

15. Looking for Research Alternatives in the Face of Secrecy

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The nuclear program in India operates with a lot of secrecy. For the nuclear weapons arsenal, this secrecy refers to the denial of information. But for civilian facilities that secrecy is exercised through concealment or camouflage, argues Ramana in "India's Nuclear Enclave and the Practice of Secrecy".¹ Unlike most policy matters where the cabinet has the ultimate authority, nuclear affairs in India are under the complete control of the Atomic Energy Commission (AEC). The AEC is comprised of mainly scientists and top leaders of the Department of Atomic Energy (DAE), which reports directly to the Prime Minister. Two acts particularly provide the legal structures supporting secrecy: the 1962 Atomic Energy Act and the Official Secrets Act. These acts have been used only rarely. However, on occasion, DAE has used this legal structure to subject those who have exposed its technical and safety failures to harsh punishment.

A tragic example involved BK Subbarao, a naval officer who challenged the designs produced by DAE scientists for the submarine's nuclear reactor on technical grounds, leading to the rejection of these designs.² In 1988, he was arrested and charged under the Official Secrets Act and the Atomic Energy Act with trying to smuggle secret documents out of the country.³ Subbarao was imprisoned for five years and denied bail. After a prolonged legal battle, he was acquitted by the Supreme Court and awarded 25,000 rupees as "costs for his mental suffering and financial loss." Those behind his prosecution went unpunished.

In another instance, in 1992, journalist Rupa Chinali disclosed in an article in the Bombay newspaper *The Sunday Observer* that there had been a major radioactive leak at the Bhabha Atomic Research Centre.⁴ The DAE's reaction to the article was to try to "amend the 1962 act to increase punishment for unauthorized disclosure to five years rigorous imprisonment instead of three earlier and to allow them to prosecute without first seeking the solicitor general's approval."⁵

Yet another example is from the Kakrapar nuclear plant that has had several accidents since being commissioned in 1993. In 1996, Manoj Mishra, a lab technician, was terminated from service at the plant for turning whistleblower and revealing damage done to the plant in 1994, when the reactor was flooded and water reached inside the reactor building.⁶ The Supreme Court agreed with the Nuclear Power Corporation's argument that he could not be declared a whistleblower and accorded any of its protections under the act, since he did not have technical degrees and was not an expert in the field.⁷

Even after the Right to Information (RTI) Act was enacted in India in 2005, the nuclear weapons division was kept out of its purview under Section 8(I)(a) of the RTI Act which stipulated that there shall be no obligation to give information, among other things, pertaining to “information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign States or lead to incitement of an offence.”⁸ However, this clause has been used to deny information to the public related to nuclear energy on several occasions.⁹ Following the US-India civil nuclear deal, India has had to differentiate between civil and military nuclear facilities and allow the International Atomic Energy Agency (IAEA) to regulate and inspect the “civilian” facilities. This has allowed for some papers to be available through IAEA’s *publication International Nuclear Information System (INIS)*.

These papers available through IAEA were helpful for me to analyze the studies done on the environmental and health impacts on the people working in and living around the uranium mines in India for a paper that is currently going through the process of publication.¹⁰ These mines lie in a small region called Jadugoda in Jharkhand, an eastern state of India. The first of these mines started operation in 1967. Over the last two decades, roughly from the period following the nuclear weapon tests conducted by the country in May 1998, there has been a public debate about various health effects on mine workers and the inhabitants of the villages near the mines and the mill ponds, many of them belonging to the local Indigenous community.

The debate has involved contentious claims about the veracity of these health effects, the causes, and the linkages with radiation, with different positions staked out by local anti-

nuclear activists, international NGOs, physicians, physicists, and officials from the Uranium Corporation of India Limited (UCIL), who have all used different methodologies to analyze the situation and seek attribution for the ill-health. While a handful of independent studies done by NGOs and activists claim that there are health effects and also link them to radiation exposure, UCIL denies these claims with multiple studies. However, not all studies done by UCIL are accessible, especially the early ones. This essentially means that there are no baseline surveys of the region's environment available for the public to scrutinize. The recent ones that are accessible do not always share their methodologies. This has posed a great challenge in deriving meaningful conclusions about the environmental and health impacts in the region. Another project I worked on in the past year is an update of India's nuclear arsenal.¹¹ Most of the information, in this case, had to be collected through newspaper reports or reports from defence organizations of other countries because of the secrecy around the program.

Denial of access to official archives regarding nuclear matters is a challenge to researchers working in this sensitive field. However, I believe using people's history and/or oral histories on nuclear matters is an important direction that has not been explored enough in India yet. This is because oral traditions are not considered rigorous enough for data collection and cannot be considered evidence in court. However, research in oral history is arguing for their increasing importance in data collection.



Figure 15. The demand for the Right to Information Act (RTI) grew out of the demand for minimum wages for workers. An association of labourers and farmers based in Rajasthan called Mazdoor Kisan Shakti Sangathan (MKSS), announced a strike on April 6, 1996 following an expose of systemic corruption across the state. MKSS began a historic forty-day-long dharna (to sit in protest) to demand the Right to Information. An eminent Hindi language journalist Prabhash Joshi published an editorial entitled "Hum Jaanenge, Hum Jiyenge" (we will know, we will live). This title became a slogan of the RTI movement in India and was modified to say, "the right to know is the right to live." (Photograph with permission of Mazdoor Kisan Shakti Sangathan, *India Telegraph*, Feb 9, 2019, https://epaper.telegraphindia.com/imageview_289784_113147336_4_71_02-09-2019_12_i_1_sf.html. Rights belong with Mazdoor Kisan Shakti Sangathan.)

¹ MV Ramana, "India's Nuclear Enclave and the Practice of Secrecy" in *South Asian Cultures of the Bomb: Atomic Publics and the State in India and Pakistan*, ed. I. Abraham (Bloomington: Indiana University Press, 2009), 41-67.

² TS Gopi Rethinaraj, "ATV: All at Sea before It Hits the Water," *Jane's Intelligence Review* (June 1, 1998): 31-35.

³ MS Siddhu, "Victimised by the Official Secrets Act: The Story of Dr. BK Subbarao," *Manushi* (1998): 108.

⁴ R Chinai, (1992), "Radioactive Leakage at the Bhabha Atomic Research Centre," *Sunday Observer*, September, 1992.

⁵ Ramana, "India's Nuclear Enclave."

⁶ S Gadekar, "Floodwaters Drown Kakrapar," *Anumukti (Liberation from the Atom)*, 7, no. 6 (1994): 1–2.

⁷ V Deepa, "In Light of the Secrecy Surrounding India's Nuclear Programme, the Decision to Build 12 More Reactors Is Cause for Concern," *The Caravan*, April 13, 2016, <https://caravanmagazine.in/vantage/light-secrecy-surrounding-indias-nuclear-programme-decision-build-12-reactors-cause-concern-2>.

⁸ The Right to Information Act, section 8(1)(a) (2005), *Central Government Act*, Article 226 in *The Constitution of India* (1950), <https://rti.gov.in/rti-act.pdf>.

⁹ V Deshmukh, "Kudankulam Nuke Project Lacks Transparency While NPCIL Thwarts CIC Decision," *Moneylife NEWS & VIEWS*, September, 12, 2012. <https://www.moneylife.in/article/kudankulam- nuke-project-lacks-transparency-while-npcil-thwarts-cic-decision/28421.html>. Also: Ramana, "India's Nuclear Enclave."

¹⁰ AH Khan, SK Basu, VN Jha, S Jha, and R Kumar, "Assessment of Environmental Impact of Mining and Processing of Uranium Ore at Jaduguda, India," *International Nuclear Information System*, 33, no. 7 (2002); JL Bhasin, "Uranium Mining and Production of Concentrates in India," *International Atomic Energy Agency (IAEA)* 28, no. 24 (1997), https://inis.iaea.org/search/search.aspx?orig_q=RN:28073139.

¹¹ P Gupta, and MV Ramana, "India," *Assuring Destruction Forever: 2020 Edition* (2020) <https://www.reachingcriticalwill.org/images/documents/Publications/modernization/india-2020.pdf>.