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RESEARCH ARTICLE

THE WAY FORWARD FOR INDIA'S NUCLEAR NON- PROLIFERATION STAND.

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Abstract

"India an emerging power and also one of the few countries in the world in possession of a nuclear triad has impeccable credentials on the issues of Non-proliferation and Disarmament. Indian leadership has taken a principled stand of not signing the NPT and CTBT, following the policy of positive neutrality and safeguarding national security; and its stand on vertical and horizontal proliferation has also been pragmatic. In the nuclear Neighborhood with a nuclear Somalia i.e. Pakistan with its Islamic Bomb and Hegemonic Han China a known Proliferator, India does not want to usher in Nuclear Winter with its so called Hindu Bomb and is always ready for a constructive dialogue leading to signing a fair and reasonable NPT and CTBT in the near future."

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Introduction:-

“India is a nuclear weapon state... It is not a conferment that we seek; nor is it a status for others to grant. It is an endowment to the nation by our scientists and engineers. It is India’s due, the right of one-sixth of humankind. Our strengthened capability adds to our sense of responsibility; the responsibility and obligation of power.”- Atal Bihari Vajpayee.¹

India’s quest for nuclear weapons engenders from a very different kind of logic: to rid the world of nuclear weapons. And it is because of this logic of aggressive benevolence that nuclear disarmament, even in the present times, claims an extraordinary place in the hearts and minds of the Indian foreign policy and security community. Clearly, if there is a proverbial ostrich in international politics with its head buried in the sand when it comes to the issue of nuclear disarmament, it is India. Rather than accepting that the imperative of security and the aspiration for great power status have driven India’s nuclear weapons programme, it instead attaches unnecessary virtues to it.

Among a host of arguments ranging from the achievement of world peace to the contribution of Indian civilization to global justice, only two arguments are worth their salt. First is the idea that India’s strategic interests are better served in a world without nuclear weapons and second, that pursuing nuclear disarmament increases India’s profile in the world and its soft power. But can these arguments withstand critical analysis?²

The need for nuclear disarmament is as old as nuclear weapons themselves. While “Global Zero” has usually been marginalized in the international strategic and political discourse, it has remained a cherished goal in the agenda for global peace and security.

It has often been argued that nuclear disarmament is not achievable because nuclear technology cannot be unlearned or un-invented and the genie once out of the bottle cannot be put back into it. International law, however, provides instances where states have agreed on certain principles of war-fighting, including the eschewing of certain classes of weapons of mass destruction. It is this factor which influenced the International Court of Justice (ICJ) to rule in its 1996 Advisory Opinion that the threat or use of nuclear weapons would “generally be contrary to the rules of international law”.

Unfortunately, despite the end of the Cold War, the renunciation of nuclear weapons by Belarus, Ukraine, Kazakhstan and South Africa, the indefinite extension of the NPT and the ICJ’s ruling that the NPT clearly required the nuclear weapon states to eliminate nuclear weapons; there was little further progress on bilateral nuclear disarmament apart from the SORT Treaty of 2002. On the contrary, nuclear weapons acquired greater salience in Russian and US nuclear doctrines. These negative developments were accompanied by the Indian and Pakistani nuclear tests, North Korea’s withdrawal from the NPT and its nuclear tests, fears that Iran may go nuclear, exposure of the A.Q. Khan Proliferation Network and apprehensions that sooner or later non-state actors like al Qaeda might obtain nuclear devices.

It is in the backdrop of the foregoing, which presages the breakdown of the non- proliferation regime and the increased possibility of the use of nuclear weapons, that the world is witnessing a groundswell of opinion in favor of the elimination of nuclear weapons.³

India’s Nuclear Doctrine an Overview:-

Disarmament and Non Proliferation cannot be analyzed in a vacuum, a review of official nuclear doctrine of India with all its checks and balances of a responsible power with fool proof nuclear command structure needs to be done. According to the press release dated 4th January 2003 of “The Cabinet Committee Security Review on Operationalization of India’s Nuclear Doctrine” the cardinal features of the doctrine are as follows:

- a) Building and maintaining a credible minimum deterrent.
- b) Posture of “No First Use”: nuclear weapons will only be used in retaliation against a nuclear attack on Indian Territory or on Indian forces anywhere.
- c) Nuclear retaliation to a first strike will be massive and designed to inflict unacceptable damage.
- d) Nuclear retaliatory attacks can only be authorized by the civilian political leadership through the Nuclear Command Authority.
- e) Non-use of nuclear weapons against non- nuclear weapon states.
- f) However, in the event of a major attack against India, or Indian forces anywhere, by biological or chemical

weapons, India will retain the option of retaliating with nuclear weapons;

- g) A continuance of strict controls on export of nuclear and missile related materials and technologies, participation in the Fissile Material Cutoff Treaty negotiations, and continued observance of the moratorium on nuclear tests and
- h) Continued commitment to the goal of a nuclear weapon free world, through global, verifiable and non-discriminatory nuclear disarmament.

The structural aspects stated in the press release were:

1. The Nuclear Command Authority comprises a Political Council and an Executive Council. The Political Council is chaired by the Prime Minister. It is the sole body which can authorize the use of nuclear weapons.
2. The Executive Council is chaired by the National Security Advisor. It provides inputs for decision making by the Nuclear Command Authority and executes the directives given to it by the Political Council.
3. The CCS (Cabinet Committee on Security) reviewed the existing command and control structures, the state of readiness, the targeting strategy for a retaliatory attack, and operating procedures for various stages of alert and launch. The Committee expressed satisfaction with the overall preparedness. The CCS approved the appointment of a Commander-in-Chief, Strategic Forces Command, to manage and administer all Strategic Forces and
4. The CCS also reviewed and approved the arrangements for alternate chains of command for retaliatory nuclear strikes in all eventualities".⁴

Here in below are excerpts of speech from our erstwhile permanent representative to the Conference on Disarmament, Geneva: Ambassador Hamid Ali Rao at the United Nations General Assembly, which would give us a lucid overall presentation of our stand on the issues of Non-proliferation and Disarmament.

1. India attaches the highest priority to the goal of nuclear disarmament, as enshrined in the Final Document of SSOD I.
2. India has put forward both at the General Assembly and in the Conference on Disarmament a set of practical measures to stimulate debate and promote consensus on the way forward. The measures we suggest include:
3. Reaffirmation of the unequivocal commitment of all nuclear-weapon States to the goal of complete elimination of nuclear weapons.
4. Reduction of the salience of nuclear weapons in security doctrines.
5. Taking into account the global reach and menace of nuclear weapons, adoption of measures by nuclear-weapon States to reduce nuclear danger, including the risks of accidental nuclear war, de-alerting of nuclear weapons to prevent unintentional and accidental use of nuclear weapons.
6. Negotiation of a global agreement among nuclear-weapon States on 'no-first-use' of nuclear- weapons.
7. Negotiation of a universal and legally- binding agreement on non-use of nuclear weapons against non-nuclear weapon States.
8. Negotiations of a convention on the complete prohibition of the use or threat of use of nuclear weapons and
9. Negotiation of a nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons and on their destruction, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons with a specified time frame.
10. It is clear that nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes and require concerted and cooperative international efforts. We support efforts towards building the necessary international consensus so as to enable the CD to move forward on this important issue. India has continued to observe a moratorium on nuclear explosive tests and
11. India supports negotiation with a view to reaching agreement on effective international arrangements to assure non-nuclear weapon states against the use or threat of use of nuclear weapons. As part of its credible minimum nuclear deterrent, India has espoused a policy of no first use and non-use against non- nuclear weapon states and is prepared to convert these undertakings into multilateral legal arrangements.⁵

Geopolitics of Nuclear India in South Asia:-

The Indian strategic community has come to realize that India has now become a victim of what Paul Kapur characterized as the 'instability-instability paradox'. By proclaiming artificial instability at the nuclear level - Pakistan's tendency to link all levels of conflicts with the possibility of nuclear exchange between the two South Asian neighbors Pakistan has been able to fuel sub-conventional violence— terrorism and limited infiltration across the Line of Control – without giving serious thought to possible Indian retribution. In some sense, therefore, nuclear weapons have not only created an artificial parity between India and Pakistan but they have also created circumstances that favor Pakistan's proxy war against India.

Strategy is never made in a vacuum; it is a dialectic shaped as much by the actions and interests of the other side, as it is defined by one's own goals and resources. And if this is the nature of strategy, to think that Pakistan would accept nuclear disarmament because it serves India's strategic interests is to engage in an exercise in self-deception. The very fact that India remains threat number-one for Pakistan is reason enough for the latter to hold on to its nuclear weapons more dearly than ever.

If territorial status quo has been India's real interest, then nuclear weapons have settled the issue once and for all. Not only along the border with Pakistan, but even with China, nuclear weapons have made any forceful usurpation of Indian territory a very inconvenient and dangerous exercise. However, there are two counter-arguments which need to be accounted for here.

Raymond Aron once said: 'In the present world, every great power is identified with a great idea'. Churchill meant the same thing when he said that 'Empires of the future' are 'The Empires of The Minds'. The second reason for India's constant support for nuclear disarmament engenders from this ideological grandeur associated with the proselytizing nature of great powers.

However, there is another issue in associating soft power with the idea of nuclear disarmament. If nuclear disarmament is purely a propaganda tactic because it is impossible to achieve it in the first place, it is quite understandable and may be clever thinking on the part of those advocating it. However, when such subterfuge becomes the basis for India's activist moral politik, the subtle difference between policy and propaganda would dissipate rather quickly. The import of this is not lost on those who belong to the non-nuclear world, which was quite evident at the 2010 Nuclear Non-proliferation Treaty (NPT) review conference when many countries, even from the non-aligned movement, reserved special criticism for the India-US civilian nuclear cooperation agreement. India's undoing in this regard is aptly captured in Adlai Stevenson's famous remark: "it is easier to fight for one's principles than to live up to them".

The need, therefore, is to debate both the necessity and desirability of nuclear disarmament without being burdened by India's idealistic aspirations and unfounded assumptions about the heft that this premature superpower carries in the uncertain waters of international politics.⁶

Policy Choices for India:-

The groundswell of opinion in favor of a nuclear weapon free world blends well with India's position on the issue, both traditional and current. India has always been a staunch advocate of the elimination of nuclear weapons. Over three decades ago, Prime Minister Rajiv Gandhi proposed an Action Plan to the Third Special Session on Disarmament for a nuclear weapon free world to be achieved by 2010.⁷

"Humanity is at cross roads. One road will take us like lemmings to our own suicide. That is the path indicated by doctrines of nuclear deterrence, deriving from traditional concepts of the balance of power. The other road will give us another chance. That is the path signposted by the doctrine of peaceful coexistence, deriving from the imperative values of non-violence, tolerance and compassion...The essential features of the action plan are: First, there should be a binding commitment by all nations to eliminating nuclear weapons in stages,...., second all nuclear weapon states must participate in the process of nuclear disarmament. All the other countries must also be part of the process. Third, to demonstrate good faith and build the required confidence there must be tangible progress at each stage towards the common goal, and fourth, changes are required in doctrines, policies and institutions to sustain a world free of nuclear weapons. Negotiations should be undertaken to establish a comprehensive global security system under the aegis of The United Nations."- Excerpts from the speech of Prime Minister Rajiv Gandhi at The United Nations General Assembly, New York, 9th June, 1988.⁸

India's position on this issue remains the same. Thus, India's Nuclear Doctrine, as enunciated in January 2003 pledges India's "continued commitment to the goal of a nuclear weapon free world through global, verifiable and non-discriminatory nuclear disarmament." This approach has since been reiterated on several occasions.

Most recently, India's approach has been comprehensively articulated in the statement made in the UNGA First Committee by its Permanent Representative to the CD on 10th October 2008; In the aforesaid statement India, inter alia, called upon the nuclear weapon states to negotiate a no-first-use agreement, an agreement for non-use of nuclear weapons against non-nuclear weapon states, to reduce the salience of nuclear weapons in their security

doctrines, and to adopt nuclear risk reduction measures. Most important of all, India urged the negotiation of a nuclear weapons convention “leading to the global, non- discriminatory and verifiable elimination of nuclear weapons within a specified timeframe”. In these circumstances, it is not surprising that George Perkovich and James M. Acton have suggested, in the backdrop of this history that India is “the most willing of all nuclear-armed states to participate in the global elimination of nuclear arsenals.”

India does not appear to have a problem with any of the measures barring perhaps, signing and ratifying the CTBT. India’s hesitancy on this issue was signaled by former Foreign Secretary Shyam Saran in an address at the Brookings Institution in March 2009, where he reportedly stated that India would not sign the CTBT unless the world moved “categorically towards nuclear disarmament in a credible timeframe”.

India remained an active and constructive participant in the negotiations on the CTBT in the CD. It is possible therefore; that the real reason that led to the change in its position was that India wished to retain its testing option. This is corroborated by Prime Minister Atal Bihari Vajpayee’s assertion at the 1998 UNGA session that “The treaty, as it emerged, was not accepted by India on grounds of national security.”

In any case, post-Pokhran II there has been a sharp diminution in India’s visceral opposition to the CTBT. Indeed, Prime Minister Vajpayee stated categorically at the 1998 UNGA session that India was prepared to bring the discussions that it was having with key interlocutors on, inter alia the CTBT, “to a successful conclusion, so that the entry into force of the CTBT is not delayed beyond September 1999. He added: “We expect that other countries, as indicated in Article XIV of the CTBT, will adhere to this Treaty without conditions”.

As regards the FMCT, India should have no objection to working along with other like-minded countries on the issue. India first proposed the FMCT in 1954 and co-sponsored the resolution in its support in December 1993. India is also committed by the nuclear deal to work in support of it. India must, of course, ensure that the FMCT should be strictly as per the mandate accorded to the CD in this regard. Specifically, the treaty should exclude “past production”, which is being insisted upon by countries belonging to the Non-Aligned Movement, led by Pakistan, and that it should be “internationally and effectively verifiable”. The treaty should also not debar production of fissile material for the propulsion of India’s nuclear submarines.

The case for adopting a direct route to a nuclear weapon free world through the initiation of early negotiations for a NWC towards this end may not be acceptable to the nuclear weapon states, but India has nothing to lose by championing it. Indeed, a draft NWC was already crafted way back in 1997 in response to the ICJ Advisory Opinion and was updated in 2007. Significantly, the ICNND has acknowledged that it enjoys considerable support from civil society groups around the world as well as many non-nuclear weapon states.

Under the current non-proliferation regime, India is not likely to be formally acknowledged as a nuclear weapon state. It should be India’s endeavor to promote an alternative and more equitable non- proliferation regime so that it is not treated in a manner inferior to other nuclear weapon states. India may, similarly, oppose efforts at the unilateralization of the nuclear fuel cycle unless it is embedded in an NWC or equally applicable to all. India may also resist all moves urging it to observe a moratorium on fissile material production.

On the other hand, India should have no hesitation in signing the CTBT provided all others required to come on board for its operationalization do so. It should also be ready to participate in the FMCT negotiations on the lines detailed above. India should also, in principle, have no difficulty in supporting measures aimed at preventing non-state actors securing access to nuclear weapons and materials and at curbing the trafficking in them. Thus, it should readily cooperate in the US- sponsored CSI, as it would not only prevent movement of such materials from and through India to the US, but, by upgrading its own capabilities, would help in preventing the illicit ingress of prohibited materials into India.⁹

India’s Way about the NSG’s puzzle: India’s membership is one of the important issues facing NSG in the immediate future. There is, of course, also the issue of further expansion of the NSG in the coming years, which needs to be looked into by the NSG members. It is to very much in Pakistan’s and China’s immediate and long term interests that India be admitted as a NSG member provided Pakistan is also admitted. Hence it will push for a criterion-based admission procedure or as the US had proposed in NSG to take a decision by consensus to admit India. In the absence of such an attempt, India should indicate its unwillingness to become NSG member and the But

Indian admission to NSG should not be used by other interested parties as an excuse to give a free pass to China and Pakistan to carry on their nuclear transfers and legitimize the illegitimate under the NSG Guidelines.¹⁰ During his visit to India in late 2010, President Obama indicated US support for India's Admission to the four export control regimes-The Australia Group (AG), the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG) and the Wassenaar Arrangement (WA).¹¹ While in recent times in the report, submitted to Congress as required under National Defense Authorization Act (NDAA) 2017, the Trump Administration also reaffirmed its support for India's membership in the 48 member Nuclear Suppliers Group, Australia Group and Wassenaar Arrangement as soon as India met each group's criteria. USA also called on other NSG members to support India's candidature.¹²

How then to evaluate the merits of India's possible candidature in these regimes, and how should India proceed to achieve this goal?

First, it would be useful to examine the current political and technological environment before evaluating the possibility of India's membership in the NSG.

The environment is characterized by the following elements:

1. India is a nuclear weapon State (NWS) even if it is not so under the NPT;
2. The NPT is very unlikely to be amended to admit India as a NWS, as defined in the NPT;
3. India will certainly not give up its strategic nuclear program to join the NPT as a non-nuclear weapon state (NNWS);
4. India has already got an NSG exemption allowing NSG members to trade in civil nuclear commerce with India without it having to fulfill the requirement of full-scope International Atomic Energy Agency (IAEA) safeguards;
5. India has formally declared its adherence to the NSG guidelines;
6. India has a robust export control system in place;
7. India is, perhaps, the only country that is not a member of NSG but which has the full range of research, development, industrial and production capabilities in the field of nuclear sciences and technology;
8. India has vigorous ongoing programs and projects on various elements of nuclear science and technology. In fact, in some of these areas, for example, fast breeder reactor technology and use of thorium as nuclear fuel is as advanced as, if not ahead of, the current NSG members;
9. NSG membership does not confer, at this moment, any additional benefits to India which has already received an NSG exemption to freely trade in civilian nuclear commerce;
10. NSG does not gain, at this moment, any additional benefits in terms of its non-proliferation goals from India's membership, since India is already committed to adhering to NSG guidelines and
11. Neither side stands to lose anything substantial if the efforts to integrate India in the NSG membership fail at this moment.

Given the above environment, the question that naturally arises is why India and the NSG should work on means to facilitate India's membership in the NSG. While it appears that both India and the NSG do not gain in the short-term from India's integration into the NSG, they could expect to gain substantially in the long run.

The gains in the long run for India and NSG would be:

As India has already committed itself to adhere to the NSG guidelines, it would, therefore, be interested in the future evolution of these guidelines; taking into account:

1. The NSG's non-proliferation aims;
2. India's national interests and
3. The global/ international political environment.

While the NSG would benefit from India's inputs in its future decisions and also membership in the NSG would assist India in facilitating its adherence to the NSG guidelines as earlier stated beyond a formal acceptance.

So the first requirement is that the NSG can ask India to fulfill all obligations/ restrictions/conditions currently accepted by all the NPT-recognized NWS, in so far as they relate to strategic nuclear areas. India and the NSG can discuss how far this can be done. For instance, not all of the NPT-recognized NWS have "ratified" the Comprehensive Test Ban Treaty (CTBT). So this cannot be made a pre-condition for India's NSG membership. On the other hand

, all the NPT-recognized NWS have “signed” the CTBT. This can be a legitimate request for acceptance by India.

On the other hand, since India is not an NPT-recognized NWS, the NSG may request India to forego one or more, but obviously not all, of the rights currently enjoyed by the former, and which are not available for the NPT-defined NNWS. This too, can be a matter of mutual discussion and negotiation. India has already accepted some such restrictions.¹³

Conclusion:-

India's constructive, calculative, credible, and critical support for disarmament and non-proliferation all along and over the years for the following Treaties and Resolutions at the United Nations and other Multilateral Forums i.e. As a part of British India: The Geneva Protocol to the Hague Conventions of 1899 and 1907, on 17th June 1925; UN GA Resolution, 24th Jan, 1946 and as an independent sovereign state: UNGA Resolution 1653, 24th Nov, 1961; UNSC Resolution 255, 19th June 1968; Nuclear Non-proliferation Treaty, 1st July 1968; UNSC Resolution 984, 11th April 1995; UNSC resolution 1540, 28th April 2004; NWC Verification Technologies; The Utopian Rajiv Gandhi Action plan, 9th June, 1988; NPT Revcon 2000 '13 Steps'; UNGA Resolution 61/83, 18th Dec 2006 and UNSC Resolution 1887, 24th Sep 2009 makes its stand very clear as a responsible Non-Proliferator and Emerging Power.¹⁴

Before we conclude, let us look in to some policy recommendations on the non-proliferation issue.

Policy Recommendations:-

1. Enlarge intelligence cooperation on non-proliferation and promote the idea of a collective security pact on nuclear terrorism.
2. Cooperate with the US in pushing India's membership for the Nuclear Suppliers' Group (NSG).
3. Review the decision of not to join the US-led Proliferation Security Initiative (PSI) and
4. Re-open the issue of a ban on conventional and defensive weapons in outer space.

India could choose to join the NPT as a nuclear weapons state, thus gaining parity with the P-5 powers and introducing a new commonality with them that could aid her geo-political power aspirations and stated aim of reforming the UNSC through gaining Permanent Member status. Such NPT commonality with the USA, Russia and China could be used as a more convincing base for universal nuclear disarmament—although the nuclear capabilities of these states currently far exceed India's. Finally, in an age of growing multilateralism and globalized economics, nuclear weapons appear more symbolic than strategic—with economic strength, technological advancement and influence in international forums more likely indicators of current and future power potentials. India's nuclear weapons may thus aid her international rise but appear unlikely to define it.¹⁵

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