

GOVERNMENT OF INDIA
DEPARTMENT OF ATOMIC ENERGY
RAJYA SABHA
STARRED QUESTION NO. 287
TO BE ANSWERED ON 13.12.2012

FINE UNDER THE NUCLEAR LIABILITY ACT, 2010

*287. SHRIMATI KUSUM RAI :

Will the PRIME MINISTER be pleased to state:

- (a) whether at present, maximum fine that can be imposed by the regulator in case of nuclear accident on an offending nuclear plant is ₹500/- only;
- (b) if so, the details thereof;
- (c) the basis on which the maximum fine ceiling has been devised;
- (d) whether Government would revise the fine limit by amending the Nuclear Liability Act, 2010;
- (e) if so, the details thereof; and
- (f) if not, the reasons for playing with the safety of common people?

ANSWER

THE MINISTER OF STATE FOR PERSONNEL, PUBLIC GRIEVANCES & PENSIONS AND
PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY)

(a) to (f) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO RAJYA SABHA STARRED QUESTION NO.287 FOR ANSWER ON 13.12.2012 BY SHRIMATI KUSUM RAI REGARDING FINE UNDER THE NUCLEAR LIABILITY ACT, 2010.

(a)to(c) No, Sir.

Section 30(3) of the Atomic Energy Act, 1962 states that, "Rules made under this Act may provide that a contravention of the rules shall, save as otherwise expressly provided in the Act, be punishable with fine, which may extend up to five hundred rupees". However, as per Section 24 of the Act, contravention of any rules made under Section 17 (special provisions as to safety) shall be punishable with imprisonment for a term which may extend to five years, or with fine, or both. Section 24 of the Act has expressly made provisions for just and reasonable punishment for serious violations while.

The Atomic Energy Regulatory Board (AERB) encounters issues of non-compliances to the specified safety requirements for which it is empowered to take enforcement measures which range from issuing written directives for compliance to the requirements, modifications in the design and operational practices and in serious cases curtailing the operation of the facility, including the suspension or withdrawal of licence for operation. A measure such as the suspension of licence or operation involves serious economic penalty to the concerned utility/operator with the potential of affecting its financial health.

(d)to(e) The Civil Liability for Nuclear Damage (CLND) Act, 2010 provides 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. The liability of an operator for each nuclear incident is: ₹ 1500 crores for reactors with 10 or more MW capacity; ₹ 300 crores for spent fuel reprocessing plants; ₹ 100 crores for reactors with less than 10 MW capacity and other fuel cycle facilities. Central Government may review the amount of operator's liability from time to time and specify, by notification, a higher amount.

Chapter VI of the Civil Liability for Nuclear Damage Act, 2010, deals with "Offences and Penalties". Section 39 of the Act states that "whoever - contravenes any rule made or any direction issued under this Act, or (b) fails to comply with the provisions of section 8; or (c) fails to deposit the amount under section 36, shall be punishable with imprisonment for a term which may extend to five years or with fine or with both". Section 42 of the Act states that "no court inferior to that of Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this

Act." Thus, the penalties to be imposed on anyone who contravenes the Civil Liability for Nuclear Damage Act, 2010 as under Section 39 will be determined by the court.

Section 46 of the CLND Act states that the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

- (f) Government wishes to reiterate that it attaches utmost importance to the safety of the people and reassure that a robust regulatory system is in place for ensuring the safety and periodic safety upgrades of our nuclear power plants. There has been a strong tradition of robust safety reviews right from the early days of our nuclear power programme and the safety record of nuclear power plants has been excellent as signified by the absence of any accidents involving radiological consequences in public domain. Immediately after the Fukushima incident, Hon'ble Prime Minister had underscored that safety of our nuclear plants was a matter of the highest priority and ordered safety audits of all Indian nuclear power plants. Specific task forces were constituted to review safety of various reactor designs by the Nuclear Power Corporation of India. Committees of specialists to review and recommend safety upgrades were constituted by the Atomic Energy Regulatory Board. India has submitted a detailed National Report on actions taken subsequent to the Fukushima nuclear accident to the Second Extraordinary meeting of the Convention on Nuclear Safety (CNS) held in August 2012 in Vienna, which was peer reviewed by the Contracting Parties of the CNS.
