

Business Line

SC seeks response from Centre on liability issue on Kudankulam

PTI

New Delhi, Oct 11:

The Supreme Court on Thursday sought a response of the Centre and the Department of Atomic Energy for allegedly exempting the Russian company involved in setting up of Kudankulam nuclear power plant from paying damages in case of an accident.

A bench of justices K S Radhakrishnan and Deepak Misra, which has been hearing various pleas pertaining to environment, safety and security issues of the plant, agreed to look into the liability aspect of the controversial plant and asked the government to file its response within three weeks.

It also said that the earlier petitions challenging constitutional validity of the nuclear liability law be tagged and heard along with the Kudankulam plant matters.

A group of NGOs and social activists has moved the apex court seeking a direction to make it binding on the Russian company involved in Kudankulam plant to pay damages in case of an incident or accident.

The petition filed by NGOs—Centre for Public Interest Litigation and Common Cause—and others alleged the Centre has exempted Russian company from all liabilities in case of any accident, which is against the law.

During the arguments, anti-nuclear activists told the Supreme Court that people's life around Kudankulam plant cannot be put at risk by placing safety measures in a phased manner from six months to two years.

The opponents of Kudankulam plant contended the 17 safety measures recommended by the Atomic Energy Regulatory Board must be accepted before the commissioning of the plant to avoid even the "small chance" of mishappening within six months.

At the outset, Attorney General G E Vahanvati told the bench that safety was the concern of the government and he was ready to answer all the issues on it.

After asking the Attorney General to make his arguments on October 16, the bench heard the submission of senior advocate Jayant Bhushan, who said that even before the Madras High

Court, a statement was made in Atomic Energy Regulatory Board's affidavit that the commissioning of the plant would commence only after putting the 17 safety measures in place.

He said though the government was also saying that without the 17 safety measures the plant was fully safe, the commissioning of it cannot be allowed unless those are implemented as hundreds of crores of public money was spent on the issue of safety measures.

"You have already spent hundreds of crores of public money on safety measures. Obviously, you mean that safety measures required abundant caution. You feel there is a chance of something happening and that can be a small chance of happening that can also take place within six months.

"Life is not so cheap that you are putting life on to risk for six months," Bhushan, who was arguing for anti-nuclear activists, submitted.

"How can they say that even without these 17 measures, the plant is safe? Then you (Government) are wasting public money on safety measures if you cannot say that these safety measures are redundant," Bhushan argued.

He also submitted government was trying to push the project without having the legal-environment clearance as the clearance granted in 1989 has become invalid and fresh nod was needed in view of the 1994 notification.