

# Learners' Corner

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*With the change of time, new areas of knowledge are becoming more relevant than before for the resources industry of minerals, petroleum, oil and gas. There are new approaches to many old concepts, too. In this section, we will have questions and answers, problems and solutions and explanations from the experts. In cases, where the experts only pose questions without answers, it is for the readers to find answers by themselves from the various cited or uncited sources. We will try to bring out this feature in every issue.*

**Questions  
for  
Safety and Environmental Law for Large Industries  
by**

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1. Coal India Limited wants to open an Opencast mine in a 10 Ha area in Chhattisgarh where part of the mine in its Leasehold area, is in a forest area where forest communities live. In the non-forest part different communities live. To open the mine land acquisition, rehabilitation and resettlement, forest clearance, and environmental clearance will be required. Explain in detail the procedures how Coal India will deal with Ministry of Environment and Forest, and the State Government of Chhattisgarh to obtain environmental and forest clearance to start construction of the mine.
2. Related to land Acquisition, Rehabilitation and Resettlement Act'2013 define the following:
  1. Aims and objectives.
  2. Public purpose.
  3. Social Impact Assessment.
  4. Owner of the land and dependents.
  5. Compensation, rehabilitation and resettlement.
  6. Land acquisition.
3. i. Under Factories Act' 1948, explain the following terms:
  - (a) Manufacturing process.
  - (b) Worker.
  - (c) Factory
  - (d) Competent person.
  - (e) Welfare of the workers
- ii. Under the same act, what the following provisions talk of:
  - (f) Cleanliness.
  - (g) Dust and fume.
  - (h) Lighting.
  - (i) Drinking water.
  - (j) Fencing of machinery.
  - (k) Facilities for women workers.
4. Answer the following:
  - (a) What is the basis under which an industry requires an environmental clearance either from the state or the central government before setting up an industry? Which are the industries generally exempted?
  - (b) What is the procedure of conducting public hearing?
  - (c) What are generally contained in Form-1 under environmental clearance notification? What are contained in the schedule?
5. You are going to build a facility for business that will produce hazardous wastes. As per hazardous waste management rules, 2008, explain the words facility and hazardous waste with examples.  
What will be your responsibility to manage hazardous and other wastes?

- How as per the rules pack, label and transport hazardous and other waste?
6. There has been a been a complaint of sexual harassment in a workplace where you work as a manager. Following the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal ) Act , 2013 how you will deal with the following:
    - a. Aggrieved women.
    - b. Workplace
    - c. Sexual harassment.
    - d. Duties of Employer.
    - e. Members of the Internal Complaints Committee.
    - f. Inquiry into the complaint.
  7. a. What is the forest cover in India and how is the coverage distributed among different types of forest.
    - b. How reserved forest, protected forest and village forests are differentiated.
    - c. How diversion of forest for non –forest purpose is conducted.
    - d. What are the conditions of Stage-II forest clearance.
    - e. What are the specific conditions for the mining sector.
  8. Write notes on the following(write any six of the following):
    - a. How Constitution of India defines India as a country.
    - b. Explain the constituents of the three pillars of India democracy and their role.
    - c. How an Act is passed in the country? Explain the process.
    - d. The interpretations of the terms: owner, occupier and manager.
    - e. What are the pre-hire employment disputes?
    - f. What are the standard values of SPM, RPM, SO<sub>2</sub> and NO<sub>2</sub> in a coal mine?
    - g. What are the effluent discharge standards in a coal mine?
    - h. Who have the roles in the enactment of the following: Bill, Act and Rule and their enactment/modification/additions?
  9. a. How Constitution of India defines India as a country. Explain each term. Why such a definition is necessary?
    - b. Explain the constituents of the three pillars of India democracy and their role.
    - c. How an Act is passed in the country. Explain the process.
    - d. What are differences between Bill, Act and Rule and their enactment/modification/addition?
  10. i. Explain the sentence., “the definitions of a term in an Act is not same as it is in a dictionary”.
    - ii. As per Environment Protection Act ,1986 explain the definition of the terms:
      - (a) environment, (b) environment pollutant, (c) environment pollution, (d) hazardous substance and (e) occupier.
      - iii. What are the general provisions on an Industry under Environment Protection Act to prevent, abate and control of pollution
  11. a. Why is the Ministry of Environment and Forests, New Delhi 14th September, 2006 notification is important for the Indian industry?
    - b. What are the projects under different categories that require of prior environmental clearance (EC) in India? How they are categorized.
    - c. Explain the roles of the following entities: 1. MOEF, 2. EAC, 3.SEIAA and 4.SEAC
    - d. Explain the process of environmental clearance in a flow chart.
  12. i. What is a covenant? Why it is necessary between the employer and the employee?
    - j. What are the pre-hire employment disputes?
    - k. What are the different types of restrictive covenants effective during employment.
      - l. What are the differences in terms of responsibility between a worker, a trainee and a manager in a workplace?
  13. 1. Discuss the procedure of public consultation in large project environmental clearance. Explain how it is conducted with videography.
    2. Why for environmental clearance the details of the project are asked in a Form.
    3. What are generally contained in Form-1 under environmental clearance notification?
    4. What the schedule under the same notification says about mining, oil and gas and cement plant projects.
  14. i. As per Environment Protection Rules,1986 what are the provisions of prohibitions and restrictions on the location of industries and the carrying on processes and operations in different areas?
    - ii. What are the aspects of a pollutant seen in National Ambient Quality Standards(NAAQS)? Name any 6 major pollutants under NAAQS.
    - iii. What are the standard values of SPM, RPM, SO<sub>2</sub> and NO<sub>2</sub> in a coal mine?
    - iv. What are the effluent discharge standards in a coal mine?

### References

1. Factories Act, 1948.
2. Regulatory and Community Requirements of Industrial Project Clearance, 2010, Wide Publishing.
3. Acts, Rules and Notifications for Forest and Environmental Clearance (not this title), published by Wide Publishing (contact: wideepskolkata@gmail.com)

Answers will appear in the February 2020 issue.