

**COURSE TITLE**

***Responsible Faculty Instructor:*** Mary Sabina Peters

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Designation-Associate Professor

Credits: 4

Credits Type: 4

Cross-registration: yes

Pre-requisites: Understanding of contract laws

**COURSE DESCRIPTION (COURSE VISION):**

This course offers a detailed insight into the legal frameworks governing oil and gas exploration and production (upstream) in both the Indian and global contexts. This curriculum, which is tailored to the needs of law students, focusses on the intersection of constitutional, statutory, contractual, and regulatory regimes while bridging technical industry knowledge with legal analysis. The upstream sector is shaped by fiscal regimes, environmental responsibilities, government oversight, rights distribution, and dispute resolution procedures, which the course explores. It is to be noted that the students will acquire the skills required to handle intricate legal issues in the quickly changing oil sector through a combination of statutory interpretation, case law analysis, and comparative study. The course places the special opportunities and difficulties brought about by India's regulatory environment within the context of more general global trends and best practices.

**TEACHING METHODOLOGY:**

- ✓ Key legal doctrines, regulatory frameworks, and sectoral policies will be introduced in interactive lectures that promote student participation through facilitated debates and Socratic questioning
- ✓ The analysis of case law will be used extensively to look at important court rulings and arbitral awards. Students will analyse the consequences of rulings for sectoral governance and conflict resolution, as well as interpret them and establish legal principles.
- ✓ Reading and evaluating Production Sharing Contracts, Revenue Sharing Models, and current government standards (such as HELP and OALP) will be part of the Policy and Contractual Document Review, which will assist students in navigating intricate legal documents.
- ✓ Critical topics like energy transition, environmental liability, and indigenous rights in upstream operations will be explored by students through research-based assignments.

**INTENDED LEARNING OUTCOMES:**

Demonstrate understanding of the upstream regulatory regime, and the changes it is undergoing.

A focused understanding of the legal issues governing the License and Contract regime (Upstream)

Think Critically and be able to assess the pros and cons of policy imperatives impacting the sector under the climate change regime

READING LIST (upto 10 select readings):

- 1) Agreements from Another Era Production Sharing Agreements in Putin's Russia, 2000-2007  
<https://www.oxfordenergy.org/wpcms/wpcontent/uploads/2010/11/WPM34AgreementsFromAnotherEraProductionSharingAgreementsinPutins>.
- 2) Peters, Mary Sabina, and Manu Kumar. "An insight into production-sharing agreements: how they prevent states from achieving maximum control over their hydrocarbon resources." *The Journal of Energy and Development* 37, no. 1/2 (2011): 289–95. <http://www.jstor.org/stable/24812740>
- 3) M P Ram Mohan and Shashi Kant Yadav, 'The Oil and Gas Sector in India: Balancing Business Policies and Public Interest by the Supreme Court of India', *Global Energy Law and Sustainability*, February 2021, vo. 2, No. 1: pp. 1-21.
- 4) Anupama Sen, Policy Considerations Around India's Upstream Reforms(2018) <https://a9w7k6q9.stackpathcdn.com/wpcms/wp-content/uploads/2018/03/Policy-Considerations-Around-India%E2%80%99s-Upstream-Reforms-WPM-78.pdf>.
- 5) Guidelines for framing oil regulations in India  
<efaidnbmnnnibpcajpcglclefindmkaj/https://www.fipi.org.in/assets/pdf/ep/Guidelines%20for%20Oil%20regulations.pdf>
- 6) Impact of regulatory framework on bidding behavior of firms: Policy implications for the oil & gas sector Sharma and Sud - *Energy Policy* – 2019 <https://doi.org/10.1016/j.enpol.2019.01.075>  
<https://online.dghindia.org/oalp>
- 7) Draft contract PSC under the NELP regime -  
[https://www.dghindia.gov.in/assets/downloads/56cee2dfb848d4\\_MPSC\\_NELP-IV.pdf](https://www.dghindia.gov.in/assets/downloads/56cee2dfb848d4_MPSC_NELP-IV.pdf)
- 8) Draft contract under the OALP regime-  
[https://online.dghindia.org/oalp/Files/pdf/MODEL\\_REVENUE\\_SHARING\\_CONTRACT\\_OALP-III.pdf](https://online.dghindia.org/oalp/Files/pdf/MODEL_REVENUE_SHARING_CONTRACT_OALP-III.pdf)
- 9) <https://dghindia.gov.in/index.php/page?pageId=54> page helps to see nomination blocks, bids etc it's a key source to understand the sector , thus an essential read.
- 10) Draft model of MRSC  
<http://dghindia.gov.in/assets/downloads/58aeb8ofb80c6MRSC.pdf>

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

Week	Topic and Description	Reading/Course Materials
1-2	The seven sisters and the oil cartel – the role of oil contracts -Oil nationalism, decolonization and fragmentation	<p><a href="https://youtu.be/QxpZfw38tgY?si=T2HMN2jo3hjR6TvY">https://youtu.be/QxpZfw38tgY?si=T2HMN2jo3hjR6TvY</a> reveals how a secret pact formed a cartel that controls the world's oil. -</p> <p>"The Seven Sisters: The Great Oil Companies &amp; The World They Shaped by Anthony Sampson; The Control of Oil by John M. Blair; The Brotherhood of Oil: Energy Policy and the Public Interest by Robert Engler." <i>Challenge</i>, 20(4), pp. 60–61</p> <p>Madureira, N. (2017). Squabbling Sisters: Multinational Companies and Middle East Oil Prices. <i>Business History Review</i>, 91(4), 681-706. doi:10.1017/S0007680517001398</p>
3-4	The regulatory challenges with Upstream Agreements/ contracts PSA/PSC (Indonesia and Russia)	<p>1) Peters, Mary Sabina, and Manu Kumar. “An insight into production-sharing agreements: how they prevent states from achieving maximum control over their hydrocarbon resources.” <i>The Journal of Energy and Development</i>, vol. 37, no. 1/2, 2011, pp. 289–95. JSTOR, <a href="http://www.jstor.org/stable/24812740">http://www.jstor.org/stable/24812740</a></p> <p>2) Purba, Achmad Zen Umar (2021) "PRODUCTION SHARING CONTRACT: IS IT WITHIN PRIVATE OR PUBLIC DOMAIN?" <i>Indonesian Journal of International Law: Vol. 7 : No. 1 , Article 2.</i> DOI: 10.17304/ijil.vol7.1.226</p> <p>3)</p> <p>4) William Partlett, “Enforcing Oil and Gas Contracts Without Courts Reputational Constraints on Resource Nationalism in Russia and Azerbaijan”, <a href="https://demokratizatsiya.pub/archives/18_1_Y003U072Q78R0765.pdf">https://demokratizatsiya.pub/archives/18_1_Y003U072Q78R0765.pdf</a></p>
5-6	Constitutional and Regulatory Frameworks in India	<ul style="list-style-type: none"> <li>• <b>Union authority:</b> Exclusive control over oil fields and mineral resources</li> <li>• <b>State roles:</b> Land licensing and environmental clearances</li> <li>• <b>Regulatory bodies:</b> Ministry of Petroleum &amp; Natural Gas (MoPNG) and Directorate General of Hydrocarbons (DGH)</li> </ul> <p>M P, Ram Mohan &amp; Yadav, Shashi. (2021). The Oil and Gas Sector in India: Balancing Business Policies and Public Interest by the Supreme Court of India. <i>GLOBAL ENERGY LAW AND SUSTAINABILITY</i>. 2. 10.3366/GELS.2021.0045.</p> <p><b><i>Union of India &amp; Anr. v. Vedanta Ltd. (SC, Mar 2021)</i></b>  <b><i>Oil and Natural Gas Commission and Another v. Association of Natural Gas Consuming Industries of Gujarat and Others, [1990] 3 S.C.R. 157</i></b></p>
7-8	Regulatory regime and the key legislative	Legislation {Petroleum Act 1934, Oil Fields Act 1948( Amendment Act 2025), Petroleum and Natural Gas Rules 1959, Petroleum and Natural Gas Regulatory Board Act 2006}

	framework	<p>Readings Anupama Sen, Policy Considerations Around India’s Upstream Reforms(2018) <a href="https://a9w7k6q9.stackpathcdn.com/wpcms/wp-content/uploads/2018/03/Policy-Considerations-Around-India%E2%80%99s-Upstream-Reforms-WPM-78.pdf">https://a9w7k6q9.stackpathcdn.com/wpcms/wp-content/uploads/2018/03/Policy-Considerations-Around-India%E2%80%99s-Upstream-Reforms-WPM-78.pdf</a>.</p> <p><b>Petroleum and Natural Gas Regulatory Board v. Indraprastha Gas Ltd., (2015) 9 SCC 209</b></p>
9-10	License regime	<p>New Exploration and Licensing Policy; NELP to Hydrogen Exploration and Licensing Policy; HELP, Open Acreage License Policy; OALP Relevant Readings a. Yadav, Shashi Kant, The Oil and Gas Sector in India: Balancing Business Policies and Public Interest by the Supreme Court of India (February 1, 2021). Ram Mohan, M. P., and Shashi Kant Yadav. "The Oil and Gas Sector in India: Balancing Business Policies and Public Interest by the Supreme Court of India." <i>Global Energy Law and Sustainability</i> 2.1 (2021): 1-21., Available at SSRN: <a href="https://ssrn.com/abstract=3820863">https://ssrn.com/abstract=3820863</a></p> <p><b>Reliance Natural Resources Ltd. v. Reliance Industries Ltd., (2010) 7 SCC 1</b></p>
11-12	Production Sharing Contracts to Revenue sharing Contracts	<p>Anupama Sen, India’s Upstream revival (2016) <a href="https://www.oxfordenergy.org/wpcms/wp-content/uploads/2016/11/Indias-Upstream-Revival-HELP-or-Hurdle.pdf?v=11aedd0e4327">https://www.oxfordenergy.org/wpcms/wp-content/uploads/2016/11/Indias-Upstream-Revival-HELP-or-Hurdle.pdf?v=11aedd0e4327</a></p> <p><b>Reliance Industries Ltd. v. Union of India (2025, Delhi High Court)</b> <b>Association of Natural Gas and Others v. Union of India and Others (2004) 4 SCC 489.</b></p>
13-14	The Environmental regime Safety, Security and Environmental Aspects. Environmental clearance and the challenges of waste and its management. The upstream regime under NAPCC- The Hydrocarbon vision 2025-2030, the changes and ESG reporting Decommissioning.	<p><i>Essar Oil Ltd. v. Halar Utkarsh Samiti</i>, (2004) 2 SCC 392 <i>Samatha v. State of Andhra Pradesh</i>, (1997) 8 SCC 191</p> <p><a href="https://dghindia.gov.in/index.php/page?pageId=36">https://dghindia.gov.in/index.php/page?pageId=36</a></p> <p>Safety, Security and Environmental Aspects in Petroleum Sector <a href="https://prsindia.org/policy/report-summaries/safety-security-and-environmental-aspects-in-petroleum-sector">https://prsindia.org/policy/report-summaries/safety-security-and-environmental-aspects-in-petroleum-sector</a></p> <p>Statutes Environmental Clearance (EC) under the Environmental Impact Assessment (EIA) Notification, 2006, and approvals from State Pollution Control Boards (SPCBs) under the Water Act, 1974, and the Air Act, 1981. Offshore operations must comply with the Coastal Regulation Zone (CRZ) Notification, 2011</p>
15		<b>REVISION WEEK</b>