


Name:			
Enrolment No:			
UPES End Semester Examination, December 2023			
Course: MINERAL MINING LAWS		Semester: VII	
Program: BA - LLB /BBA-LLB/BCOM - LLB ENERGY LAW		Time : 03 hrs.	
Course Code: CLEL 4007		Max. Marks: 100	
Instructions:			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q-1	Define the Discontinuous & Disused workings - Coal Mines Regulation Act 2020	2	CO1
Q-2	Define the Stowing in Open Cast & Underground mining	2	CO1
Q-3	Define the Ore Beneficiation	2	CO1
Q-4	Define the Purpose Licensing & Leasing of Minerals	2	CO1
Q 5	Define the Mineral Blending	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Review & summarize the Key provisions in Mineral Concession Rules – 1960 pertaining to grant of Mining lease , Incorporation of Geotechnical details in the Mining Plan along with due procedure of approving the mining Plan (section 22 Chapter 4)	5	CO2

Q 7	Describe & illustrate Statute Provision Changes in Mineral Mining Sector in respect of Amendments done in 2016/2020/2021 into the MMDR Act 1957 and their significance	5	CO2
Q 8	Summarize the Regulatory Roles & responsibility of Directorate general of Mines & Safety in Coal Industry.	5	CO2
Q 9	Discuss & Summarize the provisions of accident & disease as per Coal Mines Regulations, 2017 (Section -8&9) in Chapter 2 .	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Critically differentiate and illustrate the key provisions brought out in Mines Act 1952 in respect of a) Duties & responsibility of Owner (Chapter 3 S-18) b) Due Notice of different types of accidents (S-23) c) Power Provisions to make Regulations & Rules (S- 57,58 of Chapter VII).	10	CO3
Q 11	Evaluate & critically synthesize the main provisions in MMDR Act 1957 In respect of a) General restrictions on undertaking Prospecting & Mining as per Chapter 1 section 4-6 b) Conservation & systematic development of Minerals (Chapter 1 Sections 18& 18A) c) Penalty Provisions & power to Search (Chapter VII Section 21, 24)	10	CO3
SECTION-D (2Q of 20+30 Marks =50 Marks)			
Q 12	Critically formulate , synthesize apply the key Provisions brought out in the Mineral Conservation & Development Rules 2017 in respect of different Prospecting & mining applications/operations namely .a) Modifications in the scheme of Prospecting Operations in mineral mining activities as per Chapter 3 , Section 5-8 b) Prospecting & mining	25	CO4

	operations as per Chapter3 section12-17. c) New Provisions in Leased Mining Operations(section 10-18) and their applications in natural resource conservation themes.		
Q 13	Read the Following Para and answer the underlying three questions:		
	<p>Based on the PIL's filed in the courts the Coal Block Allocation irregularities and malpractices were meticulously investigated & unearthed by Hon.Supreme Court in the year 2012 when the CAG brought out serious allegations against the GOI mechanism in coal block allocations to public& private enterprises with mollified intentions. Against the total 216 coal blocks allotted during 1993-2010, 194 coal blocks were sold to these public and private enterprises for only captive use. CAG reported arbitrary administrative decisions in coal block allocations without following the competitive bidding procedure & norms. The GOM dominated Screening Committee was illegally constituted for all the decisions on coal block awards despite the advisory of Law Ministry. GOM led Screening Committee was Constituted to take entire administrative processes decisions. Initially the loss of Rs.10.6 lakh Crores to the exchequer was established. While the final report tabled in Parliament displayed the figure at Rs. 1.86 lakh crore. There were allegations of rampant favoritism to some private players. Report stated that many private players got more coal blocks than needed for captive operations, with some companies selling coal in open market illegally. Coal allocation case was questioned for going beyond the powers conferred on them by the coal centric statutes. Neither of the MMDR Acts 1952,1957, <u>Mineral Concession Rules,1960</u> ,<u>Coal Mines (Nationalization)\ Act, 1973</u> were followed as per the petitioners in Supreme Court. The case of <u>Manohar Lal Sharma v. The Principle Secretary & Others</u> proved the biased nature of Govt allocations without auction and accused were charged under the provisions of the <u>Prevention of Corruption Act, 1988</u>. The SC declared the allocations illegal. The</p>	25	CO4

	<p>arbitrariness of the GOI along with their actual authority was questioned by CAG in its report. Adding of a statute to make the process of competitive bidding in the allocation process was accepted in 2010 after the 1957 Act was amended.</p> <ol style="list-style-type: none">1. Evaluate & Justify the validity of Government's Stand in adopting the GOM led screening Committee route in the Coal Block Allocation Case including the Comments of Law ministry .2. Evaluate & Critically formulate the prime findings of Vigilance & CAG in the Coal Scam and the basis of their outcome along with the observation of opposition Parties. <p>3) Critically evaluate and justify the possibility of applying the available 1952/57 Statutes in place of following the Screening Committee route for Coal Block Allocation by the Govt. Summarize the Conclusions & observations of Supreme Court with facts in the Coal Gate Scam.</p>		
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