

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May, 2019

Program: BA. LL.B. (Hons.) ENERGY Laws
Subject (Course): Mining Law relating to Coal
Course Code : LLBD312
Instructions:

Semester: VI
Max. Marks: 100
Duration: 3 hours

SECTION A
Attempt all the questions

1x10=10

S. No.	Objective Type Questions/Definitions	Marks	CO
Q 1	Entry _____ Indian Constitution empowers state government to make laws relating to "Mines and Minerals" in India	1	CO1
Q 2	The acronym CBM stands for	1	CO1
Q 3	The brown coal is called	1	CO1
Q 4	When coal is heated in the absence of oxygen, the process is called?	1	CO1
Q 5	Write the year in which the latest Coal Block Allocation Rules came into existence	1	CO1
Q 6	In exercise of the powers conferred by Section ____ of _____ Act, the Central Government brought out the Mineral Concession Rules 1960	1	CO1
Q 7	The National Mineral Exploration Trust (NMET) was established by the Government of India, in pursuance of Section _____ of the Mines and Minerals (Development and Regulation) Act, 1957	1	CO2
Q 8	Name the best variety of Coal	1	CO1
Q 9	Define the 'Nominated Authority'	1	CO1
Q 10	The Supreme Court verdict in the Niyamgiri case was based on the rights of local communities under _____ Act	1	CO1

SECTION B

Short Answer Questions: Attempt any four

4x5=20

Q 11	Discuss the composition and role envisaged in Coal Regulatory Authority of India.	5	CO2
Q 12	Write a short note on important attributes of Open cast & Subsurface mining	5	CO2
Q 13	Evaluate the functions of Directorate General of Mines & Safety in India .	5	CO1
Q 14	Evaluate the role of DMF and a NMET	5	CO1
Q 15	Explain the composition and functions of Committees and the role Chief Inspector under the Mines Act 1952	5	CO1
Q 16	Explain the following technology innovations concepts: Coal Gasification, Coal Bed Methane & Coal to Liquid.	5	CO2

SECTION C

Descriptive/Analytical Questions: Attempt any two

2x10=20

Q 17	Evaluate the main features of MMDR Amendment Act, 2015 and regulatory changes brought by it in the coal sector.	10	CO3
Q 18	Mines management in India have to ensure sustainable prospecting, development and mine closure plans ensuring the overall ecological balance . How these aspects have been brought out in Chapter-111 & Chapter V of MCDR Rules, 2017.	10	CO2
Q 19	Explain the main features of Coal Bearing Areas (Acquisition and Development) Act, 1957. Discuss the terms & conditions and method of determining the compensation under the provisions of this Act.	10	CO2 & CO3
Q 20	Discuss & Analyse the basic processes of major procurement Tenders as per the International competitive Bidding norms of ADB . What are the key benefits of following the ICB Norms in Indian Scenario.	10	CO2


SECTION-D

Application Based/ Case Studies; Attempt both the questions

50 marks

Q 21	<p>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.</p> <p>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.</p> <p>A. Briefly analyse the background of this case: Also compare the 2014 and 2018 Supreme Court judgement.</p> <p>B. Discuss the main finding of Justice Shah Commission Report in details and its consequences</p> <p>C. Evaluate the involvement of Goa Foundation in this case and their main arguments in 2014 and 2018 cases.</p> <p>D. Explain the main contentions of following parties in this case: Union of India, State of Goa and Goa Mining Association</p> <p>E. Explain the factors led to the creation of CEC and Vishwanath Anand Expert Appraisal Committee, explain the main findings of these Committees. What was the Advisory Opinion given by the Supreme Court on Natural Resources Allocation?</p>	5 5 5 5 5	CO3 CO5 CO5 CO4 CO3 & CO5
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Q 22	<p>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.</p> <p>A. 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 according to them.</p> <p>B. 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?</p> <p>C. In this case the court asked the views and positions of seven States to explain their stand on few questions. What are the answers sought from them? Discuss the gist of central government arguments in this case.</p> <p>D. 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.</p> <p>E. Explain the five grounds on which the court observed that the submission given by the Attorney General does not have any merit. Discuss the application of following maxims in this case “Contemporanea Exposition” and “Fiat Justitia Ruat Caelum”</p>	<p>5</p> <p>5</p> <p>5</p> <p>5</p> <p>5</p>	<p>CO2</p> <p>CO4</p> <p>CO5</p> <p>CO4</p> <p>CO4</p>

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SECTION A

Attempt all the questions

1x10=10

S. No.	Objective Type Questions/Definitions	Marks	CO
Q 1	The _____ may also exercise the powers and perform the duties of Mine Inspector subject to the general or special orders of the Central Government	1	CO2
Q 2	The strength of Committee as per the Mines Act 1952 is;	1	CO1
Q 3	Write the year in which the latest Coal Block Allocation Rules came into existence	1	CO1
Q 4	In exercise of the powers conferred by Section ____ of _____ Act, the Central Government brought out the Mineral Concession Rules 1960	1	CO1
Q 5	The National Mineral Exploration Trust (NMET) was established by the Government of India, in pursuance of Section _____ of the Mines and Minerals (Development and Regulation) Act, 1957	1	CO3
Q 6	The Supreme Court verdict in the Niyamgiri case was based on the rights of local communities under _____ Act	1	CO4
Q 7	Entry _____ of Indian Constitution empowers Central government to make laws relating to "Mines and Minerals" in India	1	CO1
Q 8	Under the Section _____ MMDR Act 1957, the Central Government exercise the power to make rule in respect of major minerals in India	1	CO1
Q 9	Mining Act 1952 focusses more on _____ aspects.	1	CO1
Q 10	Define 'Mine'	1	CO1

SECTION B

Short Answer Questions: Attempt any four

4x5=20

Q 11	Analyse the mining reforms brought out in MCDR , 1988 towards Safety & wellbeing of Miners	5	CO2
Q 12	Which expenses are repaid to the license holder and the lease holder? What are the penalty conditions under the CBAA?	5	CO2
Q 13	Discuss the role of the Directorate General of Mines Safety (DGMS).	5	CO1

Q 14	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, systematically explain those agencies	5	CO3
Q 15	What are the provisions for mine closure?	5	CO2
Q 16	Evaluate the working of Indian Bureau of Mines	5	CO1
SECTION C			
<i>Descriptive/Analytical Questions: Attempt <u>any two</u></i>			<i>2x10=20</i>
Q 17	Discuss the evolution of mines legislation in India and also edify the main features of the Mines Act 1952	10	CO2
Q 18	'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.	10	CO3
Q 19	Discuss the prospecting, mining, data management & reporting implications defined in chapter 11, 111. & 1V of Mineral Conservation & Development, Rules, 2017?	10	CO2
Q 20	Critically analyse the evolution of Coal Mining laws in India and their gradual impact on the Coal Industry along with the prevailing gaps if any.	10	CO3
SECTION-D			
Application Based/ Case Studies; Attempt <u>both the questions</u>			50 marks
Q 21	<p>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.</p> <p>A. Which persons are entitled to compensation under the CBA Act?</p> <p>B. Discuss the nature of the Coal Bearing Areas (Acquisition and Development) Act.</p> <p>C. Where are the notifications published? What are its different stages?</p> <p>D. When does the central government have to consult the state government?</p> <p>E. In whom can the land be vested after the declaration of acquisition has been published?</p>	<p>5</p> <p>5</p> <p>5</p> <p>5</p> <p>5</p>	<p>CO1</p> <p>CO2</p> <p>CO5</p> <p>CO2</p> <p>CO5</p>
Q 22	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		

	<p>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.</p> <p>It is clearly appearing 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.</p>		
	A. 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?	5	CO2
	B. Evaluate the Samatha vs State of AP and Tarun Bharat Sangh v. Union of India judgements	5	CO4
	C. What was the Advisory Opinion given by the Supreme Court in Natural Resources Allocation?- Refer the case law	5	CO5
	D. 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	CO3
	E. 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?	5	CO4