

## The Civil Liability for Nuclear Damage Act, 2010

NO. 38 OF 2010[21st September, 2010.]

An Act to provide for civil liability for nuclear damage and prompt compensation to the victims of a nuclear incident through a no-fault liability regime channeling liability to the operator, appointment of Claims Commissioner, establishment of Nuclear Damage Claims Commission and for matters connected therewith or incidental thereto. BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:-

### CHAPTER I PRELIMINARY

1. Short title, extent, application and commencement. - (1) This Act may be called the Civil Liability for Nuclear Damage Act, 2010. (2) It extends to the whole of India. (3) It also applies to nuclear damage suffered-(a) in or over the maritime areas beyond the territorial waters of India; (b) in or over the exclusive economic zone of India as referred to in section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976; (c) on board or by a ship registered in India under section 22 of the Merchant Shipping Act, 1958 or under any other law for the time being in force; (d) on board or by an aircraft registered in India under clause (d) of sub-section (2) of section 5 of the Aircraft Act, 1934 or under any other law for the time being in force; (e) on or by an artificial island, installation or structure under the jurisdiction of India. (4) It applies only to the nuclear installation owned or controlled by the Central Government either by itself or through any authority or corporation established by it or a Government company. Explanation.-For the purposes of this sub-section, "Government company" shall have the same meaning as assigned to it in clause (bb) of sub-section (1) of section 2 of the Atomic Energy Act, 1962. (5) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions. - In this Act, unless the context otherwise requires,-(a) "Chairperson" means the Chairperson of the Commission appointed under sub-section (1) of section 20; (b) "Claims Commissioner" means the Claims Commissioner appointed under sub-section (2) of section 9; (c) "Commission" means the Nuclear Damage Claims Commission established under section 19; (d) "environment" shall have the same meaning as assigned to it in clause (a) of section 2 of the Environment (Protection) Act, 1986; (e) "Member" means a Member of the Commission appointed under sub-section (1) of section 20; (f) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly; (g) "nuclear damage" means-(i) loss of life or personal injury (including immediate and long term health impact) to a person; or (ii) loss of, or damage to, property, caused by or arising out of a nuclear incident, and includes each of the following to the extent notified by the Central Government; (iii) any economic loss, arising from the loss or damage referred to in sub-clauses (i) or (ii) and not included in the claims made under those sub-clauses, if incurred by a person entitled to

claim such loss or damage;(iv) costs of measures of reinstatement of impaired environment caused by a nuclear incident, unless such impairment is insignificant, if such measures are actually taken or to be taken and not included in the claims made under sub-clause (ii); (v) loss of income derived from an economic interest in any use or enjoyment of the environment, incurred as a result of a significant impairment of that environment caused by a nuclear incident, and not included in the claims under sub-clause (ii); (vi) the costs of preventive measures, and further loss or damage caused by such measures;(vii) any other economic loss, other than the one caused by impairment of the environment referred to in sub-clauses (iv) and (v), in so far as it is permitted by the general law on civil liability in force in India and not claimed under any such law, in the case of sub-clauses (i) to (v) and (vii) above, to the extent the loss or damage arises out of, or results from, ionizing radiation emitted by any source of radiation inside a nuclear installation, or emitted from nuclear fuel or radioactive products or waste in, or of, nuclear material coming from, originating in, or sent to, a nuclear installation, whether so arising from the radioactive properties of such matter, or from a combination of radioactive properties with toxic, explosive or other hazardous properties of such matter; (h) "nuclear fuel" means any material which is capable of producing energy by a self-sustaining chain process of nuclear fission; (i) "nuclear incident" means any occurrence or series of occurrences having the same origin which causes nuclear damage or, but only with respect to preventive measures, creates a grave and imminent threat of causing such damage;(j) "nuclear installation" means- (A) any nuclear reactor other than one with which a means of transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose; (B) any facility using nuclear fuel for the production of nuclear material, or any facility for the processing of nuclear material, including re-processing of irradiated nuclear fuel; and (C) any facility where nuclear material is stored (other than storage incidental to the carriage of such material).Explanation.-For the purpose of this clause, several nuclear installations of one operator which are located at the same site shall be considered as a single nuclear installation;(k) "nuclear material" means and includes- (i) nuclear fuel (other than natural uranium or depleted uranium) capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either by itself or in combination with some other material; and(ii) radioactive products or waste;(l) "nuclear reactor" means any structure containing nuclear fuel in such an arrangement that a self-sustaining chain process of nuclear fission can occur therein without an additional source of neutrons;(m) "operator", in relation to a nuclear installation, means the Central Government or any authority or corporation established by it or a Government company who has been granted a licence pursuant to the Atomic Energy Act, 1962 for the operation of that installation;(n) "prescribed" means prescribed by rules made under this Act;(o) "preventive measures" means any reasonable measures taken by a person after a nuclear incident has occurred to prevent or minimise damage referred to in sub-clauses (i) to (v) and (vii) of clause (g), subject to the approval of the Central Government; (p) "radioactive products or waste" means any radioactive material produced in, or any material made radioactive by exposure to, the radiation incidental to the production or utilisation of nuclear fuel, but does not include radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial

or industrial purpose;(q) "Special Drawing Rights" means Special Drawing Rights as determined by the International Monetary Fund.

#### CHAPTER III LIABILITY FOR NUCLEAR DAMAGE

3. Atomic Energy Regulatory Board to notify nuclear incident. - (1) 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: Provided that where the Atomic Energy Regulatory Board is satisfied that the gravity of threat and risk involved in a nuclear incident is insignificant, it shall not be required to notify such nuclear incident. (2) The Atomic Energy Regulatory Board shall, immediately after the notification under sub-section (1) is issued, cause wide publicity to be given to the occurrence of such nuclear incident, in such manner as it may deem fit.