

## LOK SABHA

## CIVIL LIABILITY FOR NUCLEAR DAMAGE BILL, 2010

[As introduced in Lok Sabha]

## Notice of Amendments

Sl. No.	Name of Member and text of Amendment	Clause No.
<b>SHRI PRITHVIRAJ CHAVAN:</b>		
1.	Page 1, for long title, substitute— “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.”.	Long Title
2.	Page 2, after line 12,— <i>insert</i> “(3A) 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. <i>Explanation.</i> —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.”.	1
3.	Page 2, after line 23,— <i>insert</i> “(ca) “environment” shall have the same meaning as assigned to it in clause (a) of section 2 of the Environment (Protection) Act, 1986;”.	2
4.	Page 2, for line 29, substitute— “(i) loss of life or personal injury (including immediate and long term health impact) to a person; or”.	2
*5.	Page 3, for lines 37 and 38, substitute— “(l) “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;”.	2
*6.	Page 5, after line 3,— <i>Insert</i> “(4) The liability of the operator of the nuclear installation shall be strict and shall be based on the principle of no-fault liability.”.	4

\*Requires recommendation of the President under article 117(1) for moving.

<i>Sl. No.</i>	<i>Name of Member and text of Amendment</i>	<i>Clause No.</i>
*7.	<p>Page 5, for lines 36 to 46, substitute—</p> <p>“6.(1) The maximum amount of liability in respect of each nuclear incident shall be the rupee equivalent of three hundred million Special Drawing Rights or such higher amount as the Central Government may specify by notification:</p> <p>Provided that the Central Government may take additional measures, where necessary, if the compensation to be awarded under this Act exceeds the amount specified under this sub-section.</p> <p>(2) The liability of an operator for each nuclear incident shall be—</p> <p>(a) in respect of nuclear reactors having thermal power equal to or above ten MW, rupees one thousand five hundred crores;</p> <p>(b) in respect of spent fuel reprocessing plants, rupees three hundred crores;</p> <p>(c) in respect of the research reactors having thermal power below ten MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials, rupees one hundred crores:</p> <p>Provided that the Central Government may review the amount of operator's liability from time to time and specify, by notification, a higher amount under this sub-section:</p> <p>Provided further that the amount of liability shall not include any interest or cost of proceedings.”</p>	6 Limits of liability.
8.	<p>Page 6, line 1, for “7.” substitute “7.(1)”.</p>	7
*9.	<p>Page 6, after line 8,—</p> <p>insert “Provided that the Central Government may, by notification, assume full liability for a nuclear installation not operated by it if it is of the opinion that it is necessary in public interest.</p> <p>(2) For the purpose of meeting part of its liability under clause (a) or clause (c) of sub-section (1), the Central Government may establish a fund to be called the Nuclear Liability Fund by charging such amount of levy from the operators, in such manner, as may be prescribed.”</p>	7
10.	<p>Page 6, line 10, for “financial security” substitute “financial security or combination of both”.</p>	8
11.	<p>Page 6, after line 15,—</p> <p>insert ‘Explanation.—For the purposes of this section, “financial security” means a contract of indemnity or guarantee, or shares or bonds or such instrument as may be prescribed or any combination thereof.’.</p>	8
12.	<p>Page 6, for lines 25 to 29, substitute—</p> <p>“(a) is, or has been, a District Judge; or</p>	10

\*Requires recommendation of the President under article 117(1) for moving.

<i>Sl. No.</i>	<i>Name of Member and text of Amendment</i>	<i>Clause No.</i>
	(b) in the service of the Central Government and has held the post not below the rank of Additional Secretary to the Government of India or any other equivalent post in the Central Government.”.	
13.	Page 7, for lines 42 and 43, substitute— “17. The operator of the nuclear installation, after paying the compensation for nuclear damage in accordance with section 6, shall have a right of recourse where— (a) such right is expressly provided for in a contract in writing; (b) the nuclear incident has resulted as a consequence of an act of supplier or his employees, done with the intent to cause nuclear damage, and such act includes supply of equipment or material with patent or latent defects or sub-standard services; (c) the nuclear incident has resulted from the act of commission or omission of an individual done with the intent to cause nuclear damage.”.	17 Operator's right of recourse.
14.	Page 8, omit lines 1 to 4.	17
15.	Page 8, for lines 5 to 7, substitute— “18 The right to claim compensation for nuclear damage shall extinguish, if such claim is not made within a period of— (a) ten years, in the case of damage to property; (b) twenty years, in the case of personal injury to any person, from the date of occurrence of the incident notified under sub-section (1) of section 3;”.	18
16.	Page 8, for lines 15 to 24, substitute— “19. Where the Central Government, having regard to the injury or damage caused by a nuclear incident, is of the opinion that it is expedient in public interest that such claims for such damage be adjudicated by the Commission instead of a Claims Commissioner, it may, by notification, establish Commission for the purpose of this Act.”.	19
17.	Page 8, for Lines 27 to 31, substitute— “(2) The Chairperson and other Members of the Commission shall be appointed on the recommendation of a Selection Committee consisting of three experts from amongst the persons having at least thirty years of experience in nuclear science and a retired Supreme Court Judge.”.	20
18.	Page 11, line 17,— for “No civil court” substitute “Save as otherwise provided in section 46, no civil court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution)”.	35

NEW DELHI;  
August 20, 2010  
Sravana 29, 1932 (Saka)

P.D.T. ACHARY,  
Secretary-General.