

GOVERNMENT OF INDIA
DEPARTMENT OF ATOMIC ENERGY
RAJYA SABHA
UNSTARRED QUESTION NO.2174
TO BE ANSWERED ON 13.12.2012

EXEMPTION OF KUDANKULAM PLANT FROM NUCLEAR LIABILITY ACT

2174. SHRI OM PRAKASH MATHUR :

Will the PRIME MINISTER be pleased to state:

- (a) whether the Nuclear Power Corporation of India Ltd. (NPCIL) and Russia have requested Government for exemption of Kudankulam Plant from the Nuclear Liability Act;
- (b) if so, details thereof and reasons therefor;
- (c) whether Attorney General was consulted in this matter and if so, what advice given by him; and
- (d) the names of the entities that will pay in case of any accident happens to Plant?

ANSWER

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

- (a)&(b) Atomstroyexport (ASE), the authorised organisation of Russian Federation, in their commercial offer to Nuclear Power Corporation of India Limited (NPCIL) in respect of Kudankulam Units 3&4 has stated that NPCIL being operator is fully responsible for any damage caused to any person and property as a result of a nuclear incident occurring at NPP. ASE has mentioned that their plea is based on the principle of continuity of cooperation in construction of KKNPP in accordance with the agreement between the USSR and Republic of India dated 20th November 1988, supplement thereto dated 21st June, 1998 and in line with the provisions of Intergovernmental Agreement dated 5th December, 2008.
- (c) The Attorney General of India has opined that the decision on not exercising the right of recourse under Section 17 of Civil Liability for Nuclear Damage Act, 2010 at the stage of signing of Techno-Commercial Offer (TCO) is legally permissible.
- (d) In case of an accident, the Operator is required to pay the compensation up to an amount of ₹1500 crore and compensation in excess of ₹1500 crore is payable by the Central Government subject to an overall ceiling of 300 million Special Drawing Rights (SDRs). However, the Central Government may take additional measures, where necessary, if the compensation to be awarded exceeds above amount.