

Bill Summary

The Nuclear Safety Regulatory Authority Bill, 2011

- The Nuclear Safety Regulatory Authority Bill, 2011, was introduced in the Lok Sabha on September 7, 2011. The Bill has been referred to the Standing Committee on Science and Technology, Environment and Forests. The report of the Committee is expected within three months.
 - The Bill provides for the dissolution of the Atomic Energy Regulatory Board (AERB). It establishes the Council of Nuclear Safety (Council) and the Nuclear Safety Regulatory Authority (NSRA).
 - The Council shall consist of the Prime Minister as its Chairperson and six Cabinet Ministers, Cabinet Secretary, Chairman of the Atomic Energy Commission, and eminent experts nominated by the central government. It will oversee NSRA's policies on nuclear safety.
 - The Chairperson and members to the NSRA would be selected by the Search Committees constituted by the Council. The Search Committees would consist of eminent persons in the field of science, engineering and technology as its Chairperson and members.
 - The NSRA shall consist of a Chairperson, two whole-time members and a maximum of four part-time members. Appointment to the position of a Chairperson requires a minimum experience of 25 years, and a member requires a minimum experience of 20 years in the government, or national laboratories in the field of nuclear science, safety radiation therapy and medicine, environmental science or engineering. The Chairperson and members of the NSRA shall hold office for a term of three years and shall be eligible for appointment for another term.
 - The NSRA is empowered to take measures to ensure that the use of nuclear energy is safe for workers, public and the environment. It may undertake to:
 - devise and implement policies for nuclear safety
 - advise the central government on nuclear safety and preparedness in emergencies
 - regulate grant of approvals for production, storage, transport and use of nuclear material
 - notify in the official gazette nuclear incidents under the Civil Liability for Nuclear Damage Act, 2010
 - The written consent of the NSRA is required for carrying out activities such as production, storage, disposal, transport, export, import etc of nuclear material or equipment for production or use of nuclear material.
- Every person who has been granted consent to conduct certain activities by the NSRA shall be responsible for the safety of radiation and nuclear materials contained.
- The NSRA may refuse to grant consent by giving reasons in writing. Consent may be revoked when the applicant has breached the regulations issued by the NSRA. The NSRA is empowered to review its orders. Appeals may be made against the orders of the NSRA within 90 days to an Appellate Authority constituted by the Council.
 - The Council will constitute the Appellate Authority “as and when required”. The Appellate Authority will consist of a Chairperson and a maximum of two members. The appointment of the Chairperson and members will be made by the Council in consultation with the Chief Justice of India. A person shall be qualified to be a Chairperson in case he is or has been a judge of the Supreme Court or the Chief Justice of a High Court. Members should be eminent scientists who have been Secretary to the central government or of equal rank in scientific institutions.
 - The central government may exclude any nuclear material, facilities, premises and activities from the jurisdiction of the NSRA for the purposes of national defence and security. The central government may establish regulatory bodies for discharging the functions of the NSRA with respect to such exempted facilities. Such authorities will be exempted from disclosure of information to any person other than the central government.
 - Breach of a condition subject to which the consent has been granted by NSRA, or disclosure of information prohibited under the Act, failure to provide information to the NSRA, or obstruction from inspection of facilities is punishable with up to five years imprisonment and/or fine. Cases may be filed before the Chief Judicial Magistrate upon a complaint by the NSRA or central government.
 - The Bill bars the jurisdiction of civil courts in respect of matters the Authority is empowered to determine.
 - The central government may by notification supersede the NSRA and discharge its functions for a maximum period of one year under certain conditions.

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