

**GOVERNMENT OF INDIA
PETROLEUM AND NATURAL GAS
LOK SABHA**

UNSTARRED QUESTION NO:3228
ANSWERED ON:30.08.2013
OWNERSHIP OF NATURAL RESOURCES
Chang Shri C. M.

Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

- (a) whether the State Government of Nagaland has the power to frame its own rules relating to Petroleum and Natural Gas resources in Nagaland under article 371A of the Constitution of India;
- (b) if so, the details thereof;
- (c) whether the matter relating to exploration of oil and gas in Nagaland has been taken up with the Home Ministry; and
- (d) if so, the details and the present status thereof ?

Answer

MINISTER OF STATE IN THE MINISTRY OF PETROLEUM & NATURAL GAS (SHRIMATI PANABAACA LAKSHMI)

(a) to (d): A Resolution regarding Nagaland Ownership and Transfer of Land and its Resources in respect of Minerals including Petroleum and Natural Gas was passed by the Legislative Assembly of Nagaland in July 2010 under Article 371A of the Constitution of India. As per the Resolution, in respect of Ownership and Transfer of Land and its Resources including Mineral Oil, the State of Nagaland shall make appropriate rules to apply and enforce within the State of Nagaland.

The Resolution further states that the State Government shall have the jurisdiction in regulation and development over Minerals including Crude Oil and Natural Gas Resources in terms of usage and shall have the control on the matter of exploration and production in the State.

As soon as the matter came to the notice of MOP&NG it was taken up with the Ministry of Home Affairs. The Ministry of Home Affairs has advised that Article 371-A (does not confer legislative power to Legislative Assembly of Nagaland for regulation and development of mineral oil. The power to make law in respect of subjects covered under List-1 rests with the Parliament. As such the Nagaland Petroleum and Natural Gas Regulations, 2012 notified by the Government of Nagaland as well as the Resolution passed by the Nagaland Assembly in July 2010 lack constitutional validity.

The matter has accordingly been taken up with Chief Minister, Nagaland requesting him to withdraw the Notification and rescind the Nagaland Petroleum and Natural Gas Resolution 2012 as well as related Resolutions.