

COMMITTEE ON GOVERNMENT ASSURANCES (2016-2017)

(SIXTEENTH LOK SABHA)

FORTY-NINTH REPORT

REVIEW OF PENDING ASSURANCES PERTAINING TO THE DEPARTMENT OF ATOMIC ENERGY

Presented to Lok Sabha on 11/04/2017



LOK SABHA SECRETARIAT
NEW DELHI
April, 2017/ Chaitra, 1939 (Saka)

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* *Not dropped at sitting held on 03.04.2008*
Not dropped at sitting held on 12.02.2015

COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES*

(2016 - 2017)

Dr. Ramesh Pokhriyal "Nishank" - Chairperson

MEMBERS

2. Shri Rajendra Agrawal
- 3@. Vacant
4. Shri Anto Antony
5. Shri Tariq Anwar
6. Prof. (Dr.) Sugata Bose
7. Shri Naranbhai Bhikhabhai Kachhadiya
8. Shri Bahadur Singh Koli
9. Shri Prahlad Singh Patel
10. Shri A.T. Nana Patil
11. Shri C.R. Patil
12. Shri Sunil Kumar Singh
13. Shri Taslimuddin
14. Shri K.C. Venugopal
15. Shri S.R. Vijay Kumar

SECRETARIAT

1. Shri R.S. Kambo - Additional Secretary
2. Shri P.C.Tripathy - Director
3. Shri S.L. Singh - Deputy Secretary

* The Committee has been re-constituted w.e.f. 01 September, 2016 vide Para No. 4075 of Lok Sabha Bulletin Part-II dated 05 September, 2016

@ Shri E. Ahamed passed away on 01 February 2017

COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES*

(2015 - 2016)

Dr. Ramesh Pokhriyal "Nishank"

- Chairperson

MEMBERS

2. Shri Rajendra Agrawal
3. Shri E. Ahamed
4. Shri Anto Antony
5. Shri Tariq Anwar
6. Prof. (Dr.) Sugata Bose
7. Shri Naranbhai Bhikhabhai Kachhadia
8. Shri Bahadur Singh Koli
9. Shri Prahlad Singh Patel
10. Shri A.T. Nana Patil
11. Shri C.R. Patil
12. Shri Sunil Kumar Singh
13. Shri Tasleem Uddin
14. Shri K.C. Venugopal
15. Shri S.R. Vijayakumar

SECRETARIAT

- | | | | |
|----|-------------------|---|----------------------|
| 1. | Shri R.S. Kambo | - | Additional Secretary |
| 2. | Shri J.M. Baisakh | - | Director |
| 3. | Shri S.L. Singh | - | Deputy Secretary |

*

The Committee was constituted w.e.f. 01 September, 2015 *vide* Para No. 2348 of Lok Sabha Bulletin Part-II dated 31 August, 2015.

COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES*

(2014-2015)

Dr. Ramesh Pokhriyal "Nishank" - Chairperson

MEMBERS

2. Shri Rajendra Agrawal
3. Shri E. Ahamed
4. Shri Anto Antony
5. Prof. (Dr.) Sugata Bose
6. Shri Naranbhai Bhikhabhai Kachhadia
7. Shri Bahadur Singh Koli
8. Shri Prahlad Singh Patel
9. Shri A.T. Nana Patil
10. Shri C.R. Patil
11. Shri Sunil Kumar Singh
12. Shri Tasleem Uddin
13. Shri K.C. Venugopal
14. Shri S.R. Vijayakumar
15. Shri Tariq Anwar**

SECRETARIAT

1. Shri R.S. Kambo - Joint Secretary
2. Shri U.B.S. Negi - Director
3. Shri T.S. Rangarajan - Additional Director

* The Committee has been constituted w.e.f. 01 September, 2014 *vide* Para No. 633 of Lok Sabha Bulletin Part-II dated 02 September, 2014.

** Nominated to the Committee *vide* Para No.1281 of Lok Sabha Bulletin Part-II dated 05 February, 2015.

INTRODUCTION

I, the Chairperson of the Committee on Government Assurances (2016-2017), having been authorized by the Committee to submit the Report on their behalf, present this Forty-Ninth Report (16th Lok Sabha) of the Committee on Government Assurances.

2. The Committee (2014-2015) at their sitting held on 08 June, 2015 took oral evidence of the representatives of the Department of Atomic Energy regarding pending Assurances from the 5th session of the 13th Lok Sabha to the 2nd Session of the 16th Lok Sabha.

3. At their sitting held on 06 April, 2017, the Committee (2016-2017) considered and adopted their Forty-Ninth Report.

4. The Minutes of the aforesaid sittings of the Committee form part of this Report.

5. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in bold letters in the body of the Report.

DR. RAMESH POKHRIYAL "NISHANK"

CHAIRPERSON

COMMITTEE ON GOVERNMENT ASSURANCES

NEW DELHI;
07 April, 2017

17 Chaitra, 1939 (Saka)

REPORT

I. Introductory

The Committee on Government Assurances scrutinize the Assurances, promises, undertakings etc. given by the Ministers from time to time on the floor of the House and report to the extent to which such Assurances, promises, undertakings etc. have been implemented. Once an Assurance has been given on the floor of the House, the same is required to be implemented within three months. The Ministries/Departments of the Government of India are under obligation to seek extension of time, if they are unable to fulfill the Assurance within the prescribed periods of three months. Where a Ministry/Department are unable to implement an Assurance, that Ministry/Department are required to move the Committee for dropping it. The Committee consider such requests and approve dropping, if they are convinced that the grounds cited are justified. The Committee also examine whether the implementation of Assurances has taken place within the minimum time necessary for the purpose and the Committee also look into the extent to which the Assurances have been implemented.

2. The Committee on Government Assurances (2009-2010) took a policy decision to call the representatives of the various Ministries/Departments of the Government of India, in a phased manner, to review the pending Assurances, examine the reasons for pendency and analyze the operation of the system prescribed in the Ministries/Departments for dealing with Assurances. The Committee also decided to consider the quality of Assurances implemented by the Government.

3. The Committee on Government Assurances (2014-2015) decided to follow the well established and time tested procedure of calling the representatives of the Ministries/Departments of the Government of India, in a phased manner and review the pending Assurances. The Committee took a step further for expeditious implementation of pending Assurances and decided to call the representatives of the Ministry of Parliamentary Affairs also as all the Assurances are implemented through them.

4. In pursuance of the ibid decision, the Committee on Government Assurances (2014-2015) called the representatives of the Department of Atomic Energy and the Ministry of Parliamentary Affairs to render clarification with respect to delay in implementation of the Assurances given during the period from the 5th Session of 13th Lok Sabha to the 2nd Session of the 16th Lok Sabha. The Committee examined the following 21 Assurances at their sitting held on 08 June 2015:

S.No.	SQ/USQ No. dated	Subject
1.*	USQ No.3712 dated 13.12.2000	'Setting up of Atomic Power Plants in Private Sector' (Appendix - I)
2.*	USQ No.1937 dated 21.07.2004	'Review of Atomic Energy Act' (Appendix - II)
3.*	USQ No.1095 dated 29.11.2006	'Private Sector in Nuclear Power Generation' (Appendix - III)
4.	USQ No.2423 dated 22.07.2009	'INDO-US Nuclear Deal' (Appendix - IV)
5.	USQ No.931 dated 03.03.2010	'Fire in Bhabha Atomic Research Centre' (Appendix - V)
6.	USQ No.4112 dated 18.08.2010	'Exploration of Uranium and Plutonium' (Appendix - VI)
7.	USQ No.4623 dated 08.12.2010	'Review of Atomic Energy Act' (Appendix - VII)
8.	USQ No.1827 dated 10.08.2011	'Radiation Emergency Response Centres' (Appendix - VIII)
9.	USQ No.2572 dated 17.08.2011	'International Convention on CSC' (Appendix - IX)
10.	USQ No.2661 dated 17.08.2011	'Review of Atomic Energy Act' (Appendix - X)
11.	USQ No.10 dated 22.11.2011	'Radiation Detection System' (Appendix - XI)
12.	USQ No.250 dated 23.11.2011	'Civil Nuclear Cooperation' (Appendix - XII)
13.	USQ No.1381 dated 30.11.2011	'Neutrino Research Centre' (Appendix - XIII)

14.	USQ No.3415 dated 14.12.2011	'Civil Nuclear Agreement' (Appendix - XIV)
15.	USQ No.3419 dated 25.04.2012	'Nuclear Waste' (Appendix - XV)
16.	USQ No.589 dated 27.02.2013	'Delay in Commissioning of Jaitapur Reactors' (Appendix - XVI)
17.	USQ No.2675 dated 13.03.2013	'Protest Against Jaitapur Nuclear Power Plant' (Appendix - XVII)
18.	SQ No.55 dated 09.07.2014	'Foreign Investment in Nuclear Power Sector' (Appendix - XVIII)
19.	USQ No.1987 dated 23.07.2014	'Deaths of Scientists' (Appendix - XIX)
20.#	USQ No.3841 dated 06.08.2014	'Per Unit Cost of Energy' (Appendix - XX)
21.	USQ No.3917 dated 06.08.2014	'Strike of Workers' (Appendix - XXI)

* *Not dropped at sitting held on 03.04.2008*

Not dropped at sitting held on 12.02.2015

5. The Extracts from Manual of Practice and Procedure in the Government of India, Ministry of Parliamentary Affairs laying guidelines on the definition of an Assurance, the time limit for its fulfillment, dropping/deletion and extension, the procedure for fulfillment etc., besides maintenance of Register of Assurances and periodical reviews to minimize delays in implementation of the Assurances are reproduced at Appendix-XXII.

6. Subsequently, seven Assurances mentioned at Sl. Nos. 05, 09, 11, 13, 14, 18 and 19 in the above Table have since been implemented as detailed in para 39 of this Report.

OBSERVATIONS/RECOMMENDATIONS

7. The Committee are concerned that as many as 14 Assurances given by the Department of Atomic Energy during the period from the 5th session of the 13th Lok

Sabha to the 2nd Session of the 16 Lok Sabha are still pending for implementation even after lapse of time ranging from more than two years to 16 years. To elucidate, the Assurance mentioned at Sl. No. 1 is pending for more than 16 years while the Assurances mentioned at Sl. Nos. 2 and 3 are yet to be fulfilled even after more than 12 years and 10 years respectively. Likewise, another 11 Assurances are pending for more than two years to seven years and the remaining seven Assurances could be implemented after delays ranging from more than 2 years to 5 years. This is indicative of the fact that monitoring and follow up action taken for implementation of Assurances by the Department has been inadequate. The Committee are fully aware that implementation of Assurances related to policy matters especially in the field of atomic energy require more time and may be difficult to be executed within the prescribed time period. However, proactive and sustained efforts need to be made to implement Assurances. The Committee, therefore, desire that in addition to the present arrangement of review mechanism instituted by the Department, the implementation of Assurances should be monitored and reviewed at the highest level at periodic intervals.

II. Review of Pending Assurances pertaining to the Department of Atomic Energy

8. In the succeeding paragraphs, the Committee deal with some of the pending Assurances critically examined by them.

A. Setting up of Atomic Power Plants in Private Sector

- (i) USQ No.3712 dated 13.12.2000 regarding 'Setting up of Atomic Power Plants in Private Sector' (Appendix- I)
- (ii) USQ No.1937 dated 21.07.2004 regarding 'Review of Atomic Energy Act' (Appendix - II)

- (iii) USQ No.1095 dated 29.11.2006 regarding 'Private Sector in Nuclear Power Generation' (Appendix -III)
- (iv) USQ No.2423 dated 22.07.2009 regarding 'INDO-US Nuclear Deal' (Appendix -IV)
- (v) USQ No.4623 dated 08.12.2010 regarding 'Review of Atomic Energy Act' (Appendix -VII)
- (vi) USQ No.2661 dated 17.08.2011 regarding 'Review of Atomic Energy Act' (Appendix -X)

9. In reply to the above Questions, it was stated that the process of reviewing the Atomic Energy Act, 1962 and suggesting amendments with a view to, *inter-alia*, enable private sector participation in the production and supply of nuclear power is currently underway. After finalizing its review, the Government will introduce a Bill in both the Houses of Parliament to amend the concerned sections of Act. It was further stated that the Government is reviewing the aforesaid Act for strengthening the Atomic Energy Regulatory Board (AERB) and for carrying out responsibilities relating to ratification of Convention on Physical Protection of Nuclear materials (CPPNM).

10. Giving an update on the status of the implementation of the Assurances, the Department *vide* their Status Note submitted before the evidence, apprised the Committee as under:

"An exercise to introduce a comprehensive Atomic Energy (Amendment) Bill envisaging multiple amendments to the Atomic Energy Act, 1962 is already under process in the Department. Meanwhile, the question of the formation of Joint Ventures by NPCIL with other PSUs for Civil nuclear power projects was discussed at a high-level meeting held on 13 May 2013 to monitor investment Plans of Central Public Sector Enterprises (CPSEs) and, considering NPCIL's immediate requirement of equity infusion to meet capacity addition targets, it was suggested that DAE could delink the larger set of omnibus amendments from the specific amendment(s) to the Atomic Energy Act, 1962 related to formation of Joint Ventures by NPCIL with other PSUs. Accordingly, pending finalization of comprehensive amendments to the AE Act, a Cabinet Note for stand-alone limited amendments to sections 2, 3, 14, 22 and 23 of the AE Act has been forwarded to PMO for approval of the draft Cabinet Note."

11. During evidence, the representative of the Department apprised the Committee regarding the efforts made by them to fulfill the Assurances as under:-

"Under the Atomic Energy Act as it stands now, nuclear power plants can be set up only by the Government or the Government companies. So, to facilitate setting up atomic power plants by the private sector units, amendment to the Atomic Energy Act would be required. The matter has been carefully examined. Some very minor amendments to the Atomic Energy Act have been proposed. They have been thoroughly processed in consultation with the Ministry of Law and the draft Cabinet Note has been placed for approval of the Prime Minister who is the Minister in charge. The matter is being examined in the Prime Minister's office."

12. He further stated as under:-

"The Draft amendment was also seen and vetted by the Ministry of Law and we have submitted the final draft for consideration by the PMO for approval to place it before the Cabinet for the Cabinet's approval to place it before Parliament, to introduce it in Parliament. It is under consideration in the PMO."

13. To a pointed query as to how long the Cabinet Note was pending with PMO, the representative of the Department replied that it was pending for about six months.

14. The Committee then specifically desired to know the efforts made by the Department for review of the Atomic Energy Act, 1962 during the period 2000-2014. The representative of the Department stated as under:-

"I have submitted that I do not exactly know it. But for a very long time, the matter was under discussion in the Ministry of Law and the Department of Atomic Energy having prepared the draft, having it vetted clause by clause, etc. I will submit the exact position. I will submit the date-wise progress."

OBSERVATIONS/RECOMMENDATIONS

15. The Committee are constrained to note that the Department of Atomic Energy have not been able to review or amend the Atomic Energy Act, 1962 with a view to, *inter-alia*, enable setting up of Atomic Power Plants in Private sector despite giving as many as six Assurances to this effect over the last 16 years. The Committee have been informed that pending finalization of comprehensive amendments to the

Atomic Energy Act, a Cabinet Note for standalone limited amendments to Sections 2, 3, 14, 22 and 23 of the Act, duly vetted by the Ministry of Law, has been forwarded to PMO for approval more than two years ago. The Committee would like the Department to furnish a detailed Note indicating the efforts made by them to amend the Atomic Energy Act, 1962 so as to implement the Assurances during this period i.e. from 2000 to 2014 along with a Part Implementation Report of the Assurances. Considering the huge shortage of power in the country and the crucial role the nuclear power plants, both in public and private sectors, can play in bridging the demand supply gap in this regard, the Assurances assume great significance and cannot be kept on the back burner for an indefinite period. The Committee, therefore, urge the Department to make proactive efforts and scale up their coordination with PMO with a view to expedite the proposed review/amendment of the Atomic Energy Act, 1962. The Committee trust that the Government would take all necessary steps to implement the Assurances in the national interest expeditiously.

B. Exploration of Uranium and Plutonium

16. In reply to USQ No. 4112 dated 18.08.2010 regarding 'Exploration of Uranium and Plutonium' (Appendix - VI), it was stated that exploratory mining of uranium at (i) Peddagattu-Lambapur in Nalgonda District of Andhra Pradesh (now in Telangana), (ii) Rohil in Sikar District of Rajasthan and (iii) Wahkyn in West Khasi Hills District of Meghalaya is under consideration.

17. In their Status Note before the evidence, the Department informed the Committee of the further developments in the implementation of the Assurance as under:-

"It may not be possible to set a definite time frame for commencement of activities related to exploratory mining due to various factors such as statutory clearances, various studies and opposition of local populace against uranium mining and hence it would not be possible to fulfill the Assurance in the near future. A proposal with the approval of MoS, PMO, and Ministry of Parliamentary Affairs was sent to Committee on Assurance on 01.12.2010 for deletion of the Assurance from the list of Assurances."

18. During evidence, the representative of the Department elaborated on the issue as under:-

"In all three regions, particularly in the first region and the third region, the general public is not very cooperative or supportive to carry out the preliminary investigations to ascertain and assure the presence of uranium, both in Paddagattu-Lambapur of Nalgonda district of Andhra Pradesh and Wahkyn in Meghalaya. At the second place the work is under progress."

19. To this, another representative of the Department supplemented as under:-

"In the Rohil area which is in the Sikar district of Rajasthan, the work is in progress and we have estimated sufficient reserve for the exploratory mining and UCIL has been contracted and we are also in the process of getting the land in the area from Government of Rajasthan so that we can start exploratory mining."

20. The representative of the Department further explained the problems faced in carrying out their activities in Andhra Pradesh and Meghalaya as under:-

"In the North East also there is considerable amount of public resistance and in Andhra Pradesh, this Pedagattu-Lambapur is very close to Nagarjuna Sagar reservoir and the general public have this psychological fear that any exploration for uranium here will result in seepage of the contaminated water into the Nagarjuna Sagar and pollution of Nagarjuna Sagar and therefore they are not very helpful. Even they have not permitted over land helicopter flights to Atomic Minerals Directorate. They do one method of surveying for presence of atomic minerals through heli-borne surveys. They have not even permitted heli-borne surveys. In Meghalaya the problem is that it is a very interesting situation, all the land in that part of North East is held at the community level. There is no individual ownership. The community leaders have stated very clearly that they are against this. They have welcomed any number corporate social responsibilities like laying of roads and bridges, but not mining."

21. The Committee desired to know the efforts made by the Department to establish justification or otherwise of the above said protest and the measures taken either to apprise the PMO of the environment damages to be caused by the uranium exploration as raised by the protester or to interact and negotiate with the protestors and the Chief Ministers of the States

concerned to allay their fears and concerns. The representative of the Department briefed the Committee in this regard as under:-

"In the State of Andhra Pradesh, we made efforts till one year back. One year back the state got divided and this particular part falls in Telangana. For quite some time, prior to separation of the State, there was considerable amount of unrest and flux in the State. Therefore the State Administration asked not to bother them with this request because they were in considerable administrative reorganization troubles. Prior to that, we had gone to them when the then CM, Shri Rajasekhar Reddy was there and he indicated that he knows that people are not favorable and that they will deal with slowly. He told that we have another project anyway and to complete that project first. In Thumallapalli of Cuddapah of Andhra Pradesh, a very large quantity of uranium weighing almost 1,70,000 tones was there. It falls in Andhra Pradesh. So, the then CM told this Department to kindly concentrate on that and to complete one at a time and then we will go to Lambapur. Unfortunately, he passed away and the agitation for the separate State came. It was physically not feasible to go and initiate this activity. Right now, we are making efforts to go and make a presentation. We have sought time from the Hon. Chief Minister of Telangana."

22. When asked whether meetings were held before with the Chief Minister of Telangana in this regard, the representative of the Department replied as under:-

"We sought appointments but we could not get appointments. Twice we sought appointments."

23. On being enquired whether forest clearance had been obtained in the matter, the representative of the Department deposed before the Committee during evidence as under:-

"For the preliminary exploration, we do not need to take pollution clearance. What we are attempting to do is extremely preliminary activity of ascertaining whether there is uranium or not. This is not an industrial activity. This is drilling a mine to take out the mining material, examine it in the laboratory for the contents."

24. Regarding the efforts made to deal with the protests against the proposed uranium exploration, the representative of the Department briefed the Committee as under"-

"We have, in the Department of Atomic Energy, a public outreach resources cell and a public awareness division. They have been making efforts to go there, both to Peddagattu-Lambapur and Meghalaya locations, conduct public exhibitions in schools and colleges and creat public awareness."

OBSERVATIONS/RECOMMENDATIONS

25. The Committee are perturbed to note that the Department have not been able to carry out exploratory mining of uranium at three uranium reserves located at Peddagattu-Lambapur in Nalgonda District of Andhra Pradesh (now in Telangana State), Rohil in Sikar District of Rajasthan and Wahkyn in West Khasi Hills District of Meghalaya despite giving Assurance to this effect more than six years ago in reply to USQ No. 4112 dated 18.08.2010. The Committee have been informed that it may not be possible to set a definite time frame for commencement of activities related to exploratory mining due to various factors such as statutory clearances, various studies and opposition of local populace against uranium mining for fear of radioactive contamination of water and hence it would not be possible to fulfill the Assurance in the near future. The Department have accordingly requested for dropping the Assurance. The Committee, however, find that though steps have been taken by the Department to actively negotiate with the Chief Ministers and the agitating people of the two States concerned but no amicable solution could be arrived at. The Committee desire that the Department should scale up the efforts and find early solution to the contentious issue of uranium mining without further delay. This line of action is imperative to augment availability of uranium as a critical nuclear fuel and enhance protects of self reliance in this regard to help better meet its pressing demand in the country. The Committee would also like the Department to furnish a detailed Note indicating specific steps taken and efforts made by them

so far to implement the Assurance including interactions and negotiations held with the Chief Ministers and protestors of the States concerned in this regard.

C. Radiation Emergency Response Centres

26. In reply to USQ No. 1827 dated 10.08.2011 regarding 'Radiation Emergency Response Centres' (Appendix - VIII), it was stated that:- The Government has set up twenty Emergency Response Centres (DAE-ERCs) at the Department of Atomic Energy (DAE) locations. These have been developed to be in preparedness for response to any nuclear and radiological emergencies affecting the public domain. The ERCs are also meant to provide appropriate advice to the administration/local security agencies regarding the counter/rescue measures etc., required in the event of any radiation field/contamination in public domain either due to any accident or by deliberate acts. It is proposed to establish 10 more ERCs- 2 more at DAE sites and 8 at National Disaster Response Force (NDRF) sites.

27. In their Status Note submitted before evidence, the Department apprised the position regarding implementation of the Assurance as under:

"Extension of time for fulfillment of Assurances has been sought upto 30.06.2015. Action in being taken to submit Implementation Report for fulfillment of Assurance at the earliest."

28. Elucidating the developments in this regard, the representative of the Department further deposed before the Committee during evidence as under:-

"The inspection of eight NDRF Emergency Response Centres to assess the available infrastructure manpower and system requirement has been completed. These eight are: Ghaziabad, Uttar Pradesh; Bhatinda, Punjab; Arakkonam, Tamil nadu; Baroda, Gujarat; Mundali, Odisha; Guwahati, Assam; Kolkata, West Bengal; Telegaon, Maharashtra. The additional required instruments and equipment have been delivered to these eight ERCs."

The Trainee-syllabus has been prepared and approved by the national Disaster Management Authority. Training of trainers course on response to radiation emergencies for the trainers to further train the ERC staff has been conducted. All the above eight are operational. However, the action taken in respect of these eight do not include the two which are contained in this Assurance. We will have to take the same action regarding supply of equipment and training of the staff for these two. So, we will complete it quickly. We request three months' extension till 30th September (2015)."

OBSERVATIONS/RECOMMENDATIONS

29. The Committee note that the Assurance given in reply to USQ No. 1827 dated 10. 08. 2011 regarding 'Radiation Emergency Response Centres' primarily involves establishment of two Emergency Response Centres (ERC's) at the Department of Atomic Energy sites and eight ERCs at the National Disaster Response Force (NDRF) sites and make them operational by 2012-2013. Even though the proposed eight ERCs at NDRF sites have since been operationalised, the Department sought extension of time in respect of the two DAE ERCs and promised to complete them by 30.09.2015. However, the same is still pending despite a lapse of more than five years since giving the Assurance. Ensuring operationalisation of the two DAE ERCs would certainly boost the country's radiation emergency response mechanism to a large extent. The Committee, therefore, urge upon the Department to step up their efforts and make the two DAE ERCs operational without further delay.

D. Nuclear Waste

30. In reply to USQ No. 3419 dated 25.04.2012 regarding "Nuclear Waste' (Appendix - XVI), it was stated that the Department of Atomic Energy (DEA) has a proposal to construct an Underground Research Laboratory during the XII Five Year Plan. The proposed laboratory will be of generic nature. Such laboratories are used for development of methodology and

technology related to emplacement of solidified waste in the repository. Experiments in such laboratories will form basis for the development and construction of underground geological repository for storing high level nuclear waste in the future.

31. In their Status Note submitted before evidence, the Department apprised the position regarding implementation of the Assurance as under:-

"The Committee has been requested for extension of time upto 30.06.2015 for fulfillment of the Assurance. Meanwhile, action is being initiated requesting the Committee for dropping of the Assurance."

OBSERVATIONS/RECOMMENDATIONS

32. The Committee note that despite making efforts, the construction of an Underground Research Laboratory for development of methodology and technology related to emplacement of solidified nuclear waste in the repository is still to see the light of the day. The Committee find that the country is going for expansion of its atomic energy sector and is setting up more nuclear power plants which will generate more nuclear waste. Experiments in the proposed laboratory will form a basis for the development and construction of underground geological repository for storing safely high level nuclear waste in the future. The Committee hope and urge that the Department should redouble their efforts and set up the laboratory at the earliest.

E. Cost of Jaitapur Nuclear Power Project

- (i) USQ No. 589 dated 27.02.2013 regarding 'Delay in Commissioning of Jaitapur Reactors' (Appendix-XVI)
- (ii) USQ No. 2675 dated 13.03.2013 regarding 'Protest Against Jaitapur Nuclear Power Plant' (Appendix-XVII)

33. In reply to above Questions, it was stated that the cost of the Jaitapur Nuclear Power Project will be arrived only after conclusion of the on-going techno-commercial discussions

between the Nuclear Power Corporation of India Limited and the French side. The effort is to arrive at a viable tariff regime comparable to that of the contemporary thermal and hydel power projects in the region.

34. Apprising the efforts made by them to implement the Assurance, the Department stated in their Status Note submitted before evidence as under:

"The techno-commercial discussions are still in progress. In this connection, a pre-Engineering Agreement was signed during the recent visit of the honorable Prime Minister to France from April 09-11, 2015 to bring clarity on all technical aspects of the Plant."

OBSERVATIONS/RECOMMENDATIONS

35. The Committee note that the Assurances in question basically relate to calculation/finalization of cost of the Jaitapur Nuclear Project which would be arrived at only after conclusion of the techno-commercial discussions between the Nuclear Power Corporation of India Limited (NPCIL) and the French side. The Committee have been informed that the said discussions are still in progress and a pre-Engineering Agreement was signed during the visit of the Hon'ble Prime Minister of India to France in April 2015 to bring clarity on all technical aspects of the Plant. The Committee feel that calculation/ finalization of the cost of the Plant is of paramount importance for facilitating the efforts to arrive at a viable tariff regime comparable to that of contemporary thermal and hydel power projects in the region so as to make them competitive in the larger interest of the country. Since much spade work has already been done with the signing of the above pre-Engineering Agreement in April, 2015, the Committee believe that the Department can now

accelerate the pace of techno-commercial discussions between NPCIL and the French side so as to finalise the cost of the Plant at the earliest. The Committee urge upon the Department to take intense pragmatic steps and expedite the said techno-commercial discussions and fulfill the Assurances. The Committee trust and hope that the Government would take all necessary steps to protect the maximum interest of the country in this regard.

F. Setting up of Nuclear Power Plants in Cooperation with Global Nuclear Suppliers

36. In reply to USQ No. 3841 dated 06.08.2014 regarding 'Per Unit Cost of Energy' (Appendix-XX), it was stated that considering India's large nuclear power expansion plans, global nuclear suppliers are interested in technical cooperation for setting up nuclear power plants in India. Nuclear Power Corporation of India Limited (NPCIL) is having discussions with Atomstroyexport of Russian Federation, M/s Areva and ALSTOM of France, Westinghouse and GE Hitachi of USA for setting up of nuclear power plants in the country.

37. Giving an update on the efforts made by them to implement the Assurance, the Department stated in their Status Note submitted before evidence that the discussions were still in progress to arrive at a commercial contract.

OBSERVATIONS/RECOMMENDATIONS

38. The Committee find that the Assurance given in reply to USQ No. 3841 dated 06.08.2014 regarding 'Per Unit Cost of Energy' which entails setting up of nuclear power plants in the country in cooperation with global nuclear suppliers - Atomstroyexport of Russian Federation, M/s Areva and ALSTOM of France and Westinghouse and GE Hitachi of USA is still pending without much progress. While informing that the discussions are still in progress to arrive at a commercial contract, the Department had requested the Committee for dropping the Assurance.

The Committee feel that in a huge and diverse energy deficient country like ours, nuclear power plants have a great role to play to help achieve energy security and ensure even spread/distribution of power. The setting up of nuclear power plants with foreign collaboration is a welcome step in this direction. The Committee understand that negotiations with foreign companies/countries in such matters are complex and take time. However, the same can be accomplished with meticulous planning, proactive steps and sustained efforts. The Committee, therefore, urge upon the Department to continue their negotiations with the foreign companies/countries concerned to expedite the setting up of the proposed nuclear Power Plants. In the meantime, the Department may lay a part Implementation Report in the House.

III. Implementation Reports

39. As per the statement of the Ministry of Parliamentary Affairs, Implementation Reports in respect of the Assurances given in replies to the following SQ/USQs have since been laid on the Table of the House on the dates as mentioned against each:

(i)	Sl. No. 5	USQ No. 931 dated 03.03.2010	05.08.2015
(ii)	Sl. No. 9	USQ No. 2572 dated 17.08.2011	07.12.2016
(iii)	Sl. No. 11	USQ No. 10 dated 22.11.2011	04.05.2016
(iv)	Sl. No. 13	USQ No. 1381 dated 30.11.2011	05.08.2015
(v)	Sl. No. 14	USQ No. 3415 dated 14.12.2011	09.03.2016
(vi)	Sl. No. 18	SQ No. 55 dated 09.07.2014	09.03.2016
(vii)	Sl. No. 19	USQ No. 1987 dated 23.07.2014	10.08.2016

DR. RAMESH POKHRIYAL "NISHANK"

CHAIRPERSON

COMMITTEE ON GOVERNMENT ASSURANCES

NEW DELHI;
07 April, 2017

17 Chaitra, 1939 (Saka)

Appendix-XXI

(Vide para 5 of the Report)

Extracts from Manual of Practice and Procedure in the Government of India, Ministry of Parliamentary Affairs, New Delhi

Definition

8.1 During the course of reply given to a question or a discussion, if a Minister gives an undertaking which involves further action on the part of the Government in reporting back to the House, it is called an 'assurance'. Standard list of such expressions which normally constitute assurances and as approved by the Committees on Government Assurances of the Lok Sabha and the Rajya Sabha, is given at [Annex 3](#). As assurances are required to be implemented within a specified time limit, care should be taken by all concerned while drafting replies to the questions to restrict the use of these expressions only to those occasions when it is clearly intended to give an assurance in these terms.

8.2 When an assurance is given by a Minister or when the Presiding Officer directs the Government to furnish information to the House, it is extracted by the Ministry of Parliamentary Affairs from the relevant proceedings and communicated to the department concerned normally within 10 working days of the date on which it is given.

Deletion from the list of assurances

8.3.1 If the administrative department has any objection to treating such a statement as an assurance or finds that it would not be in the public interest to fulfil it, it may write to the Lok/Rajya Sabha Secretariat direct with a copy to the Ministry of Parliamentary Affairs within a week of the receipt of such communication for getting it deleted from the list of assurances. Such action will require prior approval of the Minister.

8.3.2 Departments should make request for dropping of assurances immediately on receipt of statement of assurances from the Ministry of Parliamentary Affairs and only in rare cases where they are fully convinced that the assurances could not be implemented under any circumstances and there is no option left with them but to make a request for dropping. Such requests should have the approval of their Minister and this fact should be indicated in their communication containing the request. If such a request is made towards the end of the stipulated period of

Time limit for fulfilling and assurance	<p>three months, then it should invariably be accompanied with a request for extension of time. The department should continue to seek extension of time till a decision of the Committee on Government Assurances is received by them. Copy of the above communications should be simultaneously endorsed to the Ministry of Parliamentary Affairs.</p> <p>8.4.1 An assurance given in either House is required to be fulfilled within a period of three months from the date of the assurance. This time limit has to be strictly observed.</p>
Extension of time for fulfilling an assurance	<p>8.4.2 If the department finds that it is not possible to fulfil the assurance within the stipulated period of three months or within the period of extension already granted, it may seek further extension of time direct from the respective Committee on Government Assurances under intimation to the Ministry of Parliamentary Affairs as soon as the need for such extension becomes apparent, indicating the reasons for delay and the probable additional time required. Such a communication should be issued with the approval of the Minister.</p>
Registers of assurances	<p>8.5.1 The particulars of every assurance will be entered by the Parliament Unit of the department concerned in a register as at Annex 4 after which the assurance will be passed on to the concerned section.</p> <p>8.5.2 Even ahead of the receipt of communication from the Ministry of Parliamentary Affairs, the section concerned should take prompt action to fulfil such assurances and keep a watch thereon in a register as at Annex 5.</p> <p>8.5.3 The registers referred to in paras 8.5.1 and 8.5.2 will be maintained separately for the Lok Sabha and the Rajya Sabha assurances, entries therein being made session wise.</p>
Role of Section Officer and Branch Officer	<p>8.6.1 The Section Officer incharge of the concerned section will:</p> <ul style="list-style-type: none"> (a) scrutinise the registers once a week; (b) ensure that necessary follow-up action is taken without any delay whatsoever; (c) submit the registers to the branch officer every fortnight if the House concerned is in session and once a month otherwise, drawing his special attention to assurances which

are not likely to be implemented within the period of three months; and

(d) review of pending assurances should be undertaken periodically at the highest level in order to minimise the delay in implementing the assurances.

8.6.2 The branch officer will likewise keep his higher officer and Minister informed of the progress made in the implementation of assurances, drawing their special attention to the causes of delay.

Procedure for
fulfilment of an
assurance

8.7.1 Every effort should be made to fulfil the assurance within the prescribed period. In case only part of the information is available and collection of the remaining information would involve considerable time, an implementation report containing the available information should be supplied to the Ministry of Parliamentary Affairs in part scrutinize of the assurance, within the prescribed time limit. However, efforts should continue to be made for expeditious collection of the remaining information for complete implementation of the assurance at the earliest.

8.7.2 Information to be supplied in partial or complete fulfilment of an assurance should be approved by the Minister concerned and 15 copies thereof (bilingual) in the prescribed proforma as at Annex 6, together with its enclosures, along with one copy each in Hindi and English duly authenticated by the officer forwarding the implementation report, should be sent to the Ministry of Parliamentary Affairs. If, however, the information being furnished is in response to an assurance given in reply to a question etc., asked for by more than one member, an additional copy of the completed proforma (both in Hindi and English) should be furnished in respect of each additional member. A copy of this communication should be endorsed to the Parliament Unit for completing column 7 of its register.

8.7.3 The implementation reports should be sent to the Ministry of the Parliamentary Affairs and not to the Lok/Rajya Sabha Secretariat. No advance copies of the implementation reports are to be endorsed to the Lok/Rajya Sabha Secretariat either.

Laying of the
implementation

8.8 The Ministry of Parliamentary Affairs, after a scrutiny of the implementation report, will arrange to lay it on the Table

report on the
Table of the
House

of the House concerned. A copy of the statement, as laid on the Table, will be forwarded by the Ministry of Parliamentary Affairs to the member as well as the department concerned. The Parliament Unit of the department concerned and the concerned section will, on the basis of this statement, make a suitable entry in their registers.

Obligation to
lay a paper on
the Table of
the House vis-
à-vis assurance
on the same
subject

8.9 Where there is an obligation to lay any paper (rule/order/notification, etc.) on the Table of the House and for which an assurance has also been given, it will be laid on the Table, in the first instance, in fulfilment of the obligation, independent of the assurance given. After this is done, a report in formal implementation of the assurance indicating the date on which the paper was laid on the Table will be sent to the Ministry of Parliamentary Affairs in the prescribed proforma (Annex 6) in the manner already described in para 8.7.2.

Committees on
Government
Assurances
LSR 323,324
RSR 211-A

8.10 Each House of Parliament has a Committee on Government assurances nominated by the Speaker/Chairman. It scrutinized the implementation reports and the time taken in the scrutinized of Government assurances and focuses attention on the delays and other significant aspects, if any, pertaining to them. Instructions issued by the Ministry of Parliamentary Affairs from time to time are to be followed strictly.

Reports of the
Committees on
Government
Assurances

8.11 The department will, in consultation with the Ministry of Parliamentary Affairs, scrutinize the reports of these two committees for remedial action wherever called for.

Effect on
assurances on
dissolution of
the Lok Sabha

8.12 On dissolution of the Lok Sabha, all assurances, promises or undertakings pending implementation are scrutinized by the new Committee on Government assurances for selection of such of them as are of considerable public importance. The Committee then submits a report to the Lok Sabha with a specific recommendation regarding the assurances to be dropped or retained for implementation by the Government.

MINUTES

ELEVENTH SITTING

Minutes of the sitting of the Committee on Government Assurances (2014-2015) held on 08 June, 2015 in Committee Room 'C', Parliament House Annexe, New Delhi.

The Committee sat from 1500 hours to 1630 hours on Monday, 08 June 2015.

PRESENT

Dr. Ramesh Pokhriyal 'Nishank' - Chairperson

Members

2. Shri Rajendra Agrawal
3. Shri Naran Bhai Kachhadia
4. Shri Bahadur Singh Koli
5. Shri Prahlad Singh Patel
6. Shri A.T. Nana Patil
7. Shri C.R. Patil
8. Shri Sunil Kumar Singh
9. Shri Tasleem Uddin
10. Shri K.C. Venugopal

Secretariat

1. Shri R.S. Kambo - Joint Secretary
2. Shri U.B.S Negi - Director
3. Shri T.S.Rangarajan - Additional Director

Department of Atomic Energy

1. Shri C.B.S. Venkataramana, Additional Secretary, DAE
2. Shri K. Venkat Subramanian, Under Secretary
3. Dr. M.K. Khandelwal, Scientific Officer, H+

Ministry of Parliamentary Affairs

1. Shri A Manoharan, Deputy Secretary

At the outset, the Chairperson welcomed the Members to the sitting of the Committee and apprised them regarding the day's agenda.

XXXX XXXX XXXX XXXX XXXXX XXXX

2. The Committee then invited representatives of the Department of Atomic Energy regarding review of pending assurances from 5th Session of 13th Lok Sabha to 2nd Session of 16th Lok Sabha (Annexure-IV). The pending assurances reviewed/examined by the Committee are discussed below:-

- (i) USQ No. 3712 dated 13.12.2000 regarding Setting up Atomic Power Plants in Private Sector (S.No.1), USQ No.1937 dated 21.07.2004 regarding Review of Atomic Energy Act (S.No.2), USQ No. 1095 dated 29.11.2006 regarding Private Sector in Nuclear Power Generation (S.No.3), USQ No. 2423 dated 22.07.2009 regarding INDO-US-Nuclear Deal (S.No. 4), USQ No. 4623 dated 08.12.2010 regarding Review of Atomic Energy Act (S.No.7) USQ No. 2661 dated 17.08.2011 regarding Review of Atomic Energy Act (S.No.10) and SQ No. 55 dated 09.07.2014 regarding Foreign Investment in Nuclear Power Sector (S.No.18).

The Committee were informed that an exercise to introduce a comprehensive Atomic Energy (Amendment) Bill envisaging multiple amendments to the Atomic Energy Act, 1962 is already under process in the Department. The Committee were apprised that under the present Atomic Energy Act, nuclear power plants could be set up only by the

Government Companies. To facilitate setting up atomic power plants by the private sector units, amendment to the Atomic Energy Act would be required. The matter has been carefully examined and some amendments to the Atomic Energy Act have been proposed. These amendments have been thoroughly processed in consultation with the Ministry of Law and the draft Cabinet Note has been placed for approval of the Prime Minister, being the Minister-in-charge. The matter is presently being examined in the Prime Minister's office. The Committee granted extension upto 30.09.2015 for expediting the process and desired that the exact details on the subject may be furnished to the Committee within a period of one month.

(ii) USQ No. 931 dated 03.03.2010 regarding Fire in Bhabha Atomic Research Centre (S.No.5)

The Committee were informed that the Committee set-up to inquire into the causes of fire in Bhabha Atomic Research Centre have concluded the inquiry and given their findings. The police have also submitted the report on the forensic and other investigation conducted. It was informed that the fire accident occurred due to low intensity explosive energy released from accidental mixing of small quantities of reactive chemicals stored in the Chemical Laboratory. The blast was attributed to an explosion caused either by ignition of a vapour cloud formed by the breakage of bottle or by a violent chemical reaction of a small quantity of highly oxidizing substance with a combustible substance, both in liquid form. The most probable trigger event was involvement of a small quantity of the reactants at room temperature, which led a low intensity blast at a level above the table top. Further, the low intensity blast could break the bottles with flammable liquids leading to high intensity flame and subsequently escalation of fire. The Committee were then informed that an implementation report has accordingly been forwarded to the Ministry of Parliamentary Affairs on 2nd November 2012. The Committee however, emphasized on the need for fixing of responsibility on the guilty over the lapses that led to the accident and putting all safety measures in place to stop such incidents in future.

(iii) SQ No. 4112 dated 18.08.2010 regarding Exploration of Uranium and Plutonium (S.No.6).

The assurance related to exploration of uranium and plutonium and steps initiated by the Government to further refine these metals for peaceful use in the nuclear power plants.

The Committee were apprised that Government move to explore Uranium and Plutonium at Padagattu Lambapur Nalgonda district, Andhra Pradesh, Rohil, Sikar district Rajasthan and Wakhin, West Khasi Hills Meghalaya was construed as an assurance. As regards, the status, it was submitted that in all the three regions, particularly in the first region and the third region, the general public were not cooperative or supportive to carry out the preliminary investigations to ascertain and assure the presence of uranium, both in Padagattu Lambapur of Nalgonda district of Andhra Pradesh and Wakhin in Meghalaya. At the third place the work is under progress. The Committee were further informed that no time frame could be set for commencement of activities related to exploratory mining due to various factors such as statutory clearances, various studies and opposition of local populace against uranium mining. As such a request for dropping of the assurance had been submitted to the Committee for consideration. The Committee enquired as to whether the Department raised the issue at the appropriate level and sought the reaction of the Chief Minister, or whether any exercise was undertaken to ascertain the reasons behind the resistance from local people and remove their misconception on the issue. The Ministry stated that public awareness programmes have been launched to garner support. The Committee desired that a detailed report on the subject may be furnished to them for review.

(iv) USQ No. 1827 dated 10.08.2011 regarding Radiation Emergency Response Centres (S.No.8).

The Committee were apprised that the assurance related to Radiation Emergency Response Centres. The assurance arose from the Question about the time by which such centres are likely to be made operational in the country location-wise. The Government had submitted that additional Emergency Response Centres (ERCs) proposed at ten locations are

likely to be operational within one or two years. Locations of proposed DAE ERC's are Chatrapur, Orissa and Visakhapatnam, Andhra Pradesh.

The Committee were further apprised that inspection of eight NDRF Emergency Response Centres to assess the available infrastructure man power and system requirement had been completed. The additional requirement of instruments and equipment had also been provided to these eight ERCs. The Committee were further informed that the trainee-syllabus has been prepared and approved by the National Disaster Management Authority. Training of trainers course in response to radiation emergencies for the trainers to further train the ERC staff has been conducted. All the 8 ERCs are, therefore, operational. However, action with regard to, the two ERCs, at Chatrapur, Orissa and Vishakhapatnam, Andhra Pradesh would require supply of equipment and training of staff there. The representative of the Department of Atomic Energy assured to accomplish the task expeditiously and sought extension till 30th September 2015.

(v) USQ No. 2572 dated 17.08.2011 regarding International Convention on CSC (S.No.9).

The Committee were informed that ratification of International Convention on Supplementary Compensation (CSC) would facilitate US-based companies to enter into technical cooperation with Indian Government companies for building nuclear power plants. It was submitted that according to IAEA, after depositing the instrument of ratification by six states viz Argentina, Morocco, Romania, UAE, USA and Japan, the CSC has come into force on 15th April, 2015. India is considering to ratify the CSC at an early date for which appropriate action will be initiated in consultation with the Ministry of External Affairs. It was stated that the matter basically has to be recommended and approved by the Ministry of External Affairs. The Committee desired that the other Ministries involved in the process of fulfillment of the assurance may also be accompanied in future during evidence proceeding.

The Committee observed that the representatives of the Department of Atomic Energy were unable to render clarifications to the queries raised on certain assurances. The Committee

therefore, directed the representatives to come fully prepared on the assurances under examination and review during the next meeting.

The Committee then decided to postpone the review of the remaining assurances to the next sitting of the Committee with the representatives of the Department of Atomic Energy.

The Committee then adjourned.

Statement of Pending Assurances of the Department of Atomic Energy
(from 5th Session of 13th Lok Sabha to 2nd Session of 16th Lok Sabha)

S.No.	SQ/USQ No. dated	Subject
1.*	USQ No.3712 dated 13.12.2000	Setting up Atomic Power Plants in Private Sector
2.*	USQ No.1937 dated 21.07.2004	Review of Atomic Energy Act
3.*	USQ No.1095 dated 29.11.2006	Private Sector in Nuclear Power Generation
4.	USQ No.2423 dated 22.07.2009	INDO-US-Nuclear Deal
5.	USQ No.931 dated 03.03.2010	Fire in Bhabha Atomic Research Centre
6.	USQ No.4112 dated 18.08.2010	Exploration of Uranium and Plutonium
7.	USQ No.4623 dated 08.12.2010	Review of Atomic Energy Act
8.	USQ No.1827 dated 10.08.2011	Radiation Emergency Response Centres
9.	USQ No.2572 dated 17.08.2011	International Convention on CSC
10.	USQ No.2661 dated 17.08.2011	Review of Atomic Energy Act
11.	USQ No.10 dated 22.11.2011	Radiation Detection System
12.	USQ No.250 dated 23.11.2011	Civil Nuclear Cooperation

* Not dropped at sitting held on 03.04.2008

13.	USQ No.1381 dated 30.11.2011	Neutrino Research Centre
14.	USQ No.3415 dated 14.12.2011	Civil Nuclear Agreement
15.	USQ No.3419 dated 25.04.2012	Nuclear Waste
16.	USQ No.589 dated 27.02.2013	Delay in Commissioning of Jaitapur Reactors
17.	USQ No.2675 dated 13.03.2013	Protest Against Jaitapur Nuclear Power Plant
18.	SQ No.55 dated 09.07.2014 (Shri Asaduddin Owaisi, M.P)	Foreign Investment in Nuclear Power Sector
19.	USQ No.1987 dated 23.07.2014	Deaths of Scientists
20.#	USQ No.3841 dated 06.08.2014	Per Unit cost of Energy
21.	USQ No.3917 dated 06.08.2014	Strike of Workers

Not dropped at sitting held on 12.02.2015