



# Bill Summary

## The Civil Liability for Nuclear Damage Bill, 2010

The Civil Liability for Nuclear Damage Bill, 2010 was introduced in the Lok Sabha on May 7, 2010. The main features of the Bill are:

- a. It defines nuclear incidents and nuclear damage, nuclear fuel, material and nuclear installations, and also operators of nuclear installations.
  - b. It lays down who will be liable for nuclear damage, and the financial limit of the liability for a nuclear incident.
  - c. It creates authorities who will assess claims and distribute compensation in cases of nuclear damage. It also specifies who can claim compensation for nuclear damage, and how compensation can be claimed and distributed.
  - d. It specifies penalties for not complying with the provisions of the Bill, or any directions issued under it.
- Nuclear damage means (a) loss of life or injury to a person, or loss of, or damage to property caused by a nuclear incident (b) economic loss arising out of such damage to person or property, (c) costs of measures to repair the damage caused to the environment, and (d) costs of preventive measures.
  - The Atomic Energy Regulatory Board has to notify a nuclear incident within 15 days from the date of a nuclear incident occurring.
  - The operator of a nuclear installation will be liable for nuclear damage caused by a nuclear incident in that installation or if he is in charge of nuclear material. If more than one operator is liable for nuclear damage, all operators shall be jointly, and also individually liable to pay compensation for the damage. The Bill also provides certain exceptions to an operator's liability.
  - The operator has a right of recourse against the supplier and other individuals responsible for the damage under certain conditions.
- The Bill states that the total liability for a nuclear incident shall not exceed 300 million Special Drawing Rights (Approximately Rs 2100 crore at current exchange rates).
  - Within this amount, the liability of the operator shall be Rs 500 crore. If the liability exceeds Rs 500 crore, the central government shall be liable for the amount exceeding Rs 500 crore (up to SDR 300 million). If damage is caused in a nuclear installation owned by the central government, the government will be solely liable.
  - The Bill allows the central government to create two authorities by notification:
    - a. Claims Commissioner: The Claims Commissioner will have certain powers of a civil court. Once a nuclear incident is notified, the Commissioner will invite applications for claiming compensation.
    - b. Nuclear Damage Claims Commission: If the central government thinks that with regard to a nuclear incident (a) the amount of compensation may exceed Rs 500 crore, or (b) it is necessary that claims will be heard by the Commission and not the Claims Commissioner, or (c) that it is in public interest, it can establish a Nuclear Damage Claims Commission. The Commission shall have the same powers as that of a Claims Commissioner.
  - An application for claiming compensation can be made by (a) person sustaining the injury, (b) owner of the damaged property, (c) legal representative of a deceased person, or (d) an authorised agent. An application can be made within three years from the date of the person having knowledge of nuclear damage. This right to make an application is however exhausted after a period of ten years from the date of the notification of the nuclear incident.

**DISCLAIMER:** This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

