

## Indo-us nuclear deal: A centre-piece of UPA's foreign policy

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### Abstract

The foreign policy of a country is the projection of domestic policy. The policy-makers are linked with the internal and international environments. Foreign policy and domestic politics today have become increasingly interrelated. It is the political parties of a nation that plays an important role in imagining the nation as well as attracts the international attention. Thus the paper tries to examine the role of political party- UPA in policy process and nation-building. Therefore any significant understanding of foreign policy would be difficult, without some understanding of the domestic political environment.

**Keywords:** foreign policy, centre-piece, policy-makers

### 1. Introduction

Foreign relations have always been a significant concomitant of the statecraft of modern nation states. Negotiated settlement with states is regarded as a preferable means of dealing with the enemy as well as the friends. Alliances are forged and new diplomatic strategies are devised by modern states to safeguard their national interests <sup>[1]</sup>. India is an old civilization, but a new state. With freedom, India changed from being an object of world politics to the status of its creator. Thus free India was reasonably imagined to be a maker of world peace and prosperity, if not its prime creator <sup>[2]</sup>. Ever since India achieved independence in 1947, it has striven assiduously for adopting its foreign policy in commensurate with its national- interests and the vision set by its leaders who were at the helm of affairs. Accordingly, India became one of the founding members of the Non-Aligned Movement in the Post World War II period and in setting up of the United Nations established in 1945. During the Cold War period, India consciously chose its foreign policy of non-aligning with any major power bloc and instead devoted its energy and time in nation-building and national reconstruction. The end of Cold War did not create any turbulence in its foreign policy orientation rather it made India's leaders look towards real politic to cultivate and strengthen its diplomatic and economic ties with major countries of the world and regional bodies. In the 21<sup>st</sup> century, India has fine-tuned its relations with other countries and regions of the world from a position of strength <sup>[3]</sup>.

### 2. Evolutionary Perspectives of Indo-US Relations

As far as Indo-us relationship is concerned the relationship between the two major powers has reflected a curious pattern of interaction in many ways. Their relations have been analyzed from a variety of perspectives. Historically, the relationship between India and the United States has been very strong. This is reflected in the visit of Swami Vivekananda who introduced Yoga and Vedanta to America. Vivekananda was the first known Hindu Sage to come to the West, where

he introduced Eastern thought at the World's Parliament of Religions, in connection with the World's Fair in Chicago, in 1893. Despite being one of the pioneers and founding members of the Non-Aligned Movement, India developed a closer relationship with the Soviet Union during the Cold War. India's strategic and military relations with Moscow and strong socialist policies had an adverse impact on its relations with the United States. After the dissolution of the Soviet Union, India began to review its foreign policy in a unipolar world, following which; it took steps to develop closer ties with the European Union and the United States <sup>[4]</sup>. India and the U.S. spent several decades during the Cold War at loggerheads over the issue of nuclear weapons proliferation. In the wake of India's 1974 "peaceful nuclear explosion," the U.S. made South Asia a centerpiece of its non-proliferation efforts, in part by crafting legislation such as the 1978 Nuclear Nonproliferation Act, the Pressler Amendment, and the Symington Amendment, designed to thwart India and Pakistan from acquiring nuclear weapons. Indians deeply resented this policy, which they viewed as discriminatory and hypocritical. If nuclear deterrence worked for the West, Indians reasoned, why should it be any less effective in South Asia? In 1998 then Foreign Minister Jaswant Singh famously labeled the U.S. non-proliferation policy "nuclear apartheid" <sup>[5]</sup>. US-Indian relations since the end of the 1980s have been conducted amidst multifarious international developments and notable domestic alterations in both countries. Indeed near future may ultimately prove to be a significant watershed for bilateral relations. However, in the short-term, the new environment for bilateral relations has largely sustained the mutual pursuit of accommodation which commenced at the beginning of the preceding decade.

Indian Parliament in the 2004 Lok Sabha election witnessed a change in the government at the Central level. The BJP led NDA coalition government was ousted out of power by the new Congress led UPA-I government. During the period of 2004 to 2009 the first government of UPA was in the power under the leadership of Dr. Manmohan Singh. Improvement in

Indo-US relations and making such attempts for the actualization of Nuclear Pact between India and USA were the main components of Dr. Manmohan Singh's foreign policy. From the era of UPA regime United States and India have been pursuing a "strategic partnership" that incorporates numerous economic, security, and global initiatives. Defense cooperation between the two countries remains in relatively early stages of development. However, over the past decade and despite a concurrent U.S. engagement with Indian rival Pakistan and a Cold War history of bilateral estrangement, U.S.-India security cooperation has flourished. American diplomats now rate military links and defense trade among the most important aspects of transformed bilateral relations in the 21st century. The United States views security cooperation with India in the context of common principles and shared national interests such as defeating terrorism, preventing weapons proliferation, and maintaining regional stability. After initial uncertainty, under President Barrack Obama, senior Pentagon officials assured New Delhi that the United States is fully committed to strengthening ties through the enhancement of the defense relationship made newly substantive under President George W. Bush<sup>[6]</sup>. The common interests and values shared by the two countries should help in reshaping their mutual relations. India and the US stand to gain from looking at the world with a unified point of view.

### 3. India's Quest for Nuclear Energy Acquisition

Investments in defense, however affordable, but which do not establish a credible capability in relation to the likely challenges and tasks, become totally infructuous and, because they might provide a false sense of security, counterproductive. The reverse can be to allocate so much in defense in order to make it highly credible and capable, but development would suffer heavily<sup>[7]</sup>. The horrors of Hiroshima and Nagasaki were followed by a new vista of atoms of peace, of nuclear power generation, transformations in agriculture with nuclear technology and medical diagnostics and therapy using atomic science and technology. India is a sixth nuclear weapon state and obviously cannot be denied its position which was acquired after Phokarn II. One –sixth of mankind lives in this country and it is the responsibility of the government to generate a feeling of security of frontiers due to close proximity of extra-territorial and cross-border forces operating against national interest of India. Indeed India has witnessed the worst side of the external attacks from neighbourhoods during the Cold War and lost much of its territory and men; became victim for clandestine tie-ups between Pakistan and China. Right from independence, India has evolved a peaceful nuclear policy to fulfill its constitutional responsibility and obligations to become powerful nation in the sub-continent. Indian government is very much mindful of its interactive obligations, shall not use the nuclear weapons to commit aggression or to mount threats to any country, these weapons of self-defence and to ensure that in turn India is also not subjected to nuclear threats or coercion. The decision to acquire nuclear weapons in 1988 was to testify India's commitment to nuclear disarmament and its promise never to use nuclear energy for military purposes. India's nuclear policy has been guided solely by the desire to harness nuclear energy for country's development needs. First

PM of India had quickly realized the importance and the key role that nuclear energy could play in the socio-economic development of the country<sup>[8]</sup>. India's path to acquisition of nuclear capability has been distinct, with several features which mark it out from all other countries opting for nuclear technology—whether for weapons or power generations. India's was the middle path—prioritizing atomic power generation and other peaceful uses of nuclear technology, but at the same time keeping the weapon option open<sup>[9]</sup>.

### 4. International Checks for the Prevention of Nuclear Risks

From the dawn of the nuclear age, nuclear power has been recognized as a "dual-use" technology. The same nuclear reactions that give bombs the destructive force of many thousands of tons of high explosive can, when harnessed in a controlled fashion, produce energy for peaceful purposes. The challenge for the international nuclear nonproliferation regime—the collection of policies, treaties, and institutions intended to stem the spread of nuclear weapons—is to prevent nuclear proliferation while at the same time permitting nuclear energy's peaceful applications to be realized<sup>[10]</sup>. Nuclear weapons are one of the most destructive weapons of mass destruction, whose use by States or non-State. Therefore, nuclear proliferation poses a severe threat to the international community, and the role of the law in this area is crucial. During the 1950, nuclear technologies and natural resources intended for the production of nuclear energy and other peaceful purposes were exported under national guidelines. The various controls under which this equipment and material were sold or transferred proved to be either haphazardly applied or ineffective<sup>[11]</sup>. For almost seventy years, trade in nuclear materials, equipment, and technology has been heavily regulated by the United States and many other countries for one fundamental reason: supplies intended for peaceful purposes can be diverted to help make nuclear weapons. For almost a decade after the first atomic explosion, the United States discouraged the spread of any nuclear technology, advocating international control of nuclear materials and technology to deter or prevent their military use. The 1946 Atomic Energy Act expressly prohibited even exchanges of information until "effective and enforceable international safeguards against the use of atomic energy for destructive purposes" were in place. A few years later, the Soviet and British nuclear tests, as well as nascent nuclear weapons programs in other countries, underscored the futility of trying to keep the lid on this Pandora's Box of nuclear energy, and a new approach was born: the Atoms for Peace program. President Eisenhower's December 1953 initiative boldly coupled engagement in the peaceful uses of nuclear energy with reducing the nuclear threat. The establishment of the International Atomic Energy Agency followed within a few years, but the Nuclear Nonproliferation Treaty took more than a decade to take shape. Ensuring that nuclear energy is used only for peaceful purposes is a sine qua non of the nuclear nonproliferation regime that has grown up since then. To do this, the regime has focused on making diversion from peaceful purposes difficult from the legal agreements signed by recipients of technology (i.e. NPT and IAEA safeguards agreements) to implementation of accounting and inspections

by the IAEA, supplier guidelines promulgated within the Nuclear Suppliers Group (NSG), multilateral and national sanctions, and finally, national export control regimes. Peaceful nuclear cooperation agreements are a mechanism for sharing the benefits of peaceful nuclear energy, but also for promoting national priorities in export control and nonproliferation. In the U.S. case, they establish the scope and guidelines for collaboration, including expectations for and demonstrations of nonproliferation. The United States has been a leader in both the military and civilian uses of nuclear energy, but its dominance of the civilian market faded some decades ago. While early cooperation agreements envisioned the United States supplying all reactors and enriched uranium for small nuclear power programs in, for example, South Korea and even EURATOM, that kind of supplier relationship is no longer desired or possible. Today, three factors are leading to a reassessment of the role of U.S. nuclear cooperation policy: the need to renew many of the agreements renegotiated after passage of the landmark Nuclear Nonproliferation Act of 1978 (NNPA); the potential for new agreements with countries considering nuclear power for the first time; and a desire to enshrine policy restrictions on sensitive nuclear technologies like enrichment and reprocessing<sup>[12]</sup>. Ideally, the IAEA is the right organization to manage all the components of a strong nuclear security infrastructure. The agency has an established program that defines nuclear security standards and assists states in their endeavors to shore up vulnerabilities. It is unique in that it has both the technical and (for the most part) political bona fides to manage a global nuclear security regime. If given the authority, the IAEA could assess and coordinate the implementation of any actions that need to be taken, and verify the continuous level of nuclear security of the state<sup>[13]</sup>. Today, the IAEA has a central role in the international community's efforts to prevent the spread of nuclear weapons.

India officially submitted the safeguards agreement to the IAEA on July 9, 2008. This advancement came after the Prime Minister returned from the summit meeting in Hokkaido, Japan, where he interacted with U.S. President. Indian news media reported that Prime Minister exposed to quit his place if the Left Front, whose hold up was central for the ruling UPA to demonstrate its bulk in the union parliament, persistent to counter the nuclear deal and he described their attitude as unreasonable and diehard. According to the Hindu, External Affairs Minister Pranab Mukherjee's prior statement was "I cannot bind the government if we lose our majority," denoting that UPA government would not place its mark on any deal with IAEA if it lost the majority in either an 'opposition-initiated no confidence motion' or if fading to congregate a vote of confidence in Indian parliament after being told to confirm its bulk by the president. Prakash Karat on 8th July 2008 announced that the Left Front is taking away its hold to the government over the conclusion by the government to go forward on the United States-India Peaceful Atomic Energy Cooperation Act. The left front had been a strict backer of not going with this pact citing countrywide benefits. However, for India the day of July 22, 2008 came to be a milestone for all the wrong reasons as the United Progressive Alliance government secured the trust vote in Parliament by 275-256

votes, while 10 members abstained from voting to record a 19-vote victory in the milieu of defections from both camps to the opposite camps. The run-up to the vote and the voting itself torn to shreds the procedures and practices of parliamentary democracy in India. And the UPA has got the green signal to take a major dive towards tying the country ever so firmly to the United States<sup>[14]</sup>.

### 5. Genesis of India's Nuclear Programme

India's indigenous efforts in nuclear science and technology were established remarkably early. Ever since India emerged as an independent nation in 1947, nuclear science and technology have occupied leading places among the country's development sectors. The strong rapport between India's first Prime Minister, Jawaharlal Nehru, and Dr. Homi Bhabha, the architect of the nation's nuclear program, helped avert bureaucratic interferences in establishing the manpower and facilities for the program. In 1945, the Tata Trust had already formed the Tata Institute of Fundamental Research (TIFR), with Bhabha as its director, to initiate basic research in nuclear sciences. Soon after independence, the Constituent Assembly passed the Indian Atomic Energy Act in 1948, under which the Atomic Energy Commission was constituted the same year. Under the AEC, the Department of Atomic Energy (DAE) was created in 1954 to serve as the apex executive agency of the government in this field with the overall guidance of the AEC, and it has since been responsible for all civilian and military nuclear activities in India<sup>[15]</sup>. Right from the beginning, the Indian Nuclear Programme was ambitious and envisaged having capability for covering the entire nuclear fuel cycle. Thus, India has developed facilities for mining Uranium, Fabricating fuel, manufacturing heavy water, reprocessing spent fuel to extract plutonium and enriching Uranium. According to Joseph Cirincione, under the "Atoms of Peace" programme India acquired a Cirus 40 MW heavy-water-moderator research reactor from Canada and purchased from the US the heavy water required for its operation. In 1964, India commissioned a reprocessing facility at Trombay, which was used to separate out the plutonium produced by the Cirus research reactor. This Plutonium was used in India's first nuclear test so called "smiling Buddha" on May 18, 1974, at Pokhran in Rajasthan described by the Indian government as a "peaceful nuclear explosion" The test may have only been partially successful, demonstrated a claimed yield of 12 kiloton. Ever since India become successful in exploding a nuclear device, critics and analysts have been speculating about the future course of India's nuclear programme. The advantages India has acquired over the years were nuclear deterrence and this lobby has very much arguable. Moreover, the nuclear weapons for India have acted as good bargaining with his immediate neighbours in exercising strategic relations. India has chosen to exercise nuclear options because the nuclear energy is regarded as a relatively cheaper source of power and it is likely to reduce our dependence upon external sources of energy. At the same time India acquired a greater leverage in international politics when it exercised second-generation nuclear tests in 1998. After years of isolating India because of its nuclear program, the United States moved toward closer ties in 2005. With US encouragement, in September 2008, the Nuclear Suppliers

Group (NSG) removed the ban on India's participation in international nuclear trade. Subsequent to the September 2008 NSG waiver, India has received regular supplies from French and Russian companies. In October 2008, after the approval by the US Congress, India and the United States signed a bilateral "123" agreement, which lifted a three-decade U.S. moratorium on nuclear trade with India by providing US assistance to India's civilian nuclear energy program and expanding US-Indian cooperation in energy and satellite technology<sup>[16]</sup>.

## 6. The Frozen Dialogue melts into the Strategic Partnership

India enjoys formal diplomatic relations with the most of the countries and its growing military and economic profile has meant that India considerable influence in global affairs. The Cold War rivalry and the ideologically polarized world which emerged after the end of Second World War became the eminent factors giving India's foreign policy a more coherent look. India's leadership decided to remain aloof from Cold War politics and instead vouched for following a Non-Alignment Policy. However, the end of the Cold War and the disintegration of the erstwhile Soviet Union came as a watershed moment for India's foreign policy. The economic reforms of early 1990's saw India heralding in the era of economic liberalization and privatization. The post-Cold War era witnessed India coming more closer to the United States given the shift in India's strategic vision. The growing proximity between India and the U.S has meant that India has vastly gained in terms of the influence it exercises in affairs concerning the international community. United States and India overcame their traditional stances towards each other after the incident of 9/11. The new US tilt and its security policy in South Asia in post 9/11 period and its strategic partnership with India is not a sudden development but the result of a gradual convergence of interests between New Delhi and Washington. Convergence of mutual interests in international politics, such as promoting democracy and fighting terrorism has led both countries to forge a strategic partnership. Collaboration extends across the economy, technology, and energy, sectors and includes a controversial civil nuclear cooperation deal<sup>[17]</sup>.

The most reasonable evaluation of Indo-US foreign policy fortunes under the UPA government and one of the most striking features of Indo-US foreign policy during the UPA regime has been their strategic engagement with each other. President George W. Bush and President Barack Obama recognized this opportunity of "Strategic Partnership" and acted to construct a completely new foundation for U.S. ties with India. During Prime Minister Manmohan Singh's visit to the US in July 2005, the two countries India and the US carried forward an on-going dialogue towards resumption of civilian nuclear co-operation. This dialogue had started in the days of Pandit Jawaharlal Nehru but had been frozen since 1974, when India conducted a peaceful nuclear explosion. President George Bush 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. There are many aspirants and achievements of Manmohan Singh's foreign policy doctrine

which India has achieved during UPA regime and the most valuable among them was the signing of U.S.-India Civil Nuclear Agreement or 123 Agreements for Peaceful Co-operation.

## 7. UPA Regime & Signing of Bilateral Instruments of the 123 Agreement

Section 123 of the U.S. Atomic Energy Act requires the conclusion of a specific agreement for significant transfers of nuclear material, equipment, or components from the United States to another nation and is an important tool in advancing U.S. nonproliferation principles. These Agreements act in conjunction with other nonproliferation tools, particularly the Nuclear Nonproliferation Treaty, to establish the legal framework for significant nuclear cooperation with other countries. Moreover, the Agreements allow for cooperation in other areas, such as technical exchanges, scientific research, and safeguards discussions. In order for a country to enter into such an Agreement with the United States, that country must commit itself to adhering to U.S.- mandated nuclear nonproliferation norms. The United States recognizes India as a responsible state with advanced nuclear technology. President Bush has stated, "India is a responsible state with advanced nuclear technology and should therefore acquire the same benefits and advantages as other such states<sup>[18]</sup>." When the Bush administration came into office, it decided to embark on a new approach to India. The change was facilitated not only by the demonstrated failure of the United States to cap and roll back India's nuclear program, but also by certain ideological characteristics of the administration and some of its key personnel in foreign policy and domestic political strategy. On July 5, 2005, President Bush and Prime Minister Singh signed a historic agreement in New Delhi on a program for civilian nuclear cooperation between the United States and India. The agreement provided for India to propose a plan for separating its nuclear program into two branches: a safeguarded civilian part, and an unsafeguarded military program. Only the civilian part would be involved in nuclear trade with the United States<sup>[19]</sup>. In their July 18, 2005 joint statement, the United States and India expressed the understanding to expand civil nuclear cooperation. The Bush Administration broke with long-standing US policy and openly acknowledged India as a legitimate nuclear power, ending New Delhi's 30-year quest for such recognition. It has also initiated a process to relax domestic U.S. nuclear-related constraints without asking India for meaningful steps to strengthen global nonproliferation norms. Washington and New Delhi have successfully managed to get the approval for the IAEA-India Safeguards Agreement on August 1, 2008, and amendments in the NSG laws, which hinder the transfer of nuclear reactor technology and nuclear fuel to India, on September 6, 2008. These arrangements created a unique status for India as the first "legitimate" nuclear weapon state outside the NPT, with none of the responsibilities required by the Treaty, but many of its rights<sup>[20]</sup>.

In addition, India agreed to maintain its voluntary moratorium on nuclear testing, strengthen its export controls, and improve the physical security of fissile materials. The U.S. negotiators reportedly tried to get India to make its testing moratorium permanent, but India, as expected, refused. Indeed, Bush's

plans for coming to New Delhi had been set in motion prior to the close of negotiations on the content of the announcement, and the negotiating impasse with India was unresolved as the president prepared to leave. To avoid the embarrassment of landing in New Delhi and then having to leave without an agreement, the president ordered the U.S. negotiators to settle all outstanding issues before the announcement. This gave the Indians the whip hand in the race to conclude an agreement. On September 28, 2008 the US House of Representatives voted 298–117 to approve the Indo-US nuclear deal. Later on October 1, 2008 the US Senate voted 86–13 to approve the Indo-US nuclear deal. The Arms Control Association said the agreement fails to make clear that an Indian nuclear test would prompt the U.S. to cease nuclear trade. However, Secretary of State Condoleezza Rice said that any nuclear test by India would result in the “most serious consequences,” including automatic cut-off of U.S. cooperation as well as a number of other sanctions. After Senate approval, US President George W. Bush said the deal would “strengthen our global nuclear nonproliferation efforts, protect the environment, create jobs, and assist India in meeting its growing energy needs in a responsible manner.” Then-US presidential candidates Barack Obama and John McCain, as well as then-Vice Presidential candidate Joe Biden, voted in support of the bill<sup>[21]</sup>. There was speculation the Indo-US deal would be signed on October 4, 2008 when U.S. Secretary of State Condoleezza Rice was in India. The deal was to be inked by Indian External Affairs Minister Pranab Mukherjee and U.S. Secretary of State Condoleezza Rice. The two leaders were to sign the deal at 2 pm at the Hyderabad House in New Delhi. But Mr. Mukherjee announced that India would wait for the U.S. President to sign the 123 agreement legislation first into law and address India’s concerns on fuel supply guarantees and the legal standing of the 123 agreement in the accompanying signing statement. Ms Rice was aware of the Indian decision before she left Washington. But she was very hopeful that the deal would be signed as the U.S. State Department had said that the President's signature was not prerequisite for Rice to ink the deal. Rice had earlier said that there were still a number of administrative details to be worked out even as she insisted that the US would abide by the Hyde Act on the testing issue, “There are a lot of administrative details that have to be worked out. This (the deal) was only passed in our Congress two days ago. The President is looking forward to signing the bill, sometime, I hope, very soon, because we'll want to use it as an opportunity to thank all of the people who have been involved in this”, said Rice. In Washington, a Senate Democratic aide said that such a delay was not that unusual because legislation needed to be carefully reviewed before being sent to the White House. US President George W. Bush signed the legislation on the Indo-US nuclear deal into law on October 8. The new law, called the United States-India Nuclear Cooperation Approval and Non-proliferation Enhancement Act, was signed by President Bush at a brief White House function in the presence of the Secretary of State Condoleezza Rice, Energy Secretary Samuel Bodman, Vice-President Dick Cheney and the Indian Ambassador to the U.S. Ronen Sen besides a large gathering of other dignitaries. The final administrative aspect of the deal was completed after Secretary of State Condoleezza Rice and External Affairs

Minister Pranab Mukherjee signed the bilateral instruments of the 123 Agreement in Washington on October 10 paving the way for operationalization of the deal between the two countries<sup>[22]</sup>.

Thus, except for the unavoidable separation plan, India did not have to alter any aspect of its domestic or foreign policy in order for the announcement of a prospective U.S.-India nuclear agreement to go forward. The discomfort of leading nuclear weapons scientists in India, which would morph into outright opposition at a later stage, was in contrast to the generally favorable reaction of India’s mainstream media. But rumblings of opposition were growing within the Indian parliament, which had been effectively shut out of consultation during the negotiations leading to the Bush-Singh announcement. The governing coalition, called the United Progressive Alliance (UPA), is dominated by the Congress Party but includes four left-wing parties (the Left Front) that could bring down the government in a vote of confidence. These parties, of which the Communist Party of India (Marxist) is the largest, saw the impending nuclear agreement as a move toward a strategic partnership with the United States that they opposed. The BJP, the main opposition party to the UPA, has in the past looked with favor on mutually supportive strategic and nuclear ties with the West, but it expressed opposition to the proposed nuclear agreement on grounds of negative impingement on India’s national security and sovereignty. These complaints became louder as the agreement evolved. Yet the vast majority of the Indian Diaspora was enthusiastic, and plans were set up to lobby Congress for the deal. In the United States, meanwhile, a number of arms control and nonproliferation organizations began their own activities in opposition to the agreement.

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