

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).564/2024

SANDEEP T.S.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 17-09-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s)

Mr. Tomy Chacko , AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 The petitioner, who is a Physicist and an Indian citizen residing in the US, seeks a license for his technology which he states is designed to trigger nuclear fission for clean energy production minimizing radioactive waste as compared to traditional fusion reactors.
- 2 The grievance of the petitioner is that the provisions of the Atomic Energy Act 1962¹ unduly restrict the involvement of private entities in licensing for nuclear power.
- 3 Section 14 of the 1962 Act, insofar as it is relevant, is in the following terms:

1 "1962 Act"

- “(1) The Central Government may, subject to such rules as may be made in this behalf, by order prohibit except under a licence granted by it--
- (i) the working of any mine or minerals specified in the order, being a mine or minerals from which in the opinion of the Central Government any of the prescribed substances can be obtained;
 - (ii) the acquisition, production, possession, use, disposal, export or import
 - (a) of any of the prescribed substances; or
 - (b) of any minerals or other substances specified in the rules, from which in the opinion of the Central Government any of the prescribed substances can be obtained; or
 - (c) of any plant designed or adopted or manufactured for the production, development and use of atomic energy or for research into matters connected therewith; or
 - (d) of any prescribed equipment.
- (1A) No licence under sub-clause (c) of clause (ii) of sub-section (1) shall be granted to a person other than a Department of the Central Government or any authority or an institution or a corporation established by the Central Government, or a Government company...”

4 These provisions have been introduced in the 1962 Act to serve a salutary public purpose. The long title of the Act indicates that it is 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.

5 The Parliamentary regime envisages a calibrated exploitation of atomic power, subject to stringent safeguards, bearing in mind the likely consequences of misuse and, for that matter, of an accident. These provisions which have been introduced in the Act of Parliament, namely, the 1962 Act, cannot be regarded as arbitrary on interfering with the fundamental rights of the petitioner. Therefore, we do not find any reason to entertain the petition under Article 32 of

the Constitution. The petition is accordingly dismissed.

6 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
ADDITIONAL REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR