BACKGROUND GUIDE

All India Political Parties Meet (AIPPM)

Agenda: Analysing Weapons of Mass Destruction (WMD) and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022 with special emphasis on No First Use Nuclear Policy

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Greetings Delegates,

It gives the Executive Board immense delectation to welcome you all to the All-India Political Parties' Meet to deliberate upon "Analysing Weapons of Mass Destruction (WMD) and their Delivery Systems
(Prohibition of Unlawful Activities) Amendment Bill, 2022 with special emphasis on No First Use Nuclear Policy"

With respect to the agenda, the Government of India recently introduced the Weapons of Mass Destruction (WMD) and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022. The Bill seeks to modify the original legislation of 2005 that covers unlawful activities relating to biological, chemical, and nuclear weapons and their delivery
systems but does not cover the financial aspect of such delivery systems. The new provisions are essential to meet India's international obligations. Therefore, the Committee hopes to have a dynamic deliberation to elucidate upon the national agendas at hand.

The groundwork of research has been laid out for you in this Background Guide. This Guide is just a compilation of simple facts and this would act as a good starting point for your research. From here on, you can cover topics more deeply and cover other aspects of the Debate.

Feel free to contact the Executive Board if you have any queries. We are looking forward to seeing you this fall.

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The Executive Board
All India Political Parties Meet (AIPPM)

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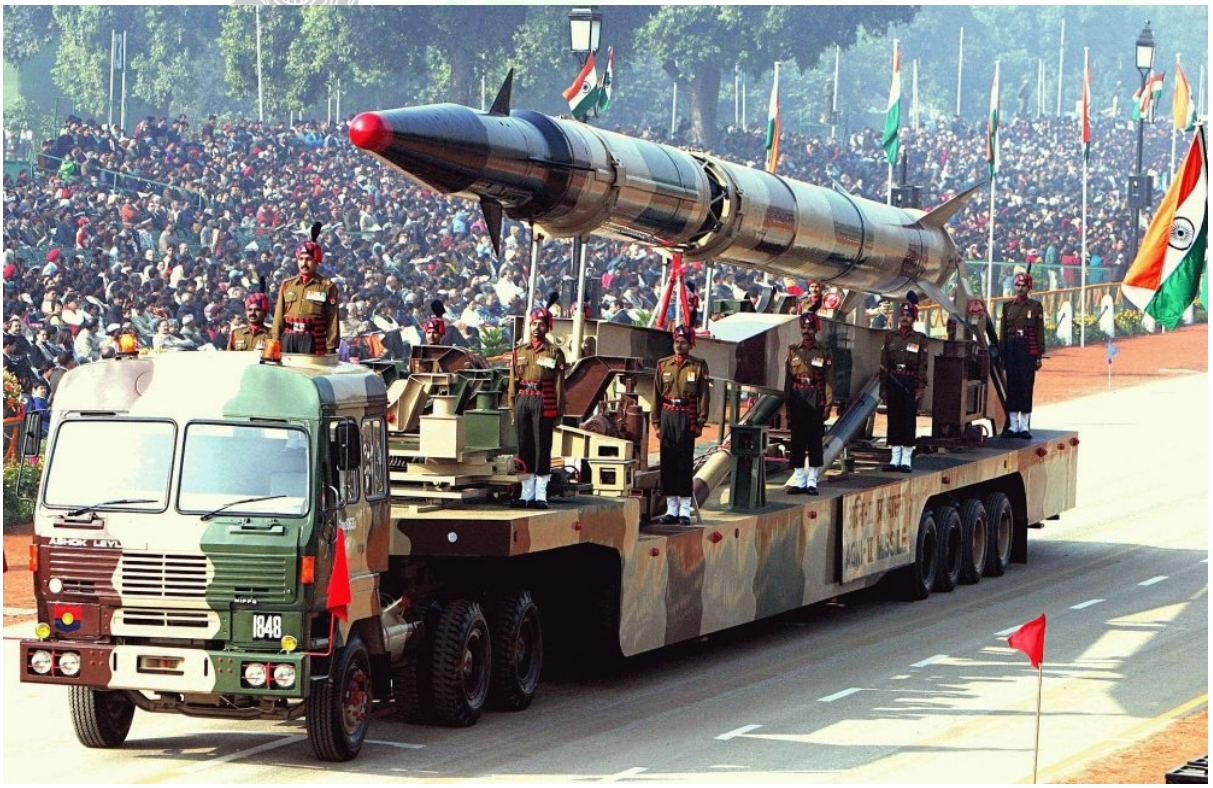

Introduction - No First Use Doctrine:

India's nuclear policy rests on a categorical and unequivocal commitment to "no first use of nuclear weapons" against nuclear-armed adversaries and not to use nuclear weapons against non-nuclear-weapon states. This is rooted in a deep-seated cultural belief that the use of force to resolve interstate disputes is an abhorrent concept. The concept of deterrence by denial, rather than deterrence by punishment, is central to Indian strategic thinking. India's nuclear doctrine is based on the idea that it will use nuclear weapons only in retaliation for the country's attempt to use nuclear weapons against India, its states or its military. India became the first country to achieve nuclear power without signing the Nuclear Non-Proliferation Treaty.

However, by voluntarily giving up its sovereign right of first use of nuclear weapons to defeat nuclear threats and prevent nuclear blackmail, India has made an immense strategic sacrifice and imposed a heavy burden on itself. Therefore, delegates are urged to formulate the fate of India's nuclear policy in the face of a global crisis.

Homi J. Bhabha and Indian Nuclear Programme:

India's nuclear program was launched in the late 1940s under the leadership of Homi J. Bhabha. Bhabha believed that to become a power to be reckoned with, India needed to develop its nuclear capabilities and also an atomic bomb if it needed to defend itself. He convinced his close friend Jawaharlal Nehru of the same – that science was the path to progress. Bhabha eventually became the Chairman of the Atomic Energy Commission of India.

During the Chinese nuclear tests, Homi Bhabha wrote to Prime Minister Nehru to convey that the test would have no military significance and that China's possession of a few bombs would have no effect on the military situation. In order to counter the psychological-political impact of the Chinese bomb, Dr. Bhabha claimed that India must be able to produce the bomb within a few months. Thus Bhabha sowed the seeds for the creation of India's first nuclear weapon. TIFR and AEET were cornerstones of India's nuclear weapons development, which Bhabha also oversaw as director.

Major events before 1974

In 1954, India established the Atomic Energy Establishment, Trombay (AEET) under the leadership of Homi Jehangir Bhabha, a British-trained Indian nuclear physicist who had returned to India just before the start of World War II. AEET, later renamed Bhabha Atomic Research Centre (BARC) after its founding director, was primarily established as a research centre, with no research objectives outside of nuclear power. In a speech to India's lower house of parliament in 1957, India's first Prime Minister Jawaharlal Nehru is quoted as saying: "[We] have made it very clear that we are not interested in these bombs and will not make them even if we have the ability to do so".

During the year, Bhabha presented his plan for India's nuclear future at the Conference on the Development of Atomic Energy for Peaceful Purposes, in which he outlined, among other things, his interest in using plutonium as an alternative to uranium fuel. Lacking large reserves of natural uranium, India would need an alternative fuel to ensure independence in the long term. The first step to realising Bhabha's plan was the construction of the Apsara research reactor, with the UK's help in sharing the schematics and supplying the required enriched uranium fuel. The Apsara reactor went critical in 1956.
Before the completion of the Apsara reactor, plans were set in motion to build the CIRUS reactor. As part of the Colombo Plan, an initiative through which more developed countries could support the development of countries in Asia and the Pacific, Canada offered to help build the CIRUS reactor in 1955. The US involvement involved supplying heavy water for the reactor. As part of the agreement, Canada and the US stipulated that the fissile material generated during the operation of the reactor was to be used only for peaceful purposes. However, they did not outline any specific inspection plan to determine how the plutonium was used.

Although there was cooperation between the US and India in the initial stages of their nuclear program, tensions began to rise as India faced war with Pakistan in the middle of the Cold War. The US was reluctant to provide military aid to Pakistan, possibly due to Pakistan's alliance with China, a potential superpower that could shift the balance of power in the Cold War if it allied with the Soviet Union. This was not the first time that India's best

interests were not shared with those of the major powers of the time. India already had arguments against attempts to hedge against their freedom to use their plutonium as they saw fit.

The growing unrest in India has not gone unnoticed by others. An internal US government report from February 1972, just after the resolution of the 1971 Indo-Pakistani War, outlined the possibility of an Indian nuclear test. The document acknowledges that the wording of the original agreement does not expressly ban "peaceful nuclear explosives", and also acknowledges that India does not accept the US and Canadian interpretation that it does. In addition, the document states that due to the lack of control provisions in the original document, the US could not have intervened unless the Indian government publicly announced its intention to test the explosive.
However, the Government of India did not give any opportunity to intervene. The events and decisions leading to the choice to test the explosive were largely undocumented. In fact, it was not announced that India had conducted the Test until a day after it had done so, presumably because it did not have to deal with the pressures of going through with the Test. The test was labelled Pokhran-I according to the location where the test was conducted.

Based on the timing of the test, it seems that dealings with the US during the Indo-Pak war may have played a big role in India's decision. Although the Soviet Union attempted to form an alliance with India during the conflict with Pakistan, the interplay between the US, China, and the Soviet Union may have sent a message to India that they were not considered equals. If the nuclear test was to get their attention, it succeeded.

Nuclear Non-proliferation Treaty - India

India has been a consistent advocate of global nuclear disarmament since the inception of the concept in the United Nations. Faced with two nuclear neighbours with one of them declaring its nuclear arsenal as India-specific, it had to reluctantly become a nuclear weapon state. However, India remains committed to the idea of negotiating a universal, non-discriminatory, and internationally and an effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, one that takes into account India’s national security interests.

- **India and the NPT**

The UN Security Council unanimously adopted Resolution 1887 on the Non-Proliferation of Nuclear Weapons, which, among other things, called on states that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to join it. However, India responded to the resolution by stating categorically that it would not join the NPT as a non-nuclear weapon state, as nuclear weapons form an integral part of India's security. So far, the NPT recognizes only five permanent members of the UN Security Council (the US, Russia, the UK, France, and China) as nuclear powers and mandates that other countries can only be a party to the NPT as non-nuclear weapons. State. This is unacceptable to India and therefore there is no question of whether India will join the NPT. India's position on the NPT is that it "cannot adopt externally

prescribed norms or standards on matters falling within the jurisdiction of its Parliament or inconsistent with India's constitutional provisions and procedures or contrary to India's national interests or in violation of its sovereignty." "

- **India and the CTBT**

India's stance on the Comprehensive Nuclear-Test-Ban Treaty (CTBT) is also principled. India has stated that it will not be able to sign and ratify the CTBT in its current discriminatory form. However, India has pledged to continue with a voluntary and unilateral moratorium on further nuclear tests. India is the only nuclear-weapon state that has said it believes its security would be enhanced, not diminished, in a world without nuclear weapons.

Project 596 (Chinese Nuclear Tests)

In 1951, China signed a secret agreement with Moscow through which China provided uranium ores in exchange for Soviet assistance in nuclear technology. China began developing nuclear weapons in the late 1950s with considerable Soviet assistance.

As Sino-Soviet relations cooled in the late 1950s and early 1960s, the Soviet Union withheld plans and data for the atomic bomb and began withdrawing Soviet advisers. Despite the end of Soviet aid, China pledged to continue developing nuclear weapons.

China made remarkable progress in the 1960s in the development of nuclear weapons. China's first nuclear test was conducted at Lop Nur on October 16, 1964. It was a rod shot involving a fission device with a yield of 25 kilotons. Uranium 235 was used as nuclear fuel. Less than 32 months later, on June 14, 1967, China detonated its first hydrogen bomb. There is considerable uncertainty in published estimates of the size of China's nuclear weapons stockpile. Although these weapons do not pose a direct threat to the United States, they still pose a major threat to world security. China is also suspected of aiding Pakistan's nuclear program. In 1996, China signed the Comprehensive Test Ban Treaty.

The Smiling Buddha (Pokhran 1) - 1974

After two years of preparation, BARC received permission from Indira Gandhi to detonate its own nuclear device in September 1972 at Pokhran.
The test was codenamed 'Smiling Buddha' and was conducted on May 18, 1974. The name was chosen because the test was conducted on Buddha Purnima that year. "Buddha has finally smiled" was the message delivered by Raja Ramanna, director of India's premier nuclear research institute Bhabha Atomic Research Centre (BARC) to Prime Minister Indira Gandhi.

This was the first confirmed nuclear test by a nation that was not a permanent member of the United Nations Security Council (UNSC).

Although the yield of the device detonated at Pokhran is debated, the actual yield is believed to have been around 8-12 kilotons of TNT. The highlight of the test was that India managed to avoid detection by the United States and other intelligence agencies.

The Canadian Deuterium Uranium (CANDU) reactor is a nuclear reactor that allows the use of unenriched uranium as fuel using heavy water as a moderator. This lowers the barrier to entry for developing countries that do not have access to enrichment facilities or stockpiles of enriched uranium fuel.

However, the CANDU reactor and heavy water reactors in general have become the subject of great controversy. Lowering the barrier to entry into the production of nuclear electricity naturally lowers the barrier to entry into the production of nuclear weapons. Once the reactor reaches a critical state, it can be used to produce plutonium and subsequently nuclear weapons. In the case of the Canada-India reactor, the US (CIRUS) reactor, a joint effort between Canada and the United States of America to deliver nuclear reactor technology to India in hopes of alleviating the stress of India's growing energy demand, nuclear proliferation concerns. through this technology proved to be justified.
In 1974, nearly 15 years after the CIRUS reactor went critical, India detonated a nuclear weapon at its Pokhran test site using plutonium believed to have been produced by the CIRUS reactor. This demonstration appeared to be in direct violation of the agreement made prior to sharing the technology, which prohibited the use of the technology for non-peaceful purposes. While India maintained that it had not violated the agreement, calling the demonstration a "peaceful nuclear explosion", Canada responded by withdrawing support for India's nuclear power program while it reassessed its nuclear technology sharing policy.

Shakti (Pokhran 2) - 1998

Over the next two decades, many prime ministers tried to revive nuclear research - most notably PV Narasimha Rao - only to give in to US surveillance satellites and the threat of sanctions.

In fact, when Rao ordered a nuclear weapons test in 1995, the test had to be aborted after US Central Intelligence Agency (CIA) spy satellites picked up signs of nuclear test preparations at the Pokhran test range in Rajasthan. President Bill Clinton and his administration put enormous pressure on Prime Minister Narasimha Rao to stop the preparations.

In 1996, Vajpayee came to power and began working to achieve his dream of making India a nuclear power. However, his plans had to be put in cold storage after his government fell in 13 days.

When he returned to power in 1998, he gave a thumbs-up to the then Defense Research and Development Organization chief A PJ Abdul Kalam and the then Atomic Energy Commission chairman R Chidambaram for nuclear tests.

Once approval was given for the tests, India began carefully planning the procedure, away from the prying eyes of America. Reports state that the people taking part in the tests were sworn to absolute secrecy and also had a year and a half to rehearse and plan each step.

According to a report in Daily O, India's access to state-of-the-art satellites helped a lot in planning the Pokhran tests.

These satellites have provided India with crucial information about what can and cannot be seen. Using this, they would work at the test site at night to avoid being caught on camera

No First Use Doctrine

India’s nuclear doctrine can be summarised as follows:

1. Building and maintaining a credible minimum deterrence;
2. A posture of "No First Use" nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere;
3. Nuclear retaliation to a first strike will be massive and designed to inflict unacceptable damage.
4. Nuclear retaliatory attacks can only be authorised by the civilian political leadership through the Nuclear Command Authority.
5. Non-use of nuclear weapons against non-nuclear weapon states;

6. However, in the event of a major attack against India, or Indian forces anywhere, by biological or chemical weapons, India will retain the option of retaliating with nuclear weapons;
7. A continuance of strict controls on the export of nuclear and missile-related materials and technologies, participation in the Fissile Material Cutoff Treaty negotiations, and continued observance of the moratorium on nuclear tests.
8. Continued commitment to the goal of a nuclear weapon-free world, through global, verifiable, and non-discriminatory nuclear disarmament.
9. The Nuclear Command Authority comprises a Political Council and an Executive Council. The Political Council is chaired by the Prime Minister. It is the sole body that can authorise the use of nuclear weapons

One of the cornerstones of India's official nuclear policy is No First Use (NFU) of nuclear weapons, which has a long history in Indian nuclear debates and discussions. The country's stated doctrine from January 2003 includes a pledge not to use nuclear weapons first but with a significant caveat, that nuclear weapons could be used if Indian forces are attacked with biological or chemical weapons. The NFU policy has often been held up by Indian diplomats, government spokespeople, and various strategists as proof of India's status as a responsible nuclear power. At the same time, there is also a history of strategists, military leaders, and, more recently, government officials questioning, or calling for the abandonment of, the NFU commitment. Statements by various policy makers and officials suggest that their understanding of how nuclear weapons should be used does not fit the strict interpretation of a NFU policy, and that India might well be the first to initiate a nuclear attack during a military crisis. The development and deployment of nuclear warheads mated to missiles would create the material grounds for first use of nuclear weapons and create risks of accidental or inadvertent nuclear war.

➢ **Evolution of the Doctrine and Nuclear Policy:**

The ill-thought out official Indian nuclear doctrine of "massive retaliation" is wholly inappropriate and as a deterrent useless. Of American origin, the massive retaliation concept was conceived in the late 1940s when the

US had a nuclear weapons monopoly. In the second decade of the 21st century, this concept, combined with the principles of minimum deterrence and No First Use, constitutes a strategic handicap and major military liability. This is so because these three mutually cancelling concepts will ensure Indian nuclear weapons, other than for safely brandishing against Pakistan, will stay sheathed when it matters most against China.

The government has to change its view of nuclear weapons as mere symbols of power and see them, instead, as affording the country a dynamic military means to control the level and intensity of conflict with China by deterring the PLA from pushing its conventional military and terrain advantages, as the PLA has done in Ladakh. In this context, a revamped nuclear doctrine should state bluntly that Indian nuclear forces are oriented principally to the China threat, No First Use is discarded, and that a First Use nuclear doctrine is now operational but only against China.

Further, to show India means business, New Delhi should announce a two-tiered strategic defence of atomic demolition munitions (ADMs) placed as a nuclear tripwire to bring down whole mountain sides without venting radioactivity (because the collapsing earth will absorb it) on large aggressive PLA formations that breach the Line of Actual Control (LAC). And, as back-up, batteries of forward deployed canisters Agni missiles, capable of launch-on-launch and launch-on-warning, comprising a short fuse deterrent.

Such a posture of defensively arrayed ADMs and canister-borne Agni missiles will at once shift the onus and the responsibility for India's nuclear use to China, especially if it is made clear by the government that their triggering will be dictated entirely by PLA actions in-theatre without exactly defining the nuclear use threshold to retain ambiguity and manoeuvring space.

Just as Russia and Western Europe know that they have too much to lose in a nuclear exchange by militarily challenging Russia in Ukraine, China needs to be convinced that the situation on the LAC has changed and that India will hereafter not fight China on Chinese terms by restricting its actions to the conventional military field.

The Indian government, alas, is painfully slow in learning military lessons and, where the threat of use of nuclear weapons against China is concerned, apparently has a mental block. This is when such threats, based on a

credible nuclear posture with ADMs and canister Agni missiles, can actually leverage more responsible Chinese behaviour. After all, whatever the cost to India of a nuclear exchange, the prospect of China likely losing Beijing, the Three Gorges Dam, the Lop Nor nuclear weapons complex, and/or its entire wealth-producing eastern seaboard, will compel President Xi Jinping and the PLA to do a rethink about the costs of not having a settled border with India and speed up a negotiated resolution of the long-standing border dispute.

Weapons of Mass Destruction (WMD) and their Delivery Systems Act (Prohibition of Unlawful Activities) 2005

Analysing Weapons of Mass Destruction (WMD) and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022 with special emphasis on the No First Use Nuclear Policy. India, Being a country with diverse acknowledgments and with adequate foreign relations, stands as a state holding the 4th position in the world in terms of military. The Prohibition of unlawful activities on the WMD act 2005, as the name suggests, is **An Act to prohibit unlawful activities, in relation to weapons of mass destruction and their delivery systems and for matters connected therewith or incidental thereto.** India is determined to safeguard its national security as a nuclear weapon state. By the act;

India is committed not to transfer nuclear weapons or other nuclear explosive devices, or to transfer control over such weapons or explosive devices, and not in any way to assist, encourage, or induce any other country to manufacture nuclear weapons or other nuclear explosive devices. India, by this act is also committed to the objective of global nuclear disarmament.

India is accustomed to provide for integrated legal measures to exercise controls over the export of materials, equipment and technologies and to prohibit unlawful activities in relation to weapons of mass destruction and their means of delivery.

India is supposed to exercise controls over the export of chemicals, organisms, materials, equipment and technologies in relation to weapons of mass destruction and their delivery systems under other relevant acts.

India is committed to its obligations as a State Party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

Under the act;

- Save as otherwise expressly provided in this Act, the provisions of this Act shall be in addition to any other relevant Act for the time being in force in relation to any matter covered under this Act.
- It extends to the whole of India including its Exclusive Economic Zone.
- Every person shall be liable to punishment under this Act for every act or omission contrary to the provisions thereof, of which he is held guilty in India.
- Any person who commits an offence beyond India, which is punishable under this Act, shall be dealt with according to the provisions of this Act in the same manner as if such act had been committed in India.
- The provisions of this Act shall also apply to -
    1. citizens of India outside India;
    2. companies or bodies corporate, registered or incorporated in India or having their associates, branches or subsidiaries, outside India;
    3. any ship, aircraft or other means of transport registered in India
    4. or outside India, wherever it may be;
    5. foreigners while in India;
    6. persons in the service of the Government of India, within and beyond India.
- Notwithstanding the applicability of the provisions of any other Central Act relating to any activity provided herein, the provisions of this Act shall apply to export, transfer, re-transfer, transit and trans-shipment of material, equipment or technology of any description as are identified, designated, categorised or considered necessary by the Central Government, as pertinent or relevant to India as a Nuclear Weapon State, or to the national security of India, or to the furtherance of its foreign policy or its international obligations under any bilateral, multilateral or international treaty, Covenant, Convention or arrangement relating to weapons of mass destruction or their means of delivery, to which India is a Party.

Weapons of Mass Destruction (WMD) and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022

The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022, piloted by External

Affairs Minister S Jaishankar, was passed by the Rajya Sabha with a voice vote even as opposition parties continued their protest over various issues, including the arrest of Shiv Sena MP Sanjay Raut in a money laundering case. The bill was approved by the Lok Sabha in April.

Replying to a debate on the bill, Jaishankar said all members who spoke on the proposed legislation recognized that terrorism is a serious threat and so are weapons of mass destruction (WMD).

He said that the current law only covers trading and does not cover the financing of weapons of mass destruction.

"This gap needs to be filled because recommendation...of the Financial Action Task Force requires all countries, including us, to ensure that assets financing for WMD-related activities is prohibited.

"So keeping in mind these lacunae of the current law we have brought this amendment. This is good for the security of the country. This is good for the reputation of the country," Jaishankar said.

The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, passed in 2005, only banned the manufacture of weapons of mass destruction.

➢ **Advantages of NFU**

- The NFU policy facilitates restrained nuclear weapons programme without tactical weapons and a complicated command and control system.
- The doctrine minimises the probability of nuclear use by avoiding the deployment of weapons on hair-trigger alert and keeping an arms-race in check.
- The doctrine also reduces the chances of unnecessary chaos as the onus of taking the decision to escalate a nuclear use lies on the adversary.

- Strict adherence to the doctrine can strengthen India's efforts to gain membership in the Nuclear Supplier Group (NSG) and United Nations Security Council (UNSC).

➢ Arguments Against NFU

- The idea of no-first-use (NFU) of nuclear weapons has been rejected by some nuclear weapons states and accepted only at the declaratory level by most, if not by all of the others.
- Nuclear weapons are often seen as an antidote to conventional inferiority as the inferior party will seek to deter conventional attack by threatening a nuclear response.
- The first-use nuclear doctrine introduces an element of nuclear risk to any war contemplated by the superior state as it is hard for the potential attacker to confidently calculate that it can achieve victory at an acceptable cost when there is a possibility of nuclear escalation
- In India the NFU policy has been called into question on the grounds that it allows Pakistan to take the initiative while restricting India's options militarily and puts India in a disadvantageous position.
- Pakistan's low nuclear thresholds and its policy of using its nuclear umbrella to foment sub-conventional conflict in India is the principal reason behind the debate around India's 'no first use' policy.

➢ Implications of Abandoning NFU for India

- Withdrawing the NFU policy and making a declaration to that effect can affect India's status as a responsible nuclear power.
- Such a step will abrogate India's commitment to the universal goal of nuclear disarmament and upset the regional balance in the sub-continent.

- Further, abrogating the doctrine would signal a first use posture by India, thus reducing the space for conventional warfare below the nuclear threshold. This could also severely corrode India's ability to limit Pakistan's offensive tactics and policies at the conventional level.
- Moreover, China's expansionist policies cannot be deterred by revising the doctrine, the decision to abandon the doctrine can send a deliberate signal of provocation to China.
- Nuclear preemption is a costly policy as it requires massive investment not only in weapons and delivery systems but also intelligence, surveillance and reconnaissance (ISR) infrastructure.
- India would require a far bigger inventory of nuclear weapons particularly as eliminating adversaries' nuclear capabilities would require targeting of its nuclear assets involving multiple warheads.
- India is yet to induct the Multiple Reentry Vehicle (MRV) technology in its missiles, which is fundamental to eliminating hardened nuclear targets.
- First use doctrine will also require devolving control of nuclear weapons from the scientific enclave to the military for their eventual use.
- Moreover, the after effects of the nuclear fallout, depending on the magnitude of nuclear explosions, could pose existential threats to humanity itself.

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