

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May 2018

Program: BA.,LL.B. (Hons.) ENERGY LAWS

Subject (Course): Mining Law relating to Coal

Course Code : LLBD312

No. of page/s: 4

Semester – VI

Max. Marks : 100

Duration : 3 Hrs

Section A**Objective Type Questions/Definitions****5x2=10***This Section Attempt all Questions:*

1. Discuss the nature of Indian energy markets and investment
2. 'Indian economy is characterized by high dependence upon fossil fuels', analyse.
3. Write the key technical attributes of Coal Prospecting in a New Mining Lease Block.
4. Defines the reconnaissance permit.
5. Coal mining in the country is regulated at several levels with the central government, state governments and various local agencies involved in supervising the industry, briefly explain those agencies

Section B**Short Answer Questions****4x5=20***Attempt any Four:*

6. Analyse the mining reforms brought out in MCDR , 1988 towards Safety & well being of Miners
7. Evaluate the role of DMF and a NMET
8. Which expenses are repaid to the license holder and the lease holder? What are the penalty conditions under the CBAA?
9. Discuss the role of the Directorate General of Mines Safety (DGMS).
10. What are the provisions for mine closure?
11. Explain the different types of Coal & their key properties

Section C**Descriptive/Analytical Questions****2x10=20***Answer any Two*

12. Analyse the basic concepts and procedures and handling of major procurement tenders as per the International competitive bidding norms of ADB/world bank. What would be the impact of not following the ICB norms?
13. Evaluate the main features of MMDR Amendment Act, 2015 and regulatory changes brought by it in the coal sector.

14. Mines management in India have to ensure sustainable Prospecting , development & mine closure plans ensuring the overall ecological balance . How these aspects have been brought out in Chapter-111 & Chapter V of MCDR Rules, 2017.
15. Explain the relation between the MMDR Act and CMN Act

Section D

Application Bases/ Case Studies

50 marks

Questions Nos 16 - 18 attempt any two

16. Rapacious and rampant exploitation of our natural resources is the hallmark of our iron ore mining sector - coupled with a total lack of concern for the environment and the health and well-being of the denizens in the vicinity of the mines. The sole motive of mining lease holders seems to be to make profits and the attitude seems to be that if the rule of law is required to be put on the backburner, so be it. Unfortunately, the State is unable to firmly stop violations of the law and other illegalities, perhaps with a view to maximize revenue, but without appreciating the long term impact of this indifference. Another excuse generally put forth by the State is that of development, conveniently forgetting that development must be sustainable and equitable development and not otherwise.

Effective implementation and in some instances circumvention of the mining and environment related laws is a tragedy in itself. Laxity and sheer apathy to the rule of law gives mining lease holders a field day, being the primary beneficiaries, with the State being left with some crumbs in the form of royalty. For the State to generate adequate revenue through the mining sector and yet have sustainable and equitable development, the implementation machinery needs a tremendous amount of strengthening while the law enforcement machinery needs strict vigilance. Unless the two marry, we will continue to be mute witnesses to the plunder of our natural resources and left wondering how to retrieve an irretrievable situation.

It is clearly appears that coal has a longer life in India than being apprehended in certain quarters. However, its life is by no means certain and the risk to growth, even sustenance, of the coal sector remains open. Environment impact of coal is also a reality and cannot be wished away. It is imperative for the sector to ensure that there is minimal disruption of environment across the value chain. From the perspective of policy makers, the challenge is to identify the route which maintains a fine balance between demand–supply scenario and capital investment, lest it may be stranded. The judicial interpretation given a new dimensions to this scenario.

1. Briefly analyse the case *Orissa Mining Corporation Ltd vs Ministry Of Environment & Forest*
2. Evaluate the *Samatha vs State of AP and Tarun Bharat Sangh v. Union of India* judgements

3. What was the Advisory Opinion given by the Supreme Court in Natural Resources Allocation?- Refer the case law
 4. Whether the only permissible method for disposal of all natural resources across all sectors and in all circumstances is by the conduct of auctions?
 5. Whether a broad proposition of law that only the route of auctions can be resorted to for disposal of natural resources does not run contrary to several judgments of the Supreme Court including those of the larger Benches?
17. With the acquisition of zamindari rights by the Government, the rights in minerals are now vested in all areas in the State Governments. It was, therefore, felt necessary for legislation for the acquisition of mineral rights, particularly because the Central Government does not intend to acquire the proprietary rights vested in the States. There was no other existing Central or State legislation under which the Government has the power to acquire immediately the lessee's rights over the Coal Bearing Areas acquired by the Government for additional coal production. Moreover, the Land Acquisition Act, 1894, was not appropriate legislation. It was, therefore, the Coal Bearing Act, 1957 was enacted. Before the enactment of the said Act, the proceeding for acquisition of land for the purpose of prospecting of coal seams for the development of collieries to be owned and worked by the Central Government used to be taken under Part-II of the Land Acquisition Act.
1. Which persons are entitled to compensation under the CBA Act?
 2. Discuss the nature of the Coal Bearing Areas (Acquisition and Development) Act.
 3. Where are the notifications published? What are its different stages?
 4. When does the central government have to consult the state government?
 5. In whom can the land be vested after the declaration of acquisition has been published?
18. The entire allocation of coal block as per recommendations made by the Screening Committee from 14-7-1993 in 36 meetings and the allocation through the Government dispensation route suffers from the vice of arbitrariness and legal flaws. The Screening Committee has never been consistent, it has not been transparent, there is no proper application of mind, it has acted on no material in many cases, relevant factors have seldom been its guiding factors. There was no transparency and guidelines have seldom guided it. On many occasions, guidelines have been honoured more in their breach. There was no objective criteria, nay, no criteria for evaluation of comparative merits. The approach had been ad hoc and casual. There was no fair and transparent procedure, all resulting have, thus, suffered heavily. Hence, the allocation of coal blocks based on the recommendations made in all the 36 meetings of the Screening Committee is illegal. The allocation of coal blocks through Government dispensation route, however laudable the object may be, also is illegal since it is impermissible as per the scheme of the CMN Act.

1. The petitioners challenge the allocations of coal blocks made by the Central Government since 1993, explain the grounds on which it is illegal and unconstitutional.
2. What were the six main aspects, the Court issued notice to Union of India and directed it to file counter affidavit through Secretary, Ministry of Coal in this case?
3. Discuss the gist of central government arguments in this case.
4. Explain the interventional arguments by the Coal Producers Association, Sponge Iron Manufacturers Association and Independent Power Producers Association of India have made in this case.
5. Explain the five grounds on which the court observed that the submission given by the Attorney General does not have any merit.

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May 2018

Program: BA.,LL.B. (Hons.) ENERGY LAWS

Subject (Course): Mining Law relating to Coal

Course Code : LLBD312

No. of page/s: 3

Semester – **VI**

Max. Marks : 100

Duration : 3 Hrs

Section A**Objective Type Questions/Definitions****5x2=10***This Section Attempt all Questions:*

1. Explain Coal Exploration & Development attributes
2. Responsibilities of Indian Bureau of Mines in India
3. Analyse the constitutional provisions on minerals
4. Write the key technical attributes of Coal Prospecting in a New Mining Lease Block.
5. Describe the functioning of Coal Sector & it's authorities in India

Section B**Short Answer Questions****4x5=20***Attempt any Four:*

6. Name the ministries under which the central government shapes the energy and climate policies in India.
7. Analyse the mining reforms brought out in MCDR , 1988 towards Safety & well being of Miners
8. Discuss the current status of Coal Mines auction
9. Which expenses are repaid to the license holder and the lease holder? What are the penalty conditions under the CBAA?
10. Explain the different types of Coal & their key properties

Section C**Descriptive/Analytical Questions****2x10=20***Answer any Two*

11. Discuss the prospecting, mining, data management & reporting implications defined in chapter 11, 111. & 1V of Mineral Conservation & Development, Rules, 2017?
12. Discuss the illegal mining scenario in India? What are the penalties for illegal mining?
13. 'Since 2015, the Indian coal sector has seen extensive regulatory changes across the board', Explain the changes in details and its impact on the sectoral activities.

14. Discuss the evolution of mines legislation in India and also edify the main features of the Mines Act 1952

Section D

Application Bases/ Case Studies

50 marks

Questions Nos 16 - 18 attempt any two

15. The introduction of the Manohar Lal Sharma vs The Principle Secretary & Others read as the Coal is king and paramount Lord of industry is an old saying in the industrial world. Industrial greatness has been built up on coal by many countries. In India, coal is the most important indigenous energy resource and remains the dominant fuel for power generation and many industrial applications. A number of major industrial sectors including iron and steel production depend on coal as a source of energy. The cement industry is also a major coal user. Coal's potential as a feedstock for producing liquid transport fuels is huge in India. Coal can help significant economic growth. India's energy future and prosperity are integrally dependant upon mining and using its most abundant, affordable and dependant energy supply – which is coal. Coal is extremely important element in the industrial life of developing India. In power, iron and steel, coal is used as an input and in cement, coal is used both as fuel and an input. It is no exaggeration that coal is regarded by many as the black diamond.

1. Discuss the background of this case
2. Briefly analyse the legal facts of the case
3. Discuss the provisions of CMN Act discussed in this case and which are the only two kinds of entities eligible mining activities in India
4. Explain the six questions raised by the Court through its notice to the Ministry regarding the coal block allocation procedure adopted by the central government over a period of time.
5. Evaluate the role of Screening Committee during this period of allocation of coal blocks.

16. Effective implementation and in some instances circumvention of the mining and environment related laws is a tragedy in itself. Laxity and sheer apathy to the rule of law gives mining lease holders a field day, being the primary beneficiaries, with the State being left with some crumbs in the form of royalty. For the State to generate adequate revenue through the mining sector and yet have sustainable and equitable development, the implementation machinery needs a tremendous amount of strengthening while the law enforcement machinery needs strict vigilance. Unless the two marry, we will continue to be mute witnesses to the plunder of our natural resources and left wondering how to retrieve an irretrievable situation.

It is clearly appears that coal has a longer life in India than being apprehended in certain quarters. However, its life is by no means certain and the risk to growth, even sustenance, of the coal sector remains open. Environment impact of coal is also a reality and cannot be

wished away. It is imperative for the sector to ensure that there is minimal disruption of environment across the value chain. From the perspective of policy makers, the challenge is to identify the route which maintains a fine balance between demand–supply scenario and capital investment, lest it may be stranded.

1. What are the various precautions and standards lay down by the Coal Mines Regulations from the stand point of the work place environment in the mines?
2. Evaluate the Samatha vs State of AP and Tarun Bharat Sangh v. Union of India judgements
6. What was the Advisory Opinion given by the Supreme Court in Natural Resources Allocation?- Refer the case law
7. Whether the only permissible method for disposal of all natural resources across all sectors and in all circumstances is by the conduct of auctions?
8. Whether a broad proposition of law that only the route of auctions can be resorted to for disposal of natural resources does not run contrary to several judgments of the Supreme Court including those of the larger Benches?
17. The Central Government is entrusted under the Mines Act 1952 with the responsibility of securing compliance with the provisions of that Act and of the Mines Rules 1955 and other Rules and Regulations made under that Act and it is the primary obligation of the Central Government to ensure that these provisions are complied with by the mine-lessees. All the state governments are under an obligation to take all necessary steps for the purpose of securing compliance with these provisions by the mine-lessees. The contractor shall comply with all the instructions issued by the Chief Inspector Mines in respect of safety of the workmen and the working of the quarries and maintain register in which shall be recorded such information for supply annually to Chief Inspector of Mines to the Government of India as required by him. The agent shall provide necessary amenities to the labour in respect of supply of drinking water, sanitation and medical facilities and shall equip and maintain the canteens, rest shelters, creches etc. They shall employ qualified men for blasting and shall use explosives of the type and in a manner approved by Inspector of Mines. If the working of the mine is partly or fully hampered or stopped by an order of the Inspector of Mines, due to violation of the rules, prescribed by the Chief Inspector of Mines from time to time.
 1. Write the general features of Mines Act 1952.
 2. What are the “UNSAFE WORKING CONDITIONS” at Mines?
 3. Discuss the evolution of mines legislation in India and also edify the amendments made in this act time to time.
 4. Evaluate the composition, qualifications, powers and functions of Chief Inspector and Committees and also examines relation between them under the Mines Act1952 and Rules 1955.
 5. Analyse the penalty provisions and procedures given in chapter IX of the Act

