

**GOVERNMENT OF INDIA
ATOMIC ENERGY
LOK SABHA**

UNSTARRED QUESTION NO:2932
ANSWERED ON:29.08.2012
NUCLEAR LIABILITY ACT
Tewari Shri Manish

Will the Minister of ATOMIC ENERGY be pleased to state:

- (a) whether the Indian Civil Nuclear Liability Act conform to the 5 guiding principles of the Convention on Supplementary Compensation (CSC) for nuclear damage, (i) channelling all legal liability for nuclear damage exclusively to the operator; (ii) imposing liability on the operator without need to demonstrate fault, negligence or intent; (iii) granting exclusive jurisdiction to the courts of the country where a nuclear incident occurs; (iv) permitting liability to be limited in amount and time; and (v) compensating damage without any dissemination based upon nationality, domicile or residence and if so, the details thereof;
- (b) whether it is a pre-requisite for signing and then ratifying the CSC that Indian domestic law must be in conformity with the CSC and whether there is a perceived divergence who would arbitrate to determine the differences;
- (c) if so, the details thereof;
- (d) whether these differences perceived or real are likely to impact civil nuclear commerce with supplier nations especially the USA and if so, the details thereof;
- (e) whether India intend to ratify the CSC it signed on 27.10.2011; and
- (f) if so, the details thereof?

Answer

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

- (a) The Civil Liability for Nuclear Damage Act, 2010 takes into account the guiding principles of the Convention on Supplementary Compensation for Nuclear Damage (CSC).
- (b)&(c) Article XVIII of the CSC states that an instrument of ratification, acceptance or approval shall be accepted only from a State which is a Party to either the Vienna Convention or the Paris Convention, or a State which declares that its national law complies with the provisions of the CSC provided that, in the case of a State having on its territory a nuclear installation as defined in the Convention on Nuclear Safety of 17 June 1994, it is Contracting State to that Convention.
- (d) Since the Civil Liability for Nuclear Damage Act, 2010 takes into account the guiding principles of the CSC, the question does not arise.
- (e)&(f) Ratification would be possible after completion of necessary procedures.