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Title: Introduction of the Civil Liability for Nuclear Damage Bill, 2010.

MADAM SPEAKER: Hon. Members, I have received a request from the hon. Parliamentary Affairs Minister saying that Item No.22 may be taken up before the reply on the Discussion under Rule 193.

...(Interruptions)

MADAM SPEAKER: Please take your seat.

...(Interruptions)

MADAM SPEAKER: I have permitted it. The hon. Minister.

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY; MINISTER OF STATE OF THE MINISTRY OF EARTH SCIENCES; MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE; MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI PRITHVIRAJ CHAVAN): I beg to move for leave to introduce a Bill to provide for civil liability for nuclear damage, appointment of Claims Commissioner, establishment of Nuclear Damage Claims Commission and for matters connected therewith or incidental thereto.

I seek the permission of the House to introduce the Civil Liability for Nuclear Damage Bill.

MADAM SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to provide for civil liability for nuclear damage, appointment of Claims Commissioner, establishment of Nuclear Damage Claims Commission and for matters connected therewith or incidental thereto. "

SHRI BASU DEB ACHARIA (BANKURA): Madam, the Civil Liability for Nuclear Damage Bill, 2010 is illegal and unconstitutional. It violates Article 21 of the Constitution. Where the right to life is the fundamental right, the fundamental right to life of the citizens of the country is being violated by the introduction of this Bill.

Madam, it ignores the judgement of the Supreme Court. The Supreme Court had said, 'polluter pays the damage'. So this judgement of the Supreme Court is being violated by bringing this Bill. It compromises the right of a citizen to go to the court for claiming adequate compensation. This violates the right of a citizen. After this Bill is passed, then the citizens of this country will not be able to go to the court to claim more compensation because the payment of compensation is being capped. After the supplier has supplied the equipment, if there is any nuclear accident in a nuclear plant ...(Interruptions)

MADAM SPEAKER: You cannot go into the details of the Bill.

...(Interruptions)

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY; MINISTER OF STATE OF THE MINISTRY OF EARTH SCIENCES; MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE; MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI PRITHVIRAJ CHAVAN): Madam, he cannot go into the merits of the Bill. ...(Interruptions)

MADAM SPEAKER: Yes. Mr. Basu Deb Acharia, you cannot go into the merits of it. I permitted you to just give the reason as to why you are opposing the Bill and that is all.

...(Interruptions)

SHRI BASU DEB ACHARIA : Madam, the payment of compensation is being capped and the cap is Rs. 500 crore. The overall compensation ...(Interruptions)

MADAM SPEAKER: Please wait for a minute. The hon. Minister of Parliamentary Affairs wants to say something. Please

take your seat.

SHRI BASU DEB ACHARIA : Madam, the compensation which is paid for the damage of causing death ...(*Interruptions*)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF WATER RESOURCES (SHRI PAWAN KUMAR BANSAL): Madam Speaker, I would like to submit that there is plethora of rulings given by the earlier hon. Speakers of the House that at the time of introduction of the Bills, it is only the legislative competence which is taken up, not the merits and not the constitutionality thereof. ...(*Interruptions*)

MADAM SPEAKER: Yes. Mr. Basu Deb Acharia, you have made your point. Please take your seat.

SHRI BASU DEB ACHARIA : Madam, I oppose this unconstitutional legislation. It should not be introduced. The Government should withdraw this anti-people legislation. ...(*Interruptions*)

MADAM SPEAKER: Mr. Basu Deb Acharia, you cannot go on like this. Please take your seat.

...(*Interruptions*)

MADAM SPEAKER: Dr. Murli Manohar Joshi.

...(*Interruptions*)

MADAM SPEAKER: Nothing will go on record.

(*Interruptions*) *â€*/*

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): Madam, merits can be discussed only when the Bill is introduced. The Bill is not yet introduced. How can merits of the Bill be discussed now? If he says that Parliament does not have the competence, on the ground of competence, he can speak, but he cannot speak on the merits of the Bill.

डॉ. मुरली मनोहर जोशी (वाराणसी): अध्यक्ष महोदया, मैं आपका आभारी हूँ कि आपने मुझे इस प्रकरण पर कुछ बोलने का अवसर दिया। यह सही है कि हम लेजिस्लेटिव कम्पीटेंस के आधार पर पहले इसका विरोध करेंगे और वही मुख्य कारण होता है।...(*व्यवधान*)

SHRI PRANAB MUKHERJEE: You can speak only on the legislative competence, not on the merits of the Bill. विरोध कीजिए।

डॉ. मुरली मनोहर जोशी : जी हां, वही कर रहे हैं, लेकिन बोलने तो दीजिए।...(*व्यवधान*)

आप सदन के नेता हैं। हमें बोलने तो दीजिए।...(*व्यवधान*) यह आर्टिकल 21 को वॉयलेट करता है। राइट टू लाइफ को वॉयलेट करता है, राइट टू हेल्थ को वॉयलेट करता है। पहली बात यह है कि यह कौन्सिल्टेशन के खिलाफ है। दूसरी बात यह है कि सुप्रीम कोर्ट ने जो लॉ बनाया है the polluter pays the damage. This principle is known as 'polluter pays' principle. यह कानून है, देश का संविधान सम्मत कानून है। सुप्रीम कोर्ट ने यह कानून पैदा किया है। यह उसके भी खिलाफ जाता है। हमारा डैमेजिस का लॉ, जो सुप्रीम कोर्ट ने और बनाया है, उसके भी खिलाफ जाता है। फाइनेंशियल लॉयबिलिटी के बारे में कोर्ट में जाने का हमारा जो अधिकार है, उसे भी वॉयलेट करता है। It caps. इसके ऊपर आपको नहीं जाना पड़ेगा। यह कहना कि हमारा जो विकटिम है, जो पेशान हुआ है, वह लॉयबिलिटी लेने के लिए कहीं भी जा सकेगा, वह नहीं जा सकेगा।

13.00 hrs.

अभी तक हिन्दुस्तान का कानून अनलिमिटेड लायबिलिटी का है। यह उसे वायलेट करता है, उसके खिलाफ जाता है। अनलिमिटेड लायबिलिटी का अर्थ है ...(*व्यवधान*) आप सुन लीजिए। यह बहुत महत्वपूर्ण है। ...(*व्यवधान*)

MADAM SPEAKER: Thank you so much. You have made your point.

...(*Interruptions*)

डॉ. मुरली मनोहर जोशी : मैं लेजिस्लेटिव कम्पीटेंस पर बात कर रहा हूँ। इसके अलावा यह हमारे देश के इन्वायरमेंट लॉ के खिलाफ जाता है। It does not take care of the environment of this country. हेल्थ हैज़ार्ड के बारे में इसमें कोई चिन्ता नहीं है। इन सबके बारे में, जो बिल हमारे सामने आया है, ...(*व्यवधान*)

MADAM SPEAKER: That is all. You also know the procedure. You have made your point. Kindly take your seat.

डॉ. मुरली मनोहर जोशी : मैं लेजिस्लेटिव कम्पीटेंस पर बोल रहा हूँ। मैं बाकी चीजों पर अभी बोला ही नहीं हूँ। वह तब बोलेंगे, जब आगे स्थिति आयेगी। ...(*व्यवधान*) दूसरी बात है कि यह हमारे देश के नागरिक को इस बात के लिए मजबूर कर रहा है कि अपराध किसी ने किया हो और उसका पैमेंट हम करें। हम विक्टिम भी हैं और

हम पैमेंट भी कर रहे हैं। यह क्या बात है? यह हमारे सारे अधिकारों को वायलेट करता है, इसलिए मैं इसका विरोध करता हूँ।

SHRI GURUDAS DASGUPTA : Madam, I am strictly on the advice of the Leader of the House. I am abiding by that...*(Interruptions)* Yes, I know something about parliamentary system. The point is that if a law appears to be in contradiction of the judgement of the Supreme Court and if there is any possibility of that law being struck down as unconstitutional by the Supreme Court...*(Interruptions)*

SHRI PRANAB MUKHERJEE: Under what proof?...*(Interruptions)*

SHRI GURUDAS DASGUPTA : I am coming to that...*(Interruptions)*

Madam, if I have that apprehension, I am only giving expression to that. There was a 5-member Constitution Bench and that Constitution Bench has given the judgement that any activity carried on for profit causes a damage then the offending firm will pay full for the damage sustained by the inhabitants of that place or around it. It is a clear Supreme Court Judgement. It is against that.

Secondly, I am raising the point as to how can the Consolidated Fund of India be utilized to pay for foreign liability. I am opposing it tooth and nail.

DR. RAM CHANDRA DOME: Thank you, Madam Speaker. I am also opposing this Bill at the stage of introduction because the Civil Liability for Nuclear Damage Bill 2010 basically damages the fundamental right of Indian citizens. This is against article 21 of the Indian Constitution and the liability of injury caused by the foreign companies, the suppliers, is to be borne by the Indian Government and Indian people from our Exchequer. That is why, it is anti-people Bill. This Bill has no competence for legislation

MADAM SPEAKER: All right. Thank you. You are just repeating yourself.

DR. RAM CHANDRA DOME : Madam, I am on the point of legislative competence of the Bill. So, I strongly oppose this Bill...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL: Madam, I wish to make a submission again. It is the introduction stage and not a debate on the subject. At the introduction stage, the normal rule is that when there are more than one Member who have given notices, the Member who gives the notice first is permitted to speak...*(Interruptions)* But in her discretion, the Speaker can permit even more, but that would not lead to a situation where...*(Interruptions)*

SHRI BASU DEB ACHARIA: There is convention also of the House...*(Interruptions)*

MADAM SPEAKER: Please sit down.

SHRI PAWAN KUMAR BANSAL: Madam, he has not heard me...*(Interruptions)*

MADAM SPEAKER: Nothing will go on record except what the hon. Minister is saying.

(Interruptions) *
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SHRI PAWAN KUMAR BANSAL: Madam, if you exercise the discretion to permit more than one Member to speak that would not mean that a full-fledged debate takes place. That would be against the rules...*(Interruptions)*

SHRI GURUDAS DASGUPTA (GHATAL): Madam, is the hon. Minister advising the Chair?...*(Interruptions)*

MADAM SPEAKER: Please take your seat.

...(Interruptions)

SHRI PAWAN KUMAR BANSAL: I said that I had a submission to make...*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI V. NARAYANASAMY): Madam, they are repeating it...*(Interruptions)*

अध्यक्ष महोदया : आप लोग बैठ जाइए।

वे।(व्यवधान)

श्री यशवंत सिन्हा : मैडम, मैं रूल 72 (1) के अन्तर्गत बोलने के लिए खड़ा हुआ हूँ। रूल 72(1) हमें यह अधिकार देता है कि मैं बिल को अपोज करते हुए अपनी बात सदन के सामने रखूँ। इस नियम के अन्तर्गत मुझे यह अधिकार प्राप्त है और कोई मुझे रोक नहीं सकता है, उस अधिकार का उपयोग करने से। ... (व्यवधान)

अध्यक्ष महोदया : आप लोग बैठ जाइए।

वे।(व्यवधान)

अध्यक्ष महोदया : पुनिया जी, आप बैठ जाइए।

वे।(व्यवधान)

MADAM SPEAKER: Just make your points; that is all.

...(Interruptions)

श्री यशवंत सिन्हा : मैडम, मुझसे पहले माननीय सदस्यों ने जो बातें रखी हैं, उन सारी बातों से सहमत होते हुए, मैं आपसे एक ही निवेदन करना चाहता हूँ कि क्या जानबूझकर यह सदन एक गैरकानूनी और असंवैधानिक कानून बनाने के लिए अग्रसर होगा? हम सभी जानते हैं कि यह संविधान के आर्टिकल्स के विपरीत है। हम सभी जानते हैं कि पूरी दुनिया में जो व्यवस्था है, यह उसके विपरीत है। मैं आपसे कहना चाहता हूँ कि हमारे देश में इस कानून के अन्तर्गत जो मैक्सिमम कंपेनसेशन सरकार के द्वारा, ऑपरेटर के द्वारा निर्धारित होगी, वह होगी लगभग 2600 करोड़ रूपए। इसकी तुलना में अमेरिका में जो प्रावधान है, वह है 60,000 करोड़ रूपए, 2600 करोड़ रूपए और 60,000 करोड़ रूपए।... (व्यवधान)

MADAM SPEAKER: Please do not go into the merit of it.

...(Interruptions)

श्री यशवंत सिन्हा : क्या एक हिन्दुस्तानी की जान इतनी सस्ती है। ... (व्यवधान)

MADAM SPEAKER: Let us not have a debate. The Bill is not at the debate stage.

...(Interruptions)

श्री यशवंत सिन्हा: कृपया मुझे अपनी बात कहने दीजिए। सरकार की नजर में एक हिन्दुस्तानी की जान इतनी सस्ती है कि अमेरिका के दबाव में हम उसको 23 गुना कम करके आंक रहे हैं। उनका खून खून है और हमारा खून पानी है? ... (व्यवधान)

MADAM SPEAKER: Hon. Member, do not go into the merit of it.

...(Interruptions)

श्री यशवंत सिन्हा : यह सरकार एक बिल्कुल ही गैर-संवैधानिक कार्य करने जा रही है जो संविधान के आर्टिकल्स का उल्लंघन है, बिल्कुल गैरकानूनी काम है। इसीलिए मैं इसका विरोध करता हूँ इंद्रोडक्शन स्टेज पर। यह बिल नहीं चल सकता है।... (व्यवधान)

श्रीमती सुषमा स्वराज (विदिशा): महोदया, हमने बहुत कोशिश की कि प्रधानमंत्री जी से भी, प्रधानमंत्री जी के जो अधिकारी मिलने आए उनके माध्यम से भी, कि इस बिल को संशोधित रूप में पेश किया जाए। लेकिन हमें लगता है कि सरकार अड़ी हुई है कि इस बिल को इसी रूप में पेश करेगी, इसीलिए एक बार वापस ले गए, फिर दुबारा इसे ले आए। हम इसके भागीदार नहीं हो सकते। हमने बहुत कोशिश की कि यह बिल संशोधित रूप में पेश हो जाए। सरकार के अड़ियल रवैये कि विरोध में हम सदन से बहिर्गमन करते हैं। हम इसका साथ नहीं दे सकते हैं।

13.09 hrs.

At this stage Shrimati Sushma Swaraj and some other hon. Members left the House.

13.09 A 1/2 hrs.

At this stage, Shri Basu Deb Acharia, Shri Gurudas Dasgupta

and some other hon. Members left the House.

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): I would like to place on record a point that the introduction of a Bill can be opposed only on the basis of the legislative competence, not on the basis of merit of the Bill. What the hon. Members are saying is on the merit of the Bill. These are obnoxious; this is totally Parliamentary obstructionist approach.

MADAM SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for civil liability for nuclear damage, appointment of Claims Commissioner, establishment of Nuclear Damage Claims Commission and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI PRITHVIRAJ CHAVAN: I introduce* the Bill.
