

Risky Technologies – Regulatory Regime

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GOVT MAY LIMIT USAGE OF DOMESTIC URANIUM TO STRATEGIC PURPOSES ONLY

Centre Eyes Umbrella Law for Nuclear Energy; Special Tribunal for Disputes

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New Delhi: As India looks to open up a highly restricted nuclear power ecosystem to the private sector, the Centre is mulling a single umbrella law for all nuclear energy-related issues, replacing all existing laws, ET has learnt. The Centre is also considering bringing in a specialised tribunal to address all nuclear energy-related disputes besides a specialised authority on nuclear safety which will work in close coordination with the International Atomic Energy Agency (IAEA), it is learnt.

The proposed new nuclear energy architecture in India is looking to allow private entities in at least four to five key areas — **from exploration and mining of atomic minerals to the critical area of fuel fabrication** — all held by the government.

NUCLEAR SAFETY VERTICAL

With the entry of the private sector, the biggest concern is ensu-

ring full accountability from the corporate world besides bringing in checks and balances.

The proposed new architecture hopes to address these through the creation of several verticals that will supervise aspects linked to the nuclear fuel cycle. The most critical of these will be a special vertical centred on nuclear safety and safeguards which will work in close coordination with the IAEA, ET has learnt. This will function like a special authority which will be able to deploy inspectors across all nuclear reactors in the country. The authority will be rigorous in its scope and reach and seek account for each gram of nuclear fuel deployed across reactors, from procurement to usage and disposal. The same will be reported to the Indian government which will be communicated to the IAEA, those in the know told ET.

The Centre is also considering restricting use of domestic uranium only for India's own strategic purposes. It is expected that for all commercial purposes/ power ge-

neration by any entity, uranium will have to be imported after meeting due quality and safety requirements. That apart, sensitive technology such as heavy water production, segregation and treatment of nuclear waste are expected to stay under the Department of Atomic Energy's control.



With entry of pvt sector, the big concern is ensuring full accountability from the corporate world

THE N-TRIBUNAL

ET gathers that at a stakeholders' meet, the private sector is learnt to have raised concerns over possible litigation and prosecution in civilian courts over disputes that may arise over sundry partnership issues such as licensing, mergers and acquisitions and so on.

To resolve this, it is learnt that the Centre is looking at creating a special tribunal for all atomic energy-related disputes. Only a case found malafide or seen as a deliberate malicious act intended to cause damage will be open to civil prosecution, it is proposed.

The issue of 'liability' under the Civil Liability for Nuclear Damages Act, 2010, has been another sticky point. A suggestion is to assure that the sovereign government will step in after a particular ceiling or cap on compensation amount is breached— provided insurance cover by the private partner takes care of the rest of the compensation.

THE LAW BOOK

ET gathers that at a top-level meet, a suggestion was made not just to amend existing legislation on atomic energy but to draft a whole new Act which redraws India's nuclear laws with a new approach and subsumes all existing laws and rule books on the subject.

Why new regulatory regime for nuclear energy and not for digital and electromagnetic technologies? Are digital technologies less lethal to humanity? The only difference between two technologies is that nuclear energy can have devastating effect in a fraction of second while digital technologies can act as a slow poison. Whether you consider their uses or misuses or their risks, both kind of technologies stand on equal footing. The only thing is that

there are some vested interested in nuclear energy sector which want that their liability towards mishap, if any, to be limited, whereas digital technologies giants are propagating themselves under the nose of the Governments world over without Governments noticing where they are taking the humanity.

If we look at the legislative history world over, wherever there is risk to public there is regulatory regime. Somehow, Governments for the

time being are underestimating risks of digital technologies. IT Act, 2000 in India is a piecemeal legislation. It lacks comprehension and precision, which is urgently needed but this is being postponed. Sometime back, India mooted communications convergence law but it has been put in cold storage. Why? – no idea.

There is distinct possibility that nuclear energy giants and digital technologies giants may join hands in future and change the complexion of governance. Data storage and processing requires huge amount of uninterrupted energy. Data technologies giants are looking

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towards nuclear energy. This is how they might join hands. No problem in doing this but all these things should be for the growth of humanity, not for harming it. M/s Government of India, please start thinking over it seriously before it is too late.

