

# Does liability law cover Kudankulam reactors 2 & 3? SC asks

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NEW DELHI: The [Supreme Court](#) on Thursday asked a vital question on the foreign suppliers' liability in case of an accident in reactors at Kudankulam Nuclear Power Project: whether reactors 2 and 3 were covered under the liability clause since petitioners had stated that reactors 1 and 2 were not under its ambit.

Attorney general G E Vahanvati initially told a bench of Justices K S Radhakrishnan and Dipak Misra that reactors 3 and 4 were covered under the civil liability law, but later clarified that he would have to take instruction on this issue from the Centre.

After hearing senior advocate Jayant Bhushan on a fresh PIL filed by NGO, Centre for [Public Interest Litigation](#), the bench issued notice to the Centre on the contentious liability issue and asked the government to file an affidavit within three weeks.

On the earlier petitions seeking implementation of all 17 safeguards recommended by atomic regulator prior to permitting KKNPP to go critical, Vahanvati said the petitioners apprehensions were a direct result of wrong appreciation of facts and assured the court that the nuclear power plant was safe for being commissioned.

He said that the taskforce, which was constituted post-Fukushima disaster and had recommended 17 safety measures, was set up by plant operator, Nuclear Power Corporation India Ltd (NPCIL), and not by Atomic Energy Regulatory Body as was alleged by the petitioner.

He said the AERB had adopted a three-tier scrutiny mechanism to verify the implementation of stringent safety measures at KKNPP, and had periodically assessed the capability of the plant to withstand various kinds of external impacts, natural as well as terror-linked, which could trigger a breach.

After conducting all these tests, AERB was fully satisfied that the plant was safe enough for commissioning, Vahanvati said.

However, the court was taking a comprehensive look at all problems alleged by the petitioners, which included lack of proper environment impact assessment and safety of people living around the plant.