

# Capping Nuclear Liability

India is experiencing a rare and disorienting moment. Nuclear activism that has long been an academic preserve is suddenly gaining currency because of mild and inconsistent campaign against the fall-out of Indo-US nuclear deal by the official left. But they are not opposed to nuclearisation in principle even if it means devastation for peasants and fishing community, albeit the problem of nuclearisation is very real. Mild criticisms and that too without attacking the roots will not carry the day because the Centre is not holding. In all fairness the Centre has long been subservient to the demands of American financial power.

Come what may, the Congress-led united progressive alliance government is hell bent on getting the India-America nuclear accord translated into action as early as possible and at any cost. Now the draft Civil Liability for Nuclear Damage Bill 2009 is very much on the anvil. As the proposed Bill has not been tabled in the just over winter session, it is likely to be placed in the next session of parliament. For reasons best known to India's nuclear club the government seems to be going to cap the legal responsibility for an operator of a nuclear installation to settle damages for any accident at just Rs 300 crore (\$6.42 million). For one thing the passage of a civil nuclear liability bill is the last hurdle in implementation of the notorious Indo-US nuclear agreement. The Manmohan Singh cabinet reportedly approved the text of the bill on November 20, 2009 in a hurry, possibly due to American pressure, without making it public. After all the entire nuclear scenario is shrouded with secrecy. There is every reason to believe that America is pressurising India to pass the liability bill on Uncle Sam's terms and conditions before concluding negotiations on a bilateral fuel reprocessing pact which still has some gaps and the proposed bill is likely to bridge those gaps. India is yet to decide on US demand for specific guarantees of non-proliferation of exported technology. The government of India is generous enough to allow foreign firms to do business in India's ambitious multi-billion dollar nuclear market envisaging to increase the installed capacity of nuclear power by 60,000 MW by 2030, without much headache for compensations and statutory liability in case of serious accidents during the life span of a nuclear power plant. But the very idea of capping is in contravention of India's own law as it violates the fundamental rights under Article 21 of the constitution.

Those who are empowered to make law seem to have divine rights to violate it with impunity. And the Congress Party has one advantage—it is not terrified of voter retribution as there is no general election at the moment. And the Opposition is too impotent to be counted seriously, at least on this score.

In the rat race of grabbing India's nuclear bonanza Americans are far behind Russians and French though America was instrumental in making the all-powerful international nuclear cartel—the Nuclear Suppliers Group—to fall in line to allow India into global nuclear trade. India has already announced two sites in Gujarat and Andhra Pradesh to build 10,000 MW nuclear complexes while Haripur in West Bengal still hangs in the balance. American giants GE-Hitachi and Westinghouse—are just waiting to see India giving them extraordinary protection through the capping law. Russia and France have an edge

over America in opening nuclear shops in India because of their bilateral agreements having clauses on liability in case of any accidents. As American companies will be handicapped without the capping law, India's nuclear lobby, otherwise dubious in character for more than one reason, is working overtime to clear the last obstacle in the controversial nuclear understanding between India and America.

Liability capping or no capping, allowing foreign private companies as "operators" in India's volatile nuclear industry would be disastrous because they will do business to earn super profit in total disregard of safety and social security of Indian citizens as Union Carbide did in Bhopal. The people of former Soviet Union continue to pay the price of Chernobyl even after about 25 years of the accident.

The hard reality is that no political party is interested in mobilising masses against massive nuclearisation. The reason is simple : it cannot be an immediate vote-catching issue. Anti-nuclear movement is still an area of limited protest by voluntary organisations. Barring the Coalition for Nuclear Disarmament and Peace, no outfit, political or otherwise, has yet taken any concrete steps to oppose the proposed capping Bill seeking to literally open India's nuclear establishments to overseas players. □□□