

Legal Geographies of Extraction: A Critical Analysis of Uranium Mining Laws in India

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The search for energy security and advancement in nuclear technology in India is greatly influenced by uranium mining. Because uranium is the key fuel used in nuclear reactors and is considered ‘strategic,’ it is supervised and managed centrally by the DAE and UCIL of the Government of India (Government of India, 1962). Nevertheless, technology and economics are only part of the story; law also intervenes on many levels in the land, organizing areas of extraction, areas where people are kept out and sites of conflict.

Legal geographies describe the connection between the law and geography and the role of laws in shaping geographical control and physical change (Delaney, 2010). With uranium mining, the geography of laws can be illustrated using maps of regulations, agencies involved and steps involved in using land, clearing forests, assessing the environment and involving affected communities. Although these legal frameworks appear neutral, they usually favor activities that extract resources instead of focusing on environmental or social welfare (Bakker & Bridge, 2006).

The legal framework for uranium mining in India depends mostly on mining laws such as the Mines and Minerals (Development and Regulation) Act, 1957 and on atomic industry laws such as the Atomic Energy Act, 1962. Furthermore, acts such as the Forest Conservation Act, 1980 and the Environment (Protection) Act, 1986 contain rules for environmental protection. Even with effective national laws in place, it seems the practices of mining and extracting uranium in areas dominated by tribes ignore these laws or apply them selectively in Jaduguda, Jharkhand and Lambapur-Peddagattu, Telangana (Dutta, 2018; Mishra, 2010).

The paper analyzes how India’s uranium mining laws shape the way land is used and marginalize people from local and indigenous communities. It examines laws, the duties of environmental organizations and the actions of courts to determine how legal processes help support harmful activities, sometimes in disregard of environmental justice or participatory principles. Using research and examples, the paper explains that law supporting the uranium sector is used to take away resources and harm the environment, rather than to hold people responsible.

By focusing on how law works in relation to space and processes, this study is part of a rising trend in analyzing the earth’s resources and encourages the development of laws that take care of nature, society and people.

LEGAL FRAMEWORK: MAPPING THE LAW OF EXTRACTION

Legal geographies explores the idea that law involves both rules and procedures and also affects and is affected by geography. It looks at how legal rules make space, allow certain people to control areas and resources and set boundaries of inclusion and exclusion through official and everyday actions (Braverman et al., 2014; Delaney, 2010). In the field of natural resource extraction, legal geographies point out that disparate development and spatial injustice result from the differing laws that manage access to and use of resources.

Legal geography assumes that law, by assigning meaning to space and organizing people's lives within it, creatively builds the world we live in (Blomley, 2003). It is not just geography that shapes law; instead, law often plays a role in creating lands that experience extraction, people being displaced and land ownership being stolen. In this way, laws relating to forests, mining and tribal areas help determine both the extent of the state's authority and the areas that corporations may use. Often, these laws promote national goals and ignore local plants and the ways of local people (Peluso & Lund, 2011).

Examination of uranium extraction in India reveals the use of laws that treat the industry differently from others and tend to separate it from key areas. Both Jaduguda and Lambapur-Peddagattu mines hold rich minerals and are also the homes of Adivasi peoples whose history and claims extend further back than the state's right to mines. Nonetheless, the Atomic Energy Act, 1962 and similar laws mean the government now owns all nuclear substances and makes decisions on their use, without consulting or involving local communities (Government of India, 1962). The placement of uranium mining projects in forested, mostly tribal regions makes these areas less likely to face strong opposition and strict law enforcement (Dutta, 2018).

According to some scholars, extractive legal geographies use so-called sacrifice zones, where places and people are seen as dispensable in the name of development or global profit. Besides being shaped by economic policy, these zones also come about through laws that acknowledge certain rights, discard some rights and present claims about public benefit to defend causing environmental harm. Where uranium is found, deforestation, permission to divert land and clearance processes help sanction mining and move the possible harms caused by the project to the areas outside official interest.

Because of this, understanding uranium mining laws in India requires more than just reading the text. By looking at legal geographies, it becomes clear that laws, decisions and judgments often both shape power and conceal harms to the environment and society. This paper bases its findings on this framework to establish that law, in addition to enacting rules, shapes the geography of extraction and what follows.

LEGAL FRAMEWORK FOR URANIUM MINING IN INDIA: A STATUTORY OVERVIEW

The country's uranium mining sector is supervised by a mix of laws covering energy regulation, environmental conservation, forest protection and land usage. Despite how these laws look, they end up with overlapping territories, limited accountability and unclear procedures. This section studies the main legal acts involved in uranium mining in India: the Atomic Energy Act, 1962, the Mines and Minerals (Development and Regulation) Act, 1957,

the Forest Conservation Act, 1980 and the Environment (Protection) Act, 1986. These rules together help achieve extraction and also establish ways to exclude such as consolidating control, ignoring community opinions and skipping environment protection measures.

a) The Atomic Energy Act, 1962: Secrecy and State Monopoly

The main legal document governing atomic energy and its products since 1962 is the Atomic Energy Act, 1962. According to Section 2(i), control over “prescribed substances” like uranium is solely given to the Union Government. As set by the Act, the Department of Atomic Energy (DAE) is able to purchase land, run mines and create nuclear installations with little overseeing or disclosure (Government of India, 1962).

There are special confidentiality guidelines set out in the law. This section of the law prevents people from disclosing information about atomic energy activities, so uranium mining sites are not subject to scrutiny or control by members of the public. By being so secretive, it goes against principles of clear laws and protecting the environment which also reduces engagement from the public (Ghosh, 2014).

Also, the Act does not require project assessments for effects on the environment or society, nor does it ask for approval from communities living nearby. Removing uranium mining from the coverage of many general environmental and land laws favors the national security and strategic reasons behind its promotion.

b) The Mines and Minerals (Development and Regulation) Act, 1957: Fragmented Oversight

The general framework for regulating mining in India is outlined in the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). The Act outlines how mineral concessions are made and classifies minerals as major or minor, but Section 1A and Schedule I (1957) leave out uranium and other atomic minerals from being licensed (Government of India, 1957).

Radioactive ore is directly managed by the Union Government, placing even more control over extracting these resources in the hands of the central government. The responsibility for approval of uranium mining projects often rests with the central government, although the impact of mining falls mostly on the state. As a result of different legislation, the governance of mining regions becomes unclear (Saxena, 2011).

Institutional incoherence appears since the MMDR Act does not connect its structure with the requirements for human rights or tribal self-governance found in the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) or Forest Rights Act, 2006.

c) The Forest Conservation Act, 1980: Weak Ecological Safeguards

The Forest Conservation Act, 1980 was created to check deforestation and keep forests intact. Only with permission granted by the central government can forest land be used for purposes other than forests, like mining. Even in places rich in uranium, like Lambapur-Peddagattu (in

Telangana), approval was still provided despite the presence of environmental risks and opposition (Rao, 2019).

The Act does not cover conducting cumulative environmental studies, nor does it look into climate change aspects when making choices about land use conversion. Moreover, the EIA Notification, 2006, under the Environment (Protection) Act allows uranium mining to be considered a strategic industry which allows it to get rushed clearances and be exempt from certain procedures (Narain & Roy, 2020).

Many uranium mining undertakings bypass public hearings or make them largely irrelevant which was evident in the Jaduguda case. It becomes clear that respecting the process can still cover up major violations of environmental justice.

d) Environment (Protection) Act, 1986: Toothless Enforcement

After the Bhopal Gas Tragedy, the Environment (Protection) Act, 1986 (EPA) was established to oversee and direct environmental governance. Yet, in the realm of uranium, policing is not strong and regulatory capture frequently happens. Although the Act gives the central government the power to issue rules about industrial pollution, it does not support independent agencies for monitoring pollution or handling public complaints (Bhullar, 2015).

Although EIA reports for uranium mining are deficient or altered, permits for the activity are often given by the environmental authorities. Since UCIL is given strategic status under the Atomic Energy Act, the Pollution Control Board has limited power over its activities. Also, there is no way to ensure that UCIL or the DAE take responsibility for radioactive exposure, the state of local groundwater or health problems in affected communities (Mishra, 2010).

The system for regulating uranium mining in India demonstrates that the purpose of laws is to control the process, as well as aid in its progress. The combination of some centralized government, secret operations, other laws being uncoordinated and a lack of enforcement leads to a system that cares more about energy security than about the environment and human rights. Although these laws are technical and neutral, they influence who is allowed to use land, who experiences the burdens of extraction and who does not appear in court.

IMPORTANT ORGANIZATIONS: DAE AND UCIL

Besides legal rules, the way uranium mining is conducted in India is also influenced by important institutions and those who work in them. The management of uranium extraction in India is focused on two important organizations: the Department of Atomic Energy (DAE) and the Uranium Corporation of India Limited (UCIL). Their operations are guided by laws that put security and innovation at the top and this can lower their commitment to being honest, clear and open to people. Here, the study proposes to analyze the powers, methods and safety from prosecution of the DAE and UCIL in the context of environmental damage, ignoring stakeholders and the effects on human rights.

a) The Department of Atomic Energy (DAE) exists as a separate authority from other laws:

In 1954, the DAE was created and it falls under the control of the Prime Minister's Office. The Atomic Energy Act of 1962 grants the DAE extensive authority. The DAE is responsible for

everything from looking for uranium to the final stages of nuclear technology work. According to Section 3, the DAE is authorized to purchase property, set aside rules above state regulations and name zones that are restricted for atomic energy activities (Government of India, 1962).

The DAE acts without clear legislation and is overseen very little by Parliament or independent institutions. As a result of executive privilege and national security, it is separated from regular all-around scrutiny. In matters regarding nuclear infrastructure, the courts have often respected the executive's decisions and ruled that it is in the larger public interest (Ghosh, 2014).

Because the power is concentrated in so few hands, there are major problems in running the government. In addition, the DAE generally starts and manages environmental processes for uranium mining which fuels concerns about bias and proper procedures (Bhullar, 2015). There is not enough independent review, impact assessment or social auditing which only adds to the democracy problems within the system.

b) Uranium Corporation of India Limited (UCIL) is active but lacks accountability for its actions:

Only the Uranium Corporation of India Limited (UCIL) which is part of the DAE, is allowed to mine and process uranium in the country. Created in 1967, UCIL extracts uranium from Jharkhand (mainly from Jaduguda, Bhatin and Narwapahar mines) and has suggested expansion projects in Telangana and Meghalaya. Although UCIL has many operations and engages in risky activities, it is not regulated as closely as others in the industry.

Many have raised concerns about UCIL's lack of openness about how it is managed. Data about the company's handling of radiation, contaminated water or waste disposal is rarely provided. For example, those living near UCIL mines have experienced major health issues like genetic changes and increasing cancer rates, mostly in Jaduguda (Mishra, 2010; Dutta, 2018). Still, the law protects UCIL activities from legal action by affected populations.

Besides, the EIA reports completed by UCIL are often criticized for not being current, complete or accurate. Many times, public hearings are overlooked for strategic projects by simply skipping the usual, legally required process (Narain & Roy, 2020). This weakens both the fair procedures and important rules of environmental justice.

Covering UCIL with only limited oversight are the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs). Judges have usually chosen not to interfere, mentioning that nuclear energy development involves complex and strategic aspects (Ghosh, 2014).

c) The Process of Exclusion and Loss of Rights

Due to the joint strength of the DAE and UCIL, the rights of local people, mainly Adivasis and forest communities, are largely taken away from them in key discussions. No law requires the consent of people affected by development projects and both PESA Act, 1996 and Forest Rights Act, 2006 are not always followed (Saxena, 2011).

A good example of these failures is found in the Lambapur-Peddagattu project in Telangana. In spite of opposition from the public where the plant would be built, negative findings from the AERB and a possible danger to the Nagarjuna Sagar reservoir, UCIL and DAE obtained

mining approvals by using national authority and claiming the project was important for India. This is an example of an authoritarian style where those in power try to use their authority to combat resistance by the people.

.In India, uranium mining is led by the DAE and UCIL which follow a closed and technical way of governing. Such organizations have a strong position under the law and access to political help which makes them able to ignore norms protecting the environment and the community. How law and institutions join forces to make certain regions suffer from environmental devastation largely depends on the actions of multinational companies.

Case Studies: Legal Injustices in Uranium-Rich Zones

Besides harming the environment, the effects of uranium mining in India also involve breaking the law, ignoring indigenous rights and compromising the environment. Uranium-rich regions, for example Jaduguda and Lambapur-Peddagattu, show how supporting operations by institutions and unclear regulations adversely affect local populations and the environment. These regions are not only mining areas but also have set rules that come into conflict with actual mining practices. Here are some examples showing the way legal geographies around uranium mining are applied in practice.

Jaduguda, Jharkhand: The Radiated Margins of Law

Uranium mining in India began in the East Singhbhum district of Jharkhand and Jaduguda is the center of these activities. Since UCIL operates in the region, it is home to numerous uranium mines and processing facilities, giving it a key role in India's nuclear fuel industry. Yet, in this region, people like the Santhal, Ho and Munda tribes have for long suffered from displacement, poor health and difficulty in finding opportunities due to their indigenous status (Mishra, 2010).

Impact on the Environment and Health

Independent researchers and NGOs have reported many serious effects of uranium radiation in Jaduguda. Many residents in the area have faced issues such as birth deformities, infertility, cancer and genetic problems, all located close to UCIL's waste sites (CSE, 2012). Yet, the health issues caused by the dump sites go unrecognized and victims have not been given the appropriate support they need.

Because of the Atomic Energy Act, 1962 which valued secrecy and national security, the DAE and UCIL can act with very little disclosure. Such environmental studies are usually neglected or low in quality and groups such as the Jharkhand State Pollution Control Board do not have enough power or authority to test for radiation levels.

Legal and Procedural Exclusion

In spite of the state being covered by the Fifth Schedule, both the Panchayats (Extension to Scheduled Areas) Act, 1996 and the Forest Rights Act, 2006 have not been enforced. Before any mining expansion, tribal consent was not obtained and acquiring land was governed by laws that favored public reasons over those of the tribes (Saxena, 2011). Anyone who opposes uranium mining locally can be arrested and civil society organizations that raise issues are threatened, showing how democracy is decreasing in uranium regions.

Lambapur-Peddagattu, Telangana: The Area Success on Diversity Is Threatened by Industrial Development

The Lambapur-Peddagattu uranium deposit in Nalgonda district of Telangana is another site that has recently caused controversy. Plans for Ignalina uranium mining were introduced in the early 2000s, but they slowed down because of challenges from the public, the environment and the law.

Ecological Concerns and Public Risk

The area proposed for mining is just a few kilometers from the Nagarjuna Sagar reservoir which provides a large amount of drinking water to South India. Environmentalists and professionals in hydrology predicted that radioactive materials might go into the aquifer and damage millions of people's water supply. Even with these concerns, the Ministry of Environment, Forest and Climate Change (MoEFCC) provided environmental clearance the same year by stating national advantage and the use of safeguards.

Lots of holes in procedures were exposed during the clearance process. It was said that public hearings were too fast and did not allow serious discussion. The Environmental Impact Assessment (EIA) was too old and did not include important information about hydrology. The appeals made to the National Green Tribunal were overruled on the basis that governments should be free to decide national interests over safety concerns particular to the site.

Disregard for Local Rights

Lambapur-Peddagattu is like Jaduguda in that marginalized communities such as Dalits and Lambadas are excluded from participating in the process. Regulations under PESA or FRA did not include proper rehabilitation or consent. The ownership of land was transferred through notifications according to the Land Acquisition Act, 1894, despite the fact that its procedural weaknesses were not fixed by the 2013 act replacing it.

Such case studies show that, in India, regions with valuable uranium resources are completely open to extraction, with legal rules mostly ignored. Government institutions and laws use secrecy clauses, quick clearances for projects and rules that take land away from the public to protect areas for mining from being held accountable. The examples of Jaduguda and Lambapur-Peddagattu prove that both the locations and procedures involved in uranium mining are not equal. They highlight the role of law in allowing environmental and social inequality to become more significant.

CRITICAL ANALYSIS: LAW AS A TOOL OF SELECTIVE ENFORCEMENT AND DISPOSSESSION

India's uranium mining laws are seen as tools to balance economic gains, protect its security and preserve the environment. Yet, examining both the laws, the role of institutions and courts' interpretations proves the law works partly as a means to selectively take resources and impact certain groups. Uranium-rich areas make use of rules and laws that benefit the government and corporations by excluding and weakening the rights of tribal, Dalit and forest-dependent people. It analyzes the ways in which being able to interpret the law differently, along with

providing explanations for development, leads to some areas being selected for extractive activities which results in exclusion, lack of openness and harm there.

a) Confusion of the Law Brings About a Silence

A crucial problem with uranium mining governance is that there is no clear regulation for jurisdiction, accountability or procedural rights. Acts like the Atomic Energy Act, 1962, ensure secrecy and concentration of power in the government which makes it difficult for anyone to watch over the extraction process (Ghosh, 2014). Although the Act allows the Department of Atomic Energy (DAE) and its subsidiaries major authority, it does not include many rules for environmental and public safety. The absence of clear guidelines helps wrongdoers stay unchecked and without proper response.

Due to not having enforceable requirements under both the Forest Conservation Act, 1980 and the Environment (Protection) Act, 1986, there exists what scholars term “manufactured silence” about lasting impacts of these activities on the environment and people (Bakker & Bridge, 2006). When the state does not recognize or react to health problems in regions like Jaduguda, it is an example of legal non-recognition acting as a strategy to evade responsibility.

b) Selective Enforcement and Strategic Exceptions

Those in charge of uranium mining zones typically use the law selectively, giving state and corporate entities the advantage. Even though clearance through forest diversion and approval procedures is established for projects, those that are considered important are often exempted or quickly approved through executive orders. In the Lambapur-Peddagattu project, concerns about water and ecology were overshadowed by the need to gain atomic energy (Rao, 2019).

Conversely, anyone who uses the Forest Rights Act, 2006 or the PESA Act, 1996 to claim their rights is usually seen as standing in the way of development. By refusing to put these rights into practice and by cracking down on dissent, the government seems determined to ignore protective bills and prioritize mining laws (Dutta, 2018).

As a result, some rules are strictly applied to those opposing the system, while extractive institutions receive preferential treatment.

c) Procedural Neutrality and Substantive Inequality

Often, EIAs, public hearings and well-defined rehabilitation processes are referred to as reinforcement of due legal process. Often, these processes simply feel like routines instead of effective methods for involving the people. Hearings in Jaduguda and Lambapur-Peddagattu were either flawed or handled as a formal checklist instead of addressing actual issues (Narain & Roy, 2020).

It fits with what legal geographers describe as “procedures that seem equal, but there is still inequality in outcomes” (Delaney, 2010). The law’s emphasis on meeting technical requirements helps extractive projects launch, even if it ignores what the local people go through.

Also, using “public interest” and “national security” serves to prevent people from speaking out and objecting in court. Courts tend to follow what the executive decides, based on a practice of deference rather than careful examination of rights (Ghosh, 2014).

d) Law and the Political Economy of Dispossession

Uranium mining laws in India are designed to take vital land and authority from Adivasis and other forest-based people, a representation of resource colonialism in India. Taking from David Harvey’s idea of accumulation by dispossession, specialists have highlighted the means by which law makes it easier for capital and the state to seize land, wipe out traditional rights and sell natural resources (Harvey, 2005).

It is not happenstance that oil and gas deposits are found in certain areas; they are positioned there by legal regulations. Such as strategic zones, mineral belts and mining corridors are established by converting common property into things companies can mine using legal instruments. Claiming money, not helping people recover and overlooking ongoing health consequences are all results of a system designed to give more value while leaving harm to others (Bebbington et al., 2018).

This analysis demonstrates that the legal framework for uranium mining in India does not help everyone equally, supports unequal ownership of resources, justifies disposessions and leads to ecological injustice.

REIMAGINING THE LEGAL SYSTEM

Current laws on uranium mining in India appear very favorable towards mining companies, less so for local communities and the environment. Centralization, confidentiality and simplified procedures used in the law make extracting resources easier, but it does not ensure environmental justice, tribal autonomy or fairness across generations. This shows why a new legal strategy is required, one that goes beyond controlling regulations and instead includes attention to the environment, public participation and responsibility.

a) Recognizing Environmental Justice as a Constitutional Mandate

The environmental laws in India, based on Article 21 of the Constitution, now include the right to a clean and healthy environment (in the case of *Subhash Kumar v. Authorities in the State of Bihar*, 1991). However, it should be reflected in the main policies and guidelines for uranium mining. It is important for the Atomic Energy Act, 1962 and the Environment (Protection) Act, 1986 to explicitly include standards of environmental justice, covering the right to information, access to decisions and remedies.

The National Green Tribunal (NGT) might review procedures for approving uranium activities, but it must first confirm it has the power over activities related to nuclear security. Doctrines like the polluter pays principle, the precautionary principle and intergenerational equity ought to be established by law in radioactive mineral policies.

b) Institutional Transparency and Independent Oversight

Curbing secrecy within institutions, especially at the Department of Atomic Energy (DAE) and in UCIL, should be a priority for reforms. All these agencies must be included in transparency

laws like the Right to Information Act, 2005 and routine mine work should not be included in any exception clauses. Projects involving uranium mining should be supervised by environmental and public health commissions with official authority and those commissions should monitor events through real-time audits and report their findings.

Atomic Energy Regulatory Board (AERB) should also be designed to be free from government interference, have clear power from laws and be responsible to the public. Safety of workers, handling of radioactive waste and the health of people in nearby areas should not be overlooked.

c) Strengthening Tribal Consent and Legal Pluralism

A major flaw in current work is that tribal families are denied their rights to self-governance and make independent decisions by not following PESA and FRA. No mining can take place unless Gram Sabhas give free, prior and informed consent. Policy must be updated so that having FPIC is non-negotiable for any uranium and strategic mineral project, making ethnic community rights central to the topic.

Also, recognizing customary laws, traditional ecological knowledge and governance systems of indigenous communities can contribute to more fair and sustainable use of mineral resources (Baviskar, 2004). Revising India's mining laws to consider plural legal systems is especially important in regions where Adivasi groups live.

d) Redefining 'Public Interest' and 'Strategic Purpose'

Often, referring to public interest has allowed for displacing people, rejecting their rights and harming the environment. Legal definition of this phrase should focus on protecting the environment, respecting human rights and making decisions together with local communities. A mining project should not receive the label of being strategic or important for the country just because nuclear material is involved.

e) Developing Mining Policies that Support Ecological Justice

The National Mineral Policy also needs to undergo changes so that it supports a fair and healthy development. This includes:

- For any new uranium projects, requiring cumulative assessments of the planet's health.
- Applying health impact assessments and making post-closure land restoration plans part of the process.
- Encouraging different energy sources to help lessen our dependence on uranium-generated nuclear power.
- Insisting on stricter rules and fines for companies when their mining actions cause damage.

CONCLUSION

Uranium mining in India illustrates that laws are used to benefit state and corporate goals at the price of both the environment and social justice. Looking at the laws mentioned above, this paper has explained how they encourage centralized rule, limited public access and the appearance of following rules while falling short on implementation.

With support from the government through their legal and political powers, DAE and UCIL generally enjoy less oversight and accountability which can mean the rights and worries of indigenous and forest communities are not always addressed. In the cases of Jaduguda and Lambapur-Peddagattu, laws are used to subdue opposition, hide the damage to the environment and endorse removing people and risking their health.

This approach points out that these injustices are part of the rules and locations set up by the laws governing resource extraction. Making special, unaffected regions called sacrifice zones by laws shows the urgent call for reform.

India must craft its legal system in such a way that it focuses on environmental justice, respects tribal rights, guarantees institutional transparency and changes what is seen as public interest through participatory governance. Only by then can the law which takes away land, transform into something that secures both people and the environment.

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