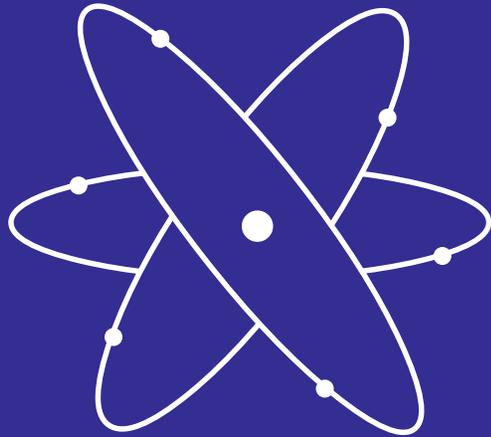


## Indo-US Nuclear Deal



**Why does  
BJP  
oppose it ?**

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**Bharatiya Janata Party**

## From the Editor

Those who oppose the Indo-US Civil Nuclear Deal are Indians. So are those who are supporting it. Those in support have the strength of their own facts and logic in support of it and those who are painting it as not in the interest of the nation are armed with their own arguments and their side of the story. In the face of conflicting stands, statesmanship demands of a good administrator that he should either weaken his opponents with the weapon of facts and logic to win them over to his side. Or he should give weightage to the opponents' point of view.

Unfortunately the UPA government is not displaying the grace it should have in taking those opposing the deal with it. It should have strained every nerve to make its opponents understand its point of view and keeping in mind the opposing arguments come out with a consensus. Not to speak of the opposition, the UPA failed to take even its allies in confidence. It adopted a rigid, self-righteous, and autocratic stand. That is why the things went to such a pass that the Left front supporting it from outside had to part company with UPA. UPA adopted a stubborn attitude to sign the deal at all costs caring a fig even for the valid points of the opponents. This conduct of UPA is not in consonance with the spirit of democracy and only displays its arrogance of power. Imperiousness is something injurious to the smooth functioning of a government and can never promote public weal. We must remember that this deal is not between two individuals but between two nations. It is just not a piece of paper but a solemn commitment of the government that binds the people to it. It therefore becomes a duty of the government to make the people understand its intricacies and make them understand how is it in their interest. Unfortunately UPA has failed on this account. Taking shelter behind the need

for secrecy it refused to take the country in confidence about the provisions in the Safeguards Agreement. What an irony that what directly concerns the fate and future of the nation is a secret from the nation while it is open to the IAEA members. What an embarrassment that the nation came to know its details when the IAEA authorities made it public.

Left parties' opposition to the Deal is less on its contents and more because of its inherent opposition and prejudice towards the USA. To it whatever USA does is always wrong and, therefore, they must oppose it. On the contrary, BJP's opposition is motivated by its zeal to protect nation's interests at all cost.

The deal became so important for the UPA that it put its own government and the nation at stake for going ahead with the deal. In the process if the UPA could garner the support of 275 MPs, the fact remains that those who opposed it accounted for 256, not much a difference. Does it mean that nation's interest was not dear to these 256 people? Is the support for it so overwhelming? Everybody knows how could the UPA touch the figure of 275 even. In a number of cases it had to shell 3l-3 crores each to make some people realise how the deal was in the interest of the nation. UPA did win in the house but the democracy lost miserably. The prestige of the Parliament did never fall as low as on that day. Democracy too at that time became a tool in the hands of conspirators and manipulators.

Two main arguments are advanced in favour of the deal. One, it will cater to the energy needs of the country. Two, India will be able to get on reciprocal basis nuclear fuel and technique from America and other NSG countries.

On the other hand, BJP and many other political parties stand firmly in opposition to the deal. BJP has from the day one been presenting its stand why it opposes the Deal. On August 17, 2006 Prime Minister Dr. Manmohan Singh had assured Parliament that under no circumstances will

India accept the status of a non-nuclear power state. But contrary to this, in the Safeguards Agreement India has not been accorded the status of a nuclear power state in line with USA, Russia, UK, France and China. BJP feels that as a consequence of this deal India will not be able to conduct a nuclear test if any time, in future, it thinks it is necessary in the interest of defence and security of the country. It will also come in the way of India becoming a nuclear power state. It will compromise with our national sovereignty and our strategic interests.

The country can never allow any individual or party to play with the self-respect of the nation. The country belongs neither to an individual nor to a single political party. It belongs to each and everyone who is an Indian. The deal has hit the nation and it can never be accepted. India will never excuse UPA and its alliance partners who have played havoc with the nation's honour. When UPA came into power it was able to muster the support of 337 MPs whose strength has now dwindled down to 275 MPs and that too despite underhand means. But time will come very soon. In the next Lok Sabha and Vidhan Sabha elections, the people of the country will settle their scores. That is sure.

**Prabhat Jha, MP (RS)  
National Secretary,  
Bharatiya Janata Party**

## **Foreword**

BJP is opposed to the Indo-US Civil Nuclear Deal in its present form. But its opposition is not inspired by blind opposition to US, as is the stand of the Left parties. BJP stands for best of relations with the oldest democracy of the world, but on equal footing.

BJP's opposition is to certain provisions in the Deal which is governed by the Hyde Act that curtails, in the words of Shri Lal Krishna Advani, India's right to Pokhran-III. India cannot go in for a nuclear test if because of strategic requirements one day it decides to develop its nuclear arsenal just for security and defence purposes.

Even in the debates in Parliament and replies to the points raised by three MPs, the UPA government has failed to satisfy the people on this count.

Even the power that will be generated under this Deal will only be just 5% of the country's requirement and that too after spending a few hundred crores of rupees-a cost that is prohibitive and which is much higher than the cost of electricity presently generated in our hydro-electric projects or the thermal plants. Even this energy will not be available to the country before 2020 after spending so much.

BJP's prime ministerial candidate, Shri Lal Krishna Advani, has already declared that if BJP-led NDA was voted to power in the next general elections to Lok Sabha, it will renegotiate the deal to make it nation-friendly and to ensure that the country's sovereignty and its freedom to pursue its independent foreign policy without any chains was not in any way compromised.

The booklet explains in detail why BJP opposes the Indo-US Deal. To highlight our point of view, we are publishing the statements, articles and comments by BJP national leaders, veteran editors, journalists, political and defence analysts. Our effort has been to project the opinions of political leaders and leading nuclear scientists, some of whom were also former chairmen of Atomic Energy Commission, to make the readers understand the intricacies of the issue. We hope our effort will meet with success to a great extent.

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# **Deal raises questions on independence of India's Nuclear policy**

**Atal Bihari Vajpayee**

*(Shri Vajpayee's speech in Lok Sabha)*

Mr. Speaker, Sir, there is a mention of many issues discussed in the Indo-US agreement. Important announcements have been made on trade, energy, agriculture, science, technology and terrorism in this agreement. We welcome the increasing cooperation in the field of trade, agriculture, and science. We support the new resources being adopted to generate more energy

The matter of concern for us is changing nuclear policy of India. Till today, India has adopted an independent nuclear policy and the world has recognised the efficacy of our policy and efforts of our scientists. Be it the Pokhran test explosion, or atomic energy apparatus or the use of atomic power for fighting with cancer, our scientists have recorded many achievements in every sphere of nuclear science during the last decades. This could be possible only because of an independent nuclear policy over which control always remained in our hands. Whether there was a Congress or NDA government, we never compromised on one issue and that was the independence of nuclear policy of India.

After the nuclear test explosion in Pokhran, many countries of the world waged a campaign against us.

We were faced with serious economic and strategic threat. In these trying times also India's Nuclear Policy continued to be independent.

In spite of our possessing nuclear weapons of strategic importance we had declared very clearly that India shall never be the first to use nuclear weapons. India shall also not use nuclear weapons against the countries that do not possess such weapons.

We made "credible minimum nuclear deterrent" center point of our nuclear policy. We do not want that we should also join the race for weapons. We continue to be as committed to nuclear disarmament as we were during the time of Nehruji. World has this confidence that our nuclear weapons are in under the control of non-strategic hands.

The Indo-US agreement has raised many questions on the independence of this nuclear policy of ours.

The first matter of worry is the promise held from the side of India that the nuclear programme will be divided into two parts, one strategic and the other non-strategic.

I am sure the Government must have discussed it with the scientists before agreeing to this condition. Government must be aware of the technical difficulties involved in such a division.

The more important is the question whether it will have any impact on the strategic competence? With the changing circumstances our strategic requirements will also undergo change. In this era of terrorism can we with a sense of certainty say today what weapons will be needed at what time .If we draw the boundary line for the nuclear programme, will our hands not be tied for future?

I demand that the whole country should be taken into confidence on this indirect restraint on our nuclear capability.

The second point of concern is the agreement on restraint in manufacture of nuclear products in association with America. Who will be taking part in this Agreement?

Our scientists are engaged in the use of thorium available in abundance in the country in nuclear production. Because of international inspection, whether there will be any effect in these experiments? If we succeed in the use of thorium technique, all hurdles in the way of use of nuclear energy for peaceful purposes will be overcome.

In this agreement USA had not recognized India as a nuclear weapon state. America has called India – I am reproducing the words – as "a responsible state with advanced nuclear technology". Brazil, Canada, Germany, and Japan possess the most modern nuclear technique, as does India have. But there is one difference. They do not have atomic weapons, which India has. In spite of this difference, whether all the facilities available to these countries will also be available to India?

(Smt. Sushma Swaraj's speech in Rajya Sabha on this subject will be published in next issue.)

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# **India-US Understanding**

## **A Matter of Concern**

**Atal Bihari Vajpayee**

*(Full text of the statement issued by Former Prime Minister Shri Atal Bihari Vajpayee on July 20, 2005)*

The understanding arrived at between Prime Minister Manmohan Singh and President Bush regarding nuclear technology as reflected in the Joint India-US Statement of July 18, 2005 has already caused concern, even consternation among nuclear scientists and defence analysts. The Bhartiya Janata Party shares these concerns and fears.

The first and the foremost is India's offer to identify and separate its civilian and military nuclear facilities and programmes. This offer has long-term national security implications. The military programmes are a small fraction of our nuclear facilities. We believe that separating the civilian from the military would be very difficult, if not impossible. The costs involved will also be prohibitive. It will also deny us any flexibility in determining the size of our nuclear deterrent. Though we believe in minimum credible deterrent, the size of the deterrent must be determined from time to time on the basis of our own threat perception. This is a judgement, which cannot be surrendered to anyone else. By effecting a separation between civilian and military facilities, we have also accepted a crucial provision of a future fissile material cut-off treaty even before such an international treaty has been fully negotiated and

put into force by other nuclear weapon states.

The offer to sign and adhere to an Additional Protocol with respect to civilian nuclear facilities is also fraught with dangers. Such an Additional Protocol will, by its very nature, be more intrusive since it will have to allow international inspectors free access to our nuclear facilities anywhere anytime.

Indian nuclear scientists have been allowed all these years to freely carry out research activities without anyone breathing down their necks. Under the new arrangement this will change and put restrictions even on our research programmes. Of special interest to us is the thorium research programme which would give us freedom from nuclear fuel imports and make us self-reliant in nuclear fuel. What happens to that programme? The Government of India owes an explanation on this count.

There are other issues on which the US commitment could have been more forthright like the International Thermo-nuclear Experimental Reactor (ITER) and the Generation IV International Forum. In fact, it is difficult to resist the feeling that while India has made long-term and specific commitments in the Joint Statement, the US has merely made promises, which it may not be able to see through either the US Congress or its friends in the exclusive nuclear club. The Bush administration may have recognized India "as a responsible state with advanced nuclear technology", but it is far from recognizing India as a legitimate and responsible nuclear weapons state.

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## **Deal is anti-people**

**L.K. Advani**

*Extract from the speech in Lok Sabha on vote of confidence on July 21, 2008*

Honb'le. Speaker, Sir, I rise to oppose the Motion just now moved by the Prime Minister. Obviously, even though he said that this would be an opportunity for the House to consider the totality of this Government's performance during the last four years, not merely on the issue on the basis of which this Government has been reduced to a minority, but the totality of the performance of this Government would be debated today and tomorrow.

I remember all earlier cases where a Confidence Motion has been moved and almost invariably the Prime Minister initiated the debate by giving a resume of the performance. The Prime Minister certainly is free to choose to reply to the debate, and in the beginning make brief observations as he has made.

Let me, at the outset; say that the focus, first of all, in the House should be why this debate has become necessary. Normally, the issue of the nuclear deal was going on for two years. It was last August, in 2007, that for the first time I got an impression that the Government had now made up its mind to part company with the Left, when a Correspondent of a Kolkata daily was asked to publish prominently on the front-page that so far as the US-India Nuclear Deal is concerned, the Government has taken a decision which is non-negotiable and if the Left does not approve of it, they

are free to do what they want. At that point itself, I felt that what has happened all of a sudden. But that stage continued from August last till today as a result of which I had often to say that to me it appears that the Government is paralyzed; there is nothing else excepting the deal that is being talked of.

When the Prime Minister just now said that this was a time when we should have addressed problems of inflation, prices, which are affecting the common man instead of having this, I feel surprised that it is for nearly one year that this controversy over the nuclear deal has been going on between the Government and the Left. Frankly, let me, at the outset, say that I do not agree with the Left, on many matters we differ very widely, but on this particular matter, I would say that if the Government has become destabilized today and this kind of Confidence Vote had to be sought from the Parliament exactly, as he said, four years and two months later after it took charge - it was on the 22nd of May, 2004 that this Government was sworn-in - it faces today the likelihood of being voted out.

I have said, "Likelihood of being voted out", and no one can take objection to that. After all, there are people who are making assertions that this is going to happen; so many votes are going to be cast this way or that way. I have not said that. The possibility and the likelihood of being voted out cannot be denied by anyone.

It is like saying, as I have said again and again, that the UPA Government today is like a patient in the ICU room. If anyone talks about that patient, the first question naturally asked is, "Is he going to survive or not?"

Sir, therefore, I start with saying that this situation has not been brought about by the Opposition; not by

the NDA; not even by the Leftists with whom I disagree otherwise. Today, this particular Confidence Motion is being debated just a few months before the General Elections are due where the people will get an opportunity of deciding whether this Government should continue or not, even if it survives tomorrow.

The reason is that situation has been invited for itself by the Government itself. Mr. Prime Minister, I am sorry to say, by you personally. When you started that particular The Telegraph interview last year, you started it. After having started it, why say that only because of this particular distraction - I saw a statement of yours which called this a 'particular distraction' - you are not able to deal with prices, you are not able to deal with the issues of the common man? Please do not say that.

We have not destabilized the Government. Even the Communists had been prolonging the whole matter trying to find a way out. You invented the device of a Joint UPA-Left Committee and you had your senior-most Minister Pranab Mukherjee preside over it. That senior-most Minister assured that Committee that you will go to the IAEA with our safeguards only after you had taken their consent. Today we are told that you had said that you would go there and you would go to the NSG, and then come back to them. I do not know! They will be able to say that. I have seen so many statements categorically assuring them as well as the country that we must not go there until this has happened. So much so that even in respect of this Confidence Motion Shri Pranab Mukherjee himself publicly said that before taking a vote of confidence from the House, the Government would not go to the IAEA, and that he was saying that after having spoken to the Prime Minister on phone. This is what he said.

And suddenly we found that the draft had been sent there.

When this Committee and the Leftists asked him to let them see the draft, he said, "It is classified. You cannot see it". The members of the IAEA from the other countries of the world can see it but not the Indian Parliament! Therefore, someone asked, "Who has classified it? Is it the Government of India? Is it the IAEA? Is it Washington? Who has classified it? We want to know?" All these questions had been there.

Therefore, I am saying, please don't blame anyone else for having had this kind of Session. At least in my memory, there has never been a Session like this before. 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. Therefore, don't blame anyone else. If anyone is to be blamed, it is your Government. In a way, you personally, and of course, the Congress Party President, without her approval, you would not be able to take a single step.

Of course, we, in the Opposition would like to defeat the Government on the floor of the House. But I draw distinction between defeating and destabilizing. It is not in our nature to destabilize an elected Government. It is not in our nature, you may do it; you have done it with Chandra Shekhar; you have done it with Deve Gowda; you have done it with I.K. Gujral; and you have done it with Vajpayee in 1999 when we were defeated just by one vote, and that too a vote of a person who had ceased to be an MP, and became a Chief Minister in another State. Therefore, I am drawing a distinction between defeating a Government and destabilizing the Government.

Indeed, Mr. Speaker, Sir, I can claim to have seen

all the Prime Ministers since Independence; almost all the Governments since 1947 or rather since 1950, after the enactment of the Indian Constitution - first as a journalist from the Press Gallery, and later, as a political activist and since nearly four decades as a Member of Parliament. I can say that I have seen short-lived Governments; I have seen instable Governments; but I have never seen a Government so paralyzed for such a long time.

There is nothing else except the Deal; there is nothing else except the continuous meetings between the Left and the Government; and making everyone think - will it survive or will it not survive. Nowadays it is said that the nuclear deal is in the best interest of the nation and they have been making an appeal again and again to me and my Party saying that we talk about the national interest and so, why we are not supporting the Deal. My answer is that if the Government really thought that this was very important, then why is it that their Common Minimum Programme did not even mention it and why is it that even the manifesto of the Congress Party did not even mention it? What has happened? Has it become suddenly very important?

Mr. Prime Minister, sometimes, I feel that the Deal is not a deal between two sovereign countries; it seems to me to be a kind of an agreement between two individuals and if one of the individuals happens to be the Prime Minister of our country, he thinks that nothing else is more important than to fulfil this agreement. Frankly, Mr. Prime Minister, it does not give me happiness to find that a Deal is being gone into in a way which makes India a junior partner in the agreement.

I do not want the world to be a unipolar world as it has become now. No. It must be a multipolar world

and in that multipolar world, I want to see India as the principal pole; and in order to be a principal pole, you cannot agree that these countries are nuclear weapon States whereas India is permanently a non-nuclear weapon State; and this is in the agreement. This is not only in the agreement, but also even in the proposed draft sent to the IAEA; it is on the basis of a chapter, which relates to the non-nuclear weapon States.

My colleague in the other House, Shri Arun Shourie has made an elaborate and a very detailed study of it and he has written so much about it; I do not want to go into it because I feel that today's issue is not the nuclear Deal so much as why this Government had been reduced to a minority and whether the manner in which it is trying to become a majority today by accumulating votes is really right - and on that basis the House should decide on the motion that has been moved by the Prime Minister - or not.

My complaint is that the UPA Government, the present Prime Minister and the Congress chief do not believe in the so-called coalition dharma. Shri Vajpayee was the head of the NDA. I do not know how many of you know that in this country, among the political parties, perhaps the BJP, the earlier Jan Sangh, has been the only one which consistently, since the 1960s, after China became a nuclear power and had its first blast at Lop Nur, has been saying that we should decide on India also becoming a nuclear weapon State; this is since 1964.

So, when in 1998 we formed the NDA, most of our colleagues and most of our partners in the NDA were not of the same view. None of them had this particular item in their manifesto. But we discussed it with them. They said that they did not agree with some of our other points in the manifesto of BJP, but so far as making

India a nuclear weapon State is concerned, they agreed with it. Therefore, they had no objection in including it in the Common Minimum Programme, which we described as the National Agenda for Governance. Only after they agreed, we went ahead with it. This is what I would describe as 'following the coalition dharma'.

Having done it, Shri Vajpayee who was sworn in on the 19th March 1998, did not take even two months to complete the task that he had undertaken; and on the 11th May, we had the Pokhran II.

These are all facts, which are necessary to understand. My stress is that if the coalition dharma had been followed this Motion would not have been necessary. They could have continued in a state of paralysis right up to the elections. What was the difficulty!

Sir, they have their own problems. They are not very eager to face elections. At the same time they did not destabilize you. They were willing to allow you to continue but you invited it for yourself and having invited it, please do not call it a distraction. It is a part of the Constitutional Parliamentary system. Every Government must be in a position to prove its majority in the Lok Sabha. It is certainly an irony that for the first time the Prime Minister himself would not be able to vote for his own Motion.

Mr. Prime Minister, you should not have gone to the IAEA stealthily in this manner. It is said that it is on auto-pilot. Formally from the Government side, it is planted in a newspaper that whether they sink or survive the Deal is done. This is the news item published in a newspaper. I do not know. I would expect on this occasion the Government to enlighten us whether this is true that now the Parliament has become irrelevant; whether the Indian Parliament gives

a Vote of Confidence to the Government or not. We are discussing it but even before the discussion began a news item appeared in a newspaper. Should I quote it exactly? I think everybody knows it. Authoritative sources from the Government told The Telegraph - once again The Telegraph was chosen - that sink or survive, the Deal is done. It was told that whether this Government wins the Confidence Vote or not, the Deal is done. It will go on auto-pilot. My own feeling is it is not true. My own feeling is that the Government of America, the Congress of America particularly, will not disregard the fact whether the UPA Government, which is a party to this Deal, is in Office, commands the confidence of the Parliament or not. It would be important to America, which is also a democracy.

Let me at this point say that we are not against nuclear energy. Very often it is being projected that if we are against the Nuclear Deal it means that we are against the nuclear energy. No, we are not. We are not against our very close relationship with America. I may differ from the Communists on this issue. We have no objection to having strategic relationship with America, Russia or Japan. These are issues on which I would think that a country like India, which is the largest democracy in the world, should have a very close relationship with the strongest democracy of the world, that is America. So far as BJP and NDA are concerned, we are not at all opposed to having a relationship with America. But irrespective of how strong or how powerful the other country is, we would never like India to become party to an Agreement, which is unequal.

My charge is that this particular Deal makes us subservient partner in the Deal. Very often, the Government spokesmen have been saying that the

Hyde Act does not apply to us and immediately an American spokesman comes out with a statement that it fully applies. If you want, I can read what the Hyde Act says. The Hyde Act does not only impose curbs on our nuclear options and nuclear autonomy but it imposes curbs even on our foreign policy. How our Iran policy should be conducted that also is dictated by the Hyde Act. I am not going into that. The Government's stand is that Hyde Act does not apply to us. I do not agree with that. If three times discussions in both the Houses of Parliament are any index, the majority of the Members of this House did not agree with the interpretation of the nuclear deal by the Government. There were occasions when almost the entire Opposition walked out in protest. These things have happened.

So, today is not the occasion when we are discussing the Deal itself. In fact, on the very first occasion I said that the Constitution of India does not provide that an international agreement should be approved by Parliament as in many countries this practice is there. Even in America, it has to be passed by the American Congress. Here we do not have such a provision. But after this experience with the nuclear deal, I am of the view -- if the Government agrees - that the Constitution be amended so that in certain cases relating to security and in certain cases relating to the integrity of the country, the Parliament's approval must be sought before entering into a Deal.

I some time feel worried when some of our neighbours say that Arunachal Pradesh is ours, some of our neighbours say that this part of Kashmir is ours, etc. Who knows one day an international agreement may be signed in which we may be taken for granted just as today for all practical purposes the nuclear deal

that is proposed to be signed means that Shrimati Indira Gandhi may have done Pokhran-I and Vajpayeeji may have done Pokhran-II but here after there will be no Pokhran-III and Pokhran-IV.

Please do not justify what you are doing by saying that Vajpayeeji himself had said that he voluntarily abdicates the right to have another test. Let me point out, we have had Pandit Nehru who was never in favour of making India a nuclear weapon State. We have had Morarji Desai who was never in favour of having India a nuclear weapon State but both of them were never agreeable to sign an NPT which was discriminatory and unequal and only putting curbs on us. Shrimati Indira Gandhi was the first Congress Prime Minister to undertake Pokhran test and successfully that was Pokhran-I in 1974 shortly after America had sent its nuclear fleet to the Bay of Bengal during the Indo-Pak war of 1971. These are the known facts. Therefore, it is that we had objected to it. Therefore, it is that we had reservation about it. Therefore, it is that we have all along maintained that if the people of the country vote NDA again to power, we will renegotiate this Deal. We have not said that we will scrap it. We said that we will renegotiate this Deal to make it a Treaty between equals so that there are no constraints on our strategic options and no constraint on our strategic autonomy.

Mr. Prime Minister, let me recall that immediately after the Joint Statement with President Bush, two days after that, on the 20th July 2005, you had a Press Conference in Washington and in that a journalist asked you, I have the transcript with me, 'Mr. Prime Minister, do you see any resistance coming forward from your allies and the Opposition in putting the new Indo-US policy to practice and will you seek a Parliamentary

consensus or approval to the new direction you seem to be taking in foreign policy? I would quote what Dr. Manmohan Singh said on the 20th of July in reply to this question, he said:

"Well, the Parliament in our country is sovereign. It goes without saying that we can move forward only on the basis of a broad national consensus."

This was the reply given by Dr. Manmohan Singh in Washington. Is there a broad consensus? The vote tomorrow is no sign of a broad consensus. If the vote is there, the vote is for whether this Government should continue or not. I for one do not mind it at all because I know what is going to happen after two to three months.

In the other House so many times a demand was made as to why not a sense of the House be taken. This demand was made many times. But the Government refused to do it always saying that an international agreement is not put to Parliament. Parliament cannot force us to do anything in respect of an international agreement. But I am quoting the Honb'le. Prime Minister. The Honb'le. Prime Minister had said it. Having said that I would like to ask him, are you satisfied that there is a consensus in Parliament about this nuclear deal? There is not. At least I do not recall the Honb'le. Prime Minister having convened a single All-Party Meeting on this issue. He had All-Party Meetings on all other issues; only on this issue there was no All-Party Meeting. My own party was of the view that he had given assurances in both the Houses and it should be the function of a Joint Parliamentary Committee to examine whether those particular assurances had been fulfilled while agreeing to this 123 Agreement. Therefore, a Joint Parliamentary Committee should be formed. The Government refused to do it. The Government did not do it and what it did instead

was a UPA-Left Committee was formed and that UPA-Left Coordination Committee had certainly been asking for assurances of these kinds and when those assurances were violated, they withdrew support. We said that if they withdrew support, then this Government will not have a majority because the UPA without the 61 or 62 Members of the Left did not constitute a majority. This Government was formed only when the Left supported it from outside and the moment they withdraw support, this Government has been reduced to a minority and a minority Government has no right to move ahead with any international agreement until it first proves its majority.

Every spokesman from America while interpreting this particular Act, this particular deal has emphasized that by this deal, the biggest advantage America gets is that India would be a part of the Non-proliferation regime and perhaps Dr. Manmohan Singh has no objection to becoming a part of this Non-proliferation regime. I do not know. But I do know this that what when the Vajpayee Government had its Pokhran II, our severest criticism came in the Rajya Sabha where Dr. Manmohan Singh was the Leader of the Opposition and it came from him. He criticized us.

I have gone through the proceedings of Rajya Sabha of that day and there were sharp exchanges between my old colleague in the Rajya Sabha, late Shri K.R. Malkani and Dr. Manmohan Singh on that issue. Perhaps he feels that it is not in our national interest to have a nuclear weapon state. It may be his opinion.

I have already given the gist of it. I have not only given the gist but I have also mentioned that there were sharp exchanges between my colleague, late Shri K.R. Malkani and him.

These days, this Government's performance on the

aam aadmi's front, like kimtein (price rise), bijli, sadak and paani has been so dismal. They thought that in the name of nuclear deal they would be able to tell the people that if only the deal was done, they would have power and electricity in every household. Because of this opposition to the deal, they would be denied light and there would be darkness all around. I have seen statements made that once the deal is destroyed, darkness will descend on India. Please do not make any statement of that kind. You just give us the figures like if at all this deal goes through, when we will get nuclear power, how many years hereafter we will get it, at what price and how much power, etc.

Is it not true that today only 3 per cent nuclear energy is provided and even after this deal is done, executed and implemented, the total amount of nuclear energy available to India would be just 6 per cent and the remaining 94 per cent has to come from other sources? So, let us not try to delude the Indian people by saying that we are trying to give energy security to the country by this deal. So, if to some extent, our national security is somewhat contained in so far as nuclear blasts are concerned, it should be accepted. We do not agree with this. We think that this is trying to deceive the people. Please do not do it. Even otherwise, on the power front, the performance of this Government has been very dismal. If I were to go into statistics, the Common Minimum Programme which the Left Parties have to take note of, says that they will provide electricity for all within five years. Four years and two months are completed. "All" means there are six lakh villages in the country out of which 2,30,000 are unelectrified villages and so far as households are concerned, there are 7.8 crore unelectrified households.

We had promised to give all of them electricity in

five years. The performance is known. It is very dismal and very poor. On the sadak front, on the pani front and on all fronts, the performance is very poor. If anyone asks me what is the biggest achievement of the NDA regime, in fact, I would say that it was sadak. The highways, the gram sadak yojana and the Golden Quadrilateral were the most significant achievements of our Government. It is because of those highways, that our Khanduri ji acquired a reputation, which has benefited him all his life. On the fronts of bijli, sadak and pani, the performance of this Government is miserable. Do not try to cover it up by saying that nuclear deal will give electricity to every household. This Government is not able to fix the problems of the common man.....



## **The Indo-US nuclear deal**

### **A chronology of events**

Here is a timeline of the key developments over the past three years:

- ♦ July 18, 2005: Prime Minister Manmohan Singh and US President George W Bush agree in principle to a landmark civilian nuclear cooperation deal. It reverses 30 years of US policy opposing nuclear cooperation with India because it developed nuclear weapons and never signed the Non-Proliferation Treaty, or NPT.

- ♦ March 2, 2006: Bush pays a three-day visit to India during which the two countries agree on India's plan to separate its civilian and military nuclear reactors, a key requirement for the deal to go through.

- ♦ Dec. 2006: US Congress overwhelmingly approves the deal. Three other approvals -- from the 45-nation Nuclear Suppliers Group, the International Atomic Energy Agency (IAEA) and a second time by Congress -- are still needed before nuclear transfers to India can actually take place.

- ♦ Dec. 2006: Bush signs the law approved by Congress, which makes changes to the US Atomic Energy Act. Analysts say the pact could be fully approved in roughly six months.

- ♦ July 2007: The two countries announce finalisation of the deal after months of tough negotiations on a bilateral pact. India had objected to what it said were new conditions in the agreement unacceptable to it.

- ♦ Aug 3, 2007: Text of the bilateral pact, called the

123 agreement, is unveiled simultaneously in both countries. Communists, allies of the government coalition, threaten to withdraw support over the pact, saying it compromises India's sovereignty. Singh defends the deal as crucial to India's prosperity.

- ♦ Oct. 2007: Fraught meetings between the left and the coalition government take place after Sonia Gandhi, head of the Congress party, describes opponents of the deal as enemies of development. A snap election is averted after the government agrees to delay approaching the IAEA.

- ♦ Feb. 2008 - The United States urges India to close the deal before Bush leaves office, saying the deal was unlikely to be offered again under the new administration.

- ♦ June 25: The coalition meets with its leftist allies to try and resolve the impasse, but no agreement is reached.

- ♦ July 8: The government finds another ally in the Samajwadi Party, who says it will vote in support of the deal.

- ♦ July 9: The left withdraws support for the government, and calls for a vote of no confidence. India submits a draft nuclear safeguards accord to the IAEA governors for approval, despite earlier assurances it would wait to do so until after winning the confidence vote.

- ♦ July 10: Agreeing to demands from the left, Singh calls for a vote of confidence in his government. July 21 and 22 are set aside for the vote.

- ♦ July 14: The IAEA says it will meet on Aug. 1 to consider India's draft safeguards.

- ♦ July 22: UPA wins vote after heated debate between deal supporters and deal opponents.

### **Key provisions of Indo-US nuclear deal**

Following are the key provisions of the US legislation to implement the Indo-US civilian nuclear deal reconciled by the House-Senate Conference Committee:

- ♦ The Henry J Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 will secure India's:

- a) Full participation in the Proliferation Security Initiative.

- ♦ b) Formal commitment to the Statement of Interdiction Principles of such initiative.

- c) Public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the guidelines, procedures, criteria and control lists of the Wassenaar arrangement.

- d) Demonstration of satisfactory progress toward implementing the decision described in subparagraph (c).

- e) Ratification of or accession to the convention on supplementary compensation for nuclear damage, done at Vienna on September 12, 1997.

- ♦ It will secure India's full and active participation in the United States' efforts to dissuade, isolate and if necessary sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability, the capability to enrich uranium or reprocess nuclear fuel and the means to deliver weapons of mass destruction.

- ♦ The bill states that it is the sense of Congress that the US should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

- ♦ The US will seek to halt increase of nuclear weapon arsenals in South Asia and to promote their reduction and eventual elimination.

- ♦ The US will ensure that spent fuel generated in India's civilian nuclear power reactors is not transferred to the US except pursuant to the Congressional review procedures required under section 131 f of the Atomic Energy Act of 1954.

- ♦ The US will encourage India not to increase its production of fissile material at unsafeguarded nuclear facilities.

- ♦ Ensure that any safeguards agreement or additional protocol to which India is party with the International Atomic Energy Agency can reliably safeguard any export or re-export to India of any nuclear materials and equipment.

- ♦ 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.

- ♦ In the binding sections, the bill asks the President to determine that India has provided the US and the IAEA with a credible plan to separate civil and military nuclear facilities, materials, and programmes, and has filed a declaration regarding its civil facilities and materials with the IAEA.

- ♦ The President shall submit to the Congress a summary of the plan provided by India to the US and the IAEA to separate India's civil and military nuclear facilities, materials, and programmes. He shall also submit the declaration made by India to the IAEA identifying India's civil facilities to be placed under IAEA safeguards, including an analysis of the credibility of such plan and declaration, together with copies of the plan and declaration.

- ♦ The President will give to the Congress a description and assessment of the specific measures that India has taken to fully and actively participate in United States and International efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons capability and the capability to enrich uranium or reprocess nuclear fuel and the means to deliver weapons of mass destruction.

- ♦ He will also provide a description of the steps taken to ensure that the proposed US civil nuclear cooperation with India will not in any way assist India's nuclear weapons programme. -- Termination of Nuclear Transfers to India.

- ♦ Notwithstanding the entry into force of an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 and pursuant to this title, exports of nuclear and nuclear-related material, equipment, or technology to India shall be terminated if there is any materially significant transfer by an Indian persons of:

- (1) Nuclear or nuclear-related material, equipment, or technology that is not consistent with Nuclear Supplier's Group guidelines or decisions.

- (2) Ballistic missiles or missile-related equipment or technology that is not consistent with MTCR guidelines, unless that President determines that cessation of such exports will be seriously prejudicial to the achievement of United States Nonproliferation objectives or otherwise jeopardise the common defence and security.

- ♦ The President may choose not to terminate exports of nuclear and nuclear-related material, equipment, and technology of India under subparagraph (a) if:

- (1) The transfer covered under such subparagraph

was made without the knowledge of the government of India.

(2) At the time of the transfer, either the government of India did not own, control, or direct the Indian person that made the transfer or the Indian person that made the transfer is a natural person who acted without the knowledge or any entity described in subparagraph (b) or (c) of section 110 (5).

(3) The President certifies to the appropriate congressional committees that the Government of India has taken or is taking appropriate judicial or other enforcement actions against the Indian person with respect to such transfer.

♦ Requirements for Approvals -- exports, re-exports, and retransfers may only be approved if:

(1) The end user is a multinational facility participating in an IAEA-approved programme to provide alternatives to national fuel cycle capabilities or retransfer is associated with, bilateral or multinational programme to develop a proliferation-resistant fuel cycle.

(2) Appropriate measures are in place at any facility referred to in clause (1) to ensure that no sensitive nuclear technology, as defined in section 4 (5) of the Nuclear Nonproliferation Act of 1978, will be diverted to any person, site, facility, location, or programme not under IAEA safeguards.

(3) The President determines that the export, re-export, transfer, or retransfer will not assist in the manufacture or acquisition of nuclear explosive devices or the production of fissile material for military purposes.

♦ The President shall keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear

activities of India, including any material noncompliance on the part of the Government of India with:

(1) The nonproliferation commitments undertaken in the joint statement of July 18, 2005, between the US President and the Prime Minister of India.

(2) The separation plan presented in the national parliament of India on March 7, 2006, and in greater detail on May 11, 2006.

(3) A safeguards agreement between the government of India and the IAEA.

(4) An Additional Protocol between the government of India and the IAEA.

(5) An agreement for cooperation between the government of India and the United States government arranged pursuant to section 123 of the Atomic Energy Act of 1954 or any subsequent arrangement under section 131 of such Act.

(6) The terms and conditions of any approved licenses regarding the export or re-export of nuclear material or dual-use material, equipment, or technology.

(7) United States laws and regulations regarding such licenses.

♦ The President shall also keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India, including:

(1) The construction of a nuclear facility in India after the date of the enactment of this title

(2) Significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced.

(3) Changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.

♦ Implementation and Compliance report: Not later than 180 days after the date on which an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 enters into force, and annually thereafter, the President shall submit to the appropriate congressional committees a report including:

(A) A description of any additional nuclear facilities and nuclear materials that the government of India has placed or intends to place under IAEA safeguards.

(B) A description of any significant nuclear commerce between India and other countries, including any such trade that is not consistent with applicable guidelines or decisions of the NSG or will not meet the standards applied to exports or re-exports of such material, equipment, or technology of United States origin. He will also give an estimate of:

(A) The amount of uranium mined and milled in India during the previous year.

(B) The amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices.

(C) The rate of production in India of fissile material for nuclear explosive devices and nuclear explosive devices.



## **Text of Safeguards Agreement**

*( The draft submitted by India on 9 July 08 to the IAEA governors for approval)*

### **Main Points**

♦ to identify and separate its civilian and military nuclear facilities and programmes in a phased manner;

♦ to file with the Agency a declaration regarding its civilian nuclear facilities (hereinafter referred to as "the Declaration");

♦ to take a decision to place voluntarily its civilian nuclear facilities under Agency safeguards;

Noting also for the purposes of this Agreement that:

♦ India will place its civilian nuclear facilities under Agency safeguards so as to facilitate full civil nuclear cooperation between India and Member States of the Agency and to provide assurance against withdrawal of safeguarded nuclear material from civilian use at any time;

♦ An essential basis of India's concurrence to accept Agency safeguards under an India-specific safeguards agreement (hereinafter referred to as "this Agreement") is the conclusion of international cooperation arrangements creating the necessary conditions for India to obtain access to the international fuel market, including reliable, uninterrupted and continuous access to fuel supplies from companies in several nations, as well as support for 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; and

- ♦ India may take corrective measures to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplies;

### **EXEMPTIONS FROM SAFEGUARDS**

#### **General Exemptions**

- ♦ Nuclear material that would otherwise be subject to safeguards shall be exempted from safeguards at the request of India, provided that the material so exempted in India may not at any time exceed:

- (a) 1 kilogram in total of special fissionable material, which may consist of one or more of the following:

- (i) Plutonium;

- (ii) Uranium with an enrichment of 0.2 (20 %) and above, taken account of by multiplying its weight by its enrichment;

- (iii) Uranium with an enrichment below 0.2 (20 %) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its enrichment;

- (b) 10 metric tons in total of natural uranium and depleted uranium with an enrichment above 0.005 (0.5 %);

- (c) 20 metric tons of depleted uranium with an enrichment of 0.005 (0.5 %) or below; and

- (d) 20 metric tons of thorium.

#### **Exemptions Related to Reactors**

- ♦ Produced or used nuclear material that would otherwise be subject to safeguards because it is being or has been produced, processed or used in a reactor which has been supplied wholly or substantially under a project agreement, submitted to safeguards under a

safeguards agreement by the parties to a bilateral or multilateral arrangement or unilaterally submitted to safeguards under a safeguards agreement; or because it is being or has been produced in or by the use of safeguarded nuclear material, shall be exempted from safeguards if:

- (a) It is plutonium produced in the fuel of a reactor whose rate of production does not exceed 100 grams of plutonium per year; or

- (b) It is produced in a reactor determined by the Agency to have a maximum calculated power for continuous operation of less than 3 thermal megawatts, or is used in such a reactor and would not be subject to safeguards except for such use, provided that the total power of the reactors with respect to which these exemptions apply in any State may not exceed 6 thermal megawatts.

- ♦ Produced special fissionable material that would otherwise be subject to safeguards only because it has been produced in or by the use of safeguarded nuclear material shall in part be exempted from safeguards if it is produced in a reactor in which the ratio of fissionable isotopes within safeguarded nuclear material to all fissionable isotopes is less than 0.3 (calculated each time any change is made in the loading of the reactor and assumed to be maintained until the next such change). Such fraction of the produced material as corresponds to the calculated ratio shall be subject to safeguards.

### **SUSPENSION OF SAFEGUARDS**

- ♦ Safeguards with respect to nuclear material may be suspended while the material is transferred, under an arrangement or agreement approved by the Agency, for the purpose of processing, reprocessing, testing,

research or development, within India or to any other Member State or to an international organization, provided that the quantities of nuclear material with respect to which safeguards are thus suspended in India may not at any time exceed:

(a) 1 effective kilogram of special fissionable material;

(b) 10 metric tons in total of natural uranium and depleted uranium with an enrichment 0.005 (0.5 %);

(c) 20 metric tons of depleted uranium with an enrichment of 0.005 (0.5 %) or below; and

(d) 20 metric tons of thorium.

♦ Safeguards with respect to nuclear material in irradiated fuel which is transferred for the purpose of reprocessing may also be suspended if the State or States concerned have, with the agreement of the Agency, placed under safeguards substitute nuclear material in accordance with paragraph 30(d) of this Agreement for the period of suspension. In addition, safeguards with respect to plutonium contained in irradiated fuel which is transferred for the purpose of reprocessing may be suspended for a period not to exceed six months if the State or States concerned have, with the agreement of the Agency, placed under safeguards a quantity of uranium whose enrichment in the isotope uranium-235 is not less than 0.9 (90%) and the uranium-235 content of which is equal in weight to such plutonium. Upon expiration of the said six months or the completion of reprocessing, whichever is earlier, safeguards shall, with the agreement of the Agency, be applied to such plutonium and shall cease to apply to the uranium substituted therefor.

### **TERMINATION OF SAFEGUARDS**

The termination of safeguards on items subject to

this Agreement shall be implemented taking into account the provisions of GOV/1621 (20 August 1973).

♦ Nuclear material shall no longer be subject to safeguards under this Agreement after:

(a) It has been returned to the State that originally supplied it (whether directly or through the Agency), if it was subject to safeguards only by reason of such supply and if:

(i) It was not improved while under safeguards; or

(ii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated ; or

(b) The Agency has determined that:

(i) It was subject to safeguards only by reason of its use in a principal nuclear facility which has been supplied wholly or substantially under a project agreement, submitted to safeguards under a safeguards agreement by the parties to a bilateral or multilateral arrangement or unilaterally submitted to safeguards under a safeguards agreement;

(ii) It has been removed from such a facility; and

(iii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or

(c) The Agency has determined that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practically irrecoverable; or

(d) India has, with the agreement of the Agency, placed under safeguards, as a substitute, such amount of the same element, not otherwise subject to safeguards, as the Agency has determined contains

fissionable isotopes:

(i) Whose weight (with due allowance for processing losses) is equal to or greater than the weight of the fissionable isotopes of the material with respect to which safeguards are to terminate; and

(ii) Whose ratio by weight to the total substituted element is similar to or greater than the ratio by weight of the fissionable isotopes of the material with respect to which safeguards are to terminate to the total weight of such material;

provided that the Agency may agree to the substitution of plutonium for uranium-235 contained in uranium whose enrichment is not greater than 0.05 (5.0 %).

■

## **123 agreement, as it is, unacceptable to nation NDA will renegotiate**

**L.K. Advani**

*Taking part in the debate in Parliament on the 123 agreement, as it stands, Leader of Opposition in Lok Sabha, was very sharp in his attack and made very vital points involved in the agreement. He declared that if NDA came to power, it will re-negotiate the deal. Here is the text of his speech:*

Mr. Speaker, Sir, though it is not the first time that we are discussing this particular matter, but I still believe that at this point of time, this has become a very important debate in the history of Parliament.

Just now, Shri Rupchand Pal, while concluding his speech, said that he would like a sense of the House to be taken so far as this issue is concerned. I for one see no reason why the Government should not have agreed to have this discussion under Rule 184 of the Rules of Procedure and Conduct of Business.

I can understand that irrespective of what the vote is, the Government may say that the Constitution does not obligate us to seek ratification for any international treaty. Therefore, you have expressed an opinion. There are occasions when the House expressed its opinion.

I accept it. But I think that so far as the sense of the House is concerned, it has already been expressed on several occasions. Once when we staged the walk-out

against something that had been said on this particular issue from the Government side, almost all sections of the House walked out. In fact, from even the UPA, the Left Parties also walked out with us. There have been other occasions also. I am not going to go into that.

Today, the Prime Minister is here and I would like to recall that when first he met President Bush way back in the year 2005 when exactly this debate started in the country among political parties, among thinking sections of the people, a question was posed to him two days after his Joint Statement with President Bush had been issued on Nuclear Cooperation. The question posed to him at a Press Conference held in Washington on 20th July 2005 was this. "Mr. Prime Minister, do you see any resistance coming forward from your Allies--obviously, they had an inkling of what is likely to happen--and the Opposition?" So, despite what my friend Mr. Rupchand Pal may say about Strobe Talbot and all that, they knew that on this particular issue, we had certain very strong reservations. So, the question posed was: "Do you see any resistance coming forward from your Allies and the Opposition in putting the new India-US Policy to practice, and will you seek a Parliamentary consensus or approval to the new direction you seem to be taking in Foreign Policy?" So, they take it for granted that it is a new direction in Foreign Policy that this Government is taking.

The Prime Minister Dr. Manmohan Singh replied: "Well, the Parliament in our country is sovereign. It is my intention to make a Statement in Parliament when I go back home, and it goes without saying that we can move forward only on the basis of a broad national consensus." Now, my first poser to the Prime Minister is this. Do you see this broad national consensus before which you have used the word, "only if there is a broad

national consensus"? In this country, we do not have any provision in the Constitution for a referendum as is there in some other countries.

But so far as Parliament is concerned, I am sure that you are aware, everyone is aware that there is no consensus on this particular deal. So, when it is obvious that there is no broad consensus on this deal, why are you so rushing into this deal? Why? I cannot understand this. Why can you not think in terms of what we have suggested all along? Think of ways of re-negotiating the deal.

Their objection is not to the deal so much. You could see it even in the first sentence itself. It is either anti-Americanism or anti-BJPism which becomes the guideline for all of them. So their very first sentence is that they are against any kind of strategic partnership with the United States. We are not. We are not. So, when people quote me, Strobe Talbot or Jaswant Singh's book or my statement which I made, I simply emphasized this. While in the discussions in the other House, many times it may seem that the CPI(M)'s opposition and the BJP's opposition is identical. No, it is not identical.

The difference I wanted to stress in that particular statement which was supposed to be a shift in my stand. No, there has been no shift all along. I would like to tell you one thing. It is true that in the last Session, this issue could not be discussed as it ought to have been. Why? It was because after all, we said why we cannot have a Joint Parliamentary Committee on this. The Government did not agree and instead first said what has been done is signed and sealed and it is not negotiable and therefore, we cannot have a Joint Parliamentary Committee going into it. But it was a surprise for the country to find that instead of a Joint Parliamentary Committee in which all could have

participated including the Left, you formed a Committee of the UPA and the Left. How do you explain it?

Today, my second poser to the Prime Minister and the Government is this. What has been accomplished by this joint committee of the UPA and the Left till now? From the Press all that we see is that the Committee met and decided to meet on this day again. Very often these days it appears that while the Congress is particular about the deal and says 'bachao the deal' the Left, especially the CPI(M) suddenly says 'bachao Bengal'. Not only that, but the kind of flip flop that you are making makes me feel that you are no longer concerned with the deal; you are more concerned with the timing of elections. You do not want an election now and therefore, you say, 'All right, you go ahead with IAEA, talk to them and we will see later'. We have a veto with us. Do not deceive yourself and do not deceive the country

You are where you are, but it is certainly expected of a party which is part of a coalition, which is part of an alliance not to behave in this manner. I will see their outlook later. I will come to the deal itself.

I was surprised to find that in one of his earlier statements made in Parliament, the Prime Minister said on 13.8.07 :

"As I have said, this is an agreement for cooperation between India and the US on peaceful uses of nuclear energy. Its genesis is the shared perception between the India and the US that both our countries need to address their energy challenges ..."

I can understand that we are looking at it from the energy point of view, but I do not see how America also is looking at this deal from the point of view of energy. What is mentioned in this statement is 'its

genesis is shared perception'. The US is certainly not looking for nuclear energy as a major option, leave alone the most important option to meet its energy challenges; we may be. I can say that we have our energy concern which I share, though I do not agree that this is going to be a solution to that, but the US is certainly looking at this from a strategic angle. This is the difference. They are not looking at it from the energy angle.

Therefore, both USA and India recognise the need of sharing the common perceptions of energy.

Thank you, Shri Pranab Mukherjee. I can only endorse what my friend Shri Rupchand Pal just now said, namely, that there has been no nuclear reactor that has come up in America for many many years. Therefore, You just see what you said a few seconds ago, and what was my contention.

No, I can understand that you can have it in a format, but so far as reality is concerned, the reality comes out very clearly in other statements that they have made. I will quote them later on.

It is my conviction that while our concern is energy, their concern has been all along strategic. The strategic approach adopted by Shrimati Indira Gandhi in 1974 and pursued further by Shri Atal Bihari Vajpayee in 1998 is to see that it is contained. This is their principal objective, which I will prove just now.

They are not concerned too much with this as for them it is only Russia and China who have the right to build-up nuclear arsenal. So far as India is concerned, they are opposed to it irrespective of which Government is in power whether it is the Congress Government or the NDA Government.

I can quote even a recent statement that : "Our approach on the nuclear weapons is clear from the very

beginning. India must not go in for weaponization in the nuclear field." This is your statement, and I can understand it. Dr. Manmohan Singh in the famous statement made at the Tarapur Atomic Power Plant on August 31 said that : "India cannot afford to miss the nuclear bus." He said that : "There is today talk in the world over of a nuclear renaissance, and we cannot afford to miss the bus or lag behind these global developments."

The UPA Chairperson, Shrimati Sonia Gandhi, went a step further while speaking at Jhajjar in Haryana when she said that : "Those who are opposed to the deal are not only enemies of the Congress, but also of India's development." I do not know why people should use words like enemy in this context meaning both the Left Party, who are allies to the Government, and the NDA, which is certainly opposed to the Government. We are political adversaries, and none of us are enemies of any other Party. But this statement mentioning 'enemies of development' is difficult to believe.

I have with me the Integrated Energy Policy Report of the Expert Committee set up by the Planning Commission. It was released in August 2006. It has taken into account all the promises made in respect of energy in the nuclear deal. The Committee was headed by Dr. Kirit S. Parikh, and Dr. Anil Kakodkar, Chairman of the Atomic Energy Commission (AEC) was also a Member on the Committee. I would like to quote just one portion of it. The Report says that : "Even if a 20-fold increase takes place in India's nuclear power capacity by 2031-2032, the contribution of nuclear energy to India's energy mix is also, at best, expected to be 4.0-6.4 per cent." This is the total. It further says that this is an optimistic scenario, and possibilities of imports of nuclear fuel would be made possible if the

Indo-US Agreement is not impaired.

Only then, there will be this scenario - 4 to 6.5 per cent. Now, how can this be called a Deal to ensure energy security for the country? Certainly not; it is so obvious. Let us not delude ourselves.

It is true that my Party, the BJP, earlier the Jan Sangh, has been the only Party - in 1964, China had its nuclear blast at Lop Nor -- which in 1964 itself moved a Motion in the Lok Sabha, but in 1966, we formally adopted a Resolution in our Party's National Council at Varanasi that India must build up a nuclear deterrent of its own. I can tell you that in those days all other political parties criticized us, scoffed at us, and the argument was that we could not afford it; India just could not afford it because our resources were very limited. But we drew strength from the fact that the Principal Architect of India's Nuclear Programme, Dr. Homi Bhaba. He was among those who favoured India becoming a nuclear weapon State, and he said it very clearly. So much so that in one of his very significant speeches made on All India Radio on 24th October, 1964, the same year as China had its nuclear blast at Lop Nor, he said: "Atomic weapons give a State possessing them in adequate numbers a deterrent power against attack from a much stronger State." This was the statement that he made in 1964 just a few days after the Lop Nor blast, though at that time the Government's policy, the Government was headed by Pandit Nehru, was that we would develop our nuclear programme, that our nuclear energy would be used only for peaceful purposes, and that it would not be used for weaponizing the country.

Our Party became the sole Party to be an advocate of this and it is going on since then till today. So, when in 1998 Vajpayee ji became the Prime Minister, he was

able to make all the other parties in the Coalition agree to this that we must develop a nuclear deterrent of our own. On the 19th of March, the NDA Government took office, and on the 11th of May, we had these Pokhran-II blasts. I can say, at that time, we were criticized within the country not only by the Left Parties, but even by the Congress Party. The present Prime Minister was Leader of the House in the other House and he criticized us. His criticism was that the consequences for our economy would not be good; it would damage our economy; economic sanctions would be imposed on us, and the consequences would be these.

Sir, I think Mrs. Gandhi did the right thing when she departed from the policy laid down by Pandit Nehru, and in 1974, shortly after the Indo-Pak War in which War, America had sent its nuclear-armed Seventh Fleet to the Bay of Bengal.

Therefore, if Soviet Union protects us or helps us, my Party has always been grateful to it. We were in favour of the Indo-Soviet Defence Agreement that we signed shortly after the War. We are not like you in which you have a closed mind in respect of America. You would not talk about America. So far as we are concerned, even at that time, we had favoured

They are not worthy of reply.

I concede to the Speaker's advice. He thinks that you should not be replied.

Therefore, my first point to the Government is, do not try to mislead the people by telling them that this is for energy purposes only and anyone who is opposing this is in a way standing in the way of India's development. I think that we need energy.

I may even mention something that relates to our period in Government. Recently, many negotiators came from America to persuade us to support this Deal.

It made me feel that even more than the Government of India, it is America which is interested in this particular Deal. One of the people who met me and who has been involved in this nuclear programme of America, he originally happens to be an Indian who has lived in Mumbai, belongs originally to Goa, and has written an excellent, a very comprehensive book on India's nuclear policy and nuclear doctrine. His name is Ashley Tellis. I am not going to mention anything that he spoke to me personally. I would not mention it; it is not proper. But I have seen one of his interviews on Rediff.Com in which the question was that why no Deal was struck with the Vajpayee Government of this kind. His answer was that the Deal could not be reached because the Vajpayee Government did not offer much to the US in exchange for the Agreement. We got more from the Government of Dr. Manmohan Singh. The next question was: "What is it that you wanted from the Vajpayee Government but could not get?" The answer was: "I am afraid, I cannot answer this question." Now, this made me make some enquiries into those who were in the matter at that time. I am told that so far as negotiations with our Government are concerned, at that time, there was never even a suggestion that there would be a ban or a curb on our right to test. Secondly, we were willing to open only two reactors for inspection - two out of sixteen - by the IAEA and no more. There were other matters also on which we could not agree, but the sum and substance is that this particular statement, "that we could not get from the NDA Government what we were able to get from Dr. Manmohan Singh's", I do not know how to see it.

But what I do see is that Mrs. Gandhi went in for Pokhran-I. The other day the name that was mentioned,

Mr. Paul, Henry - one Henry came to see me also (Henry Kissinger) - and I casually happened to tell him that my Party has always been in favour of India becoming a nuclear weapon State, which Pandit Nehru and subsequent Governments up to Mrs. Gandhi's, were not in favour. I even mentioned that Shri Morarji Desai was also not in favour of it, and we were in that Government. But Mrs. Gandhi, after US sent that nuclear-armed Seventh Fleet, was prompted to go in this direction. When I said to him, "Your Government", I meant the Government at that time, he smiled and his reaction was, "Well, I have been personally blamed for that."

Whatever that was I cannot say. But this much I can say that Mrs. Gandhi took a step in the right direction when she thought in terms of building India as a nuclear weapon State. In between there were several Governments, in one of which Shri Venkataraman was Defence Minister. He is publicly on record having complimented Vajpayeeji when a book by Vajpayeeji was being released, and saying, "While I was Defence Minister, all the things in Pokhran were ready. Everything was ready. I also went and inspected it at the last moment and I found everything in order. The scientists were there and everything was there. But we somehow failed to do it because we came under pressure. I compliment you for disregarding all kinds of pressures and going in for Pokhran II". Shrimati Gandhi did India proud when in 1974 she conducted Pokhran I. Shri Atal Bihari Vajpayee did India more proud by completing the process - that was the first step really - and conducting Pokhran II.

Mr. Prime Minister, are you determined to ensure through this deal that there will be no Pokhran III? Is that your desire? Our objection to this particular deal

is principally because this deal prohibits India from making another test. Our feeling is that today India is at a stage where it is in a position to gradually build up an effective nuclear deterrent against all our hostile neighbours. I am told that we are going in for it. Well, very good. But this is also true that the 123 Agreement says that national laws will prevail. American national law will prevail on this insofar as our strategic partnership is concerned. Section 106 of the Hyde Act bans Indian testing. It also specifies the consequent punitive actions that might follow including America's right of return of nuclear reactors and other materials sold to India. The 123 Agreement upholds applicability of national laws to govern its implementation. Hence, the 123 Agreement cannot override the Hyde Act. This has to be understood.

This was very clearly explained by Nicholas Burns himself when a reporter asked him in a Press Conference. "In the Hyde Act US Congress made it quite clear that if India were to test a nuclear weapon, American cooperation with India would cease. If you are giving India assurances that there will be no interruption in its fuel supplies regardless of what happens, how does that comply with the law?" This is a very pertinent question posed by a journalist. Look at the answer that Mr. Burns has given. He states, "First of all, we were quite careful when we began this latest phase of negotiations and we reminded the Indian Government that since the President and the Prime Minister had their two agreements of July, 2005 and March, 2006, something else has happened. The United States Congress had debated over six, seven months those agreements and the Congress has now passed the Hyde Act. So, we had to make sure that everything in this US-India Civil Nuclear Agreement, the 123

Agreement was completely consistent with the Hyde Act and well within the bounds of the Hyde Act itself".

So, this kind of trying to tell us that the 123 agreement does not mention Hyde Act, the 123 agreement does not mention all these restrictions, this is misleading us. No, it is not true.

The two essential parts of the clarification given by Burns are - firstly, he invited the Indian negotiating team that in terms of sequence of events, the Hyde Act comes after the two agreements between Dr. Manmohan Singh and President Bush; and secondly, we had to make sure that anything in this US-India Civil Nuclear Agreement, the 123 Agreement was completely consistent with the Hyde Act and well within the bounds of the Hyde Act itself.

Sir, in its present form, in the final form, the US legislation adopted the NSG guidelines, imposed extraneous conditions on India, this is what Dr. Manmohan Singhji said in Rajya Sabha on August 17 - if in the final form, the US legislation be adopted the NSG guidelines, impose extraneous conditions on India, the Government of India will draw the necessary conclusions consistent with the commitments I have made to Parliament." This is your own statement. Are these consistent with the assurances given in both Houses that under no circumstances, would we accept the kind of restriction on our right to - you have said in this House also - test? Though it is said that provisions have been made which call for discussion and we have to convince the American side.

Correct. I had anticipated this comment of yours that after all, we had unilaterally decided to impose the moratorium but a country which unilaterally decides to have a moratorium on the point which we have reached, can unilaterally decided to disregard

that. On both occasions - whether it was in the case of Mrs. Gandhi in 1974 or in 1998, in the case of Shri Vajpayee, America did try to penalize us. Though in 1974, the sanctions imposed on us were far severe; and secondly by 1998, India had arrived at a stage where even the severe constraints could not do us much harm so that practically they had to withdraw them. But on both occasions, the consequences followed.

Here, we are inviting consequences by signing for them this agreement that if we test, the consequences, the right on return of America. This would be something which we never agreed to. You imagine something like that happens and sometime later, some other Prime Minister has to reply in this House. What will happen? How can he defend that we have agreed to it? We have agreed that if we test, then, you have the right to take back our nuclear reactors and you have the right to take back other related necessary materials. We would have never done it.

Unilaterally, they are doing it and trying to penalize us is one thing, and by virtue of a pack, we do it and we agreed to it. We are opposed to this kind of infringement. I regard it as an infringement of India's sovereignty. That we will explain why a test became necessary? China did this; Pakistan did this; so and so country did this. They say, no, we are not satisfied. It is for them to be satisfied that the argument that we have for going in for a test is justifying. This is the Pact and we have agreed to. We said that if you are not satisfied, you can take back all this.

Mr. Prime Minister, the whole thing is so apparent that no self-respecting country should agree to it. I am sure that if Mrs. Gandhi were there; if Shri Vajpayee were there, they would not have agreed to this kind of encroachment of our sovereignty.

Sir, I had mentioned about Dr. Bhabha being an advocate of India becoming a nuclear weapon State. These days, while studying the whole thing, I was surprised at least I did not recall it that way but a small thing that I had thought might be worth mentioning on this occasion.

On 11th January 1966, just hours after he had signed the Tashkent Declaration, formalizing the end of hostilities in the war with Pakistan, the Prime Minister Shastri died of a heart attack. This is a casual mention of a fact.

Just two weeks later, on January 24, on the very day Shastri's successor Indira Gandhi was sworn in as the Prime Minister, Dr. Homi Bhabha was killed while on a trip to Europe, when the plane in which he was flying collided with Mont Blanc in France. India's impressively large nuclear establishment was suddenly left without any official plan or policy to give a direction.

Now, it makes me wonder - was it just an accident? I do not know. I have no further information than what I have come across in this. To me, it seems a mischief, that a person who was the head of our nuclear establishment and who had not kept it secret to himself and who had publicly said that India should have a nuclear weapon, dies like this. And he had publicly said, in reply to a question during a Press Conference, which I had participated in, as a Journalist in those days, that if the Government of India were to give me clearance, our own atom bomb would be ready within 18 months to two years. Such a person suddenly being killed in an accident of this kind, it does make me wonder. Maybe, you have more facts about those days, but I do not have. I thought, I might put it on record, that it is to me an enigma and a mischief.

In the same context, I would say that today we are

outside the Nuclear Weapons' Club. Why? It is only because of the Non-Proliferation Treaty. The NPT Act passed in 1967 and implemented in 1970 said that only those countries which have developed a nuclear weapon of their own before 1970, would be deemed as nuclear weapon States. I today wonder if we had not committed that mistake, in those days, in the 1960s and had gone by Dr. Homi Bhabha's advice, we would have been a part of that club.

He even requested Pandit Nehru that we should have it. But Pandit Nehru said, 'No. Not so long as I am there and I would not favour it'. If we had done it at that time, we would have been a part of this Nuclear Weapons' Club, before 1970 and all the debate that is now taking place, would not have been needed. We would not have been in this situation. We are now being pushed into the non-proliferation regime in this manner because we need nuclear energy; and therefore, they are taking advantage of it, by pushing us into the non-proliferation regime.

I must compliment Mr. Nicolas Burns, the US Under Secretary of State for Political Affairs, who was one of the main negotiators and the Principal Spokesman for all that had happened. He said that this deal brings India back into the Non-Proliferation mainstream in a way, it was never before. It is true. Never before had any Prime Minister agreed to this. But we agreed to this.

He went on to say that - he did not talk about 'energy' - this deal is the centrepiece of Indo-US strategic relationship. I am not against strategic relationship; I am not against strategic partnership. But this strategic relationship and partnership is in the nature of a junior or of an unequal partner; India cannot be an unequal and a junior partner of America or of Russia or of any

other country. India, this one billion strong Indians, is a proud nation, which cannot be subservient or junior to any other country.

My objection to this particular deal is principally because firstly it bars our right to test.

Secondly, it makes us a junior partner in this partnership with America.

Thirdly, whatever we may say, they have also said that it is not merely IAEA but even American inspectors can come and see the nuclear reactors that are opened. You have assured us the other day that under no circumstances you will allow Americans to come here and see, yet it is there.

I would say that if in the sixties we would have done what Dr. Homi Bhabha advised us to do, we would not have missed the nuclear weapon club or the nuclear weapon bus. We missed it. Now, let us not commit ourselves to that situation in perpetuating it. This particular 123 deal says that it will last for 40 years.

One of the leading papers of Delhi, one of the leading editors who had been a Member of the Congress Party at one time, Shri M.J. Akbar wrote on that day that it is a day of dependence. After sixty years of Independence are we going to sign a deal which make us dependent for 40 years? 123 deal itself says that this will last for 40 years.

Only recently the Prime Minister went to Moscow, Russia. Among the journalists who accompanied him, one was a well known editor of The Hindu, Shri N. Ram. I saw an editorial in The Hindu after the Prime Minister's return. The editorial says: "According to Russian official sources an inter-governmental agreement, presumably on par with India's 123 Agreement with the United States, was fully prepared for signatures during the Summit but the Indian side

backed out at the last moment." I do not know why. I do not know what the proposed agreement was. Why the Indian side backed out? The Hindu itself says that it was according to the Russian official sources. This is what he gathered. Shri N. Ram is a very responsible editor.

I would urge the Government to come to Parliament clean on this matter. What exactly happened? What was the proposal? What transpired? Why did you back out if you had agreed to it earlier? All these things must be known, otherwise, some of the complaints people have about how independent is our direction of Foreign Policy would certainly come under question mark.

I shall conclude my remarks by saying that 123 Agreement, as it stands, is unacceptable to the nation because it is deeply detrimental to India's vital and long-term interest. Let me say that hereafter 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. Thank you, Sir.



## **UPA has compromised with India's long-term strategic interests**

**Rajnath Singh**

*(Extract from Shri Rajnath Singh's presidential address to BJP's National Executive committee at Bhopal on September 21, 2007)*

The BJP has already made its position clear on the recently concluded Indo-US Nuclear Deal. From time to time we have been reacting to the various steps taken by the government in context of this deal. However, over the past few days, the manner in which the Left Front has been raising the issue, appears to be guided less by national interests and more by prejudices. Our opposition to the deal is not opposition for the sake of opposition, nor it is the virulent anti-Americanism of the Left Front. Our opposition is for India's sovereignty and national pride. Our opposition is to prevent our strategic independence becoming strategic subservience.

The BJP will neither oppose nor support any country based on prejudices. It is worth recalling that the NDA under the visionary leadership of Shri Atal Bihari Vajpayee ji laid the foundations for the paradigm shift that ushered in the golden era of the relationship between the United States of America and India . But we initiated this tectonic shift in the existing level of strategic cooperation and understanding between both countries after the 1998 Pokhran tests - after we established the might of India's national pride and sovereignty in the international community. In 1999,

despite facing economic sanctions, we did not allow the passage of a resolution against India's economic interests at the World Trade Organization meeting in Seattle . This indicates that we initiated the new era of friendship with the United States on an equal footing and after protecting both our strategic and economic interests. Under the NDA, India's diplomatic relations substantially improved not only with the United States but also with other countries of the world. We will continue with this even in the future also.

Be it the Congress or the Left Front, in 1998 they all opposed the Pokhran Tests. The Left had even called these tests as unnecessary. In 1964 the Left supported China's nuclear tests and in 1998 opposed India's nuclear tests. But today they have become supporters for the independence to conduct nuclear tests.

It is clear that both the Congress and Left have never been concerned about India's nuclear capability in the past nor present. They are only playing politics on the nuclear issue. The government has committed a mistake by compromising on India's long term strategic interests. Under no cost will we ever accept our atomic sovereignty to be controlled or our foreign policy to be influenced. That's why we want that before finally accepting the Indo-US Nuclear Deal a Joint Parliamentary Committee should study it. To prevent a repeat of this in the future, a mechanism needs to be evolved so that any international commitment is operationalized only after parliament endorses it. Parliament reflects the collective will and aspirations of our people. And Parliamentary approval will ensure that none of our present and future national interests can ever be mortgaged or compromised with on account of the myopic vision of a government and its negotiators. ■

# **ABC of Indo-US Deal**

**Yashwant Sinha**

This essay is meant to explain in simple terms the implications of the Indo-US nuclear deal, also known as the 123 Agreement.

The US Congress had enacted a law in 1954 known as the US Atomic Energy Act to permit the US Government to enter into bilateral agreements with other countries for cooperation in the civil nuclear field. Section 123 of this Act authorises the US Government to enter into such agreements and all such agreements are, therefore, also known as 123 Agreements.

Section 123 also lays down various conditions for such cooperation both with nuclear weapon states as well as with non-nuclear weapon states. India is not a recognized nuclear weapon state and, therefore, the conditionalities prescribed for non-nuclear weapon states will apply to India.

After the 1974 nuclear tests of India, the US Congress passed the Nuclear Non-Proliferation Act in 1978 and made it mandatory for the US government to enter into such an agreement with a country like India which had carried out nuclear tests, only after the US Congress had enacted a law giving the US President the authority to waive the application of some provisions of the 1954 US law. This law has come in the form of the US India Peaceful Atomic Energy Cooperation Act of 2006 passed by the US Congress in December 2006. In the US there is a practice to give an Act the name of the member who introduces the Bill in the Congress, so this Act is also known as the Hyde Act after Mr. Henry

J Hyde, who introduced it in its final form in the US Congress.

The Agreement for cooperation in the civil nuclear field was originally arrived at when Prime Minister Manmohan Singh visited Washington in July 2005 and issued a Joint Statement with President Bush on July 18, 2005. The second step in the process was for India to announce the separation of its nuclear facilities between civilian and military as promised by India in the above Joint Statement. This was done on March 2, 2006 when President Bush visited India. The third step in the process was for the US Congress to pass an India specific waiver bill which was done when the Hyde Act passed.

After the conclusion of 123 Agreement, three more steps need to be taken. The first is for India to go to the International Atomic Energy Agency to conclude a safeguards agreement for all its civilian nuclear facilities, so declared in the March 2, 2006 separation plan. A safeguards agreement means that all these facilities will be subjected to international inspection by the IAEA periodically and as and when required. These safeguards will apply to India in perpetuity.

The second stage in the process is for India and the US to approach the Nuclear Suppliers' Group to amend its procedures and permit India to participate in international nuclear trade. The NSG, consisting of 45 countries, is like a private club formed by those countries which trade in nuclear materials amongst themselves. They are forbidden from trading with countries which are not on their approved list. India is not on their approved list. In fact, this group was formed to exclude India from nuclear trade after the 1974 Pokhran tests.

After the safeguards agreement with the IAEA, and

the agreement with the NSG, the 123 Agreement will have to go back to the US Congress for its final approval. It is only after this that the 123 Agreement will be considered as finalised.

The Government of India gives three reasons for entering into this Agreement with the US. The first is that it will end India's nuclear isolation which has been imposed on us since the first Pokhran tests of 1974. The second is that it will enable India to produce more power and end the power shortage in the country. The third is that it will dramatically improve our relationship with the US and make India a great power. Let us examine the tenability of these three assertions.

India developed a three stage nuclear programme way back in 1954. The first stage was to set up Pressurized Heavy Water Reactors, using natural uranium as fuel to produce power. The fuel which has been used is called spent fuel and elements in it like plutonium can be used again after reprocessing the spent fuel. The second stage was to set up Fast Breeder Reactors using plutonium recovered from the natural uranium used in the first stage. A special feature of the fast breeder reactor is that it actually gives us more fuel than it uses even after producing electricity. So, it helps in overcoming the shortage of uranium in our country. The third stage of the programme was to use our vast thorium reserves and produce electricity using plutonium and thorium as fuel. This three stage programme was formulated keeping in mind the availability of our own natural resources. We have already successfully completed the first stage. As far as the second stage is concerned, a Fast Breeder Test Reactor has been in operation for twenty years. A Prototype Fast Breeder Reactor of 500 MW capacity is now under construction and should be completed by

2010/11. After the successful completion of this prototype reactor, we should be in a position to produce more such reactors and by 2025 at the latest we should be able to move to thorium reactors. This will make India completely self-reliant, both in fuel and in technology. Both, the fast breeder as well as the thorium technologies are our own, developed by our own scientists and engineers without any help from outside. We should salute our scientists and engineers who have made all this possible instead of decrying their achievements. Even in the July 18, 2005 Joint Statement, India has been recognised as a country with 'advanced nuclear technology' like the US. India has achieved this status despite 33 years of the so-called nuclear isolation. Actually, this isolation has proved to be a boon rather than a curse and has enabled our scientists and engineers to scale new heights of technological excellence.

The second argument of more nuclear power is equally untenable. It is said that India is short of uranium which is the preferred fuel for nuclear power plants. This is not correct. We have large reserves of uranium in Jharkhand, Andhra Pradesh, Meghalaya, and Rajasthan and recently we have discovered rich reserves of uranium in Ladakh. Unfortunately, only the reserves in Jharkhand have been exploited so far. Recently, the Government of India has taken a decision to mine the reserves in Andhra Pradesh and the Finance Minister of India while briefing the media said that these reserves were sufficient to produce 12000 MWs of power for 50 years. I am sure if the other reserves are also exploited, we shall be able to overcome the shortage of uranium domestically instead of depending on other countries for such supplies. A uranium mine can be developed in three years time along with a

milling plant. The construction of a reactor takes at least five years.

In the North – East alone, we can produce 100,000 MW of hydro power. The argument of Government of India, therefore, that they are entering into this Agreement to produce more power is not true and does not stand scrutiny. We must also remember that nuclear energy is more expensive than energy produced from other sources like coal, gas, hydro, wind etc. Australia, which has the largest reserves of uranium in the world, has not set up a single nuclear power plant so far and depends largely on coal. The US itself has not constructed a nuclear power plant after 1979. Why then are we so keen to set up nuclear power plants?

As far as the third argument is concerned, we have no objection to friendly relations with the US. In fact, it was Shri Atal Bihari Vajpayee who started this process when our relations had deteriorated after the nuclear tests of 1998. We also started the process of strategic partnership with the US, but this was on the basis of equality and not subservience as the present Government is doing. We also never claimed that India will become a great country as a result of US support. A country becomes great on its own strength and the achievements of its people and not on the basis of help from the others.

The Government of India claims that the Agreement will give us three distinct advantages. Firstly, the right to import nuclear reactors along with a guarantee of fuel supplies for the life-time of the reactors; secondly, the right to reprocess the spent fuel and thirdly, the right to get superior and sensitive technology. All these three claims are false. There is no guarantee of assured fuel supplies. The 123 Agreement merely repeats the assurance given on July 18, 2005 and March 02, 2006

namely, that the US Government will approach the US Congress to amend its domestic laws to make such supplies possible. The US Government has already done so and while passing the Hyde Act the US Congress has already rejected this suggestion. The right to reprocess has similarly been postponed to a future date subject to India setting up a separate dedicated facility for such reprocessing and 'arrangements and procedures' for it being satisfactorily worked out between the two countries. Since they will form a part of a separate agreement, that agreement will also have to be approved by the US Congress. The issue of transfer of sensitive nuclear technology has also been postponed and is subject to an amendment of the present Agreement. In other words, we have started talking about the amendment of the 123 Agreement even before it has been approved by the US Congress. So, on none of these three important issues has the US Government made any commitment in the 123 Agreement, except to push it to a distant future.

Is the Hyde Act relevant to India? When the Act was under the consideration of US Congress, the Prime Minister told Rajya Sabha on August 17, 2006 "if the US Congress, in its wisdom, passes the Bill in its present form, the 'product' will become unacceptable to India, and diplomatically, it will be very difficult to change it later". He went on to say, "I have taken up with President Bush our concerns regarding the provisions in the two Bills (the drafts before the two Houses of the US Congress). It is clear that if the final product is in its current form, India will have grave difficulties in accepting these Bills". When the final Act turned out to be worse than the drafts, because it combined the worst features of both the drafts, the Government of India changed its position and said that some clauses

of the Act were only advisory in nature and not binding. They did not clarify which clauses were binding and which were not. They have changed their position once again and now they are saying that the Hyde Act is not relevant to India and, therefore, we need not worry about its provisions.

The deal is not acceptable to the BJP for the following reasons:

(i) The declared objective of the US in entering into this deal with India is to bring India within the global non-proliferation regime. We have always regarded this regime as discriminatory and, therefore, we have not signed either the Non-Proliferation Treaty (NPT) or the Comprehensive Tests Ban Treaty (CTBT). The US imposed economic sanctions on India when Shri Vajpayee went for nuclear tests in May 1998 because the US, neither then nor now wants India to be a nuclear weapon state. It has now trapped the UPA Government into signing an agreement bilaterally whose provisions are more stringent than the provisions of the NPT and the CTBT.

(ii) The Hyde Act, like the 1954 Atomic Energy Act, clearly lays down that if India were to test again the deal will be off. Its declared objective is to cap, reduce and eliminate India's nuclear weapons and stop our weapons development programme. It thus, restricts our nuclear sovereignty.

(iii) It wants India's foreign policy to be "congruent" to that of the US. The Hyde Act mentions Iran at three places and calls upon India to assist the US to "dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction". We are against Iran acquiring nuclear weapons, but we will deal with Iran in our own way and not according to the dictates of the US. The

Government of India has already voted against Iran on two occasions in the IAEA under US pressure. India should not act under pressure. India cannot become the camp follower of any country.

(iv) The Hyde Act wants the US President to keep a strict watch on India's military nuclear programme and report annually to the US Congress on all developments in this area.

(v) The 123 Agreement shall be implemented in accordance with the respective national laws of the two countries. The US-China 123 Agreement has a further clause according to which they have accepted the principle of international law that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This provision has been deliberately omitted from India's 123 Agreement.

(vi) The Hyde Act provides for annual certification by the US President to the US Congress that India is in compliance with the provisions of the Act- a provision which the Prime Minister had said was not acceptable. The Prime Minister had told Rajya Sabha on August 17, 2006 "The draft Senate Bill requires the US President to make an annual report to the Congress that includes certification that India is in full compliance of its non-proliferation and other commitments. We have made it clear to the US our opposition to these provisions, even if they are projected as non-binding. We have indicated that this would introduce an element of uncertainty regarding future cooperation and is, therefore, not acceptable to us".

(vii) The 123 Agreement with the US is for forty years, extendable by another ten years, but it forces us to enter into an international agreement regarding safeguards with the IAEA in perpetuity. In other words, we shall be forced to remain under international

surveillance even after the expiry of this treaty and for all times to come.

(viii) If the Agreement is terminated, India will be required to return all the nuclear supplies it has received including the reactors, the fuel, in fact the last nut and bolt to the US.

(ix) The separation plan is tilted heavily against India. India will place under IAEA safeguards 14 thermal power reactors out of a total of 22 which we have at present. The US which has 250 civil nuclear facilities has placed only four of them under safeguards under its Voluntary Offer Agreement with the IAEA. We have also decided to place under safeguards all future civilian thermal power reactors and civilian fast breeder reactors even though they will be completely indigenous. Under US pressure, we have agreed to shut down the CIRUS reactor in 2010 which is the major supplier of plutonium for our weapons programme.

(x) The 123 Agreement lays down that as far as dual-use items are concerned namely, items which can be put to both civilian and military use, the US will retain the right of end-use verification. This means that US inspectors will visit India and inspect at will all those facilities where such dual use items have been used to make sure that they have not been misused for our military programme. The US has also retained the right of fall back safeguards, which means that if for any reason IAEA decides that the application of IAEA safeguards is no longer possible, the US will send its inspectors to carry out the inspections in place of the IAEA inspectors.

(xi) The 123 Agreement gives India the fictional right to take corrective measures to ensure uninterrupted operation of its civilian reactors in the event of disruption of foreign fuel supplies. This is being

propagated as a great achievement of our negotiators. Nowhere, however, has the Government of India clarified what these corrective measures could be.

(xi) The wide divergence in our understanding of the Agreement, and that of the US, will lead to enormous problems in future and is likely to spoil our bilateral relationship instead of improving them.

(xii) We must remember that this is the second 123 Agreement that India is entering into with the US. The first related to the setting up of the Tarapur reactors in 1963. When India carried out the nuclear tests of 1974, the US unilaterally terminated that Agreement citing its domestic laws. Should we not have been more careful a second time?

The supporters of the deal say that this the best deal India could have got at this point of time. What is so sacred about this point of time? The NPT is coming up for review in 2010. We could have waited until then to negotiate a deal in which India would have been categorically recognised as a nuclear weapon state. Why are we in such a hurry to conclude a deal now?

The Government is spreading two lies about us. The first is that we wanted to conclude a similar deal with the US when we were in power. The second is that Shri Vajpayee had agreed to sign the CTBT. The truth is, as I have said earlier, that we wanted strategic partnership with the US. The process was started in November 2001. The main aim of the strategic partnership was to expand cooperation in three specific areas: civilian nuclear activities, civilian space programme and high technology trade. In identical statements issued by Prime Minister Vajpayee and President Bush on January 12/13, 2004, it was clearly stated that as far as cooperation in civilian nuclear activities was concerned "It will include expanded engagement on nuclear

regulatory and safety issues". This was the last statement which was issued by the NDA Government on this subject before we handed over power to the UPA Government on May 22, 2004. Nuclear regulatory and safety issues could, by no stretch of imagination, be taken to mean a 123 agreement like the one concluded by the present government.

As far as signing the CTBT is concerned, the facts are as follows: Shri Vajpayee addressed the General Assembly of the UN on September 24, 1998 where he said that India could not have signed the CTBT in 1996 as this would have eroded our capability and compromised our national security. After the 1998 tests, however, we were willing to move towards a legal formalisation of the obligations contained in the CTBT. He, however, put a clear condition when he said "we expect that other countries, as indicated in article XIV of the CTBT, will adhere to this treaty without condition". What he meant was that if the five nuclear weapon states namely, the US, Russia, UK, France and China and other states like Pakistan were willing to adhere to this treaty without condition, India will do so too. The US Congress later rejected the proposal to ratify the CTBT even after President Clinton had signed it and so the CTBT never became operational and India also therefore, did not sign it.

The Left parties had opposed the nuclear tests carried out by Prime Minister Vajpayee in May 1998. They did not want India to have nuclear weapons. But they never criticised China for its nuclear tests or for its big nuclear arsenal. The present Prime Minister Dr Manmohan Singh had also criticised the tests as Leader of Opposition in Rajya Sabha on May 28, 1998. Their commitment to India's nuclear weapons programme is questionable. In our neighbourhood, both China and

Pakistan are equipped with nuclear weapons. We need nuclear weapons, therefore, for national security. Our nuclear doctrine which was finalised during the NDA regime is therefore, a doctrine of national defence. We have said clearly in our nuclear doctrine that we shall follow the principle of 'no first use'. In other words, India will never use nuclear weapons first against an enemy. We have also said that we shall not use our nuclear weapons against a non-nuclear weapons state. But, if any country attacks us with nuclear weapons, then in retaliation we shall also attack that country with nuclear weapons and inflict unacceptable damage on it. In order to achieve this objective, we formulated the theory of "credible minimum deterrent". In other words, the credibility of our nuclear doctrine depends on the credibility of our deterrent. This Agreement seeks to destroy that credibility by imposing all kinds of restrictions on our nuclear programme.

In short, Sonia Gandhi and Manmohan Singh are handing over the control of the bomb Atalji made for our security to the Americans through this Agreement.

Pakistan and China will have no such restrictions.



# Manmohan mortgaged our Nuclear achievements

Sushma Swaraj

*The Indo-US Agreement signed by the Prime Minister Dr. Manmohan Singh with US President George Bush on July 18 was blasted threadbare in both houses of Parliament. In the Lok Sabha, the attack was launched by none other than the former Prime Minister, Shri Atal Bihari Vajpayee.*

*In the Rajya Sabha, it was the Deputy Leader of BJP Parliamentary Party, Smt. Sushma Swaraj, who roared to the thumping of desks by the Opposition and dismay of the ruling benches. The points she raised and arguments she advanced about the security of the country, the mortgaging of what our great scientists had so far achieved in development of Nuclear technology at great perseverance and cost, ignoring interests of the nation and bypassing the authority of Parliament were so strong that the ruling benches were looking askance to rebut.*

*(Important points of her speech made in the Monsoon session of Rajya Sabha in 2005)*

When the Hon'ble Prime Minister was reading his statement, Congress MPs were welcoming each word of the statement with thumping of desks, but for the first time the alliance partners were not joining them. If what has been claimed in the statement was based on facts and reality, in spite of our sitting on opposition Benches we too would have joined in the rejoicing. Wish it were! But it did not happen.

Hon'ble Prime Minister has given a statement on the agreement he signed with President George Bush on July 18. America too has issued its own version of it. If our understanding and that of America of this pact

had been the same, there was hardly any scope for controversy. The unfortunate part is that the interpretation that you have given does not tally with that given by America. Within 24 hours on July 19, Shri Nicholas Burn, Deputy Secretary of State in his Press conference said: "What was significant about yesterday's agreement is that India committed itself in public, very specifically, to a series of actions to which it had not previously committed itself. Action which will, in effect, in de facto sense, has India agreeing to the same measures that most of the NPT States have agreed to". That is the official understanding of America. In private conversations it is being mentioned that what if NWS status has not been given. We have got all that is given to Nuclear Weapon States. On the other hand, Nicholas Burn is telling that don't go by the words of NPT, India has agreed to all that NPT countries have agreed, meaning thereby that to what we construe as de facto recognition as a Nuclear Weapon State they are describing it as a de facto acceptance of NPT.

In the agreement we have agreed on the following seven points:

- ♦ we will effect separation between civil nuclear and military nuclear programme. In other words, in a phased manner we will separate the strategic and non-strategic nuclear programme continuing in the country.
- ♦ we will file a declaration before the International Atomic Energy Agency (IAEA).
- ♦ we will expose all our civil nuclear facilities for IAEA for monitoring and inspection.
- ♦ we will sign another additional protocol and also implement it in full.
- ♦ we will continue with the unilateral ban on nuclear tests.

- ♦ Although we are not members of the Nuclear Supplies Group and Missile Technology Control Regime, but we will abide by all their rules and regulations without being their members.

- ♦ we will conclude in association with USA a Multinational Fissile Material Cud-off treaty.

**And look what America agreed:**

- ♦ it would take the proposal regarding amendments in the local laws and policies to the American Congress.

- ♦ to enter into trade with India and to ensure that friendly countries come forward to cooperation with India in Civil Nuclear Programme, USA will speak to the friendly countries.

- ♦ that India has expressed keen interest in ITER and they will present our wish to them.

- ♦ India wishes to be a member of the Generation For International Forum. They will consider this wish of ours and they will consult their allies in this behalf.

We presented seven points before them. They agreed to four. The seven things are all our commitments – what we will do. On the four things I enumerated above they said they will approach the Parliament and if Parliament does not agree we will do nothing. They will speak to their allies and if the latter do not agree, they will do nothing. They will present our wish before their friendly countries and if they reject it, they will be helpless. They will advocate our case for associate membership of ITER, but if their partners do not agree, they will do nothing. Against hard cash we have come back with a promissory note, which again has not been signed. We are told to refer to the reciprocity clause about which Burn said "The Agreement will not be put into effect tomorrow

morning. It is going to take a series of implementation commitments - it will have to be implemented by the Indian Government and then we will have to seek these changes from the Congress". Now you call it reciprocity. On July 29, Prime Minister himself says: "We shall undertake the same responsibilities and obligations as such countries, including the United States, can commit. Simply, we expect the same rights and benefits."

If undertaking means expectation and reciprocity, I congratulate the Prime Minister. Yet, I do understand that undertaking instead of expectation, commitment instead of promises and possibility instead of agreement do not come in the ambit of reciprocity. During our time also a number of agreements were executed, with America also. A Clinton-Vajpayee Vision statement was issued in 2000. One NSSP (Next Step To Strategic Partnership) was issued in January 2004. Note the words we chose regarding multilateral FMCT: "We will work together" and in the agreement signed by Shri Manmohan Singh with Bush the words: "We will work with the United States". During our time we wrote: "We will work together for early announcement of initiatives on a treaty to end the production of fissile materials for nuclear weapons" and what Dr Manmohan Singh agreed with Bush is: "We will work with the U.S. for the conclusion of a multilateral FMCT". Does "work with US" and "Working together" mean one and the same thing?

Perhaps Manmohan Singhji thought today US can be a substitute for UN. Conference on Disarmament at Geneva is an international issue, a matter of international concern. You made an international matter a bilateral one. What was a concern of the UN you made it a concern of US.

This agreement is totally against the interests of the nation. It is not me but what a former Director of Bhabha Atomic Research Centre, Shri A. N. Prasad, said: "I shudder to think how we could have conceded such a thing... It is totally against the national interest... India would now face the prospect of its capital FDI programme being undermined and the cost of its nuclear programme dramatically escalated". He had been connected with this programme. Who can speak better and more authoritatively than a nuclear scientist on a nuclear agreement? The intricacies we cannot understand, Dr. Prasad does.

On our two sides we have China and Pakistan with whom we have fought wars. Times are changing. We are taking initiatives for peace. We want to improve relations with our neighbours. We took the initiative. Atal Bihariji went to China, went to Pakistan and in spite of having been unsuccessful many times, he continued with his efforts. Our past warns us to be vigilant in future. It is the demand of that warning; of that vigilance that we should never allow our security shield to be weakened and to strengthen that Atalji had taken the initiative in 1998. In 1974 Mrs. Indira Gandhi did go in for Pokhran-I. But that programme did not move further. But today I can say raising my head high with the pride that when NDA government took over Shri Atal Bihari Vajpayee just in a few weeks cleared that file and granted permission for Pokhran test.

Vajpayeeji did not grant permission for Pokhran explosion because he had no faith in peace; because he was in favour of violence; because he wanted to push the country into another war, but because he believed that to usher in a reign of peace it was necessary to gather strength. From National poet Dinkar's epic "Kurukshetra" I quote:

*"Kshama shobhti us bhujang ko jiske pass garal ho  
Usko kya jo dant-heen, vishrahit vineet saral ho"*

If you are possessed of strength people speak to you from the platform of equality; if you lack strength, they treat you as weak. After conducting the Pokhran test he had declared: We will not be the first to use nuclear weapons. We will not use these against countries not possessing nuclear weapons.

When the news came that USA had granted India the status of a Nuclear Weapon State, we were, indeed, very happy. But the next day USA clarified that they had not recognised India as a Nuclear Weapon State, but "a responsible State with advanced nuclear technology. I couldn't understand what it meant. Shri Jaswant Singhji explained that you would get the right to sit in the verandah outside the room where a meeting of the Nuclear Weapon States was being held but no right to peep into the room.

Minimum credible nuclear deterrent is a relative term. If you have a lathi in your hand, the lathi in my hand is a deterrent. If you have a pistol, then the rifle in my hand is a deterrent, adequate deterrent. But if you have an AK-47, then my 303 rifles is not a deterrent. You say you have Minimum Credible Nuclear Deterrent and, therefore, you have no hesitation to make any commitment. What is the commitment you have made? Will it be that easy to separate your civil and military nuclear programmes? Nobody knows more than Dr. Prasad who said, "Today, the Indian deterrent is maintained by incremental efforts for existing civil nuclear facilities around the country and not just the two research reactors at BARC, Dhruva and Cirus. We produce what we need for the military programme at any given time and leave the rest for the

civilian use. Having dedicated facilities will terribly raise the cost of the weapons' programme". Our civilian and military programme so much inter-linked that it will not be wrong if I say it is like the umbilical cord between the mother and child. You have said that these commitments will be reviewed when President Bush visits India. He will come in 2006, but not in December 2006. You have only four months. Under this pressure, will you be able to separate the civil and military programme? Nicholas Burn has already repeatedly stated that first you Honb'leour your commitment; we will go to Parliament after that. It will ask them to tell how many commitments Government of India has Honb'leoured. It is only after that it will accept the proposal for consideration. Whether it will concur, that remains a question mark. Nicholas Burn is himself coming in September when he will seek progress report from you. Your commitment to implement separation will ground the military programme, even destroy it.

Your second commitment is that you will expose all your civil nuclear facilities for monitoring and inspection to IAEA. Out of 15 reactors 5 are already under IAEA safeguard. In the rest of the 10 reactors America has contributed not even a penny, no American technique and it is the exclusive contribution and intellectual property of our scientists. I wish to ask: How did you mortgage that property? Why have you thrown down the drain what our scientists achieved? How did you accept this condition? Further, you agreed to sign the additional protocol. What is this additional protocol? You have not elucidated it. You have said you will Honb'leour it, sign it, adhere too, and implement it also. What will be the provisions of that additional protocol? If that additional protocol is going to be the model protocol, then I would like to warn the

House of the very grave provisions of this model protocol. You know Model Protocol creates a firewall between the civil and military. Forget about the material, according to it, you cannot even transfer human resource. For example, if you wish to transfer a technician, an engineer presently working on civil nuclear facility to a military side, you cannot do it. You cannot transfer him. Will you sign such a Model Protocol? When Bush kept the option that he will consult Parliament, why could you not make such a provision? They maintained the dignity of Parliament. Leave alone Parliament, you did not even consult even your Cabinet, the Cabinet Committee on Political Affairs, your senior colleagues or your allies.

What did you gain by this agreement? You had gone with a claim for a seat in the Security Council, but they said "No" on your face. They said, we would support Japan. Dr. Manmohan Singh, I wish to quote a Punjabi saying:

*"Duniya mandi zoran noon, lakh laanat hai kamzoran noon"*

World bows before the powerful, not before the weak. Nobody even listens to the weak.

Despite massive holocaust in Iraq and Afghanistan, America continues to be a champion of human rights. After heavily arming Pakistan, USA continues to be a great supporter of disarmament. Extending its hand of support to Pakistan, it speaks of democracy and of fighting terrorism. After creating Bhasmasur like Taliban, it boasts of fighting terrorism. Nobody can dare to tell America. "Samrath ko nahin dosh Gosain". It is capable; it is powerful; but you are also not less powerful. I don't know how powerful you are in the party. But when you go as a Prime Minister, you are a

Prime Minister of a country of 100 crores. Why did you get weak? You have contracted such an agreement that when the history is written the generations of our Indians will get confused in the rigmarole of 'ifs' and 'buts'. First you will get confused when America comes. When its representatives sit with you, you will say, "No, I didn't mean this, I meant that. You understood us wrong. We wanted to tell you this". The coming generations will find it difficult to come out of the commitments made by you. As I said, it will be mentioned as big blunders, great blunders. Sardar Manmohan Singhji, I will tell that if you wish to maintain your name in the world, maintain the power and capability that we maintained. Don't destroy that capability, otherwise the future generations will not only curse and make you but also us the target of their sarcastic flings.



## **Assert that India will not bend**

**Yashwant Sinha**

**(Speech in Rajya Sabha on August 17, 2006)**

Sir, I am grateful to you for fixing a date, though belatedly, for a discussion on this very important issue of national concern. I am also grateful to you, Sir, for having permitted me to initiate this discussion.

Sir, as is well known, our nuclear programme, like our foreign policy, has always been based on a national consensus and, even today, the issue that we are debating in this House is an issue of national importance. I propose to approach this task not in a partisan manner, but in as objective a manner, as fair a manner as possible, and clearly I expect that those who will respond from the Government side will also keep this in mind and respond to our concerns taking this as an issue today of supreme national importance. Sir, India's nuclear programme, as we are all aware, has been fashioned by our leaders ever since this country became independent. It was Pandit Jawaharlal Nehru, the first Prime Minister, and Homi Bhabha, the eminent nuclear scientist, who prepared the three-stage nuclear programme for India. The first was pressurised heavy water reactor; the second part of it was the fast breeder reactor programme; and the third phase is the phase of the thorium programme. And, in all these, our scientists have played a stellar role.

The entire technology of the pressurised heavy water reactor, the entire technology of the fast-breeder programme and the entire technology, which is in the process of development in this country, regarding the

thorium programme, are based on the research carried out by our scientists. There has been no foreign participation; we have not borrowed technology from anyone. The programme of India is an entirely indigenous programme, and it is a matter of great pride and satisfaction for all of us that it is the scientific capability of Indian scientists which has provided this glory, this satisfaction, to India.

Now, therefore, to talk in the context of this deal of India's nuclear isolation, of the fact that we have been denied technology from abroad, of the fact that we have been handicapped because of the denial regime, I think, is not acceptable to us. We have never been dependent on foreign technology, and let us resolve that we will give the fullest opportunity to our scientists so that this country does not come to depend on foreign technology as far as the nuclear programme is concerned. We are also aware that we have never accepted discrimination.

We did not sign the NPT because we were against the discrimination which was built into that Treaty; we raised our voice against that discrimination; we have raised our voice all along in international fora. We are also aware that the 1974 tests, which were conducted, when Shrimati Indira Gandhi was the Prime Minister, has led to the creation and the setting up of an entire international nuclear architecture most of which is based on controlling India, keeping India under check. The impetus for that architecture was provided as a result of the 1974 tests, when we defied the world and went for tests. Similarly, when we went for nuclear tests in 1998, we faced a barrage of opposition; we faced the U.S. sanctions in the economic field; we faced sanctions from the various countries of the world.

It appeared for a moment as if India was under siege. But resolutely, determinedly and with courage, we faced those challenges, and I am glad to say that we overcame those challenges without submitting before any foreign power or anyone else. Then, our Honb'le Prime Minister went to the U.S. thirteen months ago in July of last year, and he came back with a nuclear deal. I would like to state, on behalf of my party, that we oppose the Accord of 18th July, 2005 and I have no hesitation in telling this House today that we had opposed this deal from the beginning. We have never been in any doubt about the deleterious impact of this deal and, therefore, we opposed this deal. So, let it not be said that we have changed from our position then, or, ever. Sir, we opposed the deal because we believed that it was meant to cap India's nuclear weapons programme, our strategic programme.

Sir, what was the significance of the May 1998 tests, apart from the fact that we declared to the world that we were now a nuclear weapon state, that we came out of the closet? Sir, to my mind, the most important significance of the 1998 tests was that we demonstrated to the rest of the world that India believed in the concept of a strategic autonomy. And, as far as our national security was concerned, we were determined to maintain this at all costs. We have kept that space for ourselves. There is no way in which that space, Sir, can be taken or can be surrendered to anyone else. We also defined our nuclear doctrine in very clear, unambiguous terms.

The world today, Sir, is not in doubt about the nuclear doctrine of India, and I am happy to say, I am very satisfied that this Government also has accepted the nuclear doctrine that we enunciated and left behind. What are the three pillars, Sir, of our nuclear doctrine?

The first is, 'no-first-use'. It is only like a country like India that can come out with a concept like 'no-first-use'. Then, the second was, we will not use our nuclear weapons against non-nuclear weapon States. This was also a contribution that India has made to the global lexicon of the nuclear debate that we shall not use our nuclear weapons against non-nuclear weapon States. And the third part, Sir, of our doctrine was that in case someone did attack us, dare to attack us with nuclear weapons, then, in retaliation, we will use our nuclear weapons, and inflict unacceptable damage on that enemy. And, this is how the concept of the credible minimum deterrent, Sir, was born. Why have we been talking about the credible minimum deterrent?

We have been talking about this because the credibility of our deterrent must be maintained at all costs, at all times. This is something that India cannot surrender to anyone, and this is a judgement which India will make, from time to time, and nobody else will make it on behalf of India. Why did we oppose the July 18 Agreement, Sir? Because we felt that it was going to perpetuate that discrimination against which this country, cutting across political party lines, through all the Governments had opposed internationally all along. Why did we oppose it, Sir? Because the cost of separation — we were told — between civilian and military will be enormous. And, I am sorry to say, Sir, that though the Separation Plan was shared by the Prime Minister with this House in March and May, the cost of that separation is something which has not been mentioned ever in this House.

The Parliament of India has not been taken into confidence with regard to the cost of this separation. We also opposed it, Sir, because from the very next day, not one week, not one month, not two months later,

from the very next day, i.e., 19th of July, 2005, diametrically differing interpretations of the Deal started appearing from the US side.

You will recall, Sir, that on the debate which took place in this House, last year, on the 4th August, 2005, our Deputy Leader, Shrimati Sushma Swaraj had participated in that debate. At that time, she quoted the US Deputy Secretary of State, Nicholas Burns who had said within 24 hours of the Deal, and I quote, "What was significant about yesterday's Agreement is that India committed itself in public very specifically to a series of actions to which it had not previously committed itself."

Actions which will, in effect, in a de facto sense, has India agreeing to the same measures that most of the NPT States have agreed to." She quoted this and she ended her speech by reminding the Prime Minister that the deal that he had entered into would lead to complex interpretations, will lead to different interpretations; and, today, Sir, as we discuss this deal thirteen months down the line, we are aware of all the complexities which have entered this deal.

Sir, I would also like to take the House into confidence, through you, and make, with great humility but with all the force at my command, that this basic reason for this deal that our Government would like us to believe, namely, that it would provide India with nuclear energy and energy security, is fundamentally flawed. It is fundamentally flawed. How can India have energy security on the strength of imported reactor and imported fuel? Would we not be critically dependent on import for that energy security? Has any country based its security concerns or its security considerations on imports from third countries, which are uncertain?

Sir, analysts have compared the cost of producing electricity from various sources. Coal-based thermal power plants costs Rs.4.5 crores per MW; combined cycle gas turbine running on gas or naphtha cost Rs. 3 crores per MW; indigenously built nuclear reactor costs about Rs.7-8 crores per MW; and imported nuclear reactor costs Rs.10 crores per MW. This is the most expensive form of energy for which we are bargaining.

So, at this rate, Sir, 20,000 MWs of additional power by 2020 would need an investment of 2 lakh crores of rupees by this country. Two lakh crores in the next fourteen years! And we are worried about the rising costs of petroleum crude and gas! What about uranium which we propose to import? Uranium prices, Sir, have gone up by 70 per cent in the last one year from US\$ 21 to US\$ 36 per pound. I would like to quote Dr. A. Gopalakrishnan, who in a recent article talked about the energy mix which every country goes for; and, he has said that at any given time, the best qualitative combination of electricity from various sources is something which we should decide about. Indigenous coal, imported coal, hydro-power generation, from national water systems, hydro-power from neighbouring countries, indigenous nuclear programme, based on three-stage programme – wind, solar and biomass resources. Then he goes on to say, “Even with a renowned economist as Prime Minister as Chairman, his trusted follower as Deputy Chairman, and energy economist as Member-Energy, the Planning Commission has failed totally in initiating such studies or basing their policy pronouncements on the basis of such wisdom.

The report of the Expert Committee on Integrated Energy Policy, put out by the Planning Commission in December, 2005, is full of generalities and platitudes

for the future and does not address the energy mix or the role of indigenous versus imported energy technologies. So, on what basis is the Prime Minister expounding on the need for 30,000 or 40,000 MWs of nuclear power as an essential element for ensuring energy? Why not a figure like 15,000 MWs or 70,000 MWs? Instead, the Prime Minister’s over-enthusiasm for nuclear reactors of the imported kind can only be explained as a deliberated attempt to spread out a welcome mat for foreign nuclear firms to sell their wares in India and to make the questionable case for promoting the nuclear deal.”

These are not my words, Sir, these are the words of an eminent scientist that this country has produced. Sir, when this country was developing, it had not developed as much as it has developed today, when we were leading what the eminent thinker Deen Dayal Upadhyayji described as a ship to mouth existence, that the ships loaded with the wheat of PL-480 used to come to our ports and then used to go straight to the mouths of the hungry millions. When we led a ship to mouth existence, India did not bend, no Government at that time bend, no Government accepted anything which was inconsistent with the dignity and the sovereignty of this country. Sir, I will refer only in brief, in passing that the PMO, Sir, came out with a background and I suppose any document which comes out of the Prime Minister’s Office is owned or will be owned by the Prime Minister. In that document, Sir, on the 29th July last year, at place after place, it has been said in response to imaginary questions that India is going to be recognised as a nuclear weapon State, India will be recognised as a nuclear weapon State.

If many of us, Sir, in this country believed in the assertions of the Prime Minister’s Office, in that

backgrounder, are we to be blamed for misunderstanding the nature of the deal? But I would also hasten to add that at the same time the American officials including their Secretaries before the media, in their speeches before thinktank and in the evidence and testimony before the Congressional Committee repeatedly said that 'our understanding was flawed; they had a completely different understanding of the nuclear deal and its basic objectives, and the divergence between the Indian position and the US position kept on widening day after day.' Sir, we are reading in the media and elsewhere that we will not accept departures from the July 18, 2005 agreement or the statement that the Prime Minister agreed to in Washington.

Sir, my case is, forget about departures in the future, the departures have already taken place from 18th July today as we debate it on the 17th August. The departures have taken place. And what are the departures, Sir? We have already accepted a watertight separation plan, which does not apply to nuclear weapons States. We are all aware of the fact that the nuclear States have the flexibility to transfer their facilities from civilian to military whenever national security considerations so demand. Therefore, the question of our being able to do so has been quashed for all times to come. We have accepted safeguards agreement in perpetuity. The safeguards agreement that we are negotiating or we shall negotiate and finalise with the International Atomic Energy Agency is going to bind India in perpetuity. No nuclear State has ever accepted any obligation in perpetuity. The IAEA inspection, Sir, will also naturally be in perpetuity and the reciprocity today, the biggest pillar on which July 18 agreement stood – reciprocity, non-discrimination

– that stands on its head today. There is no reciprocity and I will demonstrate and others will demonstrate how.

Sir, we have been told that if we are entering into obligations in perpetuity, then their obligation is also in perpetuity to supply us fuel. There is a point, which has been repeatedly made. I would like to refer here to the letter which the Honb'le. the Leader of the Opposition had written to the Prime Minister in which he had said that during the hearing of the Senate Foreign Relation Committee on April 5, 2006 – this is a very, very important date – Senator Feingold put precisely this question to the Secretary of State, Condoleezza Rice.

I quote, "You said that the safeguards will be permanent but India emphasised that these permanent safeguards would be dedicated on an uninterrupted supply of fuel for civilian reactors. Now, does that not tie our hands down the road?" This was the question of Senator Feingold and what did Secretary Condoleezza Rice reply. She said and I quote, "We have been very clear with the Indians, that the permanence of the safeguards is permanence of the safeguards." This is testimony of Secretary Rice before their Senate Foreign Relations Committee. It is not a piece of paper floating in the winds of Washington.

We have been very clear with the Indians that the permanence of the safeguards is permanence of the safeguards without condition. In fact, we reserve the right. Should India test and if it had agreed not to or should India in any way violate the IAEA safeguards agreement which it would be adhering that the deal from our point of view would be at that point be off. This is what she had told the Senate Foreign Relations Committee. Sir, we were told that as a result of the 18th

July deal we would get supply for Tarapur.

In a separate communication, which was sent to the Prime Minister, because in the last session I had given a notice of breach of privilege, that communication, Sir, was sent to the Prime Minister. A reply was sent to the Rajya Sabha Secretariat and I was favoured with a copy of that reply. I had said clearly that the Americans opposed the supply of low enriched Uranium which came to us from Russia for Tarapur. They opposed, — much less supporting the supply — they actually opposed the supply. Where is the 18th July 2005 Agreement? Sir, finally, we have given a separation plan to the Americans and we believe it has been accepted by them. We have made much of the fact, Sir, that our fast breeder programme is not going to be placed under safeguards. But, you read that document. The document which the Prime Minister shared with this House and you will find that immediately after we have said that sentence that we were not going to put our Kalpakkam reactor, a fast breeder reactor before safeguards, we have gone on to say that in future all civilian fast breeder reactor will be put under safeguard. Isn't this a contradiction? The fast breeder programme is Indian technology. Why are we putting it to intrusive IAEA inspection through a safeguard agreement and through an additional protocol? This is an explanation which the Government will have to provide to this House.

Sir, the first Waiver Bill which was submitted by the US President to the US Congress in March this year was a three and a half page document. That has swollen to and expanded to a 23 and a half page document, both before the Senate and the House. Why, Sir? It is because a number of conditionalities had been added by both the Committees, both the Houses before they

agreed to look at or pass this. What is the reality check, Sir, at this stage? The reality check is, the House of Representatives of the US Congress has passed the Bill. We have the text of the Bill passed by the Senate Foreign Relations Committee. The Senate, we understand, may consider it in September and pass it. Then, the two Houses will go into conference to reconcile differences, if any, and then, Sir, the US Congress will finally adopt the Bill. Now, we know the House Bill. We know the Senate Bill. The House Bill has been further strengthened in the course of passage because one amendment by one of the Members has been accepted which makes the conditionalities more onerous. The Senate Bill, Sir, from all experience that we have is going to go through the same process and the final product is going to be far more onerous for us than we imagine even at this time.

If we want to delude ourselves, if the Government wants to delude itself, if the House wants to delude itself, if the whole nation wants to delude itself, then, therefore, the end product of the US Legislative process is something that we should wait for. Then, I will say, Sir, that that will be not only a futile wait, it will be a dangerous wait because our House, Sir, our Parliament will only meet in November again, towards the third week of November. By then, the deal might be done and we will be left with nothing but *fait accompli*. So, Sir, whatever caution, whatever precaution has to be taken has to be taken now, unless we decide to bury our head in the sand in the face of the approaching, gathering storm.

Sir, today, everyone seems to be protesting. Our scientists have come out; most eminent nuclear scientists of this country have come up with a statement two days ago. Defence analysts are protesting, pointing

out the pitfalls. Other knowledgeable people are protesting. Why, Sir? Why are they protesting? It is because we feel that assurances given by the Prime Minister to this House, to the other House, to the people of this country had been completely broken by the Americans. Today, if the Prime Minister of India is at the North Pole, the Americans are in the South Pole.

This is the difference in the position. I will quickly recount, because I would like to leave enough time for my friend, Mr. Arun Shourie. The Indo-US nuclear deal is about non-proliferation. It is not about nuclear energy. The separation of our facilities between civilian and military has been done at the behest of the US. And, the Congress of the US is going to sit in judgement over that separation plan as and when it is submitted to them. May I ask, what was the need for announcing the closure by 2010 of the Cyrus Experimental Reactor? What was the need to shift the fuel core of Apsara from its present location? Why have you done it, if there is no pressure?

Sir, the US, I have already said, actually, opposed the supply of fuel by Russia to Tarapore. The sequencing of various steps, I have said already, stand on its side. India is not going to be recognised as a Nuclear-Weapon State. The deal is going to bind us in perpetuity. There is no exit clause. We are required to identify and declare a date by which we will be willing to stop production of fissile material for nuclear weapons, even unilateral, forget about the FMCT. And, one of the determinations, which the US President required to make, in writing, before the US Congress is this. What does it say? It says, 'The Report shall also include – (1) An estimate of the previous year of the amount of uranium mined in India; (2) The amount of such uranium that has likely been used or allocated

for the production of nuclear explosive devices; (3) The rate of production of (i) fissile material for nuclear explosive devices; and (ii) nuclear explosive devices; and, (4) An analysis as to whether imported uranium has affected such rate of production of nuclear devices.' This is the kind of intrusive, detailed requirement of the US Congress. Not once, but, every year, before the 31st of July, or, by the 31st of July. It is annually. It puts a ban in perpetuity on nuclear testing, which goes even beyond the CTBT. And, I am sure, my other colleagues will explain how it goes beyond the CTBT. The deal is entirely one-sided. As I have already mentioned, even the supply of fuel in perpetuity is not assured. It does not assure full civilian nuclear cooperation.

Sir, what are the symbols of our sovereignty which are housed here in this Parliament? To my mind, the most important symbols of our sovereignty are: (1) Our Foreign Policy, the autonomy of our Foreign Policy; and (2) The autonomy of our nuclear programme. And, today, these two symbols of our sovereignty are under threat.

I would like to appeal humbly to the House, through you, that knowing a stage that has been reached, shall we swallow this; shall we submit ourselves to this? The Parliament of India does not enjoy the powers of the US Congress, we are all aware of this. But still the Parliament of India is the seat of our sovereignty. Does the Parliament of India not have the need even to be briefed properly? Who has briefed the Parliament of India? Has any Parliamentary Committee been briefed about this deal? Sir, whatever information we have got, has been information coming to us from the US. Very surprising!

Our Government has been very, very miserly in

sharing information with this House or with the people of our country. It cannot be anybody's case that those who happen to sit in the Government today have all the wisdom and that this Parliament has none of it. And, I would like to quote here what Henry Hyde, who is the Chairman of the House Committee, had to say when he put up this Bill before the Committee. He said, "Over the course of the past several months, the Committee had held five hearings. Benefited from the counsel of a scores of experts, across the country, had numerous briefings by administration of issues and conducted extensive research, notably with the assistance of the Congressional Research Service." We go to our library; we go to our reference service; and we get extracts from newspapers. That is what a Member of Parliament of India gets. No assistance; no briefing, nothing. This is how the Parliament of India has been treated so far. We have had a couple of discussions. But the point is: is that enough? Mr. Henry Hyde goes on to say, "This new Bill is based upon the Administration's original proposal, but has been amended with several significant changes, the most prominent of which concerns the role of the Congress. HR5682, which refers to the Bill, changes the process by which the Congress will consider and pass judgement, consider and pass judgement, on a negotiated agreement regarding civil nuclear cooperation with India. To further strengthen the role of the Congress, a number of reporting requirements and other consultative measures have been added. A sense of Congress - 'sense of Parliament' is a dirty expression, let us not use it — but a sense of the Congress section has been added that lays out conditions regarding when Civil Nuclear Cooperation with other countries may be in order. In addition, there

is a statement of policy section that clarifies the US policy in a number of areas, in particular the Nuclear Supplies Group, the interpretation of the Non-Proliferation Treaty, and a series of goals regarding India and South Asia."

Sir, as far as we are concerned — in the Bharatiya Janata Party, in the NDA — we are not against building strategic and friendly ties with the US, let me make it very clear. But such ties must rest on the firm foundation of sovereignty, equality, reciprocity and mutual respect. They cannot be built on the shaky foundations of a patron client relationship. The manner in which we voted in the IAEA — not once, but twice — in the case of Iran confirms this suspicion. Now, the Bill calls upon the US President, and I quote, "To secure India's full and active participation in US efforts to dissuade, isolate and, if necessary, sanction and contain Iran for its efforts to acquire Weapons of Mass Destruction." This is the clarion call of the US Congress to the Indian Government, so that when the US says, "Go to war with Iran", we will go to war with Iran; US says, "Send your forces to Iran", we will send our forces to Iran, because our responsibility is to contain and sanction Iran against Weapons of Mass Destruction. Why are the 'non-proliferation Ayotollahs' in Washington quiet? They have not criticised the two Bills. They have not criticised because the Congress has met all their requirements. All that they wanted this deal to have has been incorporated in the two Bills. It is unprecedented even in the US history that a legislation has been adopted which targets just one country, and that one country is India. India must not accept these crippling conditionalities.

Therefore, what is our bottom line? Our bottom line is: (a) It must involve full Civil Nuclear Cooperation

with India; (b) it must accord India the same rights and benefits as other nuclear weapon States; (c) under it, India will undertake only such obligations as adopted by other nuclear weapon States; (d) at any stage, Indian actions will only be reciprocal; and (e) India will accept international inspections on its civil facilities or any other binding obligation only after, as the Prime Minister had said on July, 2005 – I quote him – ‘all restrictions on India have been lifted’. In addition, we demand that any Civil Nuclear Cooperation Agreement must provide for uninterrupted and unconditional supply of nuclear fuel to India; a permanent waiver of relevant US domestic laws without annual review and certifications; IAEA inspections of our civil nuclear facilities only as long as the deal holds; complete freedom to India’s strategic and foreign policy options; and an explicitly stated right of India to terminate the agreement on national security grounds. Sir, these are the basic benchmarks to which we must adhere. If these are not adhered to, if these are violated, I have no hesitation in saying, on behalf of the party that I represent, in this House, that such a deal cannot bind India in future.

I have already said that some of our nuclear scientists have spoken against the deal. We read in the media that the Prime Minister was going to call them, meet with them. Then, we read that he is not going to call them. He is consulting the in-house scientific talent that he has. We must heed their advice. Their advice should not be taken lightly. We have been demanding in this House that we must have a sense of Indian Parliamentary Resolution. That is something that we have been demanding across party lines, across party lines. We must have such a resolution. And, I will go a step forward today and say that we must have a Joint

Parliamentary Committee of the two Houses of Parliament which shall oversee the implementation of that Resolution. Nothing less than that is going to satisfy the Parliament of India. The time has come for the Parliament of India to assert itself.

We cannot remain mere mute spectators in the light of the developments which have taken place across the seven seas. India cannot bend to the will of the US Congress. And, it is this Parliament which has to assert that India will not bend. Under no circumstances shall India bend to the will of Members of the US Congress. And, that is the message which should go loud and clear from this debate in this House, and let struggle across the seven seas and let the US be warned that the Parliament of India thinks otherwise and let them stop in their tracks and stop putting those humiliating crippling conditionalities on a country like India.

*(Shri Yashwant Sinha is a former Union Minister)*



## **Our worst apprehensions confirmed India to be in bondage as a Non- Nuclear Weapons State in perpetuity**

*(Statement issued on July 14, 2008 at a press  
conference addressed by  
Shri Yashwant Sinha and Shri Arun Shourie on the  
IAEA Agreement)*

Shri L.K. Advani, Leader of the Opposition (Lok Sabha), along with leaders of the constituent parties of the NDA, addressed a press conference on 8 July accusing the UPA Government of making India a laughing stock in the eyes of the world for the deceitful manner in which it approached the International Atomic Energy Agency (IAEA) without first seeking a vote of confidence in the Lok Sabha.

Subsequently, the BJP has studied the draft Safeguards Agreement between India and the IAEA, which has been circulated to the Agency's board members. Before we present our substantive comments on the draft, the BJP takes strong exception to the fact that a document that has serious long-term implications for India, and which has been made available to the governments and peoples of other countries - indeed, to the entire world through the Internet - was kept hidden from the political parties and people in India.

The draft Safeguards Agreement has made a mockery of the assurances that Prime Minister Dr. Manmohan Singh had repeatedly given to the nation. Speaking in the Lok Sabha on July 29, 2005, had

said: "We shall undertake the same responsibilities and obligations as ... the US"; "we expect the same rights and benefits" as the US; and "India will never accept discrimination". This assurance has been flouted in the Agreement, which does not recognize India as a Nuclear Weapons State (NWS) on par with the United States, Russia, Britain, France and China.

The PM had assured that the Agreement would be "India-specific" - that is less onerous and intrusive than the Agreements with the Non-NWS. He had assured Parliament on August 17, 2006, that, "As a country with nuclear weapons, there is no question of India agreeing to a safeguards agreement or an Additional Protocol applicable to non-nuclear-weapons states of the NPT".

Far from it being an India-specific agreement, the accord resembles IAEA agreements with non-nuclear-weapons states. With the exclusion of the first two pages that contain the preamble, and a couple of other exceptions, the text is largely modelled on IAEA safeguards agreements with non-nuclear-weapons state. As sought by the United States, the text of the India-IAEA accord has been drawn from the strengthened INFCIRC-66/Rev.2 (16 September 1968) model for NNWS.

India will have none of the rights that the five established nuclear-weapons states have vis-à-vis the IAEA. Nuclear-weapons states accept only voluntary, revocable inspections. Moreover, these five nuclear powers have the sovereign right to terminate their safeguards agreement with the IAEA.

The India-IAEA safeguards accord comes with perpetual, legally irrevocable obligations, which India cannot suspend or end, even if the supplier-states cut off supply of fuel and replacement parts. The IAEA inspections in India will not be nominal but stringent

and invasive, of the type applicable to non-nuclear-weapons states.

The draft Agreement is exactly the same - word for word, para by para - as what the US Administration had wanted. India has not only accepted stringent "routine" inspections with "access at all times", but also "Special Inspections". Paragraph 63 of the India-IAEA accord states the "Agency may carry out special inspections if: (a) the study of a report indicates that such inspection is desirable; or (b) any unforeseen circumstance requires immediate action. The Board shall subsequently be informed of the reasons for and the results of each such inspection".

In other words, the Agency will have the right to carry out "special inspections" if it believed any activity at a safeguarded Indian facility or any report raised questions. In the North Korean case, the board had approved the special inspections which the Pyongyang refused to allow. But India, in its accord with the IAEA, has consented to be subject to special inspections without the Board's prior consent.

Under Clauses 34 and 39-42, India has agreed to supply design information as soon as India makes a decision to build or modify a facility. Thus, not just INFCIRC-66; but all the three instruments available to IAEA under INFCIRC-153 will be applicable to India. By Clauses 117 and 127, not just the 14 reactors, but in addition, 21 other institutions and sites, including in particular 'R&D facilities' will be placed under safeguards. This means : While the five established nuclear powers have offered only 11 facilities in total - less than 1% of their total facilities - for IAEA safeguards, India has agreed to place 35 of its facilities under IAEA inspection, according to the civil-military separation plan presented to Parliament by the Prime

Minister in 2006.

These facilities include 14 power reactors; three heavy-water plants at Thal-Vaishet, Hazira and Tuticorin; six installations at the Nuclear Fuel Complex in Hyderabad; the PREFRE reprocessing plant at Tarapur; and nine research facilities, such as the Tata Institute of Fundamental Research, Board of Radiation and Isotope Technology and Saha Institute of Nuclear Physics. In addition, the Prime Minister has agreed to shut down by 2010 the Cirus research reactor, which is one of the two research reactors in India producing weapons-grade plutonium.

Several of these are generic facilities: nuclear medicine, irradiation of foodgrains, nuclear energy, and also nuclear weapons. This is exactly what we had said in Parliament.

India's facilities will be under safeguards in perpetuity, exactly as per Section 104(b) (2) of Hyde Act. This was repeated several times over by Condoleezza Rice and others, and in Joint Conference Report.

A source of grave concern for India is the fact that the so-called "Corrective Measures" in the draft Agreement, in the event of disruption of fuel supplies, are dangerously vague and non-specific. As mandated by the Hyde Act, the India-IAEA safeguards accord is firmly anchored in the GOV/1621 (1973) document. For example, the safeguards accord's Clause 29 reads: "The termination of safeguards on items subject to this Agreement shall be implemented taking into account the provisions of GOV/1621 (20 August 1973)". Although the text of the GOV/1621 document is not public, its central stipulation is well-known - that facility-specific safeguards shall be "in perpetuity", allowing for no suspension of international safeguards

and shutting out room for corrective measures. Such are the known conditions of GOV/1621 that the rights and obligations of the parties continue perpetually on all nuclear materials until the materials have been returned or all the fissionable material supplied, produced or processed goes out of the inventory.

Under Clause 32 of the India-IAEA accord, New Delhi can withdraw a facility from safeguards with the prior consent of the IAEA but only after "the facility is no longer usable for any nuclear activity relevant from the point of view of safeguards," which means the installation's nuclear capability has been dismantled or permanently disabled to the Agency's satisfaction.

That is in keeping with the fact that all INFCIRC/66/Rev.2 agreements since 1974 have been tied to the actual use in the recipient-state of supplied material or items, rather than to fixed periods of time. The safeguards, however, extend to all subsequent generations of produced nuclear material derived from original supplies. The INFCIRC/66.Rev.2 standard also precludes a country withdrawing any designated civilian facility from safeguards on national security grounds.

It is also worth noting that the reference to "corrective measures" appears only in the Preamble, and not in operative part of the Agreement.

Another cause of concern is that in case of disagreement or dispute, there is no arbitration. India can only represent its case to the Board (Clauses 104 to 106), whose decision has to be implemented by us. If India does not act on its directive, the Board will report India's non-compliance to the UN General Assembly and Security Council. Past experience has shown that India has rarely received justice when India-related disputes have gone to the UNSC.

Much has been made of there being an "Additional Protocol" as if some great concession to India, some special treatment, has been offered to India. In fact, it only represents another screw turned against our country. And this too is as specified in the Hyde Act.

The "Additional Protocol" will seek to ensure that specialized equipment, trained personnel, and designs and operating manuals are not transferred from the civilian programme to the military programme. The Hyde Act demands that the "Additional Protocol" for India be "based on a Model Additional Protocol as set forth in IAEA information circular (INFCIRC) 540" - that is, the Protocol applicable to non-nuclear-weapons states. In contrast, the Prime Minister had assured Parliament on August 17, 2006, that, "As a country with nuclear weapons, there is no question of India agreeing to a safeguards agreement or an Additional Protocol applicable to non-nuclear-weapons states of the NPT".

The following are not provided at all: (a) Assured, uninterrupted fuel supply; (b) strategic reserves of fuel. In 123 Agreement, the promises for uninterrupted fuel supplies are all prospective. In August 2006, the PM had told Parliament, for instance, that: "An important assurance is the commitment of support for India's right to build up strategic reserves of nuclear fuel over the lifetime of India's reactors". The Draft with IAEA carries no reference to the continuation of India's safeguards obligations being contingent on perpetual fuel supply. The agreement indeed explicitly blocks India from ever undertaking real correction in response to a fuel supply cut-off - the lifting of IAEA safeguards.

In fact, what was provided even in the 123 Agreement has been given the go-by. Article 5© of the 123 Agreement specified, "In the 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 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." [pp. 10-11]

Clause 3 of the IAEA draft Agreement provides: "The purpose of safeguards under this Agreement is to guard against the withdrawal of safeguarded nuclear material from civilian use at any time" Notice that the words are exactly as provided in the 123 Agreement. But the words that follow in the 123 Agreement are conspicuously missing! Similarly, no reference in operative parts to strategic reserves. Quite rightly too: it is no job of IAEA to help us build stocks of fuel - yet Government spokesmen are saying that the Agreement provides for these!

Lastly, the BJP has been demanding from the Government, right since July 2005, to know the cost of separation of military and civilian facilities. The Government has not given a reply to this important question till date.

In his press conference in Washington DC on 20 July 2005, the Prime Minister had said: "...It goes without saying that we can move forward only on the basis of a broad national consensus." Nearly three years later, there is no broad national consensus on the Indo-US nuclear deal. The PM has broken the consensus, which had existed since the time of Smt. Indira Gandhi and continued till Shri Atal Bihari Vajpayee.

This is because of the duplicity and deceitfulness of the UPA government. While the Government has all along said that the deal is exclusively about nuclear

energy, the US Administration and America's bipartisan political class has left no one in doubt that the deal is all about bringing India into the non-proliferation regime.

The BJP charges the leadership of the Congress party and the Government with assisting the US in realizing its most important foreign policy objective vis-à-vis India in a manner that has undermined India's strategic autonomy while promising illusory energy security.

In summary, the BJP states emphatically that all the apprehensions that we had expressed have been borne out. All the crucial assurances that the PM had given have been violated. Nevertheless, the Government has been purveying untruths.



# India coming under US nuclear umbrella

Arun Shourie

*(Speech in Rajya Sabha on August 17, 2006)*

Sir, it is one of the most important issues that this House has had the opportunity to discuss. I am and everybody here is for cooperation with all countries, including the United States. But, as the Hon'ble Prime Minister has emphasized, as everybody has emphasized, and Digvijay was just now saying that we are for cooperation of an independent and strong India with other countries. I will seek your permission to point out that what has, actually, been done by this agreement has closed the options of India and will, ultimately, if it goes through, you will see that India will be consigned to accepting the umbrella of the United States for protection even in this region. You will please permit me to elaborate on how this is being done.

All of us, who have studied strategic matters, have seen that in regard to nuclear weapons, especially in regard to India, the USA has had four objectives. The first one is that one way or the other to get India to abide by the NPT even if you cannot make it sign. And one of the architects of this agreement, an Indian, who is now an advisor on National Security Affairs to the US President and has testified to the Congress, he told the US Congress, Mr. Ashley Telles, that, actually, this time India is accepting conditions which are more harmonious than the The second point, which they have

had, was that India must be made to accept safeguards as a non-nuclear weapon State. Condoleeza Rice was quoted.

I will give you three other remarks of this kind in which they were absolutely candid in this regard. But the third objective of the US, you keep quoting Shri Jaswant Singh and Stuart Talbot, has been that India must abide by the CTBT conditions. Even though the CTBT is not ratified and even though the US Senate has itself thrown out the CTBT, India must be made to sign those more onerously in the sense that the CTBT, as you know, Sir, so well, and I remember Mr. Pranab Mukherjee was raising this point here, and I was there; I answered him by reading the CTBT clause. The CTBT has a supreme national interest exit clause. Now, as I will show you, in this agreement, and what is being read into it, there is no exit clause at all. The fourth thing was that the US had aimed at what the Bill specifically uses these words – to halt, to roll back, and eventually eliminate. These are the three expressions: 'halt', 'roll back', and 'eventually eliminate' the nuclear capability of a country, like India.

Now, these objectives are being achieved by this Bill. I will come to the legislative process of the USA, on which my pretty dear and close friend, Shri Anand Sharma, dwelt so much. The operational consequence of the difference in the legislative process of the US and ours is the opposite. That's why the US House so overwhelmingly voted for the Bill because it overwhelmingly supports their objectives. And, you will see, Sir, Mr. Anand was saying that there is an elaborate legislative process. The other day, when Mr. Yashwant Sinha had put a question to the Prime Minister, the Prime Minister also said, "It is just a step and we shall see what the final outcome will be". The House passes, the Senate passes a Bill; then, there is a

Reconciliation Committee; then, there is an agreement, this one, two, three.... Now, you will see what happens. Actually it is the opposite. If it were the Indian Parliament, the Executive can enter into an international treaty and we can only discuss it. But in the American legislative process, it is the opposite. The Senate is the final authority on international treaties. The big example, as you remember, is: One of the Presidents of the US, Mr. Wilson, was also the architect of the League of Nations, and the Senate threw out that treaty. Now, in the CTBT the United States Executive was far advanced in those discussions and the US Senate threw it out. So, to tell us that actually what is happening now is only a stage, and there will be a final thing which will be different from the things that are coming up, is to give us sleeping pills, because actually speaking what will happen is that the US Administration will also be bound by it, it cannot but do anything than what has been sanctioned by the US Congress, in particular, by the US Senate

Sir, because of the shortage of time, I will only take up two points which the Prime Minister has been emphasising. The first has been the question of parity. You keep citing the agreement of July, 18. The July, 18, Agreement is a statement of intent. Anything can be read into it. There is not a person in this House who could have seen that one of the only two reactors, which we have, which produce weapons Plutonium, that is, the Cyrus, which has recently been renovated, and which the US itself has said to their Congressional Committees that it is not conclusively proved at all that India has violated any treaty in regard to the Cyrus. We have agreed to close down that within four years. That was supplying, I pronounce it openly because scientists have said it, one-third of the weapons-grade Plutonium that India would be using for its nuclear

arsenal.

You show me a person who can read from the July 18 Agreement that we will agree to close this Cyrus Reactor when we do not have another reactor to produce that same kind of thing. So, all sorts of things are being read into it. But what is said on the face of it? It said, "President Bush affirmed that as a responsible State with advanced nuclear technology, India should acquire the same benefits and advantages as other States." And what did Prime Minister pledge India to? He said, "India would reciprocally agree that it would be ready to assume the same responsibility and practices, and acquire the same benefits and advantages as other leading countries with advanced nuclear technology such as the United States."

Now, Sir, as you see, Shri Yashwant Sinhaji was reminding us, immediately after this, within two days, the Prime Minister's Office issued a background. We are from the Press, so, we get the background. In five places that background said that we will acquire the same status and the safeguards as a nuclear weapons state. A principal negotiator on behalf of India, he said that our objective is to be recognised as a nuclear weapon state and the quotation is, "Nothing more, and nothing less". Now, I will come to that. Today also Shri Anand Sharma said that great play was made of the fact that safeguards will be India-specific. I will tell you whether that condition is seen at all in this case.

Secondly, we were told all along that this is an agreement about energy and that under no circumstances, does the Agreement bind India to capping the nuclear weapons programme. I will read out only one sentence from the Prime Minister's reply in the Lok Sabha on the 10th March this year. He was mentioning this. "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 a cap on our nuclear programme. I have taken full care about it. We have made sure that we have taken care of India's present requirements and future requirements as far as possible humanly. We have not accepted a cap on the nuclear programme. There is no question of India accepting a cap on our deterrent potential." This is the understanding of the Prime Minister. Now, we just see what is the understanding of the U.S. on this. Not only understanding verbally, what is it that they have legislated by which the U.S. Executive will be bound.

Now, Sir, section 2(5) of the Bill which has been passed says that the objective is to bring within the ambit of the NPT discipline countries that have not signed up. Just now, Shri Digvijay Singh was also reading out what Dr. Condoleezza Rice told the U.S. House in this. She said, "India is not, and is not going to become a Member of the NPT as a nuclear weapon state. We are simply seeking to address an untenable situation." What is that situation? India has never been a party to the NPT and this Agreement does bring India into the non-proliferation framework and thus strengthen the regime. This is their declared objective.

Then, Sir, you see section 2(6)(c) of the Bill. It says that the Agreement, which both the President and the Prime Minister have signed, induces the country to refrain from actions that would further the development of its nuclear weapons programme. Section 3(b) (5) states that the policy of the U.S. in pursuing this deal is to seek, to halt the increase of nuclear weapons arsenals in South Asia and to promote their reduction and eventual elimination. And we are told this is about energy! Even Dr. Kasturirangan just now said that this FMCT is a multilateral agreement

for which we have to wait. He gave us his sage advice that we have ten years interval. They are saying in their legislation, in section 3(b)(7) that the U.S. aim shall be to encourage India not to increase its production of fissile material at unsafeguarded nuclear facilities pending implementation of a multilateral moratorium.

So, even before that moratorium comes into being, the US has clearly stated its aim. Section 3 (a) (i) specifies: "That the United States through the agreement and other devices will oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon State within or outside the Treaty on the Non-proliferation of nuclear weapons." In fact, the Bills of the Senate and of the House go even further, "we are thinking only on the US." Dr. Kasturirangan was telling us about the time we have on multilateral things, but see what they are saying. Section 3 (a)(iii) of the Bill says:- "The United States Executive will work to strengthen the Nuclear Suppliers Group guidelines concerning consultation by Members of violations by any country of this particular agreement, and by instituting the practice of a timely and coordinated response by NSG Members to all such violations, including the termination of nuclear transfers to an involved recipient that discourages individual NSG Members from continuing cooperation to such recipient in any form whatsoever." So, it is not just that they are going to do it, but they are going to make sure that the entire Nuclear Suppliers Group will act as one to discipline the country, so that their objectives are going to be furthered.

In section 4 (2) (d) (iv), it says, "If nuclear transfers to India are restricted pursuant to this act, the President should seek to prevent the transfer to India of nuclear equipment materials or technology from other participating Governments in the NSG from any other

source." So, they are saying that we are going to discipline you. We have a clear objective. We are going to ensure that, and we are going to make sure that the entire cartel of 45 countries will do this. My friend, Anand, was talking of nuclear apartheid. This is the foundation for the nuclear apartheid that will be created, and now, I will come to you with the conditions which they will say.

As Mr. Yashwant Sinha said, as nothing applies to some people; the other people are passing their laws. This certainly applies to the US President who is signing the agreement with the Indian Prime Minister. Not only that, Dr. Kasturirangan was saying that, yes, we will negotiate an FMC Treaty. But as he knows, the US has already put in a draft in May in the Geneva Conference, and it does not have what you were saying, what others have always been emphasizing, which has been the consistent stand, as Mr. Natwar Singh will bear out of Indian Governments for 20 years that unless there is a universal credible verification mechanism, we will not proceed. Not a word of that clause is in the draft Treaty and they have put in a clause saying that this will come into force the moment the P-5 have signed it. And, not only that, Sir, in the Bill, in section 4 (c) (2) (d), it says: "That the US has taken and will take steps to encourage India, to identify and declare a date by which India would be willing to stop the production of fissile material for nuclear weapons unilaterally." Now, we are not to wait for anybody; they are not waiting for anybody. They are saying, actually, pending that Treaty, you have to declare a date unilaterally.

The US President is certainly bound to work on these guidelines, on these mandatory laws. Sir, the Senate Bill is the ultimate Bill. The Senate has the power to

ratify or reject treaties or agreements which the US President sign, unlike us. That Bill says in Section 103 (1) that it shall be policy of the United States — the US will do what will it do vis-a-vis India -- to achieve as quickly as possible a cessation of the production by India and Pakistan of fissile materials for nuclear weapons and any other nuclear explosive devices. Section 103(9) says that "exports of nuclear fuel to India should not contribute to, or, in any way, encourage, increases in the production by India of fissile material for non-civilian purposes." This is a very important clause because they say that 'you have to do it consistently with the obligations of the US under article 1 of the NPT. Many of us would not know that article 1 of the of the NPT says that that country will not do anything which will directly or indirectly help the other non-nuclear weapon States to acquire nuclear weapons. Therefore, in some of the briefings, it was suggested .

Sir, article 1 of the NPT says, "Neither directly nor indirectly." Now, they export uranium to us. It was suggested and implied to many persons here, — 'no; no; we have a lot of uranium. So, when they give us some uranium, we can use our own uranium to produce nuclear weapons.' This is what is meant to stop, that you cannot directly or indirectly do this in any way. In fact, India and Pakistan must be disclosing, securing, capping and reducing their fissile material stockpiles, and this will be done 'pending creation of a world-wide fissile material cut-off regime.

Now, Sir, these are just very few of the clauses. I can give you many such examples in which this is put out. It is made mandatory for the US President to work for these things. We are told to be 'macabres; no; no; keep waiting, something might turn up. We can't be made a nation of macabres, end products. The end products will be macabre. We are waiting. Something

will turn up.

The second point, Sir, is this. Sir, my friend Anand read about the voluntary moratorium; a moratorium with the tests at that time. Moratorium means a temporarily suspension and it was voluntary. Now, just see, Sir, what Condoleezza Rice says. The Senate clause says, – she told the House Congressional Committee – we have been very clear with the Indians that the permanence of the safeguards is the permanence of the safeguards, without condition.’ As you know, credible minimum deterrent, which was talked of, is a function, not that ‘I will acquire thirty pounds and keep thirty pounds in that credit.’ To be credible, the deterrent has to be pegged to what your potential adversary might have. It is a changing capability and the sophistication is not just a number; it is a sophistication of your weapons. Now, Sir, that was the point. Look here.

I am just giving you an example of China. The China has acquired x, y, and z capability, and, therefore, we must now test or do something else or increase our fissile material production. Condoleezza Rice says, “No; we have been clear; we have been very clear with the Indians that the permanence of the safeguards is the permanence of the safeguards, without condition; China or no China; sophistication of weapons or no sophistication of weapons.’ It is said, “In fact, we reserve the right, should India test, as it has agreed not to do, or should India in any way violate the IAEA safeguard agreement – to which I will just come – to which it would be adhering that the deal from our point of view would be at that point be off.”

This is not Condoleezza Rice!

Now, Section 110 of the Senate Bill clearly says that any waiver under Section 104, which you were talking of, saying that President is going to get that waiver,

shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the enactment of this Act. So, where is the option that is left with us?

Sir, there is no option; options are being closed. A cartel is being set up to make sure that India will not budge an inch, not only vis-a-viz the US, but once the US determines, all the 45 countries will have to ensure it as well. And please, remember, China is one of those. Anybody trying to give a favourable interpretation to anything India does would be subject to China’s veto. Why? That is because the US Bill requires of the President that he must in the NSG proceed by a consensus. That is the word that they have used. So, consensus will mean that everybody there will get a veto. And you know how this world is!

We keep talking of energy security. Everybody is aware of the fact that not only have the prices of Uranium gone up by 300 per cent in two years, but it is also controlled by a much stronger cartel than oil. Governments interfere with it. You may look at Australia. Australia is selling Uranium to China, but it has refused to sell it to India because it is part of an arrangement. So, that arrangement is being perfected through this legislation. And not only is the US President going to be bound by it, but the important point is, you keep hoping that the US Administration will do something, but please read the statements of the US Administration after the Bill was passed by the House. They said it is a tremendous step forward. They did not object to any clause in the Agreement.

Now, Sir, I come to this point that was made much of and has been made much of in the earlier statements also, that these safeguards will be India-specific. Sir, it is a fantasy. The Senate Bill says in Clause 113 that the

agreement that India will have to enter into with the IAEA will be in accordance with the standards, principles, policies and practices of the IAEA as set out in the Information Circular 540. That Circular 540 applied only to non-nuclear weapon States. There is no option. And it is probably not seen that the model agreement – some people might be innocent of these matters and they may access it from the Internet – itself says that such protocols shall contain all the measures of this model protocol. There is no option! Where is the option of India-specific things?

The impression that was given was that we would have some protocol with the IAEA, which will be minus the model protocol. Actually, it will have to be that model protocol plus some further agreements, because we would have bound ourselves in this way and the nuclear weapon states. I would only read one item to you, Sir.

Sir, I shall give you an example. We have already placed two-thirds of our reactors under these safeguards. The Bush Administration has said that as all new reactors are going to be under safeguards, soon, India will be placing 90 per cent of its reactors under safeguards.

Do you know what the position is with the other countries? Sir, there are 217 nuclear reactors in these P-5. Of them, only 11 are under safeguards. In the US, there are 104 nuclear reactors and only five are under safeguards and the protocol applicable to the US says that it shall be a voluntary offer agreement, and in this, those measures will be incorporated which the Nuclear Weapons State has identified as capable of contributing to the non-proliferation and efficiency of the NPT. It is left up to them. The protocol says, "The Agency, that is, IAEA shall require only the minimum amount of

information and data consistent with carrying out its responsibility." Information pertaining to the facilities of only those five out of 104 shall be the minimum necessary. All these things will need not be examined on the plans and designs, which we will have to submit to them in Vienna. They say that these will be examined only on the premises of those facilities; we will not take them out. Clause 33 specifically says, and I will end only with that single example so as not to tax you, that the agreement should provide that safeguards shall not apply thereunder to material in mining or ore processing activities.

You contrast this and I am ending with that. There is one contrast. Section 4(o)(2)(B) of the Senate Bill says that the US President shall get from India (1) an estimate for the previous year of the amount of Uranium mined in India; (2) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; (3) the rate of production of (i) the fissile material for nuclear explosive devices; (ii) nuclear explosive devices; and (iii) an analyses as to whether imported uranium has affected such rate of production, etc. So, this India-specific myth is a complete fantasy. I don't want to use a strong word like 'fabrication'. It is a hope that the US law by which the US President appears to be bound, we are not bound too. The IAEA protocol itself leaves no option about this fanciful negotiation position that we may think of. Sir, there are many other points about energy security, about full cooperation. Shri Sitaram Yechury made a very good point on how the Bill in both the Houses prohibit on heavy water or on enrichment and even on the use of nuclear waste. You know that in Tarapore a huge problem has arisen due to nuclear waste and yet we have not been allowed to process it and the US has not exercised the option of taking it back

Therefore, for all these reasons, Sir, I feel that this particular agreement might have been well intentioned, but we have been involved in a pincer in the energy field.

In the energy field, we are going to be just closed in into dependence on imported reactors and imported fuel and, secondly, on the security field, we are going to become dependent on a nuclear umbrella of the US even to survive within our own region. It is not a good agreement and I would sincerely appeal to the Prime Minister, who, I know, has the interest of the country at heart, to please reconsider this issue, and as your friend and as a person who has known you for 30 years, I will plead with you and with the Government, please do not make this particular agreement a matter of personal prestige at all.



## **Safeguards agreement with IAEA The draft is for non-weapon state**

**Arun Shourie**

Bharatiya Janata Party has said that its worst fears on the Indo-US nuclear deal had come true. The draft of the safeguards agreement with IAEA, copies of which have been circulated among IAEA board of governors, was an exact replica of the model draft prepared by the UN body, it alleged.

Former Union minister Shri Arun Shourie has asked: `What is India-specific in the safeguard? What are the negotiations that the Indian government has

conducted?" He asserted that every clause downward of Section 23 of the safeguard agreement was the same as clauses succeeding Section 20 of the model IAEA draft.

The safeguards, Shri Shourie went on to allege, contained provisions which were applicable only to non-nuclear weapon states. `US secretary of state Condoleezza Rice had said that India would be forced to accept Information Circular 66 of the model draft, by which countries are forced to put up two-thirds of their nuclear plants for inspection by the watchdog. And the inspection, unlike those conducted among nuclear weapon states, are very stringent," pointed out the senior BJP leader.

He found it strange that only five sites out of the total of 400 nuclear plants set up by the nuclear weapon states were subjected to IAEA inspection. `In India's case, 14 of the 22 plants had been offered for inspection," Shri Shourie said. A more worrying aspect, the former Union minister alleged, was that after accepting the safeguards, even research and development (R & D) facilities would have to be put up for inspection. `As many as 35 organisations across the country, including such prestigious R & D institutes as TIFR and the Bangalore-based Indian Institute of Sciences will now be governed by IAEA laws," Shri Shourie regretted.

Shri Shourie said that unlike nuclear weapon states such as China, which have the right to withdraw a nuclear plant from inspection, non-nuclear weapon states don't enjoy such a right. `The purpose of this agreement is to guard against the withdrawal of safeguarded nuclear material from civilian use at any time," he said while reading out from the safeguard agreement. `This flies in the face of Prime Minister Dr. Manmohan Singh's claim, made in the two Houses of

Parliament, that India reserved the right to withdraw from the agreement at any stage," he said.

Referring to another 'damning clause', contained in the section ``Special Procedures for Reactors," all our nuclear plants producing more than 60 kg of nuclear material would be exposed to IAEA access ``at all times."

Shri Shourie said: `The Indian establishment would have to be ready to offer its nuclear plants to IAEA inspection at any given time of the year any number of times." He reiterated that India would be unable to build its strategic fuel reserve and would be barred from conducting nuclear tests in the future as the 123 Agreement was bound by the Atomic Energy Act passed by the US in 1954 and the Hyde Act, notwithstanding the protestations of the prime minister.



## **Deal not in nation's interest**

**Kharabela Swain**

*(Extract from speech in Lok Sabha on Vote of Confidence  
July 21, 2008)*

Sir, I would just like to make two points on what the Honb'le. Prime Minister said. The first point has already been made by the Honb'le. Leader of the Opposition when he initiated the debate that about a year before in a Kolkata based newspaper, namely, The Telegraph the Honb'le. Prime Minister gave an interview wherein he said that if the Left wanted to quit,

so be it. That is what he said. We got an impression that he was a very strong and determined gentleman. It was thought that he will go by the nuclear deal even if the Left did not support him. Just after about six months he went to attend a meeting organized by FICCI. What did he say there? He said that the nuclear treaty is not the end of life. There is life after the nuclear treaty. What did he mean by that? He meant that if the Left was opposing the deal, then he would not go for the nuclear deal and that he will go for the survival of his Ministry. Then we understood as to how strong that gentleman was. A full year passed by and meanwhile several meetings were held between the Government and the Left. I would like to ask, why is such bravado was being displayed all of a sudden just a few months before the elections? What is the reason for it? As has been mentioned by the Honb'le. Leader of the Opposition, the Honb'le. Prime Minister could have gone in for the same thing one year before. He could have said, `yes, so be it. I am going for another election and that I am dissolving the House.' He could have gone in for the support of the Samajwadi Party at that time also. He did not do so. What is the reason for it? Why is such bravado now? It is because in this period the Congress Party has lost Punjab; the Congress Party has lost Uttaranchal; the Congress Party has lost Himachal Pradesh and after much effort even lost Gujarat and lost Gujarat to whom? They lost Gujarat to the most communal Chief Minister Shri Narendra Modi! Last but not least they have now lost Karnataka. The nuclear deal is only a desperate ploy. It is only a life saving attempt at the last moment to present the heroics of a subservient Prime Minister whom the Congress Party does even want to project as the Prime Ministerial candidate. They want to prove that he is a very brave

gentleman. The Congress Party wants to impress upon the middle class of this country that they are the Messiah of the middle class. They are the harbingers, the frontrunners and the torch bearers of progress for this country. They want a relationship with the United States of America. The Party did not take a single decision on political reforms, but in the last four years because of the fear of the Left they want to show that they are brave.

Now, I come to the point of civil nuclear treaty. If you go through the nuclear treaty, you will find that there is nothing India-centric. From clause 23 downwards, it is a copy of the IAEA model guidelines. There is no separate guideline for India. Those guidelines are applicable only to the Non-Nuclear Weapon States. The guidelines applicable to Non-Nuclear Weapon States are much harsher than that of the Nuclear Weapon States. 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. Should we not object to it?

Sir, I am showing this Appeal to you. I can lay it on the floor of this House. Today, I just received it. The title is: "Appeal to the Members of Parliament: the Indo-US Civilian Nuclear Cooperation Agreement." Who have published it?

It is Dr. P.K. Ayengar, former Chairman of Atomic Energy Commission, Dr. A.P. Gopalakrishnan, former Chairman of Atomic Energy Regulatory Board, Dr. A.M. Prasad, former Chairman of Bhabha Atomic Research centre. What have they got to write? Should the country be entering into such a long term binding arrangement without a detailed and rigorous examination of the IAEA guidelines? Should a Government based, at best,

on a wafer-thin majority and a divided Parliament commit the country in this manner? 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; we are not a party to the IAEA nuclear discussions. So, this is not us, but these are the nuclear scientists of the country who have sent an appeal to all these people.

They are saying that they have taken the consensus. What is the consensus in this country? Forget about the politicians; even among the scientist community, there is no consensus. When there is no consensus, the Heavens are not going to fall if this Treaty is not signed and ratified today. The country needs some more time.

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## **UPA kept people in dark**

**Ananth Kumar**

*(Extract from speech in Lok Sabha on Confidence Motion on July 21, 2008)*

Sir, I rise to oppose the Confidence Motion moved by the Honb'le. Prime Minister. Already the Honb'le. Prime Minister has broken the consensus of this country. Just now we were hearing that all the sections of this House should move together, unitedly and unanimously. But, unfortunately, under the stewardship of the Prime Minister Shri Manmohan Singhji, their own UPA has fallen apart. He is unable to carry.

Sir, since the day he has been advocating this Nuke

Deal, party after party has left the UPA and all the comrades, 61 in number, have withdrawn support. I do not know about yourself, Sir. They have taken back the support. Many of their UPA partners have deserted him. Not only that, for the last four years, they have been trying to work out a doctored mandate, a doctored vote here on the floor of the House. Also, in the last four years, they have lost State after State - Uttaranchal, Himachal Pradesh, Bihar, Punjab, Gujarat and recently, Karnataka. We are hopeful that after Gujarat and Karnataka, they will lose this trust vote also today on 22nd July, 2008. That is what is going to happen to them.

Sir, there have been advertisements in all the newspapers where they are promising people 'Darkness to Light', but I want to charge the Honb'le. Prime Minister that both, Dr. Manmohan Singh and Shrimati Sonia Gandhi have kept the whole country in darkness while announcing talks with the IAEA. When his colleague, the Minister for External Affairs was addressing a News Conference here saying that they will go to IAEA only after the trust vote, the Honb'le. Prime Minister of India was having 'love in Tokyo' in Japan on-board! Already the talks on the agreement were on.

Sir, they have kept their allies in darkness, their supporting parties in darkness, their Minister of External Affairs in darkness. Shri Lalu Prasad is always in darkness. Sir, everybody in that alliance was in darkness regarding this nuclear deal and its implications.

I want to say that the Congress Government has not learnt a lesson from the earlier deal. In 1989, they had entered into Bofors deal and they lost the power. After the Bofors deal, now they are trying to enter into this nuclear deal, which is against the national interest, and

I predict that the people of the country are going to punish them and going to throw this UPA Government out of power. They have not learnt any lesson from their earlier experience.

There is so much of confusion. Yesterday the Honb'le. Minister of External Affairs was urging us to have patience. We are having patience. I do not know why they are hurrying with this nuclear deal to the detriment of the national interest. When the National Security Adviser, Shri M.K. Narayanan, was interviewed, he said in his first sentence "I am one of those who believe that if you are negotiating and you get everything you want, then obviously there is something wrong." This is what the National Security Adviser said in his interview. Then, there was the second question: "Just so that we are clear on this point, India can continue to use American supplies until such time as replacements come even if they want it back." Shri M.K. Narayanan replied, "That is the sum and substance of what the text says. Whether that happens, I am not God here.

Sir, I want to ask some straight questions to the Honb'le. Prime Minister.

My first question to the Honb'le. Prime Minister is this. Is this Government agreeing to put a permanent moratorium on all-future testing through this deal? He needs to come out very clean on this issue. I am asking this because there will be moratorium through the 123 Agreement as well as the Hyde Act. Is our Honb'le. Prime Minister agreeing for this moratorium?

Secondly, the Hyde Act also requires the US Government to extract from India a specific future date after which it will not produce weapon-grade Plutonium even from its un-safeguarded reactors.

The Honb'le. Prime Minister and the Government

know that the father of our India's nuclear programme, namely, Shri Homi Bhabha, had in the 1960s envisaged a three-stage programme for nuclear independence. This also involved establishment of pressurized heavy-water reactors as intermediary step, which would eventually evolve to establishment of breeder reactors using Thorium. India has the second-largest reserves of Thorium, and 30 per cent of the total global reserves. This is sufficient to ensure India's nuclear independence for perpetuity. Why we are going ahead with Uranium-based nuclear deal with America and tying our hands when this is the case?

My next question to the UPA Government is this. What are the compulsions due to which they are planning to spend crores of our scarce foreign exchange reserves for technology and reserves that are not needed for our nuclear dependence?

Does this Government believe that the US Government's actions regarding the nuclear agreement between India and USA is going to be subject to the provisions of the Hyde Act or not? Shri P. Chidambaram was saying that the Hyde Act has no bearing on the 123 Agreement or this nuclear agreement. Therefore, I want the Honb'le. Prime Minister to clarify to this House whether the nuclear agreement between India and USA is going to be subject to the provisions of the Hyde Act or not.

The Honb'le. Prime Minister had many-a-time assured this House that whatever treatment we get in this nuclear agreement will be equal, and a mutually beneficial agreement between India and the USA. There are five nuclear-weapon States, namely, China, Russia, France, Germany and Britain. Does this agreement treat India as having equal rights as the five nuclear-weapon States like the USA or is it going to be treated as a non-

nuclear-weapon State?

I know that he does not have answers for all these questions. Therefore, I charge that this Government is mortgaging the National security and the nuclear option.

Sir, I only urge Dr. Manmohan Singh that when he took oath of office and secrecy as Prime Minister in 2004, he took the oath that: "I will uphold the sovereignty and integrity of India". Today, here is a Prime Minister who is not upholding the sovereignty of India, I mean, he is not upholding the nuclear sovereignty of India. It is very unfortunate.

There is a tall talk about energy security. Just now, sermons after sermons were given that there would be enough energy. We all know that to get that energy, they require Rs. 8.0 lakh crore over a period of 30 years.



## **Nuclear Scientists' Appeal to the Members of Parliament on The India-US Civilian Nuclear Co- operation Agreement**

We were part of a group of senior nuclear scientists who had in the past expressed our grave concerns and objections to India entering into a nuclear co-operation agreement with the US under the aegis of the Hyde Act 2006. We had written earlier to the Parliamentarians on this matter, and the Prime Minister had given us an opportunity to meet with him and discuss our views.

1.. At this critical juncture, when the Government is about to rush the safeguards agreement through the

IAEA, there is a great deal of disquiet among the scientific community at large in this country. Should the country be entering into such a long term binding arrangement without a detailed and rigorous examination of the IAEA Safeguards? Should a Government, based at best on a wafer thin majority and a divided Parliament, commit the country in this manner? We, therefore, are strongly of the opinion that the Government should not proceed to seek IAEA Board approval for the current draft safeguards agreement, until its implications are debated more fully within the country, and with a group of experts who were not party to the IAEA negotiations.

2.. The government is enthusiastically pushing the Deal on the basis that it will bring about energy security to India, since it will enable the import of foreign nuclear power reactors. But, analysts have convincingly and quantitatively shown that this additional power will come at a much higher cost per unit of electricity compared to conventional coal or hydro power, which India can generate without any foreign imports.

3.. Once the Deal is in place, it is also clear that India's commercial nuclear interactions with the US, as well as with any other country, will be firmly controlled from Washington via the stipulations of the Hyde Act 2006 enforced through the stranglehold which the US retains on the Nuclear Suppliers Group. Any argument to the effect that the Deal will be governed only by the bilateral 123 Agreement is untenable, because this Agreement in turn is anchored in US domestic laws, which include the Hyde Act. And, the Hyde Act contains several stipulations which are extraneous to the issue of bilateral nuclear cooperation, including foreign policy behaviour which India needs to adhere to if the Deal is to be kept alive. The real issue facing

India, therefore, is whether or not we want this mythical extra 'energy security ' through this Deal, paying two to three times the unit capital cost of conventional power plants, with the additional burden of subjugating the freedom to pursue a foreign policy and indigenous nuclear R&D program of our own.

4.. The nuclear Deal could also have other serious repercussions, including a potential weakening of India's nuclear deterrent and an inability to protect & promote indigenous R&D efforts in nuclear technology. A combination of the extreme secrecy with which the government has carried forward this deal, the media hype they were able to generate in its favour, the parochial interests of opportunistic individuals & organizations, and the unfortunate ignorance of the issues involved among the general public have put the country on a dangerous path, likely to lead to the detriment of the current & future generations of Indians. Today's urgency to rush to the IAEA Board, in consonance with the American timetable, to get the safeguards agreement approved and thereafter clinch the Deal during the tenures of the current governments in India and the US must, therefore, be replaced with an openness & introspection that is vital for a serious debate which the situation demands.

5.. The central issue about the IAEA safeguards agreement has been the doubt as to how "India-specific" these are. In particular, since it is distinctly clear from the Hyde Act and the 123 Agreement that no uninterrupted fuel supplies have been guaranteed in these documents for reactors which India will place under safeguards, the Government had assured that this defect will be corrected in the safeguards agreement. Since the IAEA was all along known to be no fuel-supply guarantor, it is not surprising that Indian

negotiators have failed to obtain any assurance in this regard. All that the IAEA Agreement states in its preambular section is that it notes uninterrupted fuel supply and support for a strategic fuel reserve is the basis of placing Indian facilities in safeguards. It places no obligation on the IAEA other than merely noting this. The corrective measures, indicated in the preambular section, have nothing that anchors them to any section in the operative part of the agreement. Against such unspecified and vague mention of corrective measures, India's obligations are clear and binding. In effect, India has agreed

to place its facilities that it will list out in the Annex under perpetual safeguards without any link to an uninterrupted fuel supply.

6.. The Government is asserting that the IAEA safeguards have "provisions 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 is placing its civilian nuclear facilities under India-specific safeguards in perpetuity". The nation would like to know clearly what these "corrective measures" are, before plunging headlong into this Deal. India being merely allowed to withdraw the Indian-built civilian PHWRs from safeguards , and that too after stripping them of all spent & fresh fuel and components of foreign origin , is no corrective step at all because such action does not ensure uninterrupted operation of these civilian nuclear reactors in the event of disruption of foreign fuel supplies. Even here, Article 32 of the Safeguards Agreement appears to stand in the way of any such withdrawal. Besides, this relaxation does not apply to the imported power reactors, which will use up the bulk of our investments in nuclear

power; these units will perpetually stay under safeguards, even after fuel supplies are denied. The Hyde Act prohibits the US Administration from directly or indirectly (through the IAEA or other countries) assisting India with life-time fuel supplies after suspension of the Deal. 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-operation of these extremely costly imported reactors, as a result of fuel denial.

7.. The 123 Agreement states that the imports under the Deal "shall be subject to safeguards in perpetuity in accordance with the India-specific Safeguards Agreement between India and the IAEA and an Additional Protocol, when in force". While the actual draft of the Additional Protocol (AP) applicable to India may have to be negotiated and agreed to at a later date, it is absolutely necessary that a prior agreement between the IAEA and India on the essential features of such an Additional Protocol must be reached simultaneous with the finalization of the safeguards agreement and certainly before signing it. The most intrusive actions under the IAEA safeguards are always taken on the basis of this protocol, including the "pursuit clause" which permits interference with our non-civilian programs on the basis of unsubstantiated suspicion. India needs to make it clear what the limits are beyond which we will not entertain any IAEA action or intrusion, and it should be clear that a standard Model Protocol applicable to non-nuclear weapon States will not be acceptable to India. The leverage to debate and get the kind of restricted Additional Protocol we want will be entirely lost once a safeguards agreement alone is first put in place and the installations

put under safeguards. As we understand, the limitations within which India is willing to enter into the Additional Protocol regime was neither discussed by Indian negotiators at the IAEA nor do they appear in the safeguards draft or its attachments. In this context, the Government needs to clarify their thinking on the Additional Protocol, before entering into the safeguards agreement.

8.. Reprocessing the spent-fuel arising from burning fresh imported fuel in our civilian reactors provides us valuable additional plutonium, which in turn can be recycled into future civilian fast breeder reactors (FBRs) or advanced heavy water reactors (AHWRs). Reprocessing, therefore, is at the core of India's plans to build long-term energy security. The government had all along pledged to secure an unqualified right to reprocess spentfuel and even termed India's right to reprocess "non-negotiable". But, in the 123 Agreement, what has finally been obtained is merely an empty theoretical right to reprocess. The actual permission to reprocess will come after years, when a dedicated state-of-the art reprocessing plant is built anew to treat foreign fuel, along with a host of allied facilities. There will be a large number of safeguards & Additional Protocol issues related to this, and all these hurdles will have to be crossed to reach the beginning of reprocessing. Much of the fundamental basis on which all this will be done has to be discussed and settled now at the outset, while the overall safeguards agreement is being finalized. But, the Government has not done this exercise during the recent set of negotiations with the IAEA, and this deficiency will come to haunt India in future unless it is rectified.

9.. Similarly, there are many other key safeguards-related issues of crucial importance which have not

been addressed in the current draft. Furthermore, none of the issues included presently has been handled adequately or in an acceptable manner. We therefore appeal to the Members of the Lok Sabha to direct the Government not to proceed further with the current safeguards agreement, and ask the Prime Minister to initiate wide-ranging and structured deliberations on the Indo-US Nuclear Co-operation Agreement, both within Parliament and outside, to develop a broad consensus on this Deal among political parties and the general public, before proceeding any further.

#### **SIGNATORIES:**

Dr. P.K.Iyengar, Former Chairman, Atomic Energy Commission

Dr. A. Gopalakrishnan, Former Chairman, Atomic Energy Regulatory Board

Dr. A.N. Prasad, Former Director, Bhabha Atomic Research Center

*(Sent to MPs at the time of discussion on the motion on Vote of Confidence in the Manmohan Singh government on 21-22 July 2008, in Lok Sabha)*



## **Arguments in favour of Indo-US nuclear deal are dubious**

**Chandan Mitra**

Does India need a civilian nuclear energy agreement with the US? Is this the best deal we could have got? Why is the Bush administration trying so hard to push India into signing this deal? Has the prime minister gone about it in the best possible way? Are we bartering away our nuclear sovereignty in the process, thereby endangering our goal to maintain a credible nuclear deterrent?

These are some of the key questions that needed to be satisfactorily answered in the context of the ongoing controversy that has snowballed to a point where it threatens the stability of the Manmohan Singh government. Unfortunately, the political rhetoric that is flying thick and fast for the last one year and more has obfuscated the core issues involved.

Enough has been spoken and written about the need to secure India's energy needs, especially in view of rising oil prices and India's near-total dependence on imports. Sceptics, on the other hand, have argued that even after investing billions of dollars to set up new reactors, nuclear power will contribute just about 7 per cent of the country's energy requirements by 2020.

But even if it is conceded that India needs every extra megawatt of energy that can be generated,

whatever the source, the question still remains whether the Indo-US nuclear deal in its present form is the best that we could have bargained for. On balance, it appears that the deal is good for everybody else, apart from India.

First, we will end up putting huge sums into the coffers of foreign manufacturers of nuclear reactors - mainly French, Russian and American. Second, the estimated cost per unit of nuclear energy will be prohibitively high compared to coal, gas and even crude. Can India afford power at such a high cost when alternative sources have not been exhausted? Without getting into the nuclear sovereignty issue, it can be asserted that the additional energy to be generated through uranium-based reactors will be of dubious benefit.

It is often argued that the US administration has been exerting pressure on the Indian establishment because President George W Bush, reeling under unfavourable popularity ratings, wants to exhibit it as his one great foreign policy success. This is utterly fallacious: most Americans have not even heard of this deal, given their proverbial insularity and selfobsession. Further, the Republicans are hardly expected to make this an issue in the November presidential election.

Interestingly, most western powers have been vigorously pushing for the deal, although with greater sophistication than the sledgehammer tactics characteristically employed by Americans.

Diplomacy, after all, is not based on altruism. Surely, they are not falling over one another out of love or compassion for India.

Apart from the business potential, the deal is being driven in western capitals by the motive of firmly

roping India into the non-proliferation regime. India has an unblemished record here, but there are concerns about the future in view of the volatility of the Asian theatre. Since India cannot officially be admitted into the NPT, the deal has attempted to manoeuvre us into a situation where New Delhi becomes a de facto signatory to the NPT, just as we will be conferred the dubious distinction of being a de facto nuclear weapons state once we sign the deal.

Following the disclosure of the text of the IAEA safeguards agreement, it is abundantly clear that, while international inspection and safeguards shall be imposed permanently on our reactors, the exemptions remain doubtful. It is widely known that for all practical purposes no further testing shall be permitted. The government has repeatedly highlighted the "walk out" clause to claim that India can test whenever it wants and even if the US imposes sanctions, we can still negotiate with other countries in the Nuclear Suppliers Group to maintain uninterrupted uranium imports. This is complete hogwash. Can anybody in his right mind believe that the US will patronisingly oversee the supply of fissile material by other countries even after India conducts another nuclear test?

It would be more Honb'leest to admit that the Indo-US nuclear deal is a three-in-one document comprising a civilian energy cooperation agreement with the US, de facto NPT and de facto CTBT. A discussion on the merits and demerits of the deal would be meaningful only if we begin from this premise instead of deluding ourselves into believing that, possessed by a burning desire to help India, the US wants to hand out a "give-give" agreement with us and that nothing will change as far as our military nuclear programme is concerned.

Whichever way you look at the deal, Honb'leestly

or deceitfully, it is a huge political albatross. Manmohan Singh has been forced to risk his government's fate and enter into a questionable alliance with a party not known for scrupulous adherence to norms of probity in public life. When the prime minister first challenged the Left to pull out last September, it was perhaps the best moment for the Congress to go for an early election buoyed by high growth, manageable inflation and opposition incoherence.

Today, all three factors are ranged unfavourably against the ruling party. Manmohan Singh has never claimed to be a master strategist, but others in his party are known for their political acumen and manipulative skills. However, they got cold feet last year and now the Congress is set to pay a price for their vacillation. In politics, as in other spheres of life, you win only if you dare; defeat is inevitable if you dither and delay.

*(The writer is the Editor of the Pioneer & member of the Rajya Sabha.)*



## **Burns Says 123 consistent with Hyde**

Nicholas Burns, who played a key role in clinching the Indo-US nuclear deal, has pressed the IAEA, NSG and the Congress to swiftly put its stamp of approval on it to send a strong message to countries like Iran "to play by the rules" and for strengthening the non-proliferation regime.

"My conviction is that this deal strengthens the non proliferation regime ... It makes India a stakeholder," said the former under secretary of state of political affairs.

"I am for this agreement because it is good for both countries ... The civilian nuclear deal is a symbolic centrepiece of the bilateral relations," said the former Bush administration official who played a key role in the passing of the Hyde Act in December 2006 by the Congress and in the negotiations leading to the conclusion of the 123 Agreement.

He asserted that the 123 Agreement is "absolutely" consistent with the Hyde Act. "When this agreement was negotiated, it was fully including the 123 Agreement consistent with all provisions of the Hyde Act. And the US would retain, of course, under our law the right to implement every aspect of the Atomic Energy Act of 1954," Mr Burns said in response to a query on corrective measures.

"What rights would the US have under a

hypothetical if India did x,y or z? All those rights are in place. We have the right to termination if we want to ... If it comes to that. It probably would not," Mr Burns said.

In his formal remarks, Mr Burns argued that the nuclear deal is good for American businesses, for the environment and above all sends an "important" message to countries like Iran.

"If you play by the rules ... There will be benefits," the former senior official reminded Tehran during a panel debate on nuclear agreement at the Brookings Institution.

Mr Burns, who stepped down in March and was appointed as a special envoy to US secretary of state Condoleezza Rice on the deal, also stressed that the United States has in place "the right measures to protect" its interests by retaining the right to terminate the agreement.

He asserted that the 123 Agreement is "absolutely" consistent with the Hyde Act.

Mr Burns reminded the international community to act quickly a reference to the impending actions in the International Atomic Energy Agency and the Nuclear Suppliers Group; as also action in the United States Congress.

"Congress has a very short window. I hope it can move with great speed," he said referring to a short Congressional calendar with the dimmed possibility of a Lame Duck session after the November 4 presidential elections. -PTI

*(Report in The Asian Age , August 1, 2008)*



# **The gains of Pokharan-II surrendered**

**UPA going to IAEA as a nuclear non-weapon state**

**O.P. Gupta, IFS (Retd)**

As a consequence of Manmohan Singh Government using format 66, India unlike other nuclear weapon states (NWS) shall not enjoy the right to transfer at will its reactors from civilian sector to military sector.

The UPA government has been publicising that there is shortage of uranium in India to run the existing nuclear reactors, that existing reactors are under utilised for want of fuel, therefore, it is in the national interest to quickly sign (1) the 123 agreement, (2) safeguards agreement with the IAEA and (3) seek 'clean' one time exemption from the NSG so that India could become eligible to freely import uranium.

India is the largest dynamic democracy in the world and the USA is the strongest one, both with open societies and free press. So these two are and should have been the natural partners in peace and progress. Sky is the limit for developing bilateral relations between the two dynamic democracies. Ever increasing number of Indian students going to US universities is one face of the multifaceted relationship. But for durability the Indo-US relationship should be so conducted as to be seen by Indian people to be based on fair play and equality and not India's subservience. Unfortunately the UPA functionaries have been so cavalier and unnecessarily so secretive in developing

this relationship especially the cooperation in civil nuclear energy that has invited valid public criticism.

Americans committed blunder of mixing their political goals (non-proliferation, Iran, capping India's nuclear weapon programme etc.) with their commercial interests of exporting nuclear reactors to India. And, the UPA government under estimated 'national pride' of Indians, including leftists is preserving and enhancing real autonomy in the field of our nuclear weapons vis-à-vis Pakistan and China.

It is true that India is an energy deficit country and its energy consumption per capita (660 kwh in 2004) is also lower than the world average (2430 kwh). Energy needs of India are going up as Indian economy expands.

The GDP growth rate which hovered around 10 per cent per annum has now declined due to economic mismanagement unleashed by economist Prime Minister. Inflation is running at 11.89 per cent, the highest over the last 13 years. According to a global rating company, Fitch, our growth rate in 2008-09 may come down to 7.7 per cent. Unemployment has been rising and as on December 31, 2007 about 40 million job seekers were registered with employment exchanges. During 2006 only 177,000 got jobs through these exchanges.

The Manmohan Singh Government has been shedding tonnes of crocodile tears for generating more electricity and energy security but its own performance on adding new capacity has been pathetic. During the Tenth Plan (2002-07) power addition was just the half of the target; and, in the first six months of 2007 capacity addition was just about 30 per cent of targeted 10,000 MW.

All Indians agree that power shortage is one of the

real impediments to sustained development. World average of nuclear energy share is about 16 per cent. In India share of nuclear energy in the energy profile is at present between 2 and 3 per cent. India rightly plans to raise share of nuclear power to 7 and 8 per cent by 2030.

There are 16 nuclear power reactors operating in India—two boiling water reactors and 14 pressurised heavy water reactors with total capacity of only 3900 MW. Six more are under construction, four PHWR with 220 MW capacity each, and, two light water reactors of 1000 MW each with total of 2880 MW. Without seeking the NSG exemption and without the 123 type agreement, these two light water reactors are being built in India by Russia. Recently, China agreed to supply six nuclear reactors to Pakistan without asking Pakistan to declare any separation plan, without asking Pakistan to submit bulk of its reactors to perpetual inspections by IAEA and without seeking any Pakistan specific IAEA and NSG approvals.

Nuclear energy after solar and wind energy is environmentally clean, and a reliable source of supply provided supply of nuclear fuel and spare parts are assured at least till the full life span of a reactor. So, it is natural and patriotic for Indian diplomats to dismantle sanction regime and prepare grounds for import of nuclear reactors in India. But the 123 route selected by Dr Manmohan Singh, and especially its text, as explained in my previous two articles

(Organiser, July 22 and August 26, 2007), is self-defeating, faulty, and unreliable, and, practically amounts to nuclear vasectomy (nasbandi) of India.

In the Manmohan Singh route, the military dimension of our nuclear programme will become a glorified "bonsai" basically due to 'Separation Plan' voluntarily and meekly submitted in 'Chamberlain'

style in 2006 by the UPA Government. Senator Joseph Biden, Chairman of the US Senate Foreign Relations Committee told press corps in New Delhi: "(The deal) will limit the size and sophistication of India's nuclear weapons programme."

Technically the UPA is right in claiming that the 123 agreement and the IAEA safeguards agreement per se shall have no major impact on our weapon programme as military use reactors are excluded from these agreements. But the fact is that crippling effect on our weapon programme is more by the Separation Plan on which these agreements are based. The Hyde Act, sections 105(1) and 108, does mention this Separation Plan. Under Separation Plan 37 nuclear installations including 14 out of 22 reactors, many research institutes, three heavy water units etc will be placed under the IAEA inspection. This list includes the Tata Institute of Fundamental Research, Mumbai; the Board of Radiation and Isotope Technology, Mumbai; Saha Institute of Nuclear Physics, Kolkata; Institute of Physics, Bhubaneswar; Variable Energy Cyclotron Centre, Kolkata; and the three heavy water plants at Thal Vaishet, Hazira and Tuticorin.

We know researches for weapon development are done in research institutes and placing them under the IAEA will naturally retard the pace of R&D for nuclear weapons. If India needed more plutonium in future then its eight remaining reactors could supply, India can not divert any plutonium from its civilian declared reactors and therefore India will be forced to build a new facility for military use which takes six to eight years. In this way the Separation Plan will cap and cripple efforts by future governments to expand nuclear arsenal.

Shri LK Advani had told the Parliament in

November 2007 that the NDA government had offered to place only two nuclear facilities under the IAEA inspection.

The UPA government has been publicising that there is shortage of uranium in India to run the existing nuclear reactors, that existing reactors are under utilised for want of fuel, therefore, it is in the national interest to quickly sign (1) the 123 agreement, (2) safeguards agreement with the IAEA and (3) seek 'clean' one time exemption from the NSG so that India could become eligible to freely import uranium and other nuclear materials from any of the 45-member countries of NSG.

Who did create shortage of locally mined uranium in India? Dr Manmohan Singh as Finance Minister in 90s started cutting budgetary allocations to uranium mining which continued for many years. Budget allocation for nuclear power schemes has been reduced by P. Chidambaram from Rs 2333 crore in Financial Year 2007-08 to only Rs 889 crore in Financial Year 2008-09. Among the heads for which allocations have been cut are the Nuclear Fuels Complex, Heavy Water Board, Board for Radiation and Isotope Technology and the thorium plant. So on one hand UPA government is claiming shortage of uranium and, on the other hand, it is reducing budget for nuclear fuel units.

The Indian public is told ad nauseum that purpose of nuclear deal is to enable India import, among others, enriched uranium to run our fuel starved reactors. If it is so, why under the proposed safeguards agreement the UPA government has placed indigenous stocks of thorium (exceeding 20 tons) to perpetual inspections under para 23(d) and 26(d). Why do references to thorium occur in Article 1(L) and (O) of the 123 agreement? In the 123 agreement a reactor has been so

defined as to include thorium based ones. So very silently the Indian fast breeder reactors have been put under the ambit of the 123 agreement and the IAEA. This point is yet to receive proper attention of political parties and analysts. These provisions will enable US and IAEA to poke their noses into our fast breeders.

The safeguards agreement has been hailed by some newspapers and the UPA functionaries as guarding the supply line and guarding the right of India to act if supply of nuclear fuel is disrupted. Such a claim is day dreaming as India has failed in the safeguards agreement to secure any 'assurance', much less any 'commitment' on part of the IAEA to extend its good offices to help India get fuel from other countries. The IAEA in the preamble part has just taken note of what were 'concerns' of the Government of India in requesting the IAEA for signing this agreement. Here it is pertinent to recall Section 102(7) of the Hyde Act which reads: "It is the sense of the Congress that the US should not seek to facilitate or encourage the continuation of nuclear exports to India by any other country if such exports are terminated under US laws." And this law is binding on US diplomats. So if the US terminates supply of fuel, it shall not facilitate import of the same by India from other countries.

The UPA government did not have the courtesy to show the full text of the IAEA safeguards agreement to the Left members of the UPA-Left committee on phony pretext of it being classified. Withholding text from committee members was not necessary. There is no restriction imposed by UN organisations on national governments to show or not to show the text to responsible political men. It is a sovereign decision of the member state. The full text along with IAEA covering letter marked restricted was put on internet

by NGOs before the UPA government did.

In the covering letter dated July 9, 2008 of the IAEA Secretariat addressed to the Board of Directors which has been placed on internet by the foreign NGOs but not placed on the website of the MEA, it is clearly stated that INFCIRC/66 type safeguards model was used to negotiate the agreement with India. This format is used to conclude safeguards agreement with non-nuclear weapon states (NNWS). Thus by agreeing to negotiate safeguards agreement on format 66 the Manmohan Singh government has meekly presented India before the international community as a non-nuclear weapon state (NNWS) whereas the result of the Pokharan II India is a de facto nuclear weapon state (NWS). Rather than seeking de jure diplomatic recognition of NWS status, the UPA government has surrendered it. So the diplomatic and psychological gains of Pokharan II made by Shri Vajpayee have been lost on the negotiating table as strategic gains of the 1971 war were lost at the negotiating table at Simla. And, it is ironic that some architects of Pokharan II are congratulating Manmohan Singh for this Munich type voluntary capitulation at Vienna.

On March 8, 2006, the White House had clarified that US did not recognise India as a Nuclear Weapon State and the UPA government just obediently submitted.

As a consequence of Manmohan Singh Government using format 66, India unlike other nuclear weapon states (NWS) shall not enjoy the right to transfer at will its reactors from civilian sector to military sector. NWS countries can pull out any of their nuclear facilities from IAEA inspections but under the safeguards agreement negotiated by the UPA, India cannot do so till the IAEA agrees. And the IAEA shall agree to stop inspection

only when it determines that a nuclear facility is no more usable as a nuclear facility. Further the safeguards agreement (para 34 and 39-42) stipulates that when India wants to place any nuclear facility under the IAEA it has to get its design approved by the IAEA.

IAEA inspections of nuclear facilities of nuclear weapon states (NWS) are token in nature and only about a dozen of over 400 nuclear facilities of P5 (China, France, Russia, UK and the USA) countries are under IAEA inspection. Nuclear-weapons states accept only voluntary, revocable inspections. Moreover, these five nuclear powers have the sovereign right to terminate their safeguards agreement with the IAEA without any penalty. But IAEA inspections of NNWS facilities are more invasive and more frequent and generally at will of the IAEA Secretariat. India cannot unilaterally terminate the safeguards agreement without inviting penalty.

At a joint press briefing on July 12, 2008, Kakodkar, Secretary DEA was quoted (The Indian Express July 13, page 4) saying that the underlying principle of the safeguards agreement was 'permanent safeguards on the basis of permanent supplies'. But this claim is not supported by facts. Either Kakodkar is misleading the people of India, or, journalists have got him wrong.

Under the draft safeguards agreement the IAEA inspection shall continue till a facility is usable as a nuclear facility. The IAEA safeguards in perpetuity will still be there around our neck even when the Indo-US cooperation in nuclear matters is terminated or the 123 Agreement is not approved by the US Congress. What is worse is that under Article 16(3) of the 123 agreement despite its termination, the safeguards in perpetuity will continue to apply so long as any US-supplied material or equipment or any of the byproducts thereof

remains on Indian soil.

Section 105(3) of the Hyde Act requires India to sign with IAEA safeguards agreement for perpetuity, supplies or no supplies which the UPA has just done. The Section 103(7) of the Hyde Act obliges the US government to work with NSG to further restrict transfer of equipment and technology related to the enrichment of uranium, reprocessing of spent fuel and production of heavy water to India. So how can one say that the safeguards agreement has removed all restrictions on India's nuclear trade?

Many people insinuate that NDA is not sincere in criticising the 123 agreement and believe in Congress canard that if the NDA had got even half of what UPA has managed, it would have grabbed the deal. This is not correct as the present version of the 123 agreement apart from other substantive objections (such as treating India as a junior partner, erecting Himalayan hurdles for Pokharan III), is textually defective and badly drafted as its articles are contradictory to each other. For example, Article 2 says purpose of this agreement is to enable 'full' civil nuclear energy cooperation but Article 5(4) excludes cooperation in (1) enrichment of uranium (2) reprocessing of spent fuel (3) heavy water and (4) dual use items and technology etc. Articles 2(2)(e) etc assure US cooperation to help India build strategic reserve of nuclear fuel to guard against any disruption of supply over lifetime of India's reactors, but Article 5(4) stipulates that supply shall be consistent with actual requirement which will obviously not allow build up of any strategic reserve.

The Hyde Act shall guide actions and reactions of all US officials handling India's nuclear trade, therefore, it would be ostrich-like to ignore this Act. The Hyde Act impinges upon India's nuclear trade with other

countries vide its sections 101(3), 101(5) and 108(b) (3). No wonder Nicolas Burn in his parting interview had asserted that India's route for nuclear trade with other countries will pass through Washington in form of requirement of consensus decision in the NSG. So analysts who say that agreement with IAEA and NSG will give a passport to India to trade freely with other countries like France, Russia, and China etc should have another look at the statute books.

Nuclear fuel supply to India by US companies will depend upon annual certificate of good behaviour by the US President (section 108(b) Hyde Act) making India's energy security hostage to politics, whims and fancies of US Congressmen. No wonder many political parties from the Left to the Right are fiercely opposed to the present text of the Indo-US deal.

Section 105(9) of the Hyde Act specially stipulates that decisions of the 45-member NSG for commerce in civil nuclear energy with India should be taken by consensus. It means that every member of the NSG can veto supply of any nuclear material to India and thus make Indian energy security vulnerable to pulls and pressures of international diplomacy.

The way the 123 Agreement and the safeguards agreement have been formulated India's energy security will become hostage to international politics. The proposed safeguards agreement with the IAEA does not offer any credible insurance for safe and assured fuel supply. To pull the Indo-US relations out of present public controversy it is both necessary and desirable to renegotiate the agreements. Doing so will be in the long term interest of the US too.

*(The writer served as Indian ambassador to many countries and retired in the rank of Secretary to the Government of India in the Indian Foreign Service.) (Courtesy: Organiser) ■*

# **On Nuclear Deal**

## **The Great UPA-Left Comic Circus**

**Rashmi Bansal**

Nowadays on different TV channels, in dance based reality shows, the participating pairs are supposed to learn/ master various dance forms and showcase them to the audience. The Congress led UPA and the CPM led Left Front seem to have evolved their unique form which they are presenting to the whole nation. This form could easily be known as 'flip flop.'

The title and the above statement may smack of certain levity but in a matter concerning the sovereignty, independence and prestige of our nation, the type of utterly confusing signals and statements issued by both UPA and Left make one resort to levity in order to lighten the tremendous pressure and humiliation any person who loves his country would feel at such a sorry state of affairs.

The nuclear deal, as agreed upon by Dr. Manmohan Singh, in its present format poses serious threat to our sovereignty and has the effect of curtailing our freedom in matters regarding atomic and nuclear policy. It gives the USA the right to interfere in our policies, to exercise control over State matters and dictate and direct our entire nuclear programme. The Left's opposition on the other hand, is not based on any real concern but on blind anti Americanism.

It dates back to 2005 when Prime Minister Dr. Manmohan Singh initiated the proceedings with the US

in this regard. The dialogue actually commenced during Shri Atal Bihari Vajpayee's regime, but because the then government was not ready to concede on the critical points, it did not take any concrete shape. However, the Congress led UPA Government was ready to compromise on many issues of vital importance to our nation and national freedom leading to the formulation of the deal in its current format.

However, with the theatre of the absurd being played out over the past few months by the Congress and the Left leaves one in a dilemma as to whether to laugh or cry at India's fate and its leaders.

On August 3, 2007 the Congress led UPA government of India and the United States government revealed the text of the 123 Agreement or the civil nuclear deal arrived at by the governments of the two countries. Shortly thereafter the CPM led Left Front came out in full throated protest against the nuclear deal agreement, demanding that the deal be scrapped as it violated national security and amounted to handing over the power over the nuclear programme to the US. Initially the Congress led UPA government took the stance that no changes would be considered in the deal and Dr. Manmohan Singh was extremely proud of what he claimed to be his huge achievement. The Congress president Smt. Sonia Gandhi went so far as to congratulate Prime Minister Manmohan Singh and his team of 'able negotiators' for chalking out a treaty that 'satisfied all the conditions' laid out before the Parliament. She further went on to state that the Left and other Opposition parties were kept informed throughout the negotiations with the US, which claim was categorically denied by its own ally the Left Front. Dr. Manmohan Singh even threatened the left with withdrawing their support to UPA if it so wished. But

later, power proved to be dearer than the national interest. Soon UPA swung into action to save government at any cost.

The CPI sought to disagree with Dr. Manmohan Singh that India cannot afford to miss the “bus of nuclear renaissance”, saying it was a misconception that all “gates of heaven” will open after it inks the nuclear deal with the US. At one time the Left even declared that the marriage was over and what remains was only the formal divorce. They even threatened UPA to choose between us (Left) and US.

But when both the UPA and the Left parties reviewed the after-effects of a mid-term poll, they developed cold feet and wanted to look for a face-saver. The left too changed track and claimed it had never threatened to bring down the United Progressive Alliance coalition government but that all they wanted was an open debate on the issue.

A way out was found in the constitution of a UPA-Left Committee, which would be apolitical in nature, to study the implications of the 123 Agreement in view of certain concerns of the government’s allies. Experts, scientists and economists could be invited to gather their views on the nuclear deal.

The committee was finally constituted by the Government on September 04, 2007 with a total of 15 members, six each from the Congress and the Left parties and one each from UPA constituents RJD, DMK and the NCP.

BJP took strong exception to the setting up of a panel to address the concerns raised by Left parties. Shri M Venkaiah Naidu said, “It is not a family or private affair between Congress and the Left.” It demanded a Joint Parliamentary Committee (JPC) to go into the Deal, but it was not accepted.

Terming the Left Front’s opposition to the India-United States nuclear deal as ‘inappropriate,’ Union Commerce and Industry Minister Kamal Nath said that the stand was a ‘reflection of their ideology’. External Affairs Minister Pranab Mukherjee suggested that any “divergence” of views in the country would not hamper development of bilateral relations and defended the nuclear deal as a “landmark” agreement.

The Left parties warned the government that it should not go ahead with operationalising the 123 agreement before the UPA-Left Committee finalises its views for at least six months. The CPM further said that it would review its decision to support the UPA only if the Manmohan Singh-led government operationalised the India-United States nuclear deal. Amidst conflicting reports about the party’s stand, veteran CPM leader Shri Jyoti Basu on September 29 ruled out any “compromise” with the government over the Indo-US nuclear deal. The Government shelved the Deal and even declared it would not go ahead with its meeting with IAEA.

On October 7, Congress President Sonia Gandhi made a veiled attack on opponents of the nuclear deal, saying certain elements in the country were acting as impediments in the nation’s progress and they needed to be given a befitting reply. Next day it sought to downplay the remarks. However, on the same day Union Minister of State for Home Affairs Sriprakash Jaiswal said that there was no going back on the 123 Agreement. He added that if necessary, the Congress was ready to sacrifice the United Progressive Alliance government.

BJP ridiculed the efforts by the Congress and the Left to end the nuclear stalemate, saying that the quarrelsome partners had paralyzed governance and

the nation was tired and fatigued by the “farce and misadventure called the United Progressive Alliance.”

On the same day dismissing the perception that Prime Minister Manmohan Singh and UPA Chairperson Smt. Sonia Gandhi have backtracked on the India-United States nuclear agreement, the Congress said that it had not changed its stand and everyone was adhering to the coalition dharma. The BJP said that “this government has become a government of U-turn. First the prime minister said the deal is non-negotiable. Then Sonia Gandhi dubbed those opposing the nuclear deal as enemies of development. The Congress and its leadership have now developed cold feet. They are afraid of losing polls and facing elections.”

On October 15 the Congress emphasised once again that the UPA was not scrapping the India-United States nuclear agreement right now. When US President George Bush called Prime Minister Manmohan Singh on phone, the Prime Minister admitted that certain difficulties have arisen with respect to the operationalisation of the agreement.

The Left Front on October 20 asked the Centre to officially declare that the India-United States nuclear agreement is ‘off’ when the UPA-Left committee meets on October 22. Making it clear that they are not going to wait indefinitely, the Left parties said a clear-cut response from the government was essential to “end the controversy on the agreement.” On the same day the government told the Left that the operationalisation of the India-United States nuclear deal has been put on hold till the UPA-Left committee on the issue gives its findings. Thereafter, Dr. Manmohan Singh reportedly told the UPA allies that he was “extremely embarrassed” over the whole issue.

It clearly demonstrate the dual politics being played by both the Congress and the Left Front over the whole issue, both sides showing their clear fear of mid term poll with a tacit agreement between them that either party shall succumb at the crucial moment only to backtrack later. This constant flip flop has left every thinking citizen utterly confused and bemused in whatever is happening in reality.

On November 07 following visits by US Ambassador to India David Mulford, National Security Advisor M K Narayanan and Atomic Energy Commission Chairman Anil Kakodkar to Leader of the opposition Shri L. K. Advani, BJP President Shri Rajnath Singh, and other prominent BJP leaders, including Shri Yashwant Sinha and Shri Jaswant Singh who made its stance clear that it was opposed to the deal as it compromised with the long-term strategic programmes of India which are vital for the country’s security. The BJP strongly recommended that this deal must be renegotiated and not hustled through as the UPA government was attempting to do. On November 13, in an about turn, the Left parties indicated that they may give the nod to the government to approach the IAEA for an India-specific safeguards agreement to operationalise the India-US nuclear agreement.

The BJP claimed that this “climb-down” by the Left on the Indo-US nuclear accord was the result of a “trade-off” between the government and the CPI (M) over Nandigram and said the “compromise” has “exposed” the Marxist party’s “drama” over opposition of the deal. The party said its “apprehension that the Left objection and opposition to the nuclear deal was not based on principle, but on convenience has ultimately come true” in the wake of the CPI(M)’s “compromise” with the government. It exposes the dual

politics being played by both the Congress and the Left Front over the whole issue because of the fear of mid-term poll. This continuing flip-flop has left every thinking citizen utterly confused and bemused at every moment changing stand of Congress and Left on the issue.

*(Mrs. Rashmi Bansal is a freelance writer)*



## **‘No logic in signing deal only for uranium’**

**Ramesh Ramachandran**

A nuclear deal with the United States that does not give India access to full nuclear fuel cycle and dual-use technology is avoidable because it will only serve to draw India into a US-dominated strategic partnership at the expense of her strategic autonomy, according to strategic analysts and former diplomats tracking the proposed India-US civil nuclear cooperation agreement.

Prof. Bharat Karnad of the New Delhi-based Centre for Policy Research sought to suggest that India does not need a nuclear pact with the US for getting uranium. India, he told this newspaper, was getting yellow cake (uranium) from certain non-NSG (Nuclear Suppliers Group) countries in the past and there was no reason why India cannot take that route again. “[This deal] is a hoax, a fraud,” he said.

A former secretary in the ministry of external affairs, Mr Rajiv Sikri, has echoed similar views. He has maintained that accelerating indigenous efforts to more efficiently mine existing uranium deposits in the country, stepping up prospecting for new deposits, and actively exploring possibilities of getting uranium from non-NSG members would have made more sense.

The irony, according to Prof. Karnad, is that India has not cared to leverage her good relations with countries like Namibia, Niger, Uzbekistan, Nigeria, Uganda and Angola, who are outside the NSG, for procuring natural uranium ore. Namibia and Uzbekistan are among the largest producers of uranium; they also have the largest known reserves of uranium.

He said: “We have done it in the past and we need to do it on a sustained basis, use our leverage and begin to court those countries with aid or assistance.” He acknowledged that some of these non-NSG countries could become vulnerable to the US inducements and the mines may be owned or operated by European companies but the sovereign prerogative would remain with the governments of those non-NSG countries. “It’s been on our agenda but why are we not picking up on it?” he wondered.

Prof. Karnad also observed that India can forget getting access to the advanced nuclear technology if the frozen text of the 123 agreement is operationalised. He cited the instance of the US denying cutting-edge technology, including the “source codes”, to the United Kingdom for the F-35 joint strike fighter project funded by the UK, to ask: “If the United Kingdom, which is the closest ally of the US, did not get what it paid for, do we expect the US to be any more amenable to us?” He emphasised that the Hyde Act makes it abundantly

clear that India will be denied reprocessing, enrichment and heavy water production technologies. The Hyde Act also states explicitly that it is the responsibility of the US government to ensure that no other member of the NSG carries on trade with India that is violative of the provisions of the Act.

He said that the US government will accordingly impose the same guidelines, as are provided under the Hyde Act, on the NSG. What India can hope to get, he pointed out, will only be a few reactors. "All this is to divert us from the fast breeder reactors for harnessing of thorium," he asserted.

An article, titled "The 123 agreement: Completing What NDA Had Begun", published in the latest issue of People's Democracy, the CPI(M) weekly organ, debunked the quasi-weapon status. "The US made it amply clear to the world, on the eve of Mr Bush's visit to India, that in the framework of the Global Energy Partnership, countries like India would have no access to reprocessing technology. Thus there was to be no opening up of technology and collaboration across the entire nuclear fuel cycle. The US administration has since stood steadfastly by this policy. Consistent with this understanding, the US has also clearly stood by its refusal to lift any restrictions on dual-use technology related to enrichment or reprocessing."

An editorial in the CPI(M) mouthpiece, in turn, questioned whether the nuclear energy expansion is the only option or even the best option that we have at the moment. It read: "As of 2005, nuclear power generation was 3,310 MW or a mere 2.5 per cent of India's total power generation capacity.

Now, if this were to increase to 10,000 MW by the year 2,015 as planned, this would still be only five to seven per cent of India's projected capacity generation

then. Thus, this deal and the attendant consequences to India's sovereignty and foreign policy are being undertaken for such a minuscule part of our power generation."

The article said that the text of the 123 agreement was "mere word play". "Thus, we have 'full civilian nuclear cooperation covering aspects of the nuclear fuel cycle,' a phrasing that attempts to brush under the carpet the absence of cooperation covering the full nuclear fuel cycle."

(Courtesy: *The Asian Age*)



## **It must be debated on Deal**

**Brahma Chellaney**

As finance minister during 1991-95, Manmohan Singh drastically slashed funding to the nuclear power programme, disabling new projects and halting uranium exploration. But as prime minister, Singh has become such a fervent advocate of importing high-priced reactors for electricity that he has brought his own political future under a cloud.

At the root of the crisis is Singh's insistence that Parliament has no role on the bilateral agreement with the US other than to be merely informed about it. That is odd. As New Delhi discovered in the late 1970s when the US walked out from a similar but more India-protective agreement, such an accord has no force under the 1969 Vienna Convention on the Law of Treaties.

After all, this agreement is required not by international law, but by Section 123 of a US law. And unlike last time, the agreement now is governed by a specially enacted US law, which stipulates a series of good-behaviour conditions for India to meet. Can Parliament acquiesce to India being put at the mercy of the supplier?

Instead of building a broad national consensus, Singh, sadly, has sought to spin reality to suit political ends, blocking Parliament since 2005 from closely scrutinising the deal. Little surprise then that opposition has steadily built up against a deal that has a bearing on the symbol of India's pride and independence - its nuclear programme. Contrast this picture with the bipartisan support the White House was able to garner for the deal and its enabling legislation, the Hyde Act.

At every stage, New Delhi has been far less transparent than Washington, with Indians getting to know the various concessions and conditions from US briefings or statements.

And although the nuclear accord was concluded on July 23, its text inexcusably was not released until August 3 to allow New Delhi to use the interregnum to soften public opinion through deceptive leaks to the media. That strategy has not only backfired, but some of Singh's own remarks have helped generate a political storm that his handlers are now seeking to control largely through disingenuous spin. The PM first mocked his Leftist allies' opposition to the deal, asking them to like it or lump it. He then declared on the eve of the Parliament session: "The deal is signed and sealed. It is not renegotiable".

If the nuclear agreement is not "renegotiable", that means Parliament can be little more than a spectator.

Yet the same agreement, paradoxically, cannot take effect until the US Congress has examined and approved it through a joint resolution of both chambers. Indeed, the US Congress has explicitly reserved its right to attach conditions to the nuclear agreement - a right it exercised in 1985 on a nuclear deal with China, delaying its implementation by 13 years.

The deal is a striking reminder of the need for the world's most populous democracy to improve its public accountability and oversight. It is precisely due to the anaemic checks and balances in the Indian system that a PM, who came to office without winning a single popular election in his political career, has escaped legislative scrutiny of his actions at home even as he has expended Indian taxpayers' money on lobbying members of the US Congress to pass the necessary enabling legislation - the infamous Hyde Act.

Is it thus any surprise that the deal has spurred national demands that the Indian Constitution, one of the most-amended constitutions in the world, be changed to make parliamentary ratification mandatory for any international agreement or treaty to take effect? It hardly goes to the credit of Indian democracy that the executive has an untrammelled right to conclude and ratify international pacts without parliamentary approval.

Even if Parliament has no right to ratify an international accord, doesn't it at least have the right to dissect its clauses and offer an advisory opinion? If India's first nominated PM has his way, Parliament will have no role to play other than hold an academic debate on arrangements under the deal.

*(The writer is a strategic affairs analyst).*

**(Courtesy: The Times of India)**



# Don't Nuke The Facts

The future of the US-India nuclear deal remains uncertain despite President Bush signing into law the enabling Bill. The conditions-loaded legislation, in fact, has increased the odds that implementing the deal will be a long, challenging process. Some have wondered how a president mauled in the recent congressional elections, politically damaged by the growing costs of the Iraq debacle and increasingly seen at home as a lame duck, managed to get Congress to enact a law related to a highly contentious deal.

The fact is that it was US big business that got Congress to pass the so-called Hyde Act. In yielding to big-business interests, Congress, however, tagged on tough conditions that can only cloud the deal's future. A three-and-a-half-page official Bill wound up as 41-page legislation, with the legal intent behind each of its provisions clarified by Congress through a detailed accompanying Explanatory Statement. The deal has divided India like no other issue in modern times. After all, it centres on the very future of the country's nuclear programme.

With only the first phase of its five-part process complete, the deal is bound to intensify passions in India. That makes it all the more important that spin should not be allowed to obfuscate facts.

It has been contended that the Hyde Act is binding only on the US. True, but doesn't the Act list the various conditions India has to meet before it becomes eligible for civil nuclear cooperation with the US? And doesn't it overtly apply the principle of extraterritorial jurisdiction to regulate India's conduct thereafter by

perpetually hanging the Damocles' sword of exports cut-off over its head?

Rarely before in US history has a law been enacted imposing such numerous and onerous conditions on an avowed strategic partner to permit cooperation in just one area as the Hyde Act.

What stands out is that several of its conditions have little to do with the deal's *raison d'être* – civil nuclear energy.

And by mandating the continued applicability of US missile sanctions law to India, the Act seeks to deny it space-related dual-use items.

One commentator writing in these columns ('Don't Press Panic Button', Dec 27) heaped ridicule on a statement by leading nuclear scientists that the Act seeks the return of all US-origin items and materials if India were to conduct a nuclear test.

He went on to conclude that it imposes no additional burdens on India in the event of a test. First, the Act explicitly goes beyond the existing provisions of US law, which empowers the president to continue exports on strategic grounds despite a test.

The Act itself admits it goes beyond Section 129 of the Atomic Energy Act, by decreeing that the waiver for India will necessarily terminate with any Indian test.

Second, as the Explanatory Statement makes clear, Congress expects the president to make full and immediate use of US rights to demand the return of all nuclear-related items, materials, and sensitive nuclear technology that have been exported or re-exported to India if India were to test.

Third, the Act goes beyond even the Comprehensive Test Ban Treaty by specifying in technical terms what is prohibited for India. In the CTBT negotiations, the US had successfully opposed an Article I definition of

a nuclear explosion to leave open loopholes for what it calls permissible activities. Today, through domestic law, the US aims to impose CTBT-plus obligations on India while refusing to accede to the CTBT itself.

Once India has invested billions of dollars in importing power reactors, the Hyde Act, with its congressionally enforced conditions, will effectively bear it down.

Even when the US walked out midway from a binding 30-year bilateral pact over just one plant, Tarapur, New Delhi continued to honour the accord's terms till the end and even beyond to this day.

It is important to sift the truth from the spin. Playing to the Indian weakness for cosmetically attractive facets, Congress retained the tough elements from the Senate and House Bills but gave softer labels to some. For his part, Bush not only scheduled his signature ceremony to coincide with the important Indian Parliament debate, but also issued a statement geared towards public relations in India.

For example, Bush said he would construe as advisory the Act's Section 103 policy statements, without revealing that these statements had largely been made operative through Section 104. He voiced concern about the potential delegation of legislative power to an international body, the Nuclear Suppliers' Group, but revealingly kept mum over the Act's precondition: that the NSG first carve out by consensus an exemption for India with the same conditions.

India needs an informed debate on an increasingly complex deal, with the prime minister acknowledging he still has some concerns over the Hyde Act. It is thus imperative that facts are understood and respected.

The writer is a strategic affairs analyst.

**(Courtesy: *The Times of India*)**

## **A flawed safeguards accord**

UPA government is keeping the nation in the dark about the real implications of the Indo-US civil nuclear deal. The writer in this piece has exposed the reality on the issue.

It must be doubly embarrassing for New Delhi to see the Vienna-based International Atomic Energy Agency let the cat out of the bag before Prime Minister Manmohan Singh had returned home from the G-8 summit. By revealing that "at the request of the Government of India" it had circulated the safeguards accord's text to its board members and begun the process for an extraordinary board meeting, the IAEA belied New Delhi's assurance to the nation not to approach the Agency before Dr Singh had won a vote of confidence in Parliament.

Also, in helping to make the text public, the IAEA only mocked New Delhi's claim that it cannot share the text even in confidence with "third parties", like the Left, which had been propping up the governing coalition. In fact, after the text had appeared on various international websites since Wednesday night, New Delhi claimed credit on Thursday afternoon for "unveiling" it!

Now we know why the accord was shrouded in such secrecy. A careful reading of its text raises several red flags:

Far from it being an India-specific agreement, the accord resembles IAEA agreements with non-nuclear-weapons states. With the exclusion of the first two

pages that contain the preamble, the accord starting from Section I, "General Directions," on Page 3 to the very end, is largely modelled on IAEA safeguards agreements with non-nuclear-weapons state. In fact, there is no direct reference in this accord to the existence of an Indian nuclear military programme or an acknowledgement of India's special status - a nuclear-weapons state uniquely doing what no other nuclear power has done: putting its entire civilian nuclear programme under permanent, legally irrevocable international inspections.

All the accord contains is a oblique reference in the preamble in the following words: "Noting the relevance for this Agreement of the understandings between India and the United States of America expressed in the India-US Joint Statement of July 18, 2005, in which India, inter alia, has stated its willingness: to identify and separate its civilian and military nuclear facilities and programmes in a phased manner". In fact, the accord lays the ground for IAEA inspectors to enforce safeguards with the same stringency applicable to non-nuclear-weapons states.

It carries a cosmetic reference to "corrective measures" in the preamble, but gives India no actual right to take corrective measures. The earlier 123 agreement with the US, instead of granting India the right to take corrective measures in response to a fuel-supply disruption, merely recorded that New Delhi will seek such a right in the IAEA accord. But in the India-IAEA accord, no such right has been secured in definable terms. There is only one reference to "corrective measures" in the entire text of the India-IAEA accord, and that reference occurs in the preamble. That reference reads: "India may take corrective measures to ensure uninterrupted operation of its civilian nuclear

reactors in the event of disruption of foreign fuel supplies". The use of the term "may" instead of "shall" shows there is no legal entitlement.

Moreover, far from "corrective measures" being defined, the accord explicitly forecloses that option by making it clear that, under no circumstance, will India be allowed to withdraw from its safeguards obligations, which are legally immutable.

The term, "corrective measures", indeed does not figure in the accord's Section XI on "Definitions".

Not only is there no guaranteed fuel supply, but the accord also discredits what Dr Singh had pledged in Parliament - to link perpetual IAEA inspections to perpetual fuel supply.

Put simply, India has willingly forfeited the right to enforce lifelong fuel supply for safeguarded reactors by agreeing to remain powerless in a Tarapur-style fuel cut-off situation.

Indeed, the only reference to fuel supply occurs in the preamble, in the form of a note by India. It reads: "An essential basis of India's concurrence to accept Agency safeguards under an India-specific safeguards agreement (hereinafter referred to as "this Agreement") is the conclusion of international cooperation arrangements creating the necessary conditions for India to obtain access to the international fuel market, including reliable, uninterrupted and continuous access to fuel supplies from companies in several nations, as well as support for 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". There is, however, no reference in the body of the text to "fuel supply" or to a "strategic reserve of nuclear fuel".

The ornamental reference in the preamble was

inserted to save face because its language makes explicit that India is not tying the IAEA to assured fuel supply but merely recording that the safeguards accord follows the "conclusion of international cooperation arrangements creating the necessary conditions for India to obtain access" to assured fuel supply and to receive support to build a strategic fuel supply. But the harsh truth is that no such international arrangements have thus far been concluded.

This attempt to pull the wool on public eyes flows from India's failure to secure its rights in the 123 agreement, which confers enforceable powers only on the supplier-state. In fact, the Indian fuel supply-related claims about the 123 agreement have bordered on comedy: The US assurances in Article 5.6 are all prospective, not present-day, with the US "committed to seeking agreement from the US Congress to amend its domestic laws" and "prepared to take" additional steps.

The safeguards accord, like the 123 agreement, is consistent with the provisions of the Hyde Act.

Section 104(b)(2) of the Hyde Act stipulates that the US Congress can consider ratifying the final deal only after, inter-alia, "India and the IAEA have concluded all legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles and practices (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programmes..."

The safeguards accord, as mandated by the Hyde Act, is firmly anchored in the GOV/1621 (1973) document. For example, the safeguards accord's Clause 29 reads: "The termination of safeguards on items

subject to this Agreement shall be implemented taking into account the provisions of GOV/1621 (20 August 1973)."

Although the text of the GOV/1621 document is not public, its stipulation is well-known - that facility-specific safeguards shall be "in perpetuity", allowing for no suspension of international safeguards and shutting out room for corrective measures.

Clause 29, however, raises the question whether India, faced with a fuel cut-off, will have the right to withdraw from safeguards the eight indigenous power reactors it is opening to outside inspection. According to papers published by two legal experts on GOV/1621, Antonio F. Perez and Laura Rockwood, the answer may be yes, if India first removes, to IAEA's satisfaction, supplied fissionable material used or processed in those reactors.

India will not only open its entire civil programme to external safeguards, but also help pay for such inspections.

India additionally has agreed to protect the Agency and its inspectors against "third-party liability, including any insurance or other financial security, in respect of a nuclear incident", even though the IAEA is to vet the design of new facilities.

The accord lays out the cost of inspection of each Indian facility at 1.2 million euro annually. India is to place more than two dozen facilities under safeguards in a phased manner. Without making clear what will be New Delhi's share, Clause 101 says: "India and the Agency shall each bear any expense incurred in the implementation of their responsibilities under this agreement". But with the Hyde Act mandating "fallback US safeguards" in case "budget or personnel strains in the IAEA" render it "unable" to fully enforce inspections,

India may be compelled to pick up most of the IAEA expenses to avoid parallel US inspections.

The costs of IAEA inspections will be high because, under the accord, India has agreed to be subject to rigorous safeguards, not the token inspections the Agency carries out in nuclear-weapons states.

India indeed has granted the IAEA the right to carry out "special inspections" at will. While civil nuclear research institutions bereft of atomic material will escape inspection, commercial power reactors, reprocessing and other facilities with an annual throughput of more than 60 kgs of nuclear material are to be subject to "continuous inspection", with the IAEA having the right of access at all times. The Agency, however, has agreed to implement the accord in a manner not to hamper "India's economic or technological development, and not to hinder or otherwise interfere with any activities involving the use by India of nuclear material, non-nuclear material, equipment, components, information or technology produced, acquired or developed by India independent of this agreement for its own purposes".

Contrast the accord's provisions with Dr Singh's solemn assurances to Parliament on several occasions. For example, speaking in Parliament on March 7, 2006, the Prime Minister had given the following assurance: "In essence, an India-specific safeguards would ... permit India to take corrective measures 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".

The deal has progressively picked up such tougher

conditions that today few remember that the July 18, 2005, agreement-in-principle had promised India "the same benefits and advantages" as the US. What is on offer now is restricted cooperation tied to intrusive conditions, to the extent that the G-8, in its chair's summary this week, put the focus on advancing "India's non-proliferation commitments and progress so as to facilitate a more robust approach to civil nuclear cooperation..." The deal is the means to tether India to the non-proliferation regime.

The India-IAEA safeguards accord compounds the mistakes Indian diplomacy made on the civil-military separation plan and the 123 agreements. Its operative parts mirror the clauses found in the IAEA agreements with non-nuclear-weapons states.



## **N-deal: Questions that baffle**

The civil nuclear deal with America, although steeped in growing partisan rancour, is hardly the weighty issue that should determine any government's future. Indeed, it is an issue of little long-term import to India's great-power ambitions or energy needs. For the US, the deal offers substantive benefits. But for India the benefits are largely symbolic.

Yet the costs the still-uncertain deal is exacting on India can be gauged from the self-induced federal paralysis, with a sulking Prime Minister withdrawing into a shell and senior ministers deferring important work. The defence minister, for instance, called off a trip to Japan intended to add strategic content to a

bilateral relationship pivotal to power equilibrium in Asia. Such government disruption from the top has no parallel in the annals of independent India.

The ungainly political stagecraft on display raises several unanswered questions. The first relates to Prime Minister Manmohan Singh's obsession with a deal that has begun to warp his priorities. Many are asking the same question: Why is he willing to stake his government's future on a single issue of questionable long-term strategic weight? Can he fashion a legacy by choosing deal-making over deterrent-building?

What is mystifying is that Dr Singh has landed the country in a political logjam over a deal he knows cannot be completed during the remainder term of US President George W. Bush. Time has simply run out. Even in an overly optimistic scenario, the deal cannot be ratified by the present US Congress.

In addition to New Delhi's insistence on taking its safeguards accord with the International Atomic Energy Agency to the latter's governing board at this stage - an action that will gratuitously tie the country's hands even before the final deal is clear - an extraordinary plenary meeting of the Nuclear Suppliers' Group will need to be held to consider a rule-change by consensus. An NSG waiver will neither be easy nor swift, with the US itself seeking to attach conditions that mesh with its Hyde Act. In the last stage, the deal will come up for congressional ratification, but only after three documents - the so-called 123 agreement, a presidential determination that India has met all the stipulated preconditions, and a "Nuclear Proliferation Assessment Statement" - have been placed before the US Congress "for a period of 60 days of continuous session".

Given the limited number of days left in the present

US legislative calendar to let a ratification process run its full course, why this tearing hurry on the part of India to take the safeguards accord to the IAEA board? Washington - whose almost-daily statements have sought to egg on New Delhi to play that very card, even if it led to the collapse of Dr Singh's government - acknowledged this week that, "obviously, the next US government will have to look at this [deal] and make their own decisions on it". In fact, as early as last month, Senate Foreign Relations Committee chairman Joseph Biden had said the deal is unlikely to be approved in President Bush's term.

Before knowing how the NSG will condition cooperation with India or the attitude of the next US administration, why is New Delhi willing to part with its last remaining card by taking the safeguards accord to the IAEA board? That accord, at any rate, ought to be taken to the Board only after the contours of the Additional Protocol with the IAEA have been firmed up. Otherwise, a leverage-stripped India could face more-stringent and wider inspections when it returns for Additional Protocol negotiations.

Like the 123 agreement, India has already finalised and "frozen" the safeguards accord. But unlike the former, which was made public days after it was initialled, the latter text has not been shown even to coalition allies, underscoring the creeping official opacity.

There are other mysteries, too. One centres on Dr Singh's metamorphosis from being anti-nuclear to becoming a fervent votary of commercial nuclear power. As finance minister in the first half of the 1990s, Dr Singh starved the nuclear programme of funds, disabling new projects and halting uranium exploration.

The uranium crunch India confronts today is rooted in the fact that the actions Dr Singh set in motion then were not reversed until several years after he left office. That Dr Singh's newfound interest in nuclear power relates merely to reactor imports has been underscored by his recent action in cutting the Department of Atomic Energy's 2008-09 budget by more than half a billion dollars.

Another unexplained action - one that demolishes the official contention that the deal has no bearing on the strategic programme - is the US-dictated decision to permanently shut down Cirus, one of India's two bomb-grade plutonium-production reactors. As Paul Nelson, T.V.K. Woddi and William S. Charlton of the Texas A&M University point out in a US government-funded study, much of India's cumulative historic production of weapons-grade plutonium has come from Cirus, operating since 1960.

As a completely refurbished reactor, Cirus is as Indian a facility as any. The Prime Minister's baffling decision to shut down Cirus two years from now, without approving a replacement reactor, will leave a major production shortfall in military-grade plutonium.

No less troubling is the fact that solemn promises made in Parliament were not kept. After the US House of Representatives and Senate Foreign Relations Committee had approved separate versions of an India-specific Bill, the Prime Minister declared on August 17, 2006: "I had taken up with President Bush our concerns regarding provisions in the two Bills. It is clear if the final product is in its current form, India will have grave difficulties in accepting the Bills. The US has been left in no doubt as to our position". When Congress disregarded Dr Singh's red lines and passed the Hyde

Act by amalgamating the toughest elements from the Senate and House bills, the Prime Minister admitted on December 18, 2006, that "there are areas which continue to be a cause for concern".

Yet India negotiated a 123 agreement that complies with the Hyde Act, with the US stating publicly, "We have the Hyde Act, and we kept reminding the Indian side, and they were good enough to negotiate on this basis..." Of all the 123 agreements the US currently has with partner-states, the one with India stands out for conferring enforceable rights only on the supplier-state.

The Prime Minister's assurances on "removal of restrictions on all aspects of cooperation", lifetime fuel stockpiles, linking perpetual international inspections with perpetual fuel supply through "India's right to take corrective measures", securing an operational consent to reprocess spent fuel, etc. today lie in tatters.

The government's secrecy on the safeguards accord springs from the fact that its text release will expose the manner it has yielded further ground. For example, the 123 agreement, instead of granting the right to take corrective measures, just records that India will seek such a right in the IAEA accord. But the IAEA accord, in its preamble, merely cites the 123 agreement's reference to corrective measures.

It is manifest from this record that if the deal attracts more onerous conditions during the NSG and congressional approvals, the Prime Minister will go along, as he has in the past, after making some perfunctory noises. Indeed, it is this record that is likely to embolden NSG members and US lawmakers to tag on more conditions in the next stages to constrain India's nuclear leeway.

As it nears its third anniversary, the deal has become an emblem of how not to conduct Indian diplomacy.

The deal also symbolises the manner it has been sought to be thrust on the nation through media management, instead of by political co-option.

Public relations alone cannot sell an initiative. Can it be forgotten that the deal's current cheerleaders were the drumbeaters to get India to send an army division into Iraq in 2003? How more vulnerable would India have been today had that campaign succeeded? Just as in 2003, today's campaign is centred on overstatement - that the concerned issue holds the key to a strategic partnership with America. There is also gross exaggeration about the utility of high-priced, foreign fuel-dependent reactors from overseas.

The deal's collapse will neither alter the direction of the US-Indian relationship, which is set toward closer strategic cooperation, nor affect the modest role nuclear power will play in India's energy mix, with or without reactor imports. The deal, contrary to the propaganda, does not offer India unfettered access to uranium imports. India's uranium crunch, in any event, is set to ease in two years' time as new mines and mills open, according to nuclear chief Anil Kakodkar.

In that light, how justifiable is Dr Singh's action in turning the conditions-laden deal into a make-or-break issue of personal prestige and upping the ante to the extent that the nation has been plunged into a political crisis? Instead of wanting to precipitously approach the IAEA board and step into a firestorm of national furore, shouldn't the Prime Minister seek to achieve what he pledged in Parliament - "the broadest possible consensus within the country to enable the next steps to be taken"?

Once the IAEA board seals the safeguards accord, India will have little role to play in the next stages, other than as a bystander anxiously monitoring from afar

what additional conditions the deal attracts in the NSG and congressional-ratification processes. So why throw nuclear caution to the winds and buoy up non-proliferation literalists in the NSG and Congress in their resolve to sculpt the final deal?



## **Too cheap to meter**

### **Nuclear Power More Expensive Than Thermal**

**D.N Bose**

The issue of nuclear power has hit the headlines and has the government on tenterhooks. The Prime Minister has called for enhancement of nuclear power generation as a part of energy security for the future. India is the fifth largest generator of electricity in the world but as for nuclear power, it does not even rank among the top 15. Nuclear power for energy security, when it supplies only 3 per cent of the country's electricity requirements, is surely an exaggeration.

There are two distinct problems here ~ first, that of nuclear power generation and second, that of nuclear weapons. In India the two have been inextricably linked. This article will focus on the issue of nuclear power generation in India, its spectacular shortfall, its economics vis-a-vis thermal power and the world scenario.

## Atomic energy

Homi J Bhabha is rightly considered the father of India's atomic energy programme as he founded the Atomic Energy Commission in 1948 with the blessings of his mentor, Prime Minister Jawaharlal Nehru. However, he was not the only scientist in India who foresaw the importance of atomic energy.

After the discovery of nuclear fission in Germany in 1939, Prof MN Saha visited Berkeley and initiated studies in nuclear physics in Calcutta University. His student, BD Nag Chaudhuri, worked with the Nobel Laureate Prof Lawrence. Funds were obtained from Tata and Sons as early as 1940 to set up a cyclotron.

Prof CV Raman sent his student RS Krishnan to the Cavendish Laboratory, Cambridge, for a doctoral degree in nuclear physics as a prelude to setting up a laboratory in the field. It is a matter of record that his efforts were thwarted and that, unlike in the USA and Europe, no research reactor of any type was allowed to be set up outside the auspices of the Department of Atomic Energy (DAE).

The history of the DAE formed in 1954 is well-known, with the setting up of the Apsara and CIRUS reactors in 1955 and 1960 respectively. Apsara, a swimming pool type research reactor was the first in Asia. CIRUS, built with Canadian help was a heavy water reactor, which used natural uranium as against the light water reactors which required enriched Uranium ie U235. Because of the difficulty in enriching uranium, India has stuck to heavy water reactors. The fifties saw the launch of the Atoms for Peace Program when brave words were spoken about the prospects of nuclear energy ~ "energy too cheap to meter" was one such phrase. In hindsight some of this was to escape the ignominy of the two atomic bombs dropped on

Japan in the closing stages of World War II.

Opinion is still divided as to the necessity of using two such weapons when Japan, facing the new threat of the USSR, was already prepared to surrender.

Bhabha, before his untimely death in 1966, had declared that India had the capability of building an atomic weapon, although no such weapon was demonstrated. In 1974 the first Pokhran "implosion" for "peaceful purposes" was triggered off and Buddha smiled.

But what happened to the nuclear power generation programme? As the enclosed table will show the percentage of nuclear/total electricity dropped precipitately from 4 per cent to 3 per cent and then 2 per cent from 1970 to 1980 to 1990, mainly due to the ensuing embargo on the supply of nuclear materials and spares.

The external dependency also dropped but what is alarming is the accompanying drop in load factor from 66 per cent to 40 per cent and then 54 per cent. In 2000 the percentage of nuclear/ total electricity increased to 3.5 per cent and the load factor to between 80-90 per cent.

Even now, the indigenous capacity for uranium production is a mere 200 metric tonnes per year, well short of its requirements of 510 metric tonnes per year. Where was the need to carry out the implosion? The Bangladesh war had been successfully won, there was no external threat from China.

The ostensible reason cited by the then Prime Minister was for massive earth-moving and for dam construction as in the USSR, but was this at all feasible in a highly-populated country such as India? One must then examine political compulsions. Internal discontent was rising with Jayprakash Narayan spearheading a

people's movement. A diversionary display of power and might was thus required. The cost was paid by the people.

The political establishment has often used science and technology as a gimmick. This was one such effort. It is not well known that the first Indian satellite Aryabhata launched from the USSR in 1973 functioned for all of seven days, the transmitter going dead after this.

Yet for weeks thereafter AIR kept on beaming news about how many millions of miles the satellite covered in space! Any piece of rock would have done the same. This is not to downplay the achievements of ISRO since that fateful day, but the hand of political propaganda was again at play!

Ever since the eighties DAE has come out with ultra-ambitious plans for nuclear power generation: 20,000 MW installed power by 1987, 43,500 MW by 2000 when the target actually reached is only 4,100 MW to date. Only 3 per cent of the total electricity generating capacity is by nuclear power.

Any other organisation would have been severely criticised in Parliament for such a wretched performance, given that 30 per cent of the country's total budget for science and technology is given to the DAE.

### **Political purposes**

However, the political establishment must have a guilty conscience in that it has repeatedly used atomic weapons for political purposes. The embargoes due to the 1998 explosions are not expected to be as severe due to the changed world scenario, the clout of the nuclear energy lobby in the USA and India's emerging economic power.

In desperate efforts to prove its relevance and

improve its image, DAE scientists clutch at straws. When energy from cold fusion was announced in the USA in 1989, the director of IGCAR Kalpakkam was quick to announce that "one square mile of the sea around Chennai would provide enough electricity for the whole of India".

DAE laboratories were among the first to jump onto the bandwagon and pronounce the success of Cold Fusion experiments. The country is still waiting, as it is for the room-temperature superconductor, promised in 1990!

What has happened to Bhabha's brave words about self-reliance in atomic energy? India is set to import two 905 MW power reactors from Russia, to be set up at Kudankulam in Tamil Nadu. These are double the capacity of any power reactors in the country at present. Even with these, the installed nuclear power generation capacity will be barely 7000 MW. This is apart from the Advanced Light Water Reactors (ALWR) to be imported from the USA if the 123 Agreement materialises.

ALWRs are very expensive. They cost anything between \$1.5 and 2 billion for a 1000 MW (1GW) plant which comes to Rs 60-80/W compared with \$1.2 billion for a heavy water reactor of the same capacity (Rs 48/W). This puts them in the same range as renewable energy systems which require no fuel, produce no hazardous waste and whose costs are diminishing day-by-day.

### **Breeder reactors**

India has put its faith in breeder reactors which generate more fuel than they consume. This is logical in principle due to India's low uranium reserves and large reserves of thorium in the monazite sands of Kerala, which can be used in breeder reactors. A 50 MW

research breeder reactor has been operating in Kalpakkam and a 470 MW industrial-scale breeder reactor is under construction. A word of caution ~ breeder reactors the world over have been fraught with cost, engineering and safety problems and programmes have been shut down in the USA, France and Germany while being severely affected in Japan and Russia.

What about the economics of nuclear power? Accurate figures are notoriously difficult to find and are hedged in by assumptions. Most estimates neglect the appreciable cost of reprocessing and disposal of waste radioactive material. In a recent article MV Ramana of the Centre for Interdisciplinary Studies, Bangalore, quotes data which shows that nuclear power from the latest 220 MW heavy water reactor at Kaiga in Karnataka is 7 per cent more expensive than thermal power from a nearby coal-based plant which is as much as 1400 km away from a mine. The DAE has always resorted to such unfair comparisons to prove the economy of nuclear power, although most of India's coal-based plants are located within 500 km of a mine. If the cost of reprocessing of nuclear waste, estimated at \$600/kg (Rs 24/ gm) is included, a nuclear power becomes 27 per cent more expensive than thermal power based on coal, of which India has proven reserves of 90 billion tonnes. In the most optimistic scenario, nuclear power will provide only 10 per cent of the electricity generation in the next few decades. Thus DAE, with a budget of \$1.2 billion, has failed to provide cheap and abundant electricity and now has to rely on imported technology. In contrast, renewable energy with a budget of only \$ 87 million has an installed a capacity of 10,400 MW.

A definite MIT survey in 2003 on nuclear power estimated that ALWRs would produce electricity at Rs

3.2/kWH compared with a new coal plant which would do so at Rs 2/kWH and a gas-plant at Rs 2.8/kWH. If considerations of carbon emission are included, the cost of power from a coal plant would increase to Rs 2.35-Rs 4/kWH depending on the carbon tax, while the cost from a gas-plant would increase to Rs 3.79/kWH under a tax of (\$200) Rs 8000/ tonne of carbon. They found that the prospects for nuclear energy as an option are limited by four unresolved problems: high relative costs; perceived adverse safety, environmental and health effects; potential security risks stemming from proliferation; and unresolved challenges in long-term management of nuclear wastes. Periodic reports of radioactive leaks, the latest in Japan, are quickly hushed up. India's record is not particularly encouraging. The MIT report states: "The nuclear option should be retained precisely because it is an important carbon-free source of power." Deployment in the US is set to expand from about 100 GW today to 300 GW in mid-century, keeping nuclear power's share of the electricity market almost constant.

A strong case for nuclear plants is being made as an antidote to the problem of global warming as such plants do not cause carbon emission. However, even after 60 years the problem of radioactive waste disposal has not been solved. Some geological structures have been found to be far from safe and "temporary" storage is now being resorted to. Is the Third World to be a repository of dumping as is the case now with toxic wastes? Further, world reserves of uranium will permit generation at an enhanced rate for only 50-60 years. Thus nuclear power, as we know it, can at best provide a temporary solution. Nuclear fusion is still a chimera of the future. Of the alternatives, there is not one but several. These are advanced thermal plants and gas-

fired plants with low carbon emission, renewable energy in the form of wind, solar and bio-mass and hydrogen energy in the future.

In spite of its great potential, 60 years of research and billions of dollars in investments, nuclear power supplies only 16 per cent of the world's electricity, slightly less than hydropower. France has the largest component of nuclear power (over 70 per cent), while the USA generates only about 25 per cent of its total capacity. After Chernobyl and Three Mile Island there has been a virtual freeze in the construction of new plants in the USA. This is due to be relaxed as a measure against global warming. Since 2000, 20,000 MW of nuclear power has come on line, most of this in the Far East, China and Japan.

#### **Nuclear shield**

A by-product of the nuclear power programme is plutonium which can be used in nuclear weapons. This gives an entirely different perspective to the argument. India has already agreed to separate its power generation plants from those for possible military uses. In the present environment with nuclear powers as neighbours and the ever-increasing possibility of nuclear terrorism, the need for a nuclear shield cannot be gainsaid.

However in the long run, attempts to make nuclear-weapons free zones leading ultimately to total nuclear disarmament, surely need strengthening in this age of globalisation. The utilisation of solar energy, almost reluctantly named by Dr Manmohan Singh as an afterthought, to supplement nuclear energy also needs a boost in the form of a National Solar Energy Institute to be given high priority and set up with adequate funds.

After all no one since Archimedes has used solar

energy as a weapon! India has a long tradition in the field, as Prof JC Bose writing in his diary in 1885 wondered "whether there was no other way of directly using the radiant energy of the Sun". He went on to demonstrate the first Suryakosh, the pre-cursor of today's solar cells.

*(Courtesy: The Statsman)*

