

India's nuclear liability law

April 29, 2023

In news— The issues regarding India's nuclear liability law continue to hold up a decade-old plan to build six nuclear power reactors in Maharashtra's Jaitapur to be built by French energy company Electricite de France (EDF).

Law governing nuclear liability in India-

- Laws on civil nuclear liability ensure that compensation is available to the victims for nuclear damage caused by a nuclear incident or disaster and set out who will be liable for those damages.
- The international nuclear liability regime consists of multiple treaties and was strengthened after the 1986 Chernobyl nuclear accident.
- The umbrella Convention on Supplementary Compensation (CSC) was adopted in 1997 with the aim of establishing a minimum national compensation amount.
- The international legal framework on civil nuclear liability, including the annex of the CSC is based on the central principle of exclusive liability of the operator of a nuclear installation and no other person
- Even though India was a signatory to the CSC, Parliament ratified the convention only in 2016. To keep in line with the international convention, India enacted the Civil Liability for Nuclear Damage Act (CLNDA) in 2010, to put in place a speedy compensation mechanism for victims of a nuclear accident.

Key provisions of the Civil Liability for Nuclear Damage Act (CLNDA) 2010-

- The CLNDA provides **for strict and no-fault liability on the operator of the nuclear plant**, where it will be held liable for damage regardless of any fault on its part.
- It also specifies the **amount the operator will have to**

shell out in case of damage caused by an accident at ₹1,500 crore and requires the operator to cover liability through insurance or other financial security.

- In case the damage claims exceed ₹1,500 crore, the CLNDA expects the government to step in and has limited the government liability amount to the rupee equivalent of 300 million Special Drawing Rights (SDRs) or about ₹2,100 to ₹2,300 crore.
- The Act also specifies the limitations on the amount and time when action for compensation can be brought against the operator.
- As per the act, the Atomic Energy Regulatory Board constituted under the Atomic Energy Act, 1962 shall, within a period of fifteen days from the date of occurrence of a nuclear incident, notify such nuclear incident- in that nuclear installation.
- It provides for establishment of **Nuclear Damage Claims Commission**.

Note:

India currently has 22 nuclear reactors with over a dozen more projects planned. All the existing reactors are operated by the state-owned Nuclear Power Corporation of India Limited (NPCIL).

Further reading:

<https://journalsofindia.com/the-civil-liability-for-nuclear-damage-act-2010/>

<https://journalsofindia.com/new-nuclear-site-at-jaitapur-maharashtra/>