Course Title: Energy Law			
Course Code: MPL 121	**No. of Credits:3**	**L-T-P Distribution: 30-15-0**	**Learning Hours: 45**
Pre-requisite course code and title (if any) :			
Department: Centre for Postgraduate Legal Studies			
Course Coordinator (s):Dr. Kavita		**Course Instructor (s):Dr. Moumita Mandal**	
Contact Details:			
Course Type	**Elective**		
Course Offered in	**Semester 2**		

Course Description:

Energy availability and access form the backbone of the new modern economy. Many conventional energy sources that have existed for a long timeare seen as polluting in the context of climate commitments. The alternative forms are still in the process of development. The energy law course will cover major energy sources and their legal aspects relating to access, regulatory environment, business, and environmental aspects.

Course Objectives:

The energy law course provides students with an overview of applicable laws relating to the energy sector in India and also undertakes a critical legal analysis of specific areas of the energy sector. The main objectives are,

1. To create a new idea for bringing a new legal regime relating to energy.
2. To evaluate the existing law and policy relating to energy.
3. To analyze the role of the different national and international institutions dealing with energy globally and nationally.
4. To practically apply the existing legislation and policies.
5. To understand the development of energy law both nationally and internationally.
6. To remember the laws, judgments, and so on relating to energy.

Course Contents:

Module	Topic	L	T	P
1.	**Introduction: Law, Policy and Governance** -Basics of the Energy Sector -Historical Growth – Interlinkage: Environmental, Energy and Climate Change Law -Law, Policy, and Governance Framework - International, National and Local Contexts-Energy Regulation in India-Regulatory Framework & Clean Energy Policies -Financing Heavy Energy Projects.	6	5	

2.	**Law, Policy, and Governance Relating to Oil, Gas, and Petroleum** -Oil &Gas Regulation in Energy Transition: Global and India. -Legal Basis for OG&P Sector Regulation in India: a. Pre &New Exploration Licensing Policy (NELP); b. NELP and Production Sharing Contracts; c. Open Acreage License Policy; d. Laws Governing Pricing Mechanisms (including competition laws); f. Hydrocarbon Exploration Licensing Policy (HELP)and Revenue Sharing Contracts; g. Policies and guidelines related to Unconventional Gases (CBM and shale gas); h. Proposed Reforms (*Post-Rangarajan Committee Report on Petroleum Pricing*.) -Maritime Boundary Disputes & Implications for Seabed Energy Investments Case study: (groups to choose two) *1. Petroleum pricing and legal issues* *2. Gas price dispute between Government and Reliance Industries* *3. BP Oil spill disaster and liability issues*	9	5	
3.	**Law, Policy, and Governance Relating to the Coal Sector** -Coal Sector in India -Broad Outlines of the Laws Applicable -Legislative Powers Pertaining to The Coal Sector and Regulation of Mines and Mineral Development; -Nationalization of Coal Sector and Post-Liberalisation Reforms; -Coal Sector and Environmental Issues -MMDR Act (and its amendments); -Compensatory Afforestation Fund Management and Planning Authority and Forest Rights issues Case study (groups to choose two) *1. Coal sector and NGT- Bhopal NGT Bench as an example* *2. Health and safety in coal industry* *3. Coal thermal power plant and consenting process* *4. The Coal Mines (Special Provisions) Act, 2015*	6	5	
4.	**Law Policy and Governance in the Electricity Sector** -Requirement and Sources of Electricity in India -Development of laws relating to Electricity-the Electricity Act, 2003-the National Electricity Policy - National Electricity Plan. -The Energy Conservation Act (EC Act) of 2001 - Climate Change and Renewable Energy Promotion-National and State level Renewable Energy Policies and Programmes -General Legal issues in the Renewable Energy Sector -Draft National Renewable Energy Act 2015 -Pricing of Renewable Energy by State Electricity Regulatory Commissions - *Bio fuel, Biogas, and Green Hydrogen Mission in India*	6	5	

	Case study: (groups to choose two) *1. Structuring and legal issues in setting up a Renewable Energy Project. Students can choose any one of the project* *2. WTO Solar Panel Case* *3. 3. Subsidy and taxation in RE projects*			

5.	**Nuclear Energy and Law** -Nuclear Energy Programme and Plans -Institutions Involved inthePromotion and Regulation of Nuclear Energy -Issues and Challenges of Nuclear Energy -Environmental Concerns; International Regulation of Nuclear Energy -Framework of Nuclear Energy Promotion, Regulation, and Safety inIndia -International Legal Regime for Civil Nuclear Liability -U.S.–India Civil Nuclear Agreement (The 123 Agreement) Case study: (groups to choose two) *1. Kudankulam Project judgment of Madras High Court/Supreme Court* *2. Public participation in nuclear projects* *3. Nuclear regulatory regime and safe handling of a radioactive substance (Delhi University case as example)* *4. Discussion of an EIA of one of the NPPs*	3	5	
Total		**30**	**15**	**0**

Evaluation procedure: Weightage (%)

- Class participation: 10
- Minor:20 [Module 1]
- Assignment:10 [Entire Module]
- Presentation:10 [Entire Module]
- Final examination:50 [Module 2-5]

Learning outcomes :

On completion of this course, the students would be able to:

1. To create a new idea for bringing a new legal regime relating to energy [Research paper writing and presentation]
2. To evaluate the existing law and policy relating to energy [Minor& major examinations]
3. To analyze the role of the different national and international institutions that are dealing with energy globally and nationally [Minor & major examinations]
4. To practically apply the existing legislation and policies [Minor & major examinations and research papers]
5. To understand the development of energy law nationally and internationally [Research paper writing and presentation].
6. To remember the laws, judgments, and so on relating to energy [Minor and major examinations]

Pedagogical approach :

The energy law course will be taught through interactive sessions based on prior circulated readings. Many legal principles have a strong relation with sector policies and politics, and also court decisions. An introductory lecture on specific sector issues and legal frameworkswill be given in each module. Subsequent classes will be based on tutorials where students will have a central role in identifying and discussing and legal issues.

Suggested Readings :

Basic readings are provided below. Other than basic reading, literatures and case study will be circulated in advance to prepare the tutorials.

A.

-A Marhold, Externalizing Europe's Energy Policy in EU Free Trade Agreements: A Cognitive Dissonance between Promoting Sustainable Development and Ensuring Security of Supply? Europe and the World: A Law Review, 2019.

-Chornyi and AA Marhold, 'In Uncharted Waters: The Contested Legal and Political Landscape of Nord Stream 2' forthcoming in: European Energy Law Report (EELR), Vol. XIV, 2020.

-European Parliament: Fact Sheets on the European Union: - Internal Energy Market; https://www.europarl.europa.eu/factsheets/en/sheet/45/internal-energy-market

-Nawneet Vibhaw, Energy Law and Policy in India, LexisNexis, 2014.

-S Bruce, International Energy Law, Max Planck Encyclopedia of Public International Law (MPEPIL), Oxford Public International Law, 2014.

B.

-Evaluation Report on Rajiv Gandhi GrameenVidyutikaranYojana (RGGVY), Planning Commission 2014

-Governance of the Petroleum and Natural Gas Sector in India: A Status Note, TERI-NFA Working Paper Series No. 15

-India Energy Outlook, World Energy Outlook Special Report, 2015

-Indian Brand Equity Fund Foundation, Oil & Gas sectoral reports (Monthly updates)Policies Governing Regulation of Nuclear and Radiation Safety,http://www.aerb.gov.in/AERBPortal/pages/English/prsrel/policies.pdf

-PwC reports, http://www.pwc.in/government-reforms-and-infrastructure-development/oil-and-gas-publications.html

-Regulations & Tariff Orders Issued By Regulatory Commissions For Renewable Energy Sources In India (http://mnre.gov.in/file-manager/Compendium/Program.htm)

-Renewable Energy Policies and Guidelines.(Wind, solar, hydro, biofuels and others- Centre and States)

-Report of expert committeeExpert Committee on integrated energy policy, 2006

-Report of the Committee on Gas Pricing – 2014, http://petroleum.nic.in/docs/committee_report_on_gas_pricing_2014.pdf

-Report of the Committee on the Production Sharing Contract Mechanism in Petroleum Industry http://eac.gov.in/reports/rep_psc0201.pdf

-Statutory updates by Ministry of petroleum & Natural Gas official website (http://petroleum.nic.in)

-The Final Report of the Expert Group on Low Carbon Strategies for Inclusive Growth, Planning Commission, 2014 *-National Green Hydrogen Mission, https://www.india.gov.in/spotlight/national-green-hydrogen-mission#:~:text=India%20has%20set%20its%20sight,central%20to%20India's%20Energy%20Transition.* *-123 Agreements for Peaceful Cooperation, https://www.energy.gov/nnsa/123-agreements-peaceful-cooperation* Sector laws will be discussed throughout the modules
Additional information (if any) : *-Judgement of the Court of 5 February 1963, Van Gend & Loos v. Netherlands* *-Judgement of the Court of 15 July 1964, Costa v. ENEL* *-Case C-204/12, Judgement by the Court and Opinion of 11 September 2014, Essent Belgium NV v. Vlaamse Reguleringsinstantie*
Student responsibilities : Attendance: At least 75% attendance will be necessary to be able to appear for the final exam.

Course Reviewers:

-Dr. Vinai Kumar Singh, Associate Professor, CILS, SIS, Jawaharlal Nehru University, New Delhi)

-Dr. Rohin Koul, Assistant Professor, India International University of Legal Education and Research, Goa.