

# Nagaland's Petroleum and Natural Gas Regulations, 2012: A Qualitative Appraisal of Resource Governance and Indigenous Rights

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## Abstract

The state of Nagaland experienced oil extraction activities when the Oil and Natural Gas Commission initiated exploration in 1981. However, these operations were halted in 1991 due to the absence of a comprehensive legal framework and resistance from local communities, who perceived the process as undermining their traditional rights over land and resources. After nearly two decades, the Government of Nagaland, with the consent of its people, introduced a regulatory framework to facilitate the resumption of petroleum exploration. The Nagaland Petroleum and Natural Gas Regulations, 2012 (NPNGR, 2012), establish a distinctive legal structure shaped by the state's socio-cultural and constitutional context, particularly under Article 371A of the Indian Constitution, which grants autonomy over land and its resources. The regulations recognize the ownership rights of landowners, village institutions, and customary bodies, thereby promoting community participation in resource governance. They also provide for institutional mechanisms, including a regulatory authority and a nodal agency, to ensure transparency, accountability, and effective sectoral oversight. Furthermore, the framework directs revenue generation toward infrastructure development and social welfare, aligning economic benefits with local needs. Provisions for capacity-building initiatives, such as the proposed Naga Petroleum Academy, aim to enhance local employment and reduce dependency on external expertise. Despite these progressive provisions, challenges related to institutional capacity, regulatory enforcement, environmental sustainability, and equitable benefit-sharing persist. Overall, the regulations represent an effort to integrate customary practices with modern governance, offering a potential model for resource management in indigenous and autonomous regions. This study adopts a qualitative methodology, employing descriptive and analytical approaches to examine the legal, institutional, and socio-political dimensions of the Nagaland Petroleum and Natural Gas Regulations, 2012.

## Introduction

Exploration of petroleum and natural gas in Nagaland began with the discovery of rich hydrocarbon reserves in the Changpang–Tsori belt of Wokha District. This discovery led to the signing of an agreement in 1973 between the Government of Nagaland and the Oil and Natural Gas Commission. Although negotiations for oil exploration reportedly began as early as 1963, the year Nagaland attained statehood, commercial extraction of crude oil commenced only in March 1981, eight years after the issuance of an exploration license to the public sector undertaking. Notably, this license was granted without obtaining the Free, Prior, and Informed Consent (FPIC) of indigenous communities, raising concerns under Article

371A of the Constitution of India, which safeguards customary rights over land and resources. Between 1973 and 1994, ONGC drilled 31 wells across approximately 12 square kilometres in the Changpang and Tsori areas (PIL, 2011). Of the 29 wells in the Changpang area, 21 were oil-bearing and 2 were gas-bearing, indicating significant hydrocarbon potential. The discovery of commercially viable oil reserves initially generated optimism among local communities, who anticipated economic development and improved livelihoods. However, the absence of a comprehensive policy framework governing oil and natural gas during the early phase led to multiple challenges, particularly the denial of stakeholders' rights. Civil society organizations, most prominently the Naga Students Federation, spearheaded protests against the exploration activities, alleging that drilling operations were conducted without the consent of local inhabitants (Kikon, 2020). This resulted in a prolonged tussle between the state government, landowners, and civil society groups. Ultimately, the government yielded to public pressure, leading to the suspension of ONGC's operations in 1994. ONGC officials attributed the cessation of operations to local complications arising from customary laws and additional demands from local groups. In contrast, the state government and civil society accused the company of unethical practices, including over-extraction of crude oil and a lack of transparency. The discontinuation of operations can be attributed to several factors: first, the absence of a clear and comprehensive policy on oil governance; second, the denial of landowners' rights; and third, discrepancies between permitted and actual extraction levels. While exploration was reportedly authorized for only limited quantities, allegations suggest that extraction far exceeded these limits without adequate consent (Humtsoe, 2011). Additionally, pressure from ethnic separatist groups played a significant role in the closure of drilling sites (Kikon, 2020). Existing scholarship further suggests that regions characterized by ethnic exclusion and the presence of valuable natural resources, such as oil, are more prone to conflict. As argued by Victor Asal (Victor Asal, 2016). Exclusion alone increases the likelihood of conflict, but when combined with resource wealth, it significantly heightens the risk of violent confrontation.

### **The Nagaland Petroleum and Natural Gas Regulations, 2012**

In response to earlier conflicts surrounding petroleum exploration and the absence of a comprehensive regulatory framework, the Government of Nagaland initiated institutional and policy measures to facilitate the resumption of oil and natural gas activities in the state. A Cabinet Sub-Committee on Petroleum and Natural Gas (CSCPNG) was constituted to examine modalities for restarting exploration in a manner consistent with constitutional provisions and customary practices. The committee appointed Grant Thornton Advisory Private Limited as a techno-economic consultant to assist in designing an appropriate regulatory framework. To ensure inclusivity and legitimacy, the Government of Nagaland engaged in extensive consultations with stakeholders, including civil society organizations, tribal bodies, and local communities. Exercising its special constitutional powers under Article 371A (1) (a) of the Constitution of India, which grants the state authority over land and its resources, the government enacted the Nagaland Petroleum and Natural Gas Regulations, 2012 (NPNGR, 2012), along with the corresponding Rules, to govern petroleum and natural gas activities within the state. This legislative initiative followed a significant political development: a unanimous resolution passed by the Nagaland Legislative Assembly on 26 July 2010, declaring that central laws relating to petroleum and natural gas would not apply to Nagaland. This move reaffirmed the state's autonomy over its natural resources and recognized the primacy of customary land ownership systems (India, 1950) (Tzudir, 2012). Consequently, the NPNGR 2012 explicitly vests ownership of petroleum and natural gas resources in landowners, including

individuals, village councils, and, where applicable, the state, thereby acknowledging traditional rights over sub-surface resources (NPNGR, 2012).

A central feature of the regulatory framework is its emphasis on the inalienability of land and the protection of indigenous ownership. The regulations restrict the transfer of land and resource rights to non-Nagas or external entities. Instead, companies are permitted to access land and undertake operations only with the consent of landowners and in accordance with customary laws. Furthermore, the state government is tasked with delineating petroleum zones, classified into pre-production, production, and post-production stages and with granting exploration and extraction permits on an “as is, where is” basis, ensuring compliance with local norms and regulatory standards (NPNGR, 2012). The framework also establishes mechanisms for institutional oversight, transparency, and accountability in the management of petroleum resources. By integrating customary governance structures with formal regulatory institutions, the NPNGR 2012 seeks to balance economic development with the protection of indigenous rights.

Thus, the Nagaland Petroleum and Natural Gas Regulations, 2012, represent a significant and innovative approach to resource governance. They embody a model of decentralized, community-oriented management that aligns constitutional autonomy with traditional practices, while promoting sustainable development within Nagaland’s unique socio-political context. The Regulations were formally approved by the Cabinet Sub-Committee on Petroleum and Natural Gas on 12 September 2012, subsequently endorsed by the State Cabinet on 13 September 2012, and passed by the Nagaland Legislative Assembly on 22 September 2012 (NPNGR, 2012).

### **Objectives of the Regulations**

The Nagaland Petroleum and Natural Gas Regulations, 2012 were enacted with the primary objective of safeguarding the rights and interests of the indigenous people of Nagaland while establishing a structured and context-sensitive framework for the governance of petroleum and natural gas resources. A central aim of the Regulations is the recognition and protection of customary rights over land and its resources, as guaranteed under Article 371A of the Constitution of India. In Nagaland, land and its resources are traditionally owned and managed by communities, clans, and village institutions rather than solely by individuals. The Regulations, therefore, reaffirm and institutionalize these customary practices, ensuring that resource exploration and extraction do not undermine the socio-cultural fabric of Naga society (Tzudir, 2012). Another key objective is the establishment of a clear and comprehensive regulatory framework governing the exploration, extraction, and administration of petroleum and natural gas. By prescribing rules, procedures, and institutional mechanisms, the Regulations seek to ensure that resource development is conducted in a systematic, transparent, and accountable manner. At the same time, the framework attempts to balance modern regulatory requirements with traditional governance systems, thereby promoting responsible resource management in line with environmental sustainability and good governance principles (Nagaland Petroleum and Natural Gas Regulation, 2012).

In addition, the Regulations aim to facilitate revenue generation through the efficient and regulated utilization of petroleum resources. Such revenue is intended to support infrastructure development, socio-economic advancement, and public welfare initiatives within the state. By linking resource governance with developmental outcomes, the Regulations seek to promote balanced and sustainable development that aligns with local needs and priorities. Overall, the objectives of the Nagaland Petroleum and Natural Gas Regulations, 2012 reflect a broader attempt to integrate indigenous rights, constitutional autonomy, and modern resource governance into a coherent policy framework, thereby contributing to an inclusive

and sustainable model of development (Nagaland Petroleum and Natural Gas Regulation, 2012).

### **Key Provisions**

The Nagaland Petroleum and Natural Gas Regulations, 2012 incorporate several significant provisions that reflect the state's commitment to protecting customary rights while establishing an effective and context-sensitive regulatory framework for the petroleum and natural gas sector. A key provision relates to the applicability of central legislation. The Regulations explicitly state that no Act of Parliament concerning petroleum and natural gas shall apply to Nagaland unless approved by the State Legislative Assembly (Nagaland Petroleum and Natural Gas Regulation, 2012). This provision reinforces the constitutional safeguard under Article 371A, which protects Naga customary laws, land ownership, and control over natural resources from automatic central intervention. Another important provision is the establishment of a structured institutional mechanism to oversee petroleum and natural gas operations. The regulations provides a multi-tier governance framework designed to ensure effective supervision, regulation, and accountability in exploration and extraction activities. This institutional arrangement seeks to balance administrative efficiency with the recognition of local institutions and traditional authorities, thereby integrating formal governance structures with customary practices (Nagaland Petroleum and Natural Gas Regulation, 2012).

The Regulations also place considerable emphasis on capacity building and local participation. The proposed establishment of the Naga Petroleum Academy represents a strategic initiative to develop technical expertise among local youth and enhance employment opportunities within the state. By promoting skill development and reducing dependence on external labour and expertise, this provision aims to ensure that the benefits of resource development are equitably shared with the indigenous population (Nagaland Petroleum and Natural Gas Regulation, 2012). Overall, these key provisions highlight the distinctive nature of the Nagaland Petroleum and Natural Gas Regulations, 2012, which seek to harmonize constitutional autonomy, customary rights, and modern regulatory practices in the governance of natural resources.

### **Economic Implications of the Nagaland Petroleum and Natural Gas Regulations, 2012**

The Nagaland Petroleum and Natural Gas Regulations, 2012, represent a significant legislative framework aimed at governing the exploration and production of petroleum and natural gas in the state. The economic implications of these regulations are multifaceted, encompassing revenue generation, employment creation, investment attraction, infrastructure development, and economic diversification. This section examines these dimensions through a descriptive and analytical lens, supported by relevant literature.

#### **1. Revenue Generation**

One of the most immediate economic implications of the Regulations is their potential to generate substantial revenue for the state government. The framework enables the collection of royalties, taxes, and other financial benefits from companies engaged in petroleum extraction. A portion of these revenues is earmarked for infrastructure development and public services (Nagaland Petroleum and Natural Gas Regulation, 2012). This aligns with the argument of Gupta (2018), who notes that resource-rich regions can leverage natural assets to enhance fiscal capacity and fund essential services. The revenue generated from the petroleum sector can significantly strengthen the state's budget, enabling greater investment in education, healthcare, and infrastructure. As observed by Richard Auty (1993), effective management of natural resources can lead to sustained economic growth and improved living standards. However, the key

challenge lies in ensuring transparency, accountability, and efficient utilization of these revenues to maximize developmental outcomes.

## **2. Job Creation**

The development of the petroleum sector is expected to generate significant employment opportunities, both directly and indirectly. Direct employment may arise in exploration, drilling, and production activities, while indirect employment can be created in associated sectors such as transportation, logistics, and services. The Regulations emphasise local employment and capacity building, particularly through initiatives such as the proposed Naga Petroleum Academy (Nagaland Petroleum and Natural Gas Regulation, 2012). According to José Antonio Ocampo (2017), the expansion of the oil and gas sector can contribute substantially to job creation, especially in regions with high unemployment. By prioritizing skill development and local participation, the Regulations aim to reduce poverty and improve living standards. However, it remains essential to ensure equitable access to these opportunities for local communities and stakeholders.

## **3. Investment Attraction**

The Regulations seek to create a favourable investment climate by providing legal clarity and a structured operational framework. The introduction of a Single Window clearance system is intended to streamline administrative procedures and reduce bureaucratic delays (Nagaland Petroleum and Natural Gas Regulation, 2012). This approach is supported by the work of Mukesh Asher and Aparajita Nandy (2016), who argue that simplified regulatory systems can attract both domestic and foreign investment. Increased investment in the petroleum sector can also stimulate the growth of ancillary industries, thereby contributing to broader economic development. The World Bank (2018) highlights the multiplier effect of such investments, which can generate additional employment and foster entrepreneurship. However, it is crucial to balance investor interests with the protection of local rights and equitable benefit-sharing.

## **4. Infrastructure Development**

Revenue generated from petroleum activities can be reinvested in infrastructure development, which is vital to the state's overall development. Improved infrastructure, such as roads, educational institutions, healthcare facilities, and communication networks, can enhance the quality of life and facilitate economic activities. The Regulations emphasize accountability in the utilization of revenues for such developmental purposes (2012). Research by César Calderón and Luis Servén (2010) demonstrates that infrastructure investment is a key driver of economic growth, particularly in developing regions. By prioritizing infrastructure, Nagaland can create an enabling environment for business and improve access to essential services.

## **5. Economic Diversification**

The development of the petroleum sector has the potential to catalyse economic diversification in Nagaland. Traditionally dependent on agriculture and limited economic activities, the state can reduce its reliance on a narrow economic base by expanding into the hydrocarbon sector. The International Monetary Fund (2016) emphasizes that diversification enhances economic resilience against external shocks and commodity price fluctuations. Furthermore, as argued by Michael L. Ross (2012), countries that successfully diversify their economies tend to achieve more stable and sustainable growth. By leveraging its natural resource base effectively, Nagaland can foster a more balanced and resilient economic structure.

## **6. Challenges and Risks**

Despite the potential economic benefits, the development of the petroleum sector also presents significant challenges and risks. Environmental concerns, including pollution and ecological degradation, pose

serious threats to sustainable development. Additionally, volatility in global oil prices can affect revenue stability and economic planning. Moreover, there is a risk of the “resource curse,” where resource wealth leads to economic inequality, governance issues, and social conflict. As highlighted by Paul Collier and Anthony J. Venables (2014), effective governance and institutional capacity are crucial in mitigating these risks. Therefore, the state needs to adopt robust regulatory mechanisms, ensure environmental safeguards, and promote equitable distribution of benefits.

The regulations provide a framework for sustainable resource management, which can help ensure that the benefits of resource extraction are not short-lived. As noted by Ross (2012). Countries that successfully diversify their economies can achieve more stable and sustainable growth. By leveraging its natural resources, Nagaland can create a more resilient economy that is better equipped to withstand economic fluctuations.

### **Implications and Challenges for the People**

The enactment of the Nagaland Petroleum and Natural Gas Regulations, 2012 marks a significant step towards self-governance and the recognition of the rights of the Naga people over their natural resources. Rooted in the constitutional protections under Article 371A, the Regulations seek to empower indigenous communities by integrating customary ownership with modern resource governance. However, despite these progressive intentions, several challenges persist in their implementation, particularly in relation to socio-cultural, environmental, and institutional dimensions.

#### **1. Balancing Development and Customary Rights**

One of the foremost challenges lies in balancing economic development with the preservation of customary rights and traditional practices. While petroleum exploration offers opportunities for revenue generation and development, it also raises concerns about the potential erosion of indigenous control over land and resources. Historically, the Naga people have been cautious of external interventions, and any perceived infringement upon customary ownership may lead to resistance and social unrest (Sangtam, 2015). Therefore, the state needs to ensure meaningful consultation, prior consent, and active participation of local communities in decision-making processes, thereby maintaining trust and legitimacy.

#### **2. Environmental Concerns**

Environmental sustainability represents another critical challenge associated with petroleum and natural gas extraction. Exploration and production activities carry the risk of ecological degradation, including soil contamination, water pollution, and deforestation. Such impacts can adversely affect the livelihoods of local communities, many of whom depend on agriculture and traditional practices. In this context, the integration of stringent environmental safeguards and monitoring mechanisms becomes imperative. As noted by Tzudir (2012), sustainable resource governance must prioritize ecological balance alongside economic objectives.

#### **3. Capacity Building and Institutional Limitations**

The effective implementation of the Regulations also depends on the institutional capacity of the state and local governance structures. This includes the development of administrative expertise, regulatory mechanisms, and technical infrastructure required to manage the petroleum sector efficiently. Limited institutional capacity may hinder proper monitoring, enforcement, and coordination among stakeholders (Nagaland Petroleum and Natural Gas Regulation, 2012). Strengthening local institutions, investing in skill development, and enhancing governance frameworks are therefore essential to ensure successful policy execution.

Hence, the Nagaland Petroleum and Natural Gas Regulations, 2012, represent a milestone in the evolution of resource governance in Nagaland, reflecting the historical aspirations of the Naga people for autonomy and control over their natural resources. While the Regulations provide a promising framework for balancing development with indigenous rights, their success ultimately depends on effective implementation, continuous dialogue, and strong institutional support. As Nagaland navigates the complexities of resource management, its experience offers valuable insights for other regions seeking to reconcile economic development with cultural preservation and environmental sustainability.

## **Future Directions in Nagaland Petroleum and Natural Gas Sector**

The Nagaland Petroleum and Natural Gas Regulations, 2012, represent a significant step towards the governance of petroleum and natural gas resources in Nagaland. As the state seeks to harness its natural resources, it is essential to consider future directions that align with sustainable development, community welfare, and technological innovation.

### **1. Strengthening Regulatory Frameworks**

Strengthening the regulatory framework under the Nagaland Petroleum and Natural Gas Regulations is essential to effectively address emerging challenges and opportunities in the energy sector. As the industry evolves, the state's regulatory mechanisms must also become more dynamic, transparent, and responsive. One key priority is the establishment of enhanced compliance and monitoring systems to ensure that companies strictly adhere to environmental and social obligations. As emphasized in the Nagaland Petroleum and Natural Gas Regulation, robust oversight, through regular audits, inspections, and public disclosure of compliance reports, can promote accountability and build public trust (Nagaland Petroleum and Natural Gas Regulation, 2012).

At the same time, although Nagaland enjoys autonomy in governing its natural resources, greater alignment with national energy and environmental policies would create regulatory coherence and encourage responsible investment. Coordination with guidelines issued by the Ministry of Petroleum and Natural Gas can help maintain uniform standards in environmental protection and corporate social responsibility (Ministry of Petroleum and Natural Gas, 2020). Furthermore, the framework must remain adaptive. As noted by the World Bank, periodic reviews and updates based on technological advancements, stakeholder consultations, and market trends are vital to ensure that legislation remains relevant and forward-looking (World Bank, 2019).

### **2. Promoting Sustainable Practices**

Promoting sustainable practices must remain a central priority in shaping the future of the petroleum and natural gas sector, particularly in ecologically sensitive regions such as Nagaland. One of the most important measures is the mandatory conduct of comprehensive Environmental Impact Assessments (EIAs) for all exploration and production projects. Systematic EIAs help identify potential environmental risks in advance and provide structured mitigation strategies, ensuring that biodiversity, water resources, and local ecosystems are adequately protected (International Association of Oil & Gas Producers, 2018). Beyond regulatory safeguards, companies should also be encouraged to invest in renewable energy initiatives as part of their Corporate Social Responsibility commitments. The International Energy Agency emphasizes the global shift toward cleaner and more diversified energy systems to reduce long-term dependence on fossil fuels (International Energy Agency, 2021). Such investments would not only support environmental sustainability but also strengthen regional energy security. Equally significant is the adoption of community-based resource management approaches. As noted by Fikret Berkes, empowering

local communities to participate in decision-making enhances transparency, promotes social equity, and ensures that the economic benefits of resource extraction are shared more fairly (Berkes, 2017). Together, these strategies provide a balanced framework for responsible and inclusive development in the energy sector.

### **3. Leveraging Technological Advancements**

Leveraging technological advancements is crucial for enhancing efficiency and minimizing environmental impacts in the petroleum and natural gas sector. As the industry faces increasing pressure to operate sustainably, the integration of digital tools and innovative technologies can significantly transform operational practices. One major area of focus is digitalization and data management. The use of digital technologies, including big data analytics and real-time monitoring systems, can optimize production processes, improve decision-making, and enable companies to track environmental indicators more accurately (McKinsey & Company, 2020). Such systems enhance transparency and reduce operational risks. In addition, the adoption of advanced extraction techniques can improve resource recovery while minimizing surface disruption. The U.S. Department of Energy highlights methods such as horizontal drilling and improved well-completion technologies that increase efficiency and limit environmental footprints when implemented responsibly and in compliance with regulations (U.S. Department of Energy, 2019). Furthermore, sustained investment in research and development (R&D) is essential for long-term progress. As noted by the National Petroleum Council, collaboration between industry, academic institutions, and research organizations can foster innovation, enhance recovery rates, and develop cleaner technologies that reduce emissions (National Petroleum Council, 2020). Together, these technological initiatives can drive a more resilient and sustainable energy future.

### **4. Enhancing Community Engagement**

Enhancing community engagement is fundamental to the successful and sustainable implementation of petroleum and natural gas projects. Meaningful participation of local stakeholders not only promotes transparency but also strengthens social legitimacy and long-term cooperation. A key step in this direction is the establishment of formal stakeholder consultation processes that actively involve local communities, civil society organizations, and other interest groups in planning and decision-making. As highlighted by R. Edward Freeman, stakeholder engagement builds trust and ensures that diverse interests are acknowledged and addressed (Freeman, 1984). Implementing targeted capacity-building and training programs can equip local communities with the knowledge and skills needed to understand industry operations and regulatory frameworks. The United Nations Development Programme emphasizes that empowering communities through education enhances their ability to participate effectively in negotiations and oversight (United Nations Development Programme, 2018). Furthermore, transparent communication is essential throughout the project lifecycle. Regular updates, public disclosures, and open forums encourage dialogue, reduce misunderstandings, and foster mutual accountability (International Finance Corporation, 2012). These measures create a participatory environment that aligns development objectives with community well-being.

### **5. Economic Opportunities**

The petroleum and natural gas sector hold significant potential to drive economic growth and development in Nagaland if guided by inclusive and forward-looking strategies. A central priority should be job creation and skill development through targeted training programs that equip local youth with technical, managerial, and administrative competencies required in the industry. Institutions such as the Naga Petroleum Academy emphasize the importance of building local capacity to ensure that employment

opportunities benefit indigenous communities (Nagaland Petroleum and Natural Gas Regulation, 2012). Equally important is the development of equitable revenue-sharing models that allocate a fair percentage of resource-generated income to community development initiatives, thereby promoting inclusive growth. The World Bank highlights revenue transparency and fair distribution as key to sustainable resource governance (World Bank, 2019). Furthermore, economic diversification should be encouraged by supporting small and medium enterprises (SMEs) that can supply goods and services to the energy sector, strengthening local value chains and enhancing economic resilience (Asian Development Bank, 2020). Ultimately, by strengthening regulatory frameworks, promoting sustainable practices, leveraging technological innovation, and deepening community engagement, Nagaland can responsibly harness its petroleum resources to generate long-term prosperity while safeguarding its cultural heritage and environmental integrity.

The future directions for the Nagaland petroleum and natural gas sector must prioritize sustainability, community engagement, and technological innovation. By strengthening regulatory frameworks, promoting sustainable practices, leveraging technology, enhancing community engagement, and exploring economic opportunities, Nagaland can effectively harness its natural resources for the benefit of its people while preserving its unique cultural and environmental heritage.

## Conclusion

The Nagaland Petroleum and Natural Gas Regulations, 2012, represent a significant step in aligning resource governance with indigenous rights and constitutional autonomy under Article 371A. Emerging from earlier conflicts involving the Oil and Natural Gas Commission, the Regulations provide a framework that recognizes community ownership, integrates customary practices, and promotes participatory governance. This study finds that the Regulations offer substantial economic potential through revenue generation, employment creation, investment attraction, and infrastructure development. However, key challenges persist, including balancing development with customary rights, addressing environmental concerns, and strengthening institutional capacity. The risks of unequal benefit distribution and resource dependency further highlight the need for effective governance. Overall, the success of the Regulations depends on transparent implementation, community engagement, and sustainable practices. If managed effectively, the framework can promote inclusive development and serve as a model for resource governance in indigenous and autonomous regions.

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