

## **May 3, 1967**

### **Telegram from L.K. Jha, 'Nuclear Policy'**

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#### **Summary:**

This telegram describes several options of development a nuclear weapon considering the China, US, Soviet factors, as well as India's attitude towards the Treaty on Non-Proliferation. Jha concludes by recommending that India "should not abandon our policy of not developing nuclear weapons for the present."

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TOP SECRET

To: Prime Minister's Secretariat (PN at end)

FROM: L.K. Jha

DATE: May 3, 1967

Subject: Nuclear Policy

□ There are many aspects of nuclear policy on which there seem to be considerable differences of opinion and assessment within Government, as well as outside, in the country as a whole. It is proposed to prepare, if possible, an agreed paper and, if necessary, a paper setting out different points of view after various aspects of the problem have been discussed by the Secretaries concerned. In this note, I am attempting to set out my personal views on the light not only of past thinking, but also recent talks.

2. Should India make nuclear weapons? The time has come when at least at the top level in the Government, this question should be faced squarely and if possible, some kind of a view should be taken.

3. The main argument in favour of India going nuclear is the Chinese threat. This threat is partly military and partly ideological. Without going into too much details, I would express my personal view, for what it is worth, that the cost of India going nuclear is so high in material terms that we shall lose the ideological battle against China in the process. To put it briefly, we cannot, with our limited resources, follow China's foot-steps in the nuclear field without also adopting the Chinese way of life politically and economically.

4. What then of the military threat? It seems to me that we are over-reacting to the Chinese threat and possibly - though this not relevant for present purposes - to Pakistan as well.

5. I do not see the Chinese embarking upon a full-scale war with India. There may be pressure on the borders, threat of one kind or another, possibly skirmishes and localized fighting, but there is little evidence to support the view that the Chinese are in any kind of a mood to invade any country, or even to deploy Chinese forces in any terrain which they do not claim, rightly or wrongly, as their own. The Chinese threat even in military terms will, in my judgment, take the form of subversive activities and guerrilla warfare. What causes me concern over the military threat of China is not the lack of modern weapons, but perhaps our lack of equipment and training to cope with the kind of intrusions the Chinese might attempt. The difficulties we are having in dealing with the Nagas and Mizos are evidence of our weakness in this type of conflict.

6. Even if there were a full-scale war with China, I doubt if the Chinese would use nuclear weapons. In Suez, in Korea and in Vietnam, parties having nuclear weapons have not dared to use them. However unpredictable China may be, the Chinese would not dare use nuclear weapons against a country not possessing them.

7. One reason for this is that they would know that in such an event, neither the USA nor the USSR could stand by and watch. The danger to both these Powers from a nuclear China which has subjected India, would be too tremendous for them to face.

8. The development of nuclear weapons by India would, to my mind, greatly reduce the restraint on China using nuclear weapons against us and also weaken the political compulsions on the USA and USSR to come to our help in such an eventuality.

9. Furthermore, since China is at least five years ahead of us in developing both nuclear weapons and a delivery system, if we had to meet China militarily on the nuclear plane, the chances of our getting the worst of it would be very high.

10. On the whole, I would remain non-nuclear for the present, though it does mean living dangerously.

11. The Prospects and Possibilities of a USSR-USA guarantee

□ Having talked on this subject in Moscow and Washington, as well as in London and Paris, I think I can hazard some views on this subject, even though we are without all the formal answers. My assessment is that a political guarantee is possible, but a legal guarantee is impossible. By this I mean that neither the USA nor the USSR will subscribe to a statement which, in legal terms, will amount to taking on indefinite and unlimited liabilities beyond the UN Charter. What would be negotiable is a guarantee in a language which politically implies a firm commitment to help, but is not as water-tight as a Treaty of Alliance. It should be noted, as the French Foreign Minister observed to me, that even Article 5 of the NATO Alliance merely contains a promise to help and not of full-fledged counter-attack.

12. Is such a guarantee enough? Is such a guarantee desirable?

13. I do not see any particular merit in seeking a guarantee couched in legal terms. In a crisis, the guaranteeing powers can always, if they so wish, wiggle out of even a formal Treaty, leave alone a unilateral Declaration. The main strength of the Declaration lies in the political compulsions behind it. Clearly, as things are today - this again was a point made by the French Foreign Minister - neither the USA nor the USSR can afford to let India go under Chinese domination. So long as this position obtains, whatever the wording of the Declaration, we can count on these two Powers acting.

14. It may well be asked: Why have any kind of Declaration at all in these circumstances? The main advantages of having a Declaration are the following:

□ Since it will commit both the USA and the USSR, action by either of these governments will not be inhibited by the thought that the other Government might act in a contrary fashion

. It will act as a deterrent against attack and when it comes to a nuclear conflict, prevention is better than cure.

. It will be a step forward in building up a system of collective security and outlawing the use of nuclear weapons at least against non-nuclear countries.

□□

15. What should be India's attitude towards the Treaty on Non-Proliferation?

□ The first and most crucial question to be faced is whether we feel that we, and therefore, other nations too, should continue to have the right to make nuclear weapons so long as any country in the world has the right to do so. It is a perfectly logical position to take. It is not inconsistent with our decision not to in for nuclear weapons at least at this stage. But if this is our view, then we should not harp, as we have been doing, on various objectionable features of the draft. For, even if the objectionable features were to be removed, the objection in principle will remain.

16. A possible variation of the same view, which I believe is our position today, is that a Treaty of Non-Proliferation in which non-nuclear nations undertake not to make nuclear weapons is acceptable to us as a holding operation and as a prelude towards further progress in the direction of nuclear disarmament. Such a view would, by its

very nature, hold good for a limited period of time while there is hope of further progress. This consideration has been partially met by conceding the right of each nation to withdraw from the Treaty by giving three months' notice. I had, in my talks, put forward the suggestion that it might be worthwhile limiting the life of the Treaty to a five-year period. This would mean that at the end of the five-year period, unless the nations concerned, having regard to the progress towards disarmament which might have been made in the interval, agree to extend it, everybody would be free to decide its own nuclear policy. It is my judgment that this is a proposition which we should start pressing in earnest and canvassing support for.

17. The next basic question about the Treaty relates to inspection and safeguards. The USA and the USSR have not yet been able to agree upon a draft. The main factor influencing the thinking of these two countries is the attitude of Germany, though its effect on each of them is not the same. It seems most likely that any draft they may come up with will be acceptable to us. But if it is our intention to sign the Treaty, provided its terms are satisfactory, then we have to come forth with a proposition of our own which should be reasonable and justifiable. The formula I have in mind is that countries which possess fissile materials should undertake not to transfer them to any country, except under IAEA safeguards.

18. This would mean that by signing the Treaty, we do not ourselves taken on voluntarily the obligation to subject ourselves to any kind of inspection. We may have to do so, as we have had to do in the past, in those cases in which we do seek external help. The only obligation which we would accept would be not to transfer our fissile materials to any other country, except under IAEA safeguards.

19. Conclusions: I have posed various questions and referred to various alternatives which confront us. It is necessary that there should be governmental decisions on all of them and that all the decisions are mutually consistent.

20. My own recommendations, for what they are worth, would be as follows:

□ We should not abandon our policy of not developing nuclear weapons for the present.

. We should recognize that conditions may change in which this policy may have to be given up. Towards this end, we should concentrate a little more on developing our missile capacity which, incidentally, is not affected by the Treaty on non-proliferation.

. We should continue to work for a suitable political guarantee against nuclear attack and nuclear blackmail, but we should now involve some other non-nuclear countries in the process. We should emphasize that this is an extension of the principle of collective security and an attempt to outlaw the use of nuclear weapons against non-nuclear powers. The present Indo-Chinese equation may well change, but the problem may appear in other parts of the globe in different forms.

. We should make it clear that we are not prepared to tie our hands in perpetuity against making nuclear weapons - guarantee or no guarantee.

. We should be prepared to subscribe to the principle of non-proliferation as a holding operation until further progress is made towards nuclear disarmament.

. Such a treaty, however, should be for a period not exceeding five years is adequate for making further progress towards nuclear disarmament.

. Such a treaty should also not contain any obligations on non-nuclear-weapons countries to subject themselves to IAEA safeguards, but could provide that no country will transfer fissile materials to any other, except under IAEA safeguards.

□□

21. As I have said the beginning of this note, a well-considered paper, in the light of the views expressed by the concerned Secretaries, will come to the Cabinet Committee. This note is for the P.M.'s personal information. However, if, at this stage, she has any reactions or any guidance to give, it will help me to project her point of

view in the discussions that will take place in the next few days.