or digital form by mutual agreement by the Parties that it shall be subject to this Agreement, but will cease to be information whenever the Party transferring the information or any third party legitimately releases it into the public domain.
- I. "Low enriched uranium" means uranium enriched to less than twenty percent in the isotope 235.
- J. "Major critical component" means any part or group of parts essential to the operation of a sensitive nuclear facility or heavy water production facility

- K. "Non-nuclear material" means heavy water, or any other material suitable for use in a reactor to slow down high velocity neutrons and increase the likelihood of further fission, as may be jointly designated by the appropriate authorities of the Parties.
- L. "Nuclear material" means (1) source material and (2) special fissionable material. "Source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors of the IAEA shall from time to time determine; and such other materials as the Board of Governors of the IAEA may determine or as may be agreed by the appropriate authorities of both Parties. "Special fissionable material" means plutonium, uranium-233, uranium enriched in the isotope 233 or 235, any substance containing one or more of the foregoing, and such other substances as the Board of Governors of the IAEA may determine or as may be agreed by the appropriate authorities of both Parties. "Special fissionable material" does not include "source material". Any determination by the Board of Governors of the IAEA under Article XX of that Agency's Statute or otherwise that amends the list of materials considered to be "source material" or "special fissionable material" shall only have effect under this Agreement when both Parties to this Agreement have informed each other in writing that they accept such amendment.
- M. "Peaceful purposes" include the use of information, nuclear material, equipment or components in such fields as research, power generation, medicine, agriculture and industry, but do not include use in, research on, or development of any nuclear explosive device or any other military purpose. Provision of power for a military base drawn from any power network, production of radioisotopes to be used for medical purposes in military environment for diagnostics, therapy and sterility assurance, and other similar purposes as may be mutually agreed by the Parties shall not be regarded as military purpose.
- N. "Person" means any individual or any entity subject to the territorial jurisdiction of either Party but does not include the Parties.
- O. "Reactor" means any apparatus, other than a nuclear weapon or other nuclear explosive device, in which a self-sustaining fission chain reaction is maintained by utilizing uranium, plutonium, or thorium or any combination thereof.
- P. "Sensitive nuclear facility" means any facility designed or used primarily for uranium enrichment, reprocessing of nuclear fuel, or fabrication of nuclear fuel containing plutonium.
- Q. "Sensitive nuclear technology" means any information that is not in the public domain and that is important to the design, construction, fabrication, operation,

or maintenance of any sensitive nuclear facility or other such information that may be so designated by agreement of the Parties.

Article 2 - Scope of Cooperation

1. The Parties shall cooperate in the use of nuclear energy for peaceful purposes in accordance with the provisions of this Agreement. Each Party shall implement this Agreement in accordance with its respective applicable treaties, national laws, regulations, and license requirements concerning the use of nuclear energy for peaceful purposes.
2. The purpose of the Agreement being to enable full civil nuclear energy cooperation between the Parties, the Parties may pursue cooperation in all relevant areas to include, but not limited to, the following:
 - a) Advanced nuclear energy research and development in such areas as may be agreed between the Parties;
 - b) Nuclear safety matters of mutual interest and competence, as set out in Article 3;
 - c) Facilitation of exchange of scientists for visits, meetings, symposia and collaborative research;
 - d) Full civil nuclear cooperation activities covering nuclear reactors and aspects of the associated nuclear fuel cycle including technology transfer on an industrial or commercial scale between the Parties or authorized persons;
 - e) Development of a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors;
 - f) Advanced research and development in nuclear sciences including but not limited to biological research, medicine, agriculture and industry, environment and climate change;
 - g) Supply between the Parties, whether for use by or for the benefit of the Parties or third countries, of nuclear material;
 - h) Alteration in form or content of nuclear material as provided for in Article 6;
 - i) Supply between the Parties of equipment, whether for use by or for the benefit of the Parties or third countries;
 - j) Controlled thermonuclear fusion including in multilateral projects; and
 - k) Other areas of mutual interest as may be agreed by the Parties.
3. Transfer of nuclear material, non-nuclear material, equipment, components and information under this Agreement may be undertaken directly between the Parties or through authorized persons. Such transfers shall be subject to this Agreement and to such additional terms and conditions as may be agreed by the Parties. Nuclear material, non-nuclear material, equipment, components and

information transferred from the territory of one Party to the territory of the other Party, whether directly or through a third country, will be regarded as having been transferred pursuant to this Agreement only upon confirmation, by the appropriate authority of the recipient Party to the appropriate authority of the supplier Party that such items both will be subject to the Agreement and have been received by the recipient Party.

4. The Parties affirm that the purpose of this Agreement is to provide for peaceful nuclear cooperation and not to affect the unsafeguarded nuclear activities of either Party. Accordingly, nothing in this Agreement shall be interpreted as affecting the rights of the Parties to use for their own purposes nuclear material, non-nuclear material, equipment, components, information or technology produced, acquired or developed by them independent of any nuclear material, non-nuclear material, equipment, components, information or technology transferred to them pursuant to this Agreement. This Agreement shall be implemented in a manner so as not to hinder or otherwise interfere with any other activities involving the use of nuclear material, non-nuclear material, equipment, components, information or technology and military nuclear facilities produced, acquired or developed by them independent of this Agreement for their own purposes.

Article 3 - Transfer of Information

1. Information concerning the use of nuclear energy for peaceful purposes may be transferred between the Parties. Transfers of information may be accomplished through reports, data banks and computer programs and any other means mutually agreed to by the Parties. Fields that may be covered include, but shall not be limited to, the following:
 - a) Research, development, design, construction, operation, maintenance and use of reactors, reactor experiments, and decommissioning;
 - b) The use of nuclear material in physical, chemical, radiological and biological research, medicine, agriculture and industry;
 - c) Fuel cycle activities to meet future world-wide civil nuclear energy needs, including multilateral approaches to which they are parties for ensuring nuclear fuel supply and appropriate techniques for management of nuclear wastes;
 - d) Advanced research and development in nuclear science and technology;
 - e) Health, safety, and environmental considerations related to the foregoing;
 - f) Assessments of the role nuclear power may play in national energy plans;
 - g) Codes, regulations and standards for the nuclear industry;
 - h) Research on controlled thermonuclear fusion including bilateral activities and contributions toward multilateral projects such as the International Thermonuclear Experimental Reactor (ITER); and

- i) Any other field mutually agreed to by the Parties.
2. Cooperation pursuant to this Article may include, but is not limited to, training, exchange of personnel, meetings, exchange of samples, materials and instruments for experimental purposes and a balanced participation in joint studies and projects.
3. This Agreement does not require the transfer of any information regarding matters outside the scope of this Agreement, or information that the Parties are not permitted under their respective treaties, national laws, or regulations to transfer.
4. Restricted Data, as defined by each Party, shall not be transferred under this Agreement.

Article 4 - Nuclear Trade

1. The Parties shall facilitate nuclear trade between themselves in the mutual interests of their respective industry, utilities and consumers and also, where appropriate, trade between third countries and either Party of items obligated to the other Party. The Parties recognize that reliability of supplies is essential to ensure smooth and uninterrupted operation of nuclear facilities and that industry in both the Parties needs continuing reassurance that deliveries can be made on time in order to plan for the efficient operation of nuclear installations.
2. Authorizations, including export and import licenses as well as authorizations or consents to third parties, relating to trade, industrial operations or nuclear material movement should be consistent with the sound and efficient administration of this Agreement and should not be used to restrict trade. It is further agreed that if the relevant authority of the concerned Party considers that an application cannot be processed within a two month period it shall immediately, upon request, provide reasoned information to the submitting Party. In the event of a refusal to authorize an application or a delay exceeding four months from the date of the first application the Party of the submitting persons or undertakings may call for urgent consultations under Article 13 of this Agreement, which shall take place at the earliest opportunity and in any case not later than 30 days after such a request.

Article 5 - Transfer of Nuclear Material, Non-Nuclear Material, Equipment, Components and Related Technology

- 1) Nuclear material, non-nuclear material, equipment and components may be transferred for applications consistent with this Agreement. Any special fissionable material transferred under this Agreement shall be low enriched uranium, except as provided in paragraph 5.

- 2) Sensitive nuclear technology, heavy water production technology, sensitive nuclear facilities, heavy water production facilities and major critical components of such facilities may be transferred under this Agreement pursuant to an amendment to this Agreement. Transfers of dual-use items that could be used in enrichment, reprocessing or heavy water production facilities will be subject to the Parties' respective applicable laws, regulations and license policies.
- 3) Natural or low enriched uranium may be transferred for use as fuel in reactor experiments and in reactors, for conversion or fabrication, or for such other purposes as may be agreed to by the Parties.
- 4) The quantity of nuclear material transferred under this Agreement shall be consistent with any of the following purposes: use in reactor experiments or the loading of reactors, the efficient and continuous conduct of such reactor experiments or operation of reactors for their lifetime, use as samples, standards, detectors, and targets, and the accomplishment of other purposes as may be agreed by the Parties.
- 5) Small quantities of special fissionable material may be transferred for use as samples, standards, detectors, and targets, and for such other purposes as the Parties may agree.
- 6) (a) The United States has conveyed its commitment to the reliable supply of fuel to India. Consistent with the July 18, 2005, Joint Statement, the United States has also reaffirmed its assurance to create the necessary conditions for India to have assured and full access to fuel for its reactors. As part of its implementation of the July 18, 2005, Joint Statement the United States is committed to seeking agreement from the U.S. Congress to amend its domestic laws and to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to obtain full access to the international fuel market, including reliable, uninterrupted and continual access to fuel supplies from firms in several nations.
(b) To further guard against any disruption of fuel supplies, the United States is prepared to take the following additional steps:
 - i. The United States is willing to incorporate assurances regarding fuel supply in the bilateral U.S.-India agreement on peaceful uses of nuclear energy under Section 123 of the U.S. Atomic Energy Act, which would be submitted to the U.S. Congress.
 - ii. The United States will join India in seeking to negotiate with the IAEA an India-specific fuel supply agreement.
 - iii. The United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors.

- iv. If despite these arrangements, a disruption of fuel supplies to India occurs, the United States and India would jointly convene a group of friendly supplier countries to include countries such as Russia, France and the United Kingdom to pursue such measures as would restore fuel supply to India.

(C) In light of the above understandings with the United States, an India-specific safeguards agreement will be negotiated between India and the IAEA providing for safeguards to guard against withdrawal of safeguarded nuclear material from civilian use at any time as well as providing for corrective measures that India may take to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplies. Taking this into account, India will place its civilian nuclear facilities under India-specific safeguards in perpetuity and negotiate an appropriate safeguards agreement to this end with the IAEA.

Article 6 - Nuclear Fuel Cycle Activities

In keeping with their commitment to full civil nuclear cooperation, both Parties, as they do with other states with advanced nuclear technology, may carry out the following nuclear fuel cycle activities:

- i. Within the territorial jurisdiction of either Party, enrichment up to twenty percent in the isotope²³⁵ of uranium transferred pursuant to this Agreement, as well as of uranium used in or produced through the use of equipment so transferred, may be carried out.
- ii. Irradiation within the territorial jurisdiction of either Party of plutonium, uranium-233, high enriched uranium and irradiated nuclear material transferred pursuant to this Agreement or used in or produced through the use of non-nuclear material, nuclear material or equipment so transferred may be carried out.
- iii. With a view to implementing full civil nuclear cooperation as envisioned in the Joint Statement of the Parties of July 18, 2005, the Parties grant each other consent to reprocess or otherwise alter in form or content nuclear material transferred pursuant to this Agreement and nuclear material and by-product material used in or produced through the use of nuclear material, non-nuclear material, or equipment so transferred. To bring these rights into effect, India will establish a new national reprocessing facility dedicated to reprocessing safeguarded nuclear material under IAEA safeguards and the Parties will agree on arrangements and procedures under which such reprocessing or other alteration in form or content will take place in this new facility. Consultations on arrangements and procedures will begin within six months of a request by either Party and will be concluded within one year. The Parties agree on the application of IAEA safeguards to all facilities concerned with the above activities. These arrangements and procedures shall include provisions with

respect to physical protection standards set out in Article 8, storage standards set out in Article 7, and environmental protections set forth in Article 11 of this Agreement, and such other provisions as may be agreed by the Parties. Any special fissionable material that may be separated may only be utilized in national facilities under IAEA safeguards.

- iv. Post-irradiation examination involving chemical dissolution or separation of irradiated nuclear material transferred pursuant to this Agreement or irradiated nuclear material used in or produced through the use of non-nuclear material, nuclear material or equipment so transferred may be carried out.

Article 7 - Storage and Retransfers

- 1) Plutonium and uranium 233 (except as either may be contained in irradiated fuel elements), and high enriched uranium, transferred pursuant to this Agreement or used in or produced through the use of material or equipment so transferred, may be stored in facilities that are at all times subject, as a minimum, to the levels of physical protection that are set out in IAEA INFCIRC 225/REV 4 as it may be revised and accepted by the Parties. Each Party shall record such facilities on a list, made available to the other Party. A Party's list shall be held confidential if that Party so requests. Either Party may make changes to its list by notifying the other Party in writing and receiving a written acknowledgement. Such acknowledgement shall be given no later than thirty days after the receipt of the notification and shall be limited to a statement that the notification has been received. If there are grounds to believe that the provisions of this sub-Article are not being fully complied with, immediate consultations may be called for. Following upon such consultations, each Party shall ensure by means of such consultations that necessary remedial measures are taken immediately. Such measures shall be sufficient to restore the levels of physical protection referred to above at the facility in question. However, if the Party on whose territory the nuclear material in question is stored determines that such measures are not feasible, it will shift the nuclear material to another appropriate, listed facility it identifies.
- 2) Nuclear material, non-nuclear material, equipment, components, and information transferred pursuant to this Agreement and any special fissionable material produced through the use of nuclear material, non-nuclear material or equipment so transferred shall not be transferred or re-transferred to unauthorized persons or, unless the Parties agree, beyond the recipient Party's territorial jurisdiction.

Article 8 - Physical Protection

1. Adequate physical protection shall be maintained with respect to nuclear material and equipment transferred pursuant to this Agreement and nuclear material used in or produced through the use of nuclear material, non-nuclear material or equipment so transferred.
2. To fulfill the requirement in paragraph 1, each Party shall apply measures in accordance with (i) levels of physical protection at least equivalent to the recommendations published in IAEA document INFCIRC/225/Rev.4 entitled "The Physical Protection of Nuclear Material and Nuclear Facilities," and in any subsequent revisions of that document agreed to by the Parties, and (ii) the provisions of the 1980 Convention on the Physical Protection of Nuclear Material and any amendments to the Convention that enter into force for both Parties.
3. The Parties will keep each other informed through diplomatic channels of those agencies or authorities having responsibility for ensuring that levels of physical protection for nuclear material in their territory or under their jurisdiction or control are adequately met and having responsibility for coordinating response and recovery operations in the event of unauthorized use or handling of material subject to this Article. The Parties will also keep each other informed through diplomatic channels of the designated points of contact within their national authorities to cooperate on matters of out-of-country transportation and other matters of mutual concern.
4. The provisions of this Article shall be implemented in such a manner as to avoid undue interference in the Parties' peaceful nuclear activities and so as to be consistent with prudent management practices required for the safe and economic conduct of their peaceful nuclear programs.

Article 9 - Peaceful Use

Nuclear material, equipment and components transferred pursuant to this Agreement and nuclear material and by-product material used in or produced through the use of any nuclear material, equipment, and components so transferred shall not be used by the recipient Party for any nuclear explosive device, for research on or development of any nuclear explosive device or for any military purpose.

Article 10 - IAEA Safeguards

1. Safeguards will be maintained with respect to all nuclear materials and equipment transferred pursuant to this Agreement, and with respect to all special fissionable material used in or produced through the use of such nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating Party.

2. Taking into account Article 5.6 of this Agreement, India agrees that nuclear material and equipment transferred to India by the United States of America pursuant to this Agreement and any nuclear material used in or produced through the use of nuclear material, non-nuclear material, equipment or components so transferred shall be subject to safeguards in perpetuity in accordance with the India-specific Safeguards Agreement between India and the IAEA [identifying data] and an Additional Protocol, when in force.
3. Nuclear material and equipment transferred to the United States of America pursuant to this Agreement and any nuclear material used in or produced through the use of any nuclear material, non-nuclear material, equipment, or components so transferred shall be subject to the Agreement between the United States of America and the IAEA for the application of safeguards in the United States of America, done at Vienna November 18,1977, which entered into force on December 9, 1980, and an Additional Protocol, when in force.
4. If the IAEA decides that the application of IAEA safeguards is no longer possible, the supplier and recipient should consult and agree on appropriate verification measures.
5. Each Party shall take such measures as are necessary to maintain and facilitate the application of IAEA safeguards in its respective territory provided for under this Article.
6. Each Party shall establish and maintain a system of accounting for and control of nuclear material transferred pursuant to this Agreement and nuclear material used in or produced through the use of any material, equipment, or components so transferred. The procedures applicable to India shall be those set forth in the India-specific Safeguards Agreement referred to in Paragraph 2 of this Article.
7. Upon the request of either Party, the other Party shall report or permit the IAEA to report to the requesting Party on the status of all inventories of material subject to this Agreement.
8. The provisions of this Article shall be implemented in such a manner as to avoid hampering, delay, or undue interference in the Parties' peaceful nuclear activities and so as to be consistent with prudent management practices required for the safe and economic conduct of their peaceful nuclear programs.

Article 11 - Environmental Protection

The Parties shall cooperate in following the best practices for minimizing the impact on the environment from any radioactive, chemical or thermal contamination arising from peaceful nuclear activities under this Agreement and in related matters of health and safety.

Article 12 - Implementation of the Agreement

1. This Agreement shall be implemented in a manner designed:
 - a) to avoid hampering or delaying the nuclear activities in the territory of either Party;
 - b) to avoid interference in such activities;
 - c) to be consistent with prudent management practices required for the safe conduct of such activities; and
 - d) to take full account of the long term requirements of the nuclear energy programs of the Parties.
2. The provisions of this Agreement shall not be used to:
 - a) secure unfair commercial or industrial advantages or to restrict trade to the disadvantage of persons and undertakings of either Party or hamper their commercial or industrial interests, whether international or domestic;
 - b) interfere with the nuclear policy or programs for the promotion of the peaceful uses of nuclear energy including research and development; or
 - c) impede the free movement of nuclear material, non-nuclear material and equipment supplied under this Agreement within the territory of the Parties.
3. When execution of an agreement or contract pursuant to this Agreement between Indian and United States organizations requires exchanges of experts, the Parties shall facilitate entry of the experts to their territories and their stay therein consistent with national laws, regulations and practices. When other cooperation pursuant to this Agreement requires visits of experts, the Parties shall facilitate entry of the experts to their territory and their stay therein consistent with national laws, regulations and practices.

Article 13 – Consultations

1. The Parties undertake to consult at the request of either Party regarding the implementation of this Agreement and the development of further cooperation in the field of peaceful uses of nuclear energy on a stable, reliable and predictable basis. The Parties recognize that such consultations are between two States with advanced nuclear technology, which have agreed to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology.
2. Each Party shall endeavor to avoid taking any action that adversely affects cooperation envisaged under Article 2 of this Agreement. If either Party at any time following the entry into force of this Agreement does not comply with the provisions of this Agreement, the Parties shall promptly hold consultations with a view to resolving the matter in a way that protects the legitimate interests of

both Parties, it being understood that rights of either Party under Article 16.2 remain unaffected.

3. Consultations under this Article may be carried out by a Joint Committee specifically established for this purpose. A Joint Technical Working Group reporting to the Joint Committee will be set up to ensure the fulfillment of the requirements of the Administrative Arrangements referred to in Article 17.

Article 14 - Termination and Cessation of Cooperation

1. Either Party shall have the right to terminate this Agreement prior to its expiration on one year's written notice to the other Party. A Party giving notice of termination shall provide the reasons for seeking such termination. The Agreement shall terminate one year from the date of the written notice, unless the notice has been withdrawn by the providing Party in writing prior to the date of termination.
2. Before this Agreement is terminated pursuant to paragraph 1 of this Article, the Parties shall consider the relevant circumstances and promptly hold consultations, as provided in Article 13, to address the reasons cited by the Party seeking termination. The Party seeking termination has the right to cease further cooperation under this Agreement if it determines that a mutually acceptable resolution of outstanding issues has not been possible or cannot be achieved through consultations. The Parties agree to consider carefully the circumstances that may lead to termination or cessation of cooperation. They further agree to take into account whether the circumstances that may lead to termination or cessation resulted from a Party's serious concern about a changed security environment or as a response to similar actions by other States which could impact national security.
3. If a Party seeking termination cites a violation of this Agreement as the reason for notice for seeking termination, the Parties shall consider whether the action was caused inadvertently or otherwise and whether the violation could be considered as material. No violation may be considered as being material unless corresponding to the definition of material violation or breach in the Vienna Convention on the Law of Treaties. If a Party seeking termination cites a violation of an IAEA safeguards agreement as the reason for notice for seeking termination, a crucial factor will be whether the IAEA Board of Governors has made a finding of non-compliance.
4. Following the cessation of cooperation under this Agreement, either Party shall have the right to require the return by the other Party of any nuclear material, equipment, non-nuclear material or components transferred under this Agreement and any special fissionable material produced through their use. A notice by a Party that is invoking the right of return shall be delivered to the

other Party on or before the date of termination of this Agreement. The notice shall contain a statement of the items subject to this Agreement as to which the Party is requesting return. Except as provided in provisions of Article 16.3, all other legal obligations pertaining to this Agreement shall cease to apply with respect to the nuclear items remaining on the territory of the Party concerned upon termination of this Agreement.

5. The two Parties recognize that exercising the right of return would have profound implications for their relations. If either Party seeks to exercise its right pursuant to paragraph 4 of this Article, it shall, prior to the removal from the territory or from the control of the other Party of any nuclear items mentioned in paragraph 4, undertake consultations with the other Party. Such consultations shall give special consideration to the importance of uninterrupted operation of nuclear reactors of the Party concerned with respect to the availability of nuclear energy for peaceful purposes as a means of achieving energy security. Both Parties shall take into account the potential negative consequences of such termination on the on-going contracts and projects initiated under this Agreement of significance for the respective nuclear programmes of either Party.
6. If either Party exercises its right of return pursuant to paragraph 4 of this Article, it shall, prior to the removal from the territory or from the control of the other Party, compensate promptly that Party for the fair market value thereof and for the costs incurred as a consequence of such removal. If the return of nuclear items is required, the Parties shall agree on methods and arrangements for the return of the items, the relevant quantity of the items to be returned, and the amount of compensation that would have to be paid by the Party exercising the right to the other Party.
7. Prior to return of nuclear items, the Parties shall satisfy themselves that full safety, radiological and physical protection measures have been ensured in accordance with their existing national regulations and that the transfers pose no unreasonable risk to either Party, countries through which the nuclear items may transit and to the global environment and are in accordance with existing international regulations.
8. The Party seeking the return of nuclear items shall ensure that the timing, methods and arrangements for return of nuclear items are in accordance with paragraphs 5, 6 and 7. Accordingly, the consultations between the Parties shall address mutual commitments as contained in Article 5.6. It is not the purpose of the provisions of this Article regarding cessation of cooperation and right of return to derogate from the rights of the Parties under Article 5.6.
9. The arrangements and procedures concluded pursuant to Article 6(iii) shall be subject to suspension by either Party in exceptional circumstances, as defined by the Parties, after consultations have been held between the Parties aimed at

reaching mutually acceptable resolution of outstanding issues, while taking into account the effects of such suspension on other aspects of cooperation under this Agreement.

Article 15 - Settlement of Disputes

Any dispute concerning the interpretation or implementation of the provisions of this Agreement shall be promptly negotiated by the Parties with a view to resolving that dispute.

Article 16 - Entry into Force and Duration

1. This Agreement shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that they have completed all applicable requirements for its entry into force.
2. This Agreement shall remain in force for a period of 40 years. It shall continue in force thereafter for additional periods of 10 years each. Each Party may, by giving 6 months written notice to the other Party, terminate this Agreement at the end of the initial 40 year period or at the end of any subsequent 10 year period.
3. Notwithstanding the termination or expiration of this Agreement or withdrawal of a Party from this Agreement, Articles 5.6(c), 6, 7, 8, 9, 10 and 15 shall continue in effect so long as any nuclear material, non-nuclear material, by-product material, equipment or components subject to these articles remains in the territory of the Party concerned or under its jurisdiction or control anywhere, or until such time as the Parties agree that such nuclear material is no longer usable for any nuclear activity relevant from the point of view of safeguards.
4. This Agreement shall be implemented in good faith and in accordance with the principles of international law.
5. The Parties may consult, at the request of either Party, on possible amendments to this Agreement. This Agreement may be amended if the Parties so agree. Any amendment shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that their respective internal legal procedures necessary for the entry into force have been completed.

Article 17 - Administrative Arrangement

1. The appropriate authorities of the Parties shall establish an Administrative Arrangement in order to provide for the effective implementation of the provisions of this Agreement.

2. The principles of fungibility and equivalence shall apply to nuclear material and non-nuclear material subject to this Agreement. Detailed provisions for applying these principles shall be set forth in the Administrative Arrangement.
3. The Administrative Arrangement established pursuant to this Article may be amended by agreement of the appropriate authorities of the Parties.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement.

DONE at, this day of, 200, in duplicate.

FOR THE GOVERNMENT OF INDIA:

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:

Agreed Minute

During the negotiation of the Agreement for Cooperation between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy ("the Agreement") signed today, the following understandings, which shall be an integral part of the Agreement, were reached.

Proportionality

For the purposes of implementing the rights specified in Articles 6 and 7 of the Agreement with respect to special fissionable material and by-product material produced through the use of nuclear material and non-nuclear material, respectively, transferred pursuant to the Agreement and not used in or produced through the use of equipment transferred pursuant to the Agreement, such rights shall in practice be applied to that proportion of special fissionable material and by-product material produced that represents the ratio of transferred nuclear material and non-nuclear material, respectively, used in the production of the special fissionable material and by-product material to the total amount of nuclear material and non-nuclear material so used, and similarly for subsequent generations.

By-product material

The Parties agree that reporting and exchanges of information on by-product material subject to the Agreement will be limited to the following:

1. Both Parties would comply with the provisions as contained in the IAEA document GOV/1999/19/Rev.2, with regard to by-product material subject to the Agreement.
2. With regard to tritium subject to the Agreement, the Parties will exchange annually information pertaining to its disposition for peaceful purposes consistent with Article 9 of this Agreement.

FOR THE GOVERNMENT OF INDIA:
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT THE