A PARADOX OF SHIFTING SANDS: INDIA'S REALTIONSHIP WITH THE NPT

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INTRODUCTION

The nuclear Non-Proliferation Treaty (NPT) was formulated when the world was in the throes of the Cold War, in an atmosphere wrought with the paranoia of a nuclear holocaust. The NPT did much to assuage this. It was opened for signature in 1970, and currently, only nine countries in the world possess nuclear weapons. Some countries like South Africa, Argentina, Brazil and Ukraine have given up their nuclear weapons programmes. Many other technically advanced powers, despite having the technology, have desisted from pursuing one at all. While one cannot attribute all of these achievements to the NPT, it has played a significant role in such developments. The extent of its universality is impressive: 190 nations have signed and ratified it, making it one of the most widely ratified treaties in the world. As of June 2016, only five countries (including India) remain outside the NPT.

India has had a complex relationship with the NPT. This paper has likened it to a paradox of shifting sands – a common phenomenon in the desert that precludes travellers from charting a course using only the topography as a

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guide. Since the genesis of the relationship, neither India nor the NPT could find a clear path to each other. The sands of global events have been shifting faster in the past decade and will shift even faster in the times to come. This paper seeks to examine where India and the NPT have diverged, and, more interestingly how India, despite this divergence, nevertheless sees convergence of principles with the NPT.

The NPT in a sense represents the dominant view on non-proliferation, and India is one of its most unique outliers. However, despite this, India has been a consistent part of the discourse on nuclear issues. To understand India's current stand in the contemporary non-proliferation regime, an awareness of the historical context is necessary.

HISTORICAL BACKGROUND

In the early years of independent India, its position could be summed up thus: nuclear technology for "constructive purposes" was seen as desirable and even necessary for the young country, but even though the Indian leadership was aware of the great potential that ownership of nuclear weapons had, the development of nuclear weapons was not seen as a pressing priority at this point, though the leaders were well aware of their potential.

India benefitted greatly from foreign assistance in the early years of its civilian nuclear programme. Thousands of Indian scientists gained technical knowhow by participating in US nuclear energy projects, and one of India's earliest plutonium processing plants at Trombay utilised the American Plutonium-Uranium Extraction Process (PLUREX)[1]. Furthermore, the United States supplied India with heavy water for its CIRUS reactor which had been built with Canadian support and was one of India's first reactors.

However, by the 1960s, this atmosphere of cooperation and free flowing information had somewhat subdued. Soviet and American

1. http://www.nti.org/learn/facilities/858/. Last accessed on June 11, 2016.

nuclear testing had continued almost unabated. Both countries also boasted of large and growing nuclear arsenals which were a source of constant tension. Further, additional countries like the UK, France and China had also conducted nuclear tests by 1964. In such an atmosphere, the concerns that had been long expressed by more than a few countries, finally found utterance. In 1961, the UN had passed a long pending resolution calling for restraint in acquisition of nuclear weapons and a reduction in nuclear armaments. The deliberations in the UN sparked much debate as they came in the way of the vested interests of nuclear weapon states, as well as the development goals of non-nuclear weapon states. Stemming from the 1961 resolution, the United Nations further passed Resolution 1722 (XVI) that called for the Eighteen-Nation Committee on Disarmament (ENDC) to be constituted to deal with disarmament, test controls, and confidence-building measures.

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Amidst these developments, India took a firm anti-proliferation stand. It joined the ENDC, and even becoming a signatory to the Partial Test Ban Treaty (PTBT) in 1963, Article I of which ambitiously stated that parties to the treaty would strive, *"to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control"* [2]

In 1965, the ENDC commenced negotiations on what would go on to become the nuclear Non-Proliferation Treaty (NPT). India's major bone of contention with the treaty was that it would only recognise those states that had tested a nuclear device prior to 1967 as Nuclear Weapon States (NWS). Thus, only their nuclear arsenals would be granted the exclusive sanction of law. All other states could join the treaty only as Non-Nuclear Weapon States (NNWS). Article II of the NPT states:

2. http://www.state.gov/t/isn/4797.htm#treaty. Last accessed on June 11, 2016.

> Each non-nuclear weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.[3]

Essentially, this provision expressly forbids the NNWS from receiving or manufacturing any nuclear weapon device of their own. Meanwhile, in a manner of balancing this demand upon the NNWS, Article VI of the treaty went on to say:

> Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Of particular note is how no fixed time period was set for this provision. A further advisory by the International Court of Justice (ICJ) in 1996 went only as far as to say that while this Article can be interpreted as specifically calling for nuclear disarmament, the negotiations on the issue of disarmament were to be undertaken "in good faith".[4] The court did not lay down under what parameters good faith fell. This has given the NWS states incredible flexibility within the NPT with regard to the question of disarmament. It may even be seen as granting the NWS *carte blanche* to continue as they had been prior to the treaty.

The treaty was, however, not without benefits for the NNWS. Article IV of the NPT enabled them to carry on Research and Development (R&D) in nuclear energy for peaceful purposes. Despite these apparent benefits, India

3. https://www.iaea.org/sites/default/files/publications/documents/infcircs/1970/infcirc140.pdf. Last accessed on June 11, 2016.
4. http://www.icj-cij.org/docket/files/95/7497.pdf

continued to view the NPT as an inequitable settlement, one that cemented the position of those states that already possessed nuclear weapons while placing severe restrictions on those that didn't. Dr. Bhabha was quick to point out during the 1965 negotiations on non-proliferation, that there was a distinction between "horizontal proliferation" i.e. new countries acquiring nuclear weapons and "vertical proliferation" i.e. the five NWS acquiring nuclear weapons.[5] Clearly, the treaty was more amenable towards preventing horizontal proliferation. India's representative at the ENDC compared it to a nuclear apartheid.[6] India stated that such a treaty would divide the world into the nuclear haves and have nots. Thus, it came as little surprise that when the treaty opened for signature in 1968, and despite exhaustively taking part in the negotiations, India was not amongst its signatories.

Nevertheless, despite being a non-signatory to the NPT, arrangements negotiated prior to the NPT continued to bear fruit for India. Canada assisted India by way of personnel who helped to set up two reactors in India. The United States too continued to provide India with material such as enriched uranium as per (or at least stemming from) previously negotiated agreements.

This is not to say that it was business as usual for the Indian state. By staying out of the NPT, India ceased to enjoy the level of international assistance that it had received in the initial years of its nuclear programme. A more significant shutting out of India from the global regime would be observed after its maiden nuclear test at Pokhran in 1974.

India's official stand after the test was that it had conducted a Peaceful Nuclear Explosion (PNE) and not tested a weapon. PNEs are difficult to distinguish from actual nuclear weapon tests—the USSR and USA had conducted a great many themselves during this period. PNEs and their potential applications were a much explored area of study not only for the Indian scientific establishment, but worldwide as well. Article V of the NPT even talks about PNEs, permitting states to share *"…potential benefits from any*

5. https://www.iaea.org/sites/default/files/publications/magazines/bulletin/bull22-3/223_403587380.pdf. Last accessed on June 11, 2016.
6. https://books.google.co.in/books?id=eR7IiM63oh8C&pg=PA166&lpg=PA166&dq=vc+trivedi+nuclear+apartheid&source=bl&ots=VU4Ft7NGO9&sig=su_Y_PuPuwgr9BqGE3ieQAryj24&hl=en&sa=X&ved=0ahUKEwizmIv27tbNAhUKnJQKHeE4Di0Q6AEIIDAA#v=onepage&q=vc%20trivedi%20nuclear%20apartheid&f=false . Last accessed on June 11, 2016.

peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development…"[7] Regardless of whether the motivation of the test was purely scientific or otherwise, it did have the effect of showing the world that the Indian nuclear capability was more than theoretical.

India faced significant global condemnation after the test. Canada recalled its personnel working on nuclear power plants in India. American shipments of uranium too continued only on the basis that they were negotiated and agreed upon earlier. The response of the White House to the 1974 test was somewhat tempered by the fact that it was embroiled in the Watergate scandal (though non-proliferation issues were not high on Nixon's agenda to begin with). Both Houses of Congress in the United States, however, took a much harsher stance towards the test.

From 1975 onwards, the voices demanding tightened restrictions on nuclear exports grew louder in Congress. Three years later, they succeeded in passing the Nuclear Non-Proliferation Act of 1978 (NNPA). The NNPA called for, amongst other things, amendments to the Atomic Energy Act with regards to exports and nuclear assistance to other countries. Section 123 of the Atomic Energy Act all but expressly forbade nuclear trade with India. This aspect of the NNPA was particularly detrimental to India as the amended Act stated that the United States could only engage in nuclear exchanges with those countries that had a particular set of safeguards. Since the Indian position, from the inception of its nuclear programme, had been to stave off any kind of foreign influence/ interference with the programme, it had not implemented any of the stipulated safeguards. Thus, in a single stroke, India found itself effectively unqualified for any kind of nuclear exchange with the United States.

Further, the test of 1974 was also a significant factor in the formation of the Nuclear Suppliers Group (NSG). This accentuated India's segregation from the non-proliferation regime. In essence, the NSG controls the export of technology and material used to manufacture nuclear weapons. The NSG

7. https://www.iaea.org/sites/default/files/publications/documents/infcircs/1970/infcirc140.pdf. Last accessed on June 11, 2016.

placed heavy restrictions on the supply of nuclear material and technology to India in the aftermath of the test. Though the very fact that the NSG had to come into being demonstrates that the NPT had not been not completely comprehensive in itself.

The result of these developments for the Indian nuclear programme was fairly detrimental. India's nuclear programme had been heavily reliant on outside support. Heavy water that was needed to run most of its reactors, came from abroad, as did the equally important factors of technology and technical assistance.

It would be tempting to dismiss the period post the test as one of stagnation or glacial change in India's nuclear progress, but this claim is not wholly true. It is true that without foreign assistance and a lack of indigenous systems to complement its nuclear infrastructure, the progress was slow. India did, however, manage to achieve significant strides in its nuclear weapons delivery systems. Work on the Agni and Prithvi series of missiles (both of which were designed to carry nuclear warheads) began during the 1980s. Furthermore, the Agni and Prithvi projects provided Indian scientists with a wealth of information and experience for subsequent work on more sophisticated missiles.

RK Sinha (former chairman of the Atomic Energy Commission and secretary in the Department of Energy) has pointed out in a speech that, despite the embargoes, there has been substantial development of indigenous technology. He gives the example of India's increasing use of locally available thorium over uranium, work on the manufacture of heavy water, and work on a prototype plutonium-thorium-uranium-233 fuelled Advanced Heavy Water Reactor (AHWR) to gain experience with the thorium and uranium-233 fuel cycle. Sinha has also emphasised that India's long-term goals in the healthcare, agricultural, power, and other sectors have benefitted from the indigenous nature of its nuclear programme. It is interesting to note that his speech was delivered while inaugurating a medical facility in the northeast, which utilises indigenous technology for cancer treatment. India's progress in the civilian application of nuclear technology also allowed it to keep its weapons option open as well.

What is noteworthy is that by 2001, almost all of these sanctions had been lifted. It is interesting to see that India, compelled with similar factors after its previous test (volatile regional relations, domestic political considerations, and even scientific considerations) did not receive wholly similar responses.

Progress on civilian uses of nuclear energy was matched by developments that allowed India to keep its weapons options open. Ultimately, India would go ahead and conduct a full nuclear weapons test despite all the sanctions imposed on it. On May 11, 1998, India simultaneously tested three nuclear devices, and another two on May 13. Predictably, in the aftermath of the tests, sanctions followed: the United States withheld in excess of $100 million in aid and an even greater amount by postponing loans. Germany put a halt to any new developmental aid to India, while Australia recalled its ambassador, and Japan too put a stop to its annual grant to India. What is noteworthy is that by 2001, almost all of these sanctions had been lifted. It is interesting to see that India, compelled with similar factors after its previous test (volatile regional relations, domestic political considerations, and even scientific considerations) did not receive wholly similar responses.

POST 1998

By the time India conducted its nuclear tests, the world had undergone substantial changes. The Cold War was over and the War on Terror was coming to the fore. From the late 1990s onwards, the growing Taliban activity in Afghanistan as well as the spate of terrorist attacks on American interests abroad, brought greater American interest in South Asia. A rising China also challenged the United States to rethink some of its policies in the region. India's place in the global market too was far different from it had been in 1974. The overtures it had made towards opening its economy and joining the global market were well received. In such an atmosphere, India and the United States began to grow closer together. In 2000, just two years after being at the receiving end of global denunciation and, particularly,

American criticism, President Clinton made a state visit to India. It was the first visit by a sitting president in more than 20 years. The visit held great symbolic value and signalled the beginning of a fostering of closer ties between India and the USA.

Improved ties with the US would enable the Americans to aid in integrating India's position in the larger non-proliferation regime. Further, one cannot discount the fact that India itself made efforts to project itself as a responsible nuclear power. Despite being a non-signatory to the NPT, India had not carried out a single test from 1974 to 1998, nor did it engage in the proliferation of its nuclear material/expertise, and it continued to contribute to the discourse on non-proliferation and disarmament on the world stage. This aspect is important to note, as Articles I and II both emphatically call for both the NWS and NNWS to strive for these objectives. Regardless of which metric one would wish to apply to India, it certainly did conform to this aspect of the treaty. Also of particular note is how the Indian state has shown restraint in the development of its nuclear arms, following a doctrine of credible minimum deterrence. As a result, while India may not have subscribed to the NPT, it certainly has subscribed to the larger thrust of it. This has been further elaborated on in the subsequent section where the NPT is examined section by section.

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Shortly after his coming to office, the attacks of 9/11 pushed the War on Terror to the top of President Bush's agenda. No doubt, realising that India and Pakistan would have key roles to play in the growing War on Terror, President Bush authorised a rolling back of sanctions placed on both countries in the aftermath of their nuclear tests. Further, it has been noted that President Bush had something of an affinity towards India. This, combined with the growing voices in the Bush Administration for stronger ties with India (for numerous practical reasons: as a counter-balance to China, India

as a potential market, nuclear and otherwise, etc., etc.), allowed for a further cultivation of Indo-US relations.

The nuclear issue had been a historical stumbling block in Indo-US relations. For more than three decades, it had coloured relations between the two countries. If the two countries could resolve the issue, it would usher in a paradigm shift in Indo-US relations.

The US moved quickly to remove the decades-long obstacles in India's nuclear advancement that it had placed and/or supported. This shift in policy, though hinted at a few years prior, was formally announced in a joint statement between President George W. Bush and Prime Minister Manmohan Singh in July 2005. The tone of the statement is as telling as its contents:

> President Bush conveyed his appreciation to the Prime Minister over India's strong commitment to preventing WMD proliferation and stated that as a responsible state with advanced nuclear technology, India should acquire the same benefits and advantages as other such states. The President told the Prime Minister that he will work to achieve full civil nuclear energy cooperation with India as it realizes its goals of promoting nuclear power and achieving energy security. The President would also seek agreement from Congress to adjust US laws and policies, and the United States will work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India… [8]

In the July statement, the Indian prime minister added that India would be sure to *"assume the same responsibilities and practices…as other leading countries with advanced nuclear technology…."* [9]

A year after the July 2005 statement, significant legislative changes took place in the US in pursuance of the newly stated position. The Henry J Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006, was passed in the House of Representatives, reshaping the dreaded Section 123

8. http://georgewbush-whitehouse.archives.gov/news/releases/2005/07/20050718-6.html. Last accessed on June 11, 2016.
9. Ibid.

of the Atomic Energy Act. The Senate, in turn, passed the "United States-India Peaceful Atomic Energy Cooperation and US Additional Protocol Implementation Act" to *"exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India."*[10] By 2007, what would popularly be come to be known as the 123 Agreement was ready for release. By late 2008, after some wrangling in both countries' legislatures, it was passed and came into force.

However, it was not only American law that had to be amended—significant changes in aspects of the global non-proliferation regime were also required for Indo-US nuclear cooperation to produce any tangible results. India and the United States undertook significant lobbying efforts to bring about these changes. The International Atomic Energy Agency (IAEA) accepted an India-specific safeguards agreement for nuclear reactors in India. After some deft manoeuvring, the NSG also accepted an India-specific exemption. In the years that followed, India has enjoyed a growing stake in the global nuclear marketplace and been able to engage in significant nuclear exchanges (which will be touched upon subsequently).

In looking at the historical background of India's relationship with the NPT, one tends to focus on Articles I, II, and VI. Indeed, the lion's share of attention they receive in academic and other circles is well deserved to an extent. After all, the nature of their content (non-proliferation and disarmament respectively) is such. However, the NPT is much more than the aforementioned Articles. It is like any treaty, the sum of its parts. To better understand the uniqueness of India's position with regards the NPT, a fuller analysis of all substantive Articles of the treaty is required.

TREATY ANALYSIS

Articles I-VII may be seen to be the substantive Articles of the treaty in which one can find the principles of the treaty enshrined. Articles VIII-XI contain more procedural aspects of the treaty. For the purposes of our analysis, we will examine the first seven Articles to demonstrate India's

10. https://www.bis.doc.gov/index.php/forms-documents/doc_view/198-report-109-721. Last accessed on June 11, 2016.

convergence with the philosophy of the NPT while not repeating those Articles that have already been discussed.

Article III of the NPT calls on member states to accept IAEA safeguards *"… on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere."*[11] As a non-member to the NPT, India was under no obligation to place its largely indigenous civilian nuclear reactors under any kind of international safeguards. However, a significant shift was observed in this position in the integration of India in the global nuclear community in the 2000s. India agreed to systematically separate its civilian and military nuclear programmes and further agreed to broad and extensive safeguarding of its civilian nuclear programme.[12]

In 2008, India agreed to place 35 of its nuclear facilities under irrevocable and comprehensive safeguards. India went as far as to accept the IAEA Board as the ultimate arbiter on any compliance issues. India even opened itself up to "special inspections" of its civilian facilities in addition to the routine inspections the IAEA carries out. Such inspections are more comprehensive and allow for greater scrutiny of aspects of a country's facilities.

Not only has India consented to rigorous safeguarding but also consented to pay a portion of the significant inspection costs. In addition to the aforementioned, India went ahead and signed the Additional Protocol, a supplementary document to the existing IAEA safeguards agreement. The Additional Protocol "grants the IAEA complementary legal authority to verify a State's safeguards obligations".[13] Signing the Additional Protocol, a purely voluntary document (though a widely signed one, with 147 signatories)[14], can be seen as a significant step by India towards the cause of non-proliferation. Put together, the India specific safeguards agreement illustrates that India

11. https://www.iaea.org/sites/default/files/publications/documents/infcircs/1970/infcirc140.pdf. Last accessed on June 11, 2016.
12. https://chellaney.net/2008/07/12/india-iaea-safeguards-agreement-fact-sheet/. Last accessed on June 11, 2016.
13. https://www.iaea.org/safeguards/safeguards-legal-framework/additional-protocol. Last accessed on June 11, 2016.
14. https://www.iaea.org/safeguards/safeguards-legal-framework/additional-protocol/status-of-additional-protocol. Last accessed on June 11, 2016.

has displayed a marked enthusiasm and commitment to bringing its civilian nuclear programme well within the fold of the IAEA regime.

Article IV of the treaty, amongst other things, asks that parties "… cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes…". India has benefitted from consequential nuclear transactions with a whole host of countries, including Russia, Canada, Korea, Australia, and the United Kingdom in the years following 2010. India has not only received nuclear fuel but also benefitted by way of cooperation in R&D, training, safety, etc. India has also contributed in collaboration with international organisations, as well as directly providing assistance to other countries. For the present year, 2016, the Nuclear Security Summit lists India's contributions in its country-wise progress report:

> ...establishment of a national-level Counter-Nuclear Smuggling Team for effective and coordinated response to threats involving the acquisition of nuclear and radioactive materials for malicious purposes; is equipping all major sea and air ports with radiation portals and detection equipment; continued regional and international activities through the Global Centre for Nuclear Energy Partnership; contributed to the upgrade of the IAEA's Seibersdorf Laboratory in 2015 and plans for a contribution in 2016 of US $1 million to the IAEA Nuclear Security Fund; pledged commitment to INFCIRC 869.[15]

India has long contributed personnel and expertise to research facilities, projects and international organisations, but its collaboration in the ITER (International Thermonuclear Experimental Reactor) is a particularly good example. The ambitious ITER project seeks to build the world's largest magnetic fusion device. Doing so would allow the human race to create energy in much the same way that the sun and the stars produce their fuel. Ultimately, the project aims at demonstrating the feasibility of fusion as alternative energy and paving the way for fusion energy power plants in

15. http://www.nss2016.org/news/2016/4/5/highlights-from-national-progress-reports-nuclear-security-summit. Last accessed on June 11, 2016.

India did time and time again show consistent support for the principle of disarmament. The 1988 "Action Plan for a Nuclear Weapon Free and Non-Violent World Order" presented by Prime Minister Rajiv Gandhi in 1988 to a special session of the United Nations General Assembly on disarmament, is a particularly good example.

the future. The project had begun in 2007 and India, as well as China, the European Union (EU), the US, Japan, Korea, and Russia are all combining their resources, and are collaborating together to work on this potentially revolutionary 25-year project. [16]

Coming now to assistance provided to other countries, India signed a nuclear cooperation agreement with Sri-Lanka [17] that was aimed at "*cooperation in the transfer and exchange of knowledge and expertise, sharing of resources, capacity building and training of personnel in peaceful application of nuclear energy—including the use of radioisotopes— nuclear safety, radiation safety and nuclear security*". [18]

While we have covered Article VI earlier, we have not touched upon India's strong stance on nuclear disarmament that it advocated till as recently as the 1980s. Of course, the strength of this view must be tempered by the fact that India has itself rather recently pursued a nuclear weapons programme motivated by security considerations. That being said, India did time and time again show consistent support for the principle of disarmament. The 1988 "Action Plan for a Nuclear Weapon Free and Non-Violent World Order" presented by Prime Minister Rajiv Gandhi in 1988 to a special session of the United Nations General Assembly on disarmament, is a particularly good example. The plan was rooted in the principles of disarmament and non-alignment that India since its inception had repeatedly advocated on the world stage, and could be seen to be in line with Article VI of the NPT. The plan called for:

16. https://www.iter.org/proj/inafewlines. Last accessed on June 11, 2016.
17. http://www.dae.nic.in/writereaddata/ncpw/IGA_srilanka_2015.pdf
18. http://www.world-nuclear-news.org/NP-India-Sri-Lanka-agree-to-nuclear-cooperation-1602154.html. Last accessed on June 11, 2016.

> First[ly], there should be a binding commitment by all nations to eliminating nuclear weapons, in stages, by the year 2010 at the latest. Secondly, all nuclear-weapon States must participate in the process of nuclear disarmament. All other countries must also be part of the process. Thirdly, to demonstrate good faith and build the required confidence, there must be tangible progress at each stage towards the common goal. Fourthly, changes are required in doctrines, policies and institutions to sustain a world free of nuclear weapons.[19]

While India's complex security considerations do not allow it to enter into any treaties that ensure the total *absence* of nuclear weapons in its immediate surroundings, it has entered into regional treaties that go a long way in promoting regional nuclear security.

The plan went on to elaborate in great detail how its objectives could be met. Though little came of the plan, it can be seen as reflective of those voices within the Indian state that stayed firm on the more traditional views of non-proliferation that India had held. In more recent times, India has continued to lend support for steps that may push the world free of nuclear weapons.

Article VII permits member countries to enter into regional treaties to ensure the "total absence of nuclear weapons in the region." While India's complex security considerations do not allow it to enter into any treaties that ensure the total *absence* of nuclear weapons in its immediate surroundings, it has entered into regional treaties that go a long way in promoting regional nuclear security. One can look at the "India-Pakistan Non-Nuclear Aggression Agreement" and the "Agreement on Reducing the Risk from Accidents Relating to Nuclear Weapons" both of which are Indo-Pakistani agreements. While their respective nuclear arsenals have been a source of great strife for each other (and a matter of global concern), these agreements do mitigate the concerns somewhat and are indicative of a degree of regional responsibility.

The Non-Nuclear Aggression Agreement came into force in 1991 and is a confidence-building measure that prohibits parties from conducting or supporting a surprise attack on the nuclear installations of others. From 1992

19. http://fissilematerials.org/library/gan98.pdf. Last accessed on June 11, 2016.

onwards, both India and Pakistan have shared lists of their civilian nuclear facilities as part of larger confidence-building measures that the treaty calls for so as to diffuse the apprehension of an attack. [20]

The Indo-Pakistani "Agreement on Reducing the Risk from Accidents Relating to Nuclear Weapons" is a more recent development, having come into force in 2007, and extended for another five years in 2012.[21] As per the treaty, both parties are to inform each other in case of a nuclear accident, undertake efforts to curtail its radiological impact, and, perhaps, most importantly, take steps to ensure that an accident is not mistaken for a hostile action.

CONCLUSION

What can one infer from India's history with the non-proliferation regime? Certainly, the NPT has stood resolute against the test of time, as has India in its position. So how does one account for the changes that have occurred? The changes that are visible today are a result of changes and shifts in perception towards both the treaty and India. India has made impressive attempts to shift its image of a state with nuclear ambitions – from an international pariah to a stakeholder in the community of nations. Where India's efforts have been (largely) recognised, it is observed that India has reciprocated by increasing the level of its compliance to the principles of the NPT. The Indian case has been one that has been unseen in the past.

If an analysis of history has shown us anything, it is that the shifting sands between India and the NPT continue to obscure a clear path forward. Nevertheless, India's clean record is its biggest asset in any kind of potential inclusion in the treaty, and cannot be ignored. Also, this truly is a feature that is unique to India amongst all the nations that currently lie outside the treaty. This paper has demonstrated some of India's distinctive actions and characteristics that make it an outlier to the NPT that has steadfastly lived by its principles of non-proliferation and pursuit of nuclear disarmament.

20. http://www.ir-ia.com/India-Pakistan-Non-Nuclear-Aggression-Agreement.html. Last accessed on June 11, 2016.
21. http://www.stimson.org/agreement-on-reducing-the-risk-from-accidents-relating-to-nuclear-weap .Last accessed on June 11, 2016.