

The Hindu

Petition filed against nuclear liability Act

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Petitioners seek safety reassessment and cost-benefit analysis of all nuclear facilities

A public interest litigation petition has been filed in the Supreme Court challenging the constitutional validity of the Civil Liability for Nuclear Damage Act, 2010, that indemnifies nuclear manufacturers/suppliers and caps the financial liability of operators.

The petitioners — **Common Cause**; Centre for Public Interest Litigation; former bureaucrats; the former Chief Election Commissioner, N. Gopalaswami, and university professors — have filed the petition seeking a safety reassessment and a comprehensive long-term cost-benefit analysis of all nuclear facilities in India.

The petition also sought a stay on all proposed nuclear plants till the safety and cost-benefit analysis were carried out.

It highlights how under the pressure of foreign countries and the multi-billion dollar nuclear industry, the government had been pushing forward an expensive, unviable and dangerous nuclear power programme without proper safety assessment or thorough comparative cost-benefit analysis vis-à-vis other sources of energy, especially renewable sources.

The petition said: “Most of the nuclear reactor and equipment imports, for which orders are being made, are of extremely dubious quality and do not meet safety standards.

The recent Fukushima nuclear disaster in Japan has turned out far graver than originally feared. The reactors and overheated spent-fuel pools have spewed out radioactivity that has now spread over hundreds of square kilometres.”

The petitioners want costs and risks factors to be thoroughly factored in and the highest level of safety to be ensured before a plant is cleared for commissioning. They pointed out that four 700 MW Pressurised Heavy Water Reactors, two at Rawatbhata in Rajasthan and two at Kakrapar in Gujarat, were under construction. “Two reactors in Kudankulam in Tamil Nadu and two reactors in Haripur district of West Bengal are under construction based on Russian design” and the nuclear plant in Tamil Nadu had met stiff opposition from people in the area.

Asking the court to declare the Act unconstitutional and void, the petition said, “The Civil Liability for Nuclear Damage Act, 2010 by capping the financial liability of operators and by making suppliers not liable, violates the ‘polluter pays’ principle and the ‘absolute

liability' principle, which have become recognised as part of the law of the land under Article 21 of the Constitution, and puts to grave and imminent risk the right to safety, health, clean environment and life of the people of India, guaranteed under the Article 21 of the Constitution.”

Plea for panel

It sought an order to the authorities to constitute an experts body “which is independent of the government and the nuclear establishment to conduct a thorough safety reassessment of all existing and proposed nuclear facilities in the country and of all the mining facilities of uranium and other nuclear fuel in the country; to conduct a thorough cost-benefit analysis of all proposed nuclear facilities and a thorough comparative cost-benefit analysis vis-à-vis other sources of energy and to direct the Union of India to set up an expert nuclear regulator, independent of the government.”