



# Standing Committee Report Summary

## The Nuclear Safety Regulatory Authority Bill, 2011

- The Department-Related Parliamentary Standing Committee on Science & Technology, Environment & Forests submitted its Report on the Nuclear Safety Regulatory Authority Bill, 2011 on March 6, 2012. The Chairperson was Dr. T. Subbarami Reddy.
- Clause 1(3) of the Bill provides that different dates may be appointed by the central government for enforcing different provisions of the Act. The Committee expressed that it is advisable to fix an upper limit of 120 or 180 days in the Act for the enforcement of all the provisions of the Act.
- The Committee expressed the view that the number of members of the Council of Nuclear Safety should be restricted to a reasonable limit. It recommended that this could be done by inserting “not exceeding five” in clause 5(j), so as to restrict the number of experts that could be nominated by the central government to the Council.
- The Committee recommended that the nomenclature “Part-time Members” in clause 9(1)(iii) be changed to a more dignified nomenclature.
- The Committee expressed that the number of members for the search committee to be constituted for the selection of Chairperson and members of the Nuclear Safety Regulatory Authority is unspecified. It recommended that the composition of the search committee should be specified.
- The Committee recommended that it be clarified in the Bill that the Chairperson and the members of the NSRA cannot be reappointed for more than one term of three years.
- Clause 20(2)(h) provides for the Authority to specify hours of work, minimum leave and requirements of medical examination of employees. The Committee recommended the deletion of these provisions from Clause 20(2)(h).
- Clause 21 provides that the Authority shall not act against the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency or morality. The Committee recommended that Clause 21 be deleted from the Bill. It also recommended that the words in Clause 42 that are similar to Clause 21 be deleted. Alternatively, it recommended the insertion of the following proviso to Clause 21 and Clause 42(1): “Provided that nothing contained in this Clause shall be construed to empower the central government to interfere with the exercise by the Authority of its powers and functions under this Act.”
- The Committee recommended that the Bill may specify that the delegation of powers and functions by the NSRA shall only be made to officers or authorities of the state government who possess necessary competence.
- The Committee recommended that it should be mandatory for the central government to bring the facilities and materials exempted from the purview of the Authority under Clause 25(1) under one or more regulatory body.
- The Committee recommended that the eligibility criteria for being a member of the Appellate Authority should be broadened, to allow eminent scientists to qualify.
- Clause 35(1) of the Bill provides that the Appellate Authority can be constituted “as and when required”. Clause 35 provides that the central government or any person aggrieved by any order of the NSRA may file an appeal before the Appellate Authority. The Committee recommended that the incongruity between the two clauses, i.e. how an appeal can be filed before the Appellate Authority if it does not exist, should be reconciled.
- The Committee recommended that the period of 90 days as provided for in Clause 35(7) should be made flexible and the word “preferably” be added before “within a period of 90 days”.
- Clauses 36 to 39 make detailed provisions regarding finance, accounts and audit of the NSRA, while no such provisions have been made for the Council, other regulatory bodies and the Appellate Authority. The Committee recommended that the Department of Atomic Energy seek legal opinion on whether separate provisions are required regarding the finance, accounts and audit of these bodies.
- The Committee expressed that Clauses 14(1), 42 and 48 may impinge on the functional autonomy of the NSRA. It expressed that the NSRA could be made more autonomous.

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