

NOTE

Grave Danger Ahead

Sukla Sen writes :

The Civil Liability for Nuclear Damage Bill 2009 paves the path for private participation as "operator" of nuclear power plants in India. Its very central element is to define the "liability" of a "private operator" in case of any nuclear accident.

Till now all nuclear establishments/ventures, including power plants, are run by the state through affiliated bodies. The power plants are run by the NPCIL.

Given the unique character of the nuclear industry in terms of safety hazards and the catastrophic potential of a nuclear power plant as so chillingly demonstrated by the Chernobyl disaster on April 26, 1986, in particular, and given the profit maximisation drive as the very *raison detre* of any private enterprise giving rise to the intrinsic and inevitable tendency to cut corners in the field of "safety" this is an open armed invitation to disaster.

A regulatory body at best can mitigate this trend, not eliminate it by any stretch. Given the tremendous clout of the private operators in this field, given the scale of investment required, the efficacy of any regulatory body in any case would be highly suspect.

In case of Bhopal Gas Disaster, the Supreme Court had approved a deal between the contending parties providing compensation to the victims amounting to US\$ 470 million. That was way back in 1989, more than two decades ago. Even at that time this was considered grossly inadequate.

So, while whatever "cap" on liability is unacceptable; this "cap" on "total liability" or the "maximum amount of liability", as the draft Bill appears to have put it, is woefully paltry. More so, given the fact that a catastrophic nuclear accident may very well dwarf the Bhopal Gas Disaster in terms of devastation.

The liability of a private "operator" has reportedly been "capped" at a mere Rs 300 crore. Just one-seventh of the total or "maximum" liability. The difference between the actual compensation to be paid and the "liability" of a private "operator" would be borne by the Indian government i.e. the Indian taxpayers/people.

Not only that, reportedly there is also a provision that this "cap" for an individual "operator" may be fixed lower or higher than the normative "cap" of Rs 300 crore, but in no case lower than Rs 100 crore.

So nothing stops the Indian government to fix such caps, while actually operating this provision, at Rs 100 crore. In that case, the "cap" for the private "operator" becomes only one-tenth of the total / "maximum" cap? That's just ridiculous.

Furthermore, with passage of time, the Indian Rupee is expected to depreciate against the SDR. With the total or "maximum" "cap" having been defined in terms of SDR and the "cap" individual private "operator" in terms of Indian Rupees, the proportion of the financial burden to be borne down by a private "operator", in case of a catastrophic accident, would further go down!

Barring the left parties—CPM, CPI, FB and RSP—no political outfit in the opposition camp is interested in the Bill. So it seems. After all this nuclear

business cannot be easily converted into vote. The issue is not as touchy as communalism or reservation. But left parties are equally responsible for allowing the situation to reach such a pass because they like their rightist counterparts are fanatically enthusiastic about nuclear energy without recognising its fall-out. Thousands of people will be evicted from coastal region in due season to make room for nuclear reactors. Marine life all along India's eastern coast will extinguish if the proposed chain of reactors come up. Unless nuclear issue is taken up in its entirety it is futile to raise voices over 'Liability'. □