



# Government of India Department of Atomic Energy

[GO](#)

[Home](#) > [Act/Rules](#) > [The Atomic Energy Act, 1962](#)

## The Atomic Energy Act, 1962

[Back](#)

**No. 33 of 1962**

**[15th September, 1962]**

An Act to provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith. Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:-

**1. Short Title, Extent and Commencement:**

- i. This Act may be called the Atomic Energy Act, 1962.
- ii. It extends to the whole of India.
- iii. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definition and Interpretation:**

- i. In this Act, unless the context otherwise requires:-
  - a. "Atomic Energy" means energy released from atomic nuclei as a result of any process, including the fission and fusion processes.
  - b. "Fissile Material" means uranium-233, uranium-235, plutonium or any material

containing these substances or any other material that may be declared as such by notification by the Central Government, "Government Company" means a company in which not less than fifty one percent of the paid up share capital is held by the Central Government.

- c. "Minerals" include all substances obtained or obtainable from the soil (including alluvium or rocks) by underground or surface working.
- d. "Notification" means notification published in the Official Gazette.
- e. "Plant" includes machinery, equipment or appliance whether affixed to land or not. This has been inserted wide the Atomic Energy (Amendment) Act 1987 (NO. 29 of 1987).
- f. "Prescribed Equipment" means any property which the Central Government may, by notification, prescribe, being a property which in its opinion is specially designed or adapted or which is used or intended to be used for the production or utilization of any prescribed substance or for the production or utilization of atomic energy, radioactive substances or radiation, but does not include mining, milling, laboratory and other equipment not so specially designed or adapted and not incorporated in equipment used or intended to be used for any of the purposes aforesaid.
- g. "Prescribed Substance" means any substance including any mineral which the Central Government may, by notification, prescribe, being a substance which in its opinion is or may be used for the production or use of atomic energy or research into matters connected therewith and includes uranium, plutonium, thorium, beryllium, deuterium or any of their respective derivatives or compounds or any other materials containing any of the aforesaid substances.
- h. "Radiation" means gamma rays, X-rays and rays consisting of alpha particles, beta particles, neutrons, protons and other nuclear and sub-atomic particles, but not sound or radiowaves or visible, infrared or ultraviolet light.
- i. "Radioactive Substance" or "Radioactive Material" means any substance or material which spontaneously emits radiation in excess of the levels prescribed by notification by the Central Government.

ii. Any reference in this Act to the working of minerals shall be construed as including a reference to the mining, getting, carrying away, transporting, sorting, extracting or otherwise treating of minerals.

iii. Any reference in this Act to the production or use of atomic energy shall be construed as including a reference to the carrying out of any process, preparatory or ancillary to such production or use.

3. **General powers of the Central Government:** Subject to the provisions of this Act, Central Government shall have power:-

- i. To produce, develop, use and dispose of atomic energy either by itself or through any authority

- or Corporation established by it or a Government company and carry out research into any matters connected therewith.
- ii. To manufacture or otherwise produce any prescribed or radioactive substance and any articles which in its opinion are or are likely to be, required for or in connection with the production, development or use of atomic energy or such inserted wide the Atomic Energy (Amendment) Act, 1987 (No. 29 of 1987). Substituted wide Atomic Energy (Amendment) Act, 1987 (No. 29 of 1987), research as aforesaid and to dispose of such described or radioactive substance or any articles manufactured or otherwise produced.
    - a. To buy or otherwise acquire, store and transport any prescribed or radioactive substance and any articles which in its opinion are or are likely to be, required for or in connection with the production, development or use of atomic energy and
    - b. To dispose of such prescribed or radioactive substance or any articles bought or otherwise acquired by it either by itself or through any authority or corporation established by it or by a Government company.
  - iii. To declare as "Restricted Information" any information not so far published or otherwise made public relating to:-
    - a. The location, quality and quantity of prescribed substances and transactions for their acquisition, whether by purchase or otherwise or disposal, whether by sale or otherwise.
    - b. The processing of prescribed substances and the extraction or production of fissile materials from them.
    - c. The theory, design, construction and operation of plants for the treatment and production of any of the prescribed substances and for the separation of isotopes.
    - d. The theory, design, construction and operation of nuclear reactors and
    - e. Research and technological work on materials and processes involved in or derived from items (i) to (iv).
  - iv. To declare as "Prohibited Area" any area or premises where work including research, design or development is carried on in respect of the production, treatment, use, application or disposal of atomic energy or of any prescribed substance.
  - v. To provide for control over radioactive substances or radiation generating plant in order to:-
    - a. Prevent radiation hazards.
    - b. Secure public safety and safety of persons handling radioactive substances or radiation generating plant and
    - c. Ensure safe disposal of radioactive wastes.
  - vi. To provide for the production and supply of electricity from atomic energy and for taking measures conducive to such production and supply and for all matters incidental thereto either

by itself or through any authority or corporation established by it or a Government Company.

- vii. To do all such things (including the erection of buildings and execution of works and the working of minerals) as the Central Government considers necessary or expedient for the exercise of the foregoing powers.

#### **4. Notification of discovery of uranium or thorium:**

- i. Every person who, whether before or after the commencement of this Act, has discovered or discovers that uranium or thorium occurs at any place in India shall, within three months after the date of commencement of this Act or after the discovery, whichever is later, report the discovery in writing to the Central Government or to any person or authority authorized by the Central Government in this behalf.
- ii. Every person who has reason to believe that uranium or thorium occurs at any place in India, shall without delay, send intimation of such belief and the reasons therefor to the Central Government or to any such person or authority as aforesaid.

#### **5. Control over mining or concentration of substances containing uranium:**

- i. If the Central Government is satisfied that any person is mining or is about to mine any substance from which, in the opinion of the Central Government, uranium can be or may reasonably be expected to be, isolated or extracted or is engaged or is about to be engaged in treating or concentrating by any physical, chemical or metallurgical process any substance from which, in the opinion of the Central Government, uranium can be or may reasonably be expected to be, isolated or extracted, the Central Government may by notice in writing given to that person either:-
  - a. Require him in conducting the mining operations or in treating or concentrating the substance aforesaid to comply with such terms and conditions and adopt such processes as the Central Government may in the notice or from time to time thereafter, think fit to specify or
  - b. Totally prohibit him from conducting the mining operations or treating or concentrating the substance aforesaid.
- ii. Where any terms and conditions are imposed on any person conducting any mining operations or treating or concentrating any substance under clause (a) of sub-section (i), the Central Government may, having regard to the nature of the terms and conditions, decide as to whether or not to pay any compensation to that person and the decision of the Central Government shall be final, inserted wide Atomic Energy (Amendment) Act 1987 (No. 29 of 1987), provided that where the Central Government decides not to pay any compensation, it shall record in writing a brief statement giving the reasons for such decision.
- iii. Where the Central Government decides to pay any compensation under sub-section (2), the amount thereof shall be determined in accordance with section 21 but in calculating the compensation payable, no account shall be taken of the value of any uranium contained in the

substance referred to in sub-section (i).

- iv. Where any mining operation or any process of treatment or concentration of any substance is prohibited under clause (b) of sub-section (1), the Central Government shall pay compensation to the person conducting the mining operations or using the process of treatment or concentration and the amount of such compensation shall be determined in accordance with section 21 but in calculating the compensation payable, no account shall be taken of the value of any uranium contained in the substance.

## 6. Disposal of Uranium:

- i. No minerals, concentrates and other materials which contain uranium in its natural state in excess of such proportion as may be prescribed by notification by the Central Government shall be disposed of except with the previous permission in writing of the Central Government and in accordance with such terms and conditions as it may impose.
- ii. The Central Government may serve notice on any person who has produced any mineral, concentrate or other material referred to in sub-section (1) that the Central Government proposes to compulsorily acquire it and upon the service of the notice, the mineral, concentrate or other material shall become the property of the Central Government and shall be delivered to the Central Government or as it may direct, provided that in determining the compensation regard shall be had to the cost of production of such mineral, concentrate or other material and such other factors as may be relevant, but no account shall be taken of the value of uranium in its natural state contained therein.
- iii. Compensation in respect of acquisition under sub-section (2) shall be paid in accordance with section 21 and in determining such compensation regard shall be had to the cost of production of such mineral, concentrate or other material and such other factors as may be relevant, but no account shall be taken of the value of uranium in its natural state contained therein. Substituted wide the Atomic Energy (Amendment) Act, 1986 (No. 59 of 1986). Inserted wide the Atomic Energy (Amendment) Act, 1986 (No. 59 of 1986).

## 7. Power to obtain information regarding materials, plant or processes: The Central Government may, by notice in writing served on any person, require him to make such periodical and other returns or statements at such times and containing such particulars and accompanied by such plans, drawings and other documents as may be specified in the notice relating to:-

- i. Any prescribed substance, specified in the notice, in his possession or under his control or present in or on any land or mine owned or occupied by him which in the opinion of the Central Government is or can be a source of any of the prescribed substances, including returns in respect of any such land or mine.
- ii. Any plant in his possession or under his control designed for mining or processing of minerals so specified or adapted for the production or use of atomic energy or research into matters connected therewith.
- iii. Any contract entered into by him or any licence granted by or to him relating to prospecting or

mining of minerals so specified or the production or use of atomic energy or research into matters connected therewith.

- iv. Any other information in his possession relating to any work carried out by him or on his behalf or under his directions, in connection with prospecting or mining of materials so specified or the production or use of atomic energy or research into matters connected therewith.

## 8. Power of entry and inspection:

- i. Any person authorized by the Central Government may, on producing, if so required, a duly authenticated document showing his authority, enter any mine, premises or land:-
  - a. Where he has reason to believe that work is being carried out for the purpose of or in connection with production and processing of any prescribed substances or substances from which a prescribed substance can be obtained or production, development or use of atomic energy or research into matters connected therewith or
  - b. Where any such plant as is mentioned in clause (ii) of section 7 is situated and may inspect the mine, premises or land and any articles contained therein.
- ii. The person carrying out the inspection may make copies of or extracts from any drawing, plan or other document found in the mine, premises or land and for the purpose of making such copies or extracts, may remove any such drawing, plan or other document after giving a duly signed receipt for the same and retain possession thereof for a period not exceeding seven days.

## 9. Power to do work for discovering minerals:

- i. The Central Government may, subject to the provisions of this section, do on, over or below the surface of any land such work as it considers necessary for the purpose of discovering whether there is present in or on the land, either in a natural state or in a deposit of waste material obtained from any underground or surface working, any substance from which in its opinion any of the prescribed substances can be obtained and the extent to which such substance is so present.
- ii. Before any powers are exercised under sub-section (1) in relation to any land, the Central Government shall serve on every owner, lessee and occupier of the land a notice in writing specifying the nature of the work proposed to be done and the extent of the land affected and the time, not being less than twenty eight days, within which and the manner in which objections can be made thereto and no such powers shall be exercised otherwise than in pursuance of the notice or before the expiration of the time specified therein for making objections.
- iii. The Central Government may, after giving the person making the objection an opportunity of appearing before and being heard by a person appointed by the Central Government for the purpose and after considering any such objection and the report of the person so appointed, make such orders as it may deem proper but not so as to increase the extent of the land

affected.

- iv. Compensation shall be determined and paid in accordance with section 21 in respect of any diminution in the value of any land or property situate thereon resulting from the exercise of powers under this section.

#### 10. **Compulsory acquisition of rights to work minerals:**

- i. Where it appears to the Central Government that any minerals from which in its opinion any of the prescribed substances can be obtained are present in or on any land, either in a natural state or in a deposit of waste material obtained from any underground or surface working, it may by order provide for compulsorily vesting in the Central Government the exclusive right, so long as the order remains in force, to work those minerals and any other minerals which it appears to the Central Government to be necessary to work with those minerals and may also provide, by that order or a subsequent order, for compulsorily vesting in the Central Government any other ancillary rights which appear to the Central Government to be necessary for the purpose of working the minerals aforesaid including (without prejudice to the generality of the foregoing provisions):-
  - a. Rights to withdraw support.
  - b. Rights necessary for the purpose of access to or conveyance of the minerals aforesaid or the ventilation or drainage of the working.
  - c. Rights to use and occupy the surface of any land for the purpose of erecting any necessary buildings and installing any necessary plant in connection with the working of the minerals aforesaid.
  - d. Rights to use and occupy for the purpose of working the minerals aforesaid any land forming part of or used in connection with an existing mine or quarry and to use or acquire any plant used in connection with any such mine or quarry and
  - e. Rights to obtain a supply of water for any of the purposes connected with the working of the minerals aforesaid or to dispose of water or other liquid matter obtained in consequence of working such minerals.
- ii. Notice of any order proposed to be made under this section shall be served by the Central Government:-
  - a. On all persons who, but for the order, would be entitled to work the minerals affected and
  - b. On every owner, lessee and occupier (except tenants for a month or for less than a month) of any land in respect of which rights are proposed to be acquired under the order.
- iii. Compensation in respect of any right acquired under this section shall be paid in accordance with section 21, but in calculating the compensation payable, no account shall be taken of the

value of any minerals present in or on land affected by the order, being minerals specified in the order as those from which in the opinion of the Central Government uranium or any concentrate or derivative of uranium can be obtained.

#### **11. Compulsory acquisition of prescribed substances, minerals and plants:**

- i. Save as otherwise provided in any other provision of this Act, the Central Government may compulsorily acquire in accordance with the provisions of this section:-
  - a. Any prescribed substance.
  - b. Any minerals from which in the opinion of the Central Government any of the prescribed substances can be obtained.
  - c. Any prescribed equipment.
  - d. Any plant which is designed or adapted for the mining or processing of any minerals referred to in clause or
  - e. Substances obtained therefrom or for the production or use of any prescribed substance or a radioactive substance or for the production, use or disposal of such articles as are or are likely to be required for or in connection with the production, use or disposal of atomic energy or for research into matters connected therewith.
- ii. Where the Central Government acquires any plant referred to in clause forth of sub-section (i), it shall also have the right to acquire any buildings, railway sidings, tramway lines or aerial ropeways serving such plant.
- iii. Where the Central Government proposes to acquire any property under sub-section (i), it shall serve upon the person appearing to be the owner thereof, a notice in writing specifying the property to be acquired and requiring that person to make to the Central Government within the time specified in the notice a written declaration containing such particulars as may be so specified regarding the ownership of such property and any agreement or charge by virtue of which any other person has an interest in such property.
- iv. Upon the service of a notice under sub-section (iii), no property to which the notice relates shall be disposed of without the previous permission in writing of the Central Government.
- v. If it appears to the Central Government in consequence of any written declaration made to it in pursuance of sub-section (iii) that any person other than the person on whom the notice under sub-section (iii) was served is the owner of or has any interest in, the property to which the notice relates, the Central Government shall serve a copy of the notice on that other person.
- vi. A notice served under sub-section (iii) shall contain a statement to the effect that an objection may be made thereto within such time and in such manner as may be specified and if any such objection is duly made and not withdrawn, the Central Government shall afford an opportunity to the person making the objection of appearing before and being heard by a person appointed by the Central Government for the purpose.



**MINES AND MINERALS  
(DEVELOPMENT AND REGULATION) ACT, 1957  
(No. 67 of 1957)**

An Act to provide for the <sup>1</sup>[development and regulation of mines and minerals] under the control of the Union.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows: -

**PRELIMINARY**

**Short title, extent and commencement.**

1. (1) This Act may be called the Mines and Minerals <sup>2</sup>[(Development and Regulation)] Act, 1957.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Govt. may, by Notification in the Official Gazette, appoint.

**Declaration as to the expediency of Union control.**

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation of mines and the development of minerals to the extent hereinafter provided.

**Definitions.**

3. In this Act, unless the context otherwise requires:-
  - (a) "minerals" includes all minerals except mineral oils;
  - (b) "mineral oils" includes natural gas and petroleum;
  - (c) "mining lease" means a lease granted for the purpose of undertaking mining operations, and includes a sub-lease granted for such purpose;
  - (d) "mining operations" means any operations undertaken for the purpose of winning any
  - (e) "minor minerals" means building stones, gravel, ordinary clay, ordinary sand other than
  - (f) "Prescribed" means prescribed by rules made under this Act;
  - (g) "prospecting licence" means a licence granted for the purpose of undertaking prospecting
  - (h) "prospecting operations" means any operations undertaken for the purpose of exploring,
- <sup>2</sup> [(ha) "reconnaissance operations" means any operations undertaken for preliminary prospecting of a mineral through regional, aerial, geophysical or geochemical surveys and geological mapping, but does not include pitting, trenching, drilling (except drilling of bore holes on a grid specified from time to time by the Central Government) or sub-surface excavation;  
prospecting of a mineral through regional, aerial, geophysical or geochemical surveys and geological mapping, but does not include pitting, trenching, drilling (except drilling of bore holes on a grid specified from time to time by the Central Government) or sub-surface excavation;
- (hb) "reconnaissance permit" means a permit granted for the purpose of undertaking reconnaissance operations; and]
- (i) the expressions "mine" and "owner" have the meanings assigned to them in the Mines Act, 1952.

## **GENERAL RESTRICTIONS ON UNDERTAKING PROSPECTING AND MINING OPERATIONS**

### **Prospecting or mining operations to be under licence or lease.**

4. (1) <sup>3</sup>[No person shall undertake any reconnaissance, prospecting or mining operations in any area, except under and in accordance with the terms and conditions of a reconnaissance permit or of a prospecting licence or, as the case may be, a mining lease, granted under this Act and the rules made thereunder]:

Provided that nothing in this sub-section shall affect any prospecting or mining operations undertaken in any area in accordance with the terms and conditions of a prospecting licence or mining lease granted before the commencement of this Act which is in force at such commencement.

Provided further that nothing in this sub-section shall apply to any prospecting operations undertaken by the Geological Survey of India, the Indian Bureau of Mines, <sup>1</sup>[the Atomic Minerals Directorate for Exploration and Research] of the Department of Atomic Energy of the Central Government, the Directorates of Mining and Geology of any State Government ( by whatever name called ), and the Mineral Exploration Corporation Limited, a Government Company within the meaning of Section 617 of the Companies Act, 1956.

<sup>2</sup>[Provided also that nothing in this sub-section shall apply to any mining lease (whether called mining lease, mining concession or by any other name) in force immediately before the commencement of this Act in the Union territory of Goa, Daman and Diu.]

- <sup>3</sup>[(1A) No person shall transport or store or cause to be transported or stored any mineral otherwise than in accordance with the provisions of this Act and the rules made thereunder.]
- (2) <sup>4</sup>[No reconnaissance permit, prospecting licence or mining lease] shall be granted otherwise than in accordance with the provisions of this Act and the rules made thereunder.
- (3) Any State Government may, after prior consultation with the Central Government and in accordance with the rules made under Section 18, <sup>5</sup>[ undertake reconnaissance, prospecting or mining operations with respect to any mineral specified in the First Schedule in any area within that State which is not already held under any reconnaissance permit, prospecting licence or mining lease.]

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dated 20.12.99 (No. 38 of 1999).

<sup>2</sup> Inserted by Goa, Daman and Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987 (No. 16 of 1987) with retrospective effect from the first day of October, 1963.

<sup>3</sup> Inserted by M M (R D) Amendment Act, 1999, vide G.O.I. Ext. Part II, Section 1, No. 51, dated 20.12.99 (No. 38 of 1999).

<sup>4</sup> Substituted by M M (R D) Amendment Act, 1999, vide G.O.I. Ext. Part II, Section 1, No. 51, dated 20.12.99 (No. 38 of 1999).

<sup>5</sup>Ibid.