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Q8

Case study. The Chairman of Bharat Missiles Ltd (BML) was watching a program on TV wherein the Prime Minister was addressing the nation on the necessity of developing a self-reliant India. He subconsciously nodded in agreement and smiled to himself as he mentally reviewed BML's journey in the past two decades. BML had admirably progressed from producing first generation anti-tank guided missiles (ATGMS) to designing and producing state of the art ATGM weapon systems that would be the envy of any army. He sighed in reconciliation with his assumptions that the government would probably not alter the status quo of a ban on export of military weaponry. To his surprise, the very next day he got a telephone call from the Director General, Ministry of Defence, asking him to discuss the modalities of increasing BML production of ATGMS as there is a possibility of exporting the same to a friendly foreign country. The Director General wanted the Chairman to discuss the details with his staff at Delhi next week. Two days later, at a press conference, the Defence Minister stated that he aims to double the current weapons export levels within five years. This would give an impetus to financing the development and manufacture of indigenous weapons in the country. He also stated that all indigenous arms manufacturing nations have a very good record of international arms trade. As Chairman of BML, what are your views on the following points? (a) As an arms exporter of a responsible nation like India, what are the ethical issues involved in arms trade? (b) List five ethical factors that would influence the decision to sell arms to foreign governments.

UPSC Civil Services Mains 2020 · GS IV · 20 marks · Ethics Case Studies

Case Studies on above issues.

Core demand of the question

- Chairman of Bharat Missiles Ltd (BML). After a PM speech on self-reliance, DG (MoD) asks BML to scale ATGM production for possible export to a friendly foreign country. The Defence Minister aims to double weapons exports in five years to fund indigenous manufacture, citing other arms-making nations' trade records

- (a) Ethical issues for a responsible nation in the arms trade
- (b) Five ethical factors that would influence the decision to sell arms to foreign governments

Revision summary

BML is being asked to scale ATGMs for possible export in the name of self-reliance.

Ethical issues are end-use, civilian harm, human rights, diversion and India's responsible-power claim.

A pacifist ban and a profit-only yes are both rejected.

- **Five factors:** embargoes, end-use monitoring, buyer's democracy/HR, regional stability, and MTCR plus Indian law.

The Chairman should take a controlled-sale file to Delhi, or a written no if the buyer fails those tests.

Introduction

Atmanirbhar defence and an export push are lawful industrial policy. Missiles are not soap. BML's Chairman should neither play pacifist priest nor salesman of last resort. The ethic is a responsible-power sale: who buys, for what end-use, under what watch, and at what cost to civilians and to India's name.

Body

Stakeholders

- BML workers, engineers, and the public shareholder (the Indian taxpayer).
- The Ministry of Defence, the political executive, and Parliament.
- The friendly foreign government's forces - and its civilians, dissidents and neighbours.
- Other States in the region, UN embargo regimes, and future users if the weapon is diverted.
- India's image as a responsible nuclear-weapon and missile power.

(a) Ethical issues in arms trade for a responsible India

- **Weapons are dual in moral effect:** they can defend a lawful State and they can kill civilians, crush a people, or start a regional race.
- **End-use:** an ATGM sold for border defence may be turned inward on a minority, a peacekeeper, or a neighbour's village. Ethics begins with a credible end-use promise, not with the adjective "friendly."
- **Human rights of the buyer's population:** a responsible exporter asks whether the government is likely to use guided missiles in a manner that would shame the seller when the footage arrives.
- **Diversion and proliferation:** missiles and know-how leak to non-State actors, to a third country, or to a programme that sits near WMD. MTCR-related restraint is an ethic, not only a club rule.
- **Civilian harm and IHL:** even a State-to-State sale participates in how wars will be fought. Distinction and proportionality are the buyer's legal duties; they are also the seller's foreseeability problem.
- **India's responsible-power image:** doubling exports to fund R&D is a real developmental argument. If the method is "we sell like everyone else," India spends the moral capital it claims in UN peacekeeping and in calling out others' irresponsibility.

- **Self-reliance versus mercenary surplus:** **Atmanirbhar Bharat** is a duty to Indian soldiers and to strategic autonomy. It is not a duty to chase every invoice.
- **Secrecy versus public reason:** some details must be classified. A blank cheque to any buyer because a minister spoke on television is not classification; it is abdication.
- Workers' livelihood and the firm's health are genuine. They do not outrank a UN embargo or a foreseeable massacre.
- Pacifist refusal of all exports is not required of a State that itself faces threats and that may lawfully help a like-minded defender. Pure profit is the opposite error.

(b) Five ethical factors that should influence the sale

- Factor 1 - UN and multilateral embargoes, sanctions, and India's own notified negative lists. A sale that breaks an embargo is not a "friendly" exception; it is a lawless one. Check the destination, the end-user, and any front company.
- Factor 2 - End-use monitoring and re-transfer controls. Contracts, on-site or documentary verification, prohibition on re-export without India's consent, and a willingness to cut spares if the ATGM is used against civilians or diverted. No monitoring, no sale.
- **Factor 3 - Character of the buyer:** democracy, civilian control of the military, and human-rights record, including treatment of minorities and prisoners. A "friendly" autocracy that bombs its cities fails this factor even if it pays in hard currency.
- Factor 4 - Regional stability and escalation. Will the export trigger a neighbour's panic-buy, a border war, or an arms race that India will then have to police? A responsible seller models second-order harm, not only the factory's shift roster.
- Factor 5 - MTCR, domestic export-control law, and consistency with India's nuclear and missile doctrine of restraint. National control lists, licensing, and Parliament's right to a classified but real oversight story. If the sale would make India a hypocrite in a forum where it preaches non-proliferation, the factor bites.

How the Chairman should act

- **Go to Delhi with a production plan and with an ethics-and-control plan:** licensing pathway, end-use clause, and a red-team note on misuse.
- Do not treat the Defence Minister's press conference as a licence. Treat it as a policy intent that still needs law.
- If the unnamed friendly country fails embargo, HR, or stability tests, recommend delay or refusal in writing, and offer other Atmanirbhar work (services, training, domestic inventory) so that workers are not held hostage to a dirty sale.
- If the country passes, export under controls, publish what can be published, and keep a kill-switch on spares.
- Neither a blanket ban nor a purely commercial yes.

Flow diagram

ATGM export -> UN embargo check
 ATGM export -> End-use monitoring
 ATGM export -> Buyer Buyer HR and democracy and democracy
 ATGM export -> Regional stability
 ATGM export -> MTCR and domestic law and domestic law
 Profit only -> Irresponsible power
 Pacifist total ban -> Ignores lawful defence

Conclusion

Arms exports can fund an indigenous defence base and still be wrong in a particular sale. The ethical issues are end-use, civilians, human rights, diversion and India's name. Five factors - embargo, monitoring, the buyer's political-HR character, regional stability, and MTCR/domestic law - should decide, not television or the invoice.

Facts & figures

Missile Technology Control Regime

India joined in 2016; it is a political-export-control grouping aimed at limiting missile proliferation, relevant to ATGM and related technology.

UN arms embargoes

Security Council embargoes bind member States; national licensing cannot ethically or legally 'friend-wash' a listed destination.

Arms Trade Treaty

India is not a party; its human-rights and diversion criteria are still a useful ethical checklist for a responsible exporter.

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

Domestic criminal frame against unlawful WMD and delivery-system activity; export diligence sits in that spirit.

International humanitarian law

Sellers who can foresee indiscriminate use share a moral causal link; IHL duties of distinction bind the user and inform the export licence.

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