**BANGALORE UNIVERSITY**

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**XXIV ALL INDIA MOOTCOURT COMPETITION, 2020**

**ANNEXURE**

**ARYAVARTA NUCLEAR ARMS ACT, 2015**

ACT NO. 38 OF 2015

[25th *September*, 2015.]

An Act to provide for the establishment of Nuclear Research and Development Council of Aryavarta for the development, testing and production of advanced nuclear weapons to combat national security threats and provide for civil liability for nuclear weapon damage and compensation to the victims through a no-fault liability regime, establishment of Claims Commission and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-Fourth Year of the Republic of Aryavarta as follows:–

**1. Short title, extent, application and commencement.–**(1) This Act may be called the Aryavarta Nuclear Arms Act, 2015.

(2) It extends to the whole of Aryavarta.

(3) It applies only to the nuclear weapon installations owned or controlled by the Central Government either by itself or through any authority or corporation established by it or a Government company.

(*4*) It shall be deemed to have come into force on the 1st day of October, 2015.

**2. Definitions.–**In this Act, unless the context otherwise requires,-

(a) "Claims Officer" means the Claims Officer appointed under sub-section (2) of section 6;

(b) "environment" shall have the same meaning as assigned to it in clause (a) of section 2 of the Environment (Protection) Act, 1986 (29 of 1986);

(c) “National security” means those activities which are directly concerned with the nation's safety and sovereignty.

(d) "nuclear damage'' means–

(i) loss of life or personal injury (including immediate and long-term health impact) to a person; or

(ii) loss of, or damage to, property, caused by or arising out of a nuclear incident, and includes each of the following to the extent notified by the Central Government;

(iii) costs of measures of reinstatement of impaired environment and the costs of preventive measures, and further loss or damage caused by such measures;

(e) "nuclear incident" means any occurrence or series of occurrences having the same origin which causes nuclear damage by release of radioactive materials into the environment.

(f) “nuclear weapon installations” means any buildings and structures which are used to design, develop, produce and test nuclear weaponry and store the weapons, equipment, machinery, raw materials used in such ventures.

(g) "preventive measures" means any reasonable measures taken by a person after a nuclear incident has occurred to prevent or minimise damage.

**3. Nuclear Research and Development Council of Aryavarta.–**The Central Government hereby establishes Nuclear Research and Development Council of Aryavarta (NRDCA) for the development, testing and production of advanced nuclear weapons to combat national security threats. NRDCA shall co-ordinate with the Ministry of Defence. A sum of Rupees fifty thousand crores is sanctioned to NRDCA to carry out its activities.

**4. Constitution of NRDCA.–**The NRDCA constituted under this Act shall consist of the following members, namely:-

(a) The Defence Minister of Aryavarta as the Chairman,

(b) The heads of the Army, Navy and the Air Force of Aryavarta

(c) such number of persons, not exceeding fifteen, as the Central Government may think fit, to be nominated by the Central Government from amongst eminent scientists of the country.

**5. Limits of liability. –** The maximum amount of liability in respect of each nuclear weapons incident shall be rupees one hundred crores rupees only.

**6. Compensation for nuclear damage and its adjudication. –** (1) Whoever suffers nuclear damage shall be entitled to claim compensation in accordance with the provisions of this Act.

(2) For the purposes of adjudicating upon claims for compensation in respect of nuclear damage, the Central Government shall, by notification, appoint one or more Claims Tribunal for such area, as may be specified in that notification. Each Claims Tribunal shall consist of three Claims Officers.

**7. Qualifications for appointment as Claims Officer.–**A person shall not be qualified for appointment as a Claims Officer unless he–

(a) is, or has been, a District Judge; or

(b) in the service of the Central Government and has held the post not below the rank of Additional Secretary to the Government of Aryavarta or any other equivalent post in the Central Government.

**8. Salary and allowances of Claims Officer.–**The salary and allowances payable to and other terms and conditions of service of Claims Officer shall be such as may be prescribed.

**9. Adjudication procedure and powers of Claims Tribunal.–**(1) For the purposes of adjudication of claims under this Act, the Claims Tribunal shall follow such procedure as may be prescribed.

(2) For the purpose of holding inquiry, the Claims Tribunal may seek the assistance of such persons having expertise in the nuclear field or such other persons and in such manner as may be prescribed.

**10. Inviting application for claims by Claims Tribunal.–** The Claims Tribunal, upon its appointment, shall cause wide publicity to be given, in such manner as it deems fit, for inviting applications for claiming compensation for nuclear damage.

**11. Person entitled to make application for nuclear damage.–**An application for compensation before the Claims Tribunal in respect of nuclear damage may be made by–

(a) a person who has sustained injury; or

(b) the owner of the property to which damage has been caused; or

(c) the legal representatives of the deceased; or

(d) any agent duly authorised by such person or owner or legal representatives.

**12. Procedure for making application before Claims Tribunal. –** Every application for compensation before the Claims Tribunal for nuclear damage shall be made in such form, containing such particulars and accompanied by such documents, as may be prescribed.

**13. Award by Claims Tribunal. –** On receipt of an application under Section 10, the Claims Tribunal shall, after giving notice of such application to the Central Government and affording an opportunity of being heard to the parties, dispose of the application within a period of three months from the date of such receipt and make an award accordingly. Every award made under this section shall be final.

**14. The provisions of this Act to override other laws.-**The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.

**15. Exclusion of jurisdiction of Courts.–**No Court (except the Supreme Court) shall have jurisdiction to entertain any matter which the Claims Tribunal is empowered to adjudicate under this Act and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

**16. Enforcement of awards.–**(1) When an award is made under section 13, the concerned is liable to pay any amount in terms of such award shall deposit that amount within such time and in such manner as the Claims Tribunal may direct

(2) Where any person referred to in sub-section (1) fails to deposit the amount of award within the period specified in the award, such amount shall be recoverable from such person as arrears of land revenue.

(3) The amount deposited under sub-section (1) shall be disbursed to such person as may be specified in the award within a period of fifteen days from the date of such deposit.

**17. Act to be in addition to any other law. –**The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt the operator from any proceeding which might, apart from this Act, be instituted against such operator.

**18. Protection of action taken in good faith. –**No suit, prosecution or other legal proceedings shall lie against the Central Government or the person, officer or authority in respect of anything done by it or him in good faith in pursuance of this Act or of any rule or order made, or direction issued, thereunder.