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F.No. 7/60/2006-MIV  
MINISTRY OF MINES  
GOVERNMENT OF INDIA

New Delhi dated \_\_\_\_ \_\_\_\_ 2008

To,  
The Secretaries (Mines& Geology) of the State Governments (as per list attached)

Sub: Submission of mineral concession proposals under Section 5(1) of the Mines and Minerals (Development & Regulation) Act, 1957, regarding.

Sir,

I am directed to refer to the New National Mineral Policy, 2008 (NMP), enunciated by the Government on the 13<sup>th</sup> March 2008, copy available on the website of the Ministry of Mines ([www.mines.nic.in](http://www.mines.nic.in)) and to say that the matter has been considered in detail with reference to Para 4 of the new National Mineral Policy which states that the provisions of the Mines and Minerals (Development & Regulation) Act, 1957 (MMDR Act) and the Rules will be reviewed and harmonised with the basic features of the new National Mineral Policy. As you are aware, Para 3.3 of the Policy states that ‘the procedures for grant of mineral concessions of all types, such as Reconnaissance permits (RP), Prospecting Licences (PL) and Mining leases (ML), shall be transparent and seamless and security of tenure shall be guaranteed to the concessionaires’. Further the Policy lays down that the first-in-time principle in the case of sole applicants and the selection criteria in the case of multiple applicants will be appropriately elaborated. Instructions of Ministry of Mines to the State Governments vide Ministry’s letters of even number dated 10<sup>th</sup> April 2006, 1<sup>st</sup> May 2006 and 15<sup>th</sup> May 2006, regarding grant of mineral concessions, processing cases on a checklist, issue of notifications and grant of priority to applicants under Section 11 of the MMDR Act, etc. have accordingly been reviewed in the light of the new Mineral Policy and the provisions of the MMDR Act and the applicable Rules, i.e. Mineral Concession Rules, 1960 (MCR) and Mineral Conservation and Development Rules, 1988 (MCDR).

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2. Accordingly, in supersession of all previous instruction/guidelines in this behalf the following guidelines are issued for processing of cases under the MMDR Act and Rules thereunder, and for submission of proposals as per checklist (attached).

### **Section 5 of MMDR Act**

3.1 Section 5(1) of MMDR Act provides that a State Government shall not grant a reconnaissance permit (RP), prospecting licence (PL) or mining lease (ML) to any person unless such person is an Indian national or a company defined in sub-section (1) of Section 3 of the Companies Act, 1956. In case of a firm or other association of individuals, all the members should be citizens of India.

3.2 The State Governments are required to check whether an applicant satisfies the provisions of Section 5(1) before recommending the proposal to the Central Government for prior approval. Adequate verification of the applicant may be carried out by the State Government while filling out Column 1 of the checklist.

### **Section 5(2)(a) of MMDR Act**

4.1 Section 5(2) (a) of the MMDR Act provides that the State Government shall grant mining lease only if it is satisfied that there is evidence to show that the applied area has been prospected earlier or existence of mineral content therein has been established otherwise than by means of prospecting. In Para 6.2 of the National Mineral Policy, it is stated that the data filing requirements will be rigorously applied. The data filing requirements are specified in Rule 8 of MCDR. IBM is being separately instructed to issue guidelines to the prospectors on data filing, and will be monitoring the filing process closely. In all cases of ML based on PL as per Section 11(1) (a) it may be ensured that the applicant self-certifies that he has filed PL data with the IBM in terms of Rule 8 of MCDR. The State Government should satisfy itself that the filed data is adequate to establish mineralization of the area being applied for ML.

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4.2 In Section 5(2) (a) of the MMDR Act, the State Governments may also recommend cases for areas not prospected provided they are satisfied about the establishment of existence of mineralization. In the context of para 7.2 of the new Policy, which speaks of zero-waste mining and prevention of sub-optimal and unscientific mining, it has been decided that in future the establishment of the existence of mineralization should not merely be indicative but should be sufficiently quantified through documentary evidence, etc, so as to enable preparation of an optimal and scientific mining plan.

As such details indicating proven/probable reserves as per UNFC and grade of ore, along with documentary proof of mineralization are to be enclosed with the proposal as in col. 3(d) of the checklist for PL/ML.

### **Section 5(2)(b) of MMDR Act**

4.4 Generally in all cases, the State Government would need to ensure that an applicant for grant of mining lease obtains an approved mining plan from the IBM after the State Government has issued a grant order in his favour subsequent to the prior approval of the Central Government. However, in case of applications for grant of mining lease in Bellary-Hospet region, the State Government, after an applicant has been shortlisted, instruct the shortlisted applicant to obtain an approved mining plan before recommending the proposal to the Central Government for prior approval. This is in terms of the recommendations of the NEERI committee on mining in Bellary-Hospet region. Accordingly in respect of Bellary-Hospet area the State Government should indicate in the checklist whether the recommended applicant has obtained an approved mining plan in col. 16 of the checklist.

### **Section 6 (1) (b) of the MMDR Act**

5.1 As per the proviso to Section 6(1) (b) of the MMDR Act, if the Central Government is of the opinion that in the interests of the development of any mineral, it is necessary so to do, it may, for reasons to be recorded by it in writing, permit any person

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to acquire one or more prospecting licences or mining leases covering an area in excess of the total area normally permissible under the Act.

5.2 It has been observed that generally relaxation of area is sought by State Governments mainly in respect of gold, diamond & other precious stones and limestone & gypsum. The reason given by the State Governments in this regard is that since the availability of gold and precious stones is very small in different areas, larger areas have to be worked out for PL and ML. For limestone the reason given is that limestone is required for captive consumption of cement units. In case of gypsum the deposits are very shallow for which reason large areas are required for mining purposes. There appears to be adequate rationale in the above cases to relax the maximum area norms for grant of PL/ML.

5.3 In view of the above, the Ministry will consider all such cases for relaxation of the area limits for PL/ML provided the State Government includes in col. 11 of the checklist, in case of minerals like limestone and gypsum, details on the end-use of minerals, plant capacity, reserves held by the applicant and reserves available in the recommended area. In case of limestone, an assessment would be made regarding the requirements for captive consumption of cement unit based on its capacity and the present availability of captive mines, and IBM would be consulted if required. In case of gypsum too, advice of IBM may be sought before a decision is taken.

### **Section 6(1) (c) of the MMDR Act**

5.4 Section 6(1) (c) empowers the State Government to allow RP/ PL / ML on an area which is not compact or contiguous for reasons to be recorded in writing. While, normally the decision of the State Government in this regard will be accepted if reasons (generally physical or technical) are attached along with the proposal, the State Governments also need to consider and certify in the proposal that the land holding limits prescribed for different minerals as laid down in Rule 22D of the MCR, 1960, (one hectare in case float ore deposits, two hectare in case of beach sand minerals and four hectare in case of all other types of deposits and minerals) are being complied with in all

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the non-contiguous and non-compact areas. The State Government should mention the same in col. 6(b) of the checklist for RP and col. 6(c) in the checklist for PL/ML.

### **Section 7 & 8 of the MMDR Act**

6. Section 7 & 8 of the MMDR Act lay down the periods for which a mineral concession may be granted. The State Government should clearly specify in col. 3 of the checklist for RP and col. 5 of the checklist for PL/ML the period recommended for a particular applicant.

### **Section 11 (1) of the MMDR Act**

7.1 As per provision of Section 11(1) of the MMDR Act, where a reconnaissance permit or prospecting licence has been granted in respect of any area, the permit holder or the licensee shall have a preferential right for obtaining a prospecting licence or mining lease, as the case may be, in respect of that land over any other person if the State Government is satisfied that the permit holder or the licensee has undertaken reconnaissance operations or prospecting operations to establish mineral resources in such land, has not committed any breach of the terms and conditions of the reconnaissance permit or the prospecting licence, has not become ineligible under the provisions of this Act, and has applied for grant of prospecting licence or mining lease within three months after the expiry of reconnaissance permit or prospecting licence or within such further period as extended by the State Government.

7.2 In dealing with such cases, the State Government apart from certifying in the proposal that it is satisfied with the performance of the applicant under Section 11(1) of the MMDR Act, should obtain from the applicant a self-certification that he has filed RP report with the GSI in terms of Rule 7(1) (iii) of MCR and indicate in col. 3(b) of the checklist for PL/ML, in case an applicant seeks PL after RP, whether the applicant has furnished such a certificate. Similarly, in case an applicant has applied for mining lease after prospecting himself, the State Government would indicate whether the applicant has filed PL report with the State Government in terms of Rule 16 of MCR and obtain from

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the applicant a self-certification that he has filed PL data with the IBM in terms of Rule 8 of MCDR. The State Government would indicate in Col. 3(b) or 3(c) of the checklist for PL/ML, as the case may be, that the applicant has furnished the self-certification. The State Government may, in order to satisfy itself, conduct an audit on the accuracy of the self-certification. IBM and GSI are being separately instructed to issue guidelines to the prospectors on data filing for PL and RP respectively. Further in col. 9 of the checklist for PL/ML, the State Government should indicate the unique reference number of the previously held RP or PL (to be indicated in all the prior approval letters issued by the Ministry henceforth), and available on the website of Ministry of Mines.

### **Section 11(2) of the MMDR Act**

8.1 Section 11(2) of MMDR Act deals with two types of cases – for ‘non-notified’ areas the general principle is ‘first-in-time’ subject to provisions of Section 11(1). For ‘notified’ areas, the principle is ‘capacity and capability’. Since the procedures in the two cases are distinct, they constitute separate proposals and accordingly the procedure in each of the two cases is clarified as under.

#### **For non-notified area**

8.2 The applicant whose application was received earlier will be given preference for grant of RP/PL/ML. However, as provided in the Section 11(5), the State Government may not follow this provision for special reasons to be recorded.

8.3 In this connection, Para 3.3 of the new National Mineral Policy states that ‘the procedures for grant of mineral concessions of all types, such as Reconnaissance permits (RP), Prospecting Licences (PL) and Mining leases (ML), shall be transparent and seamless and security of tenure shall be guaranteed to the concessionaires’. Further the Policy lays down that the first-in-time principle in the case of sole applicants and the selection criteria in the case of multiple applicants will be appropriately elaborated.

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8.4 Accordingly, the State Government should clearly specify the special reasons for not choosing the earlier applicant and recommending the grant of RP/PL/ML to a subsequent applicant if it intends to do so. It has been generally noticed that the State Governments have been invoking the parameters given in Section 11(3) of MMDR Act while giving priority to latter applicants under Section 11(5) of MMDR Act. It is pointed out that conditions at Section 11(3) are appropriate to choose from amongst applicants applying on the same day [under Section 11(2)], and the conditions under Section 11(3) are not the same as the ‘special reasons’ mentioned in Section 11(5) of the Act. As per Section 11(2) of the MMDR Act, the ‘first-in-time’ principle can be swept aside only for ‘special reasons’ as mentioned in Section 11(5) of the Act and these special reasons have to be stronger than the matters referred to in Section 11(3) of the MMDR Act.

8.5 In view of the express provisions in the Policy with regard to ‘transparency’ and ‘selection criteria’ in the case of multiple applicants, State Governments need to adopt and apply a uniform and publicly stated Policy on ‘Special Reasons’. Special reasons could be those which form part of the State Mineral Policy or other duly notified policy document, so that the ‘special reasons’ are objectively founded and are not perceived as being formulated to suit requirements on a case by case basis. Since these would be State-specific, these guidelines cannot exhaustively define ‘special reason’. All States are advised to make available a copy of the applicable policy to this Ministry, and make specific reference to the policy when seeking to apply the provisions of Section 11(5) of the MMDR Act.

8.8 In this connection, it may be noted that Para 7.5 and para 7.6 of the new National Mineral Policy state that use of equipment and machinery which improve the efficiency, productivity and economics of mining operations and safety and health of persons working in the mines and surrounding areas shall be encouraged. Further in order to improve the competitive edge of the national mining industry, emphasis shall be laid on mechanization, computerization and automation of the existing and new mining units. This provision could be a ‘special reason’ for purpose of Section 11(5) of

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the MMDR Act provided that State Governments use this principle uniformly in all cases, and the applicant in question has provided sufficient details in this regard.

8.9 It has been seen that in some cases, State Governments have been invoking the provisions of Section 11(5) of the MMDR Act in order to divide an area amongst more than one applicant. This would be against the provisions of Section 11(2) which gives preference to an earlier applicant unless there is a clear reasoned finding that the capacity or capability of the earlier applicant is not commensurate with the area applied for.

8.10 In the case of First Schedule minerals, a recommendation of an applicant is 'disposal' in so far as the State Government is concerned, under proviso to Rule 63A of the MCR, 1960. As such this is an order against which revision lies with Central Government under Section 30 of the MMDR Act, 1957. It is necessary, therefore, in the interest of justice and fair play, that in all cases of recommendations of an applicant, the State Government while recommending the case to the Ministry, also informs unsuccessful applicants of the reasons why another application is being recommended under Section 11(3), and sends a complete case for the prior approval of the Ministry. By doing so, the possibility of a revision application at a later stage after grant of prior approval by the Ministry will be reduced and the delay in execution of a mining lease agreement avoided.

### **For notified areas**

8.11 In case an area has been notified for grant of mineral concession, then in terms of Section 11(2) and Section 11(4) of the MMDR Act, the State Government should consider all the eligible applicants and select such applicant as it deems fit in terms of the provisions of Section 11(3) of the MMDR Act.

8.12 Under Section 11(4) of MMDR Act a period of not less than 30 days is required to be specified in any Notification. In addition, the first proviso to Section 11(2) mentions the method of treating applications received prior to the publication of the



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Notification and not disposed off (before the date of the Notification). Separately Rule 59(1) (ii) requires a minimum of 30 days period between date of notification and date from which the area is available for regrant. In order to harmonize these provisions, it may be ensured that:

- (a) the start date of period from which area is available for grant/regrant is not less than 30 days from the date of publication; and,
- (b) the period is specified, with an end date which is not less than 30 days from the start date given in (a) above. <sup>(1)</sup>

8.13 It may be noted that accordingly,

- (a) all applications received before date of notification and not disposed off prior to date of notification; and,
- (b) all applications received after the date of notification (but not later than validity period),

would need to be considered as having been received on the same day in view of the provisions of first proviso to Sec. 11(2) of the MMDR Act, and therefore, all such applications would need to be considered simultaneously in terms of Section 11(4) of the MMDR Act. In respect of regrant, provisions of Rule 60 MCR may be applied accordingly, treating all premature applications as having been disposed off in terms of Section 11(2) of the MMDR Act (since they cannot be entertained), and the applicants may be informed in each such case. Needless to add, in order to invoke Rule 60(b) of MCR the Notification has to have specified such a period, prior to which applications are premature.

8.14 Section 11(3) mentions various criteria for selection from amongst applications received on the same day (actual or deemed) but the inter-se weightage of these criteria is

*(1) For, example, if an area is notified for grant of mineral concession on 1.3.2008, the date from which the area would be available for grant/regrant should not be earlier than 1.4.2008. If it is assumed that the area is available for grant /regrant on 1.4.2008, then this date would be the starting date for receiving applications and the end date, to be specified in the Notification, for receiving the applications would be a subsequent date, but not before 1.5.2008 (see also para 8.16).*

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not defined. Further, if more than one applicant has the capabilities as mentioned in Section 11(3) the choice of applicant becomes difficult. Since all the eligible applicants are co-equal in terms of chronology, the choice has to be made on objective selection criteria in a transparent manner. Normally, the recommendation of a State Government in this regard is acceptable if a comparative chart (as per proforma attached) of all the applicants on the criteria enumerated in Section 11(3) of MMDR Act is available and the State Government has passed reasoned orders on file for recommending acceptance of case of a particular applicant and for not recommending the acceptance of the remaining applicants. The State Governments should, therefore, while sending the proposal to the Ministry, not only enclose the comparative chart based on the provisions of Section 11(3) of the MMDR Act but should furnish a self-contained speaking order duly signed by the competent authority (a sample copy of such order issued by State Government of Orissa is attached). It may be added here that Section 11 (2) categorically states in the second proviso that the State Government may grant ‘...the reconnaissance permit, prospecting licence or mining lease’ to ‘such one of the applicants as it may deem fit’. Clearly the intention is that an area notified for grant of a permit cannot be sub-divided further at the stage of consideration of application only to accommodate multiple applicants.

8.15 In the case of First Schedule minerals, a recommendation of an applicant is ‘disposal’ in so far as the State Government is concerned, under proviso to Rule 63A of the MCR, 1960. As such this is an order against which revision lies with Central Government under Section 30 of the MMDR Act, 1957. It is necessary, therefore, in the interest of justice and fair play that in all cases, the State Government while recommending the case to the Ministry, also informs unsuccessful applicants of the reasons why another application is being recommended under Section 11(5), and sends a complete case for the prior approval of the Ministry. By doing so, the possibility of a revision application at a later stage after grant of prior approval by the Ministry will be reduced and the delay in execution of a mining lease agreement also avoided.

8.16 Sections 11(2) and 11(4) clearly lay down that a period, indicating an end date which is not less than 30 days from the availability of area for grant/regrant, for receipt of

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application would be specified in the Gazette. More often than not State Governments do not specify the period, also indicating an end date which is not less than 30 days from the availability of area for grant/regrant, for receipt of applications in the notification. This leads to judicial findings of arbitrariness, rendering infructuous the entire process. The State Government, therefore, should clearly stipulate the period, giving the start date and an end date, within which the application would be received after the Gazette notification. The period should be large enough to allow a reasonable number of applicants to apply if they so choose, but not so large as to delay the purpose of the notification which is to select an applicant for grant of a concession. A three month period would *prima facie* be a reasonable period and the State Government may take a policy decision based on the nature and size of the area.

8.17 The State Government should, accordingly, provide details in col. 7(a) & 7(b) and 8, 8(a), 8(b), 8(c), 8(d), 8(e), 8(f) & 8(g) of the Checklist for PL/ML and checklist for RP. These details would adequately satisfy the requirements of the Act and Rules as stated above.

### **For Reserved Areas**

9.1 Proposals have been received recently where the State Government have recommended grant of ML/PL on a reserved area in favour of Public Sector Undertaking (PSU), which intend to form a joint venture (JV) with a private party, generally by calling for Expression of Interest (EOI) and selecting one of the applicants.

9.2 Para 4 of the National Mineral Policy states that in mining activities, there shall be arms length distance between State agencies (Public Sector Undertakings) that mine and those that regulate. There shall be transparency and fair play in the reservation of ore bodies to State agencies on such areas where private players are not holding or have not applied for exploration or mining, unless security considerations or specific public interests are involved. Similarly, the intention of reservation of any area under the provisions of the MMDR Act in favour of PSU is to allow PL or ML for undertaking

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prospecting or mining operations through a Government company or corporation owned or controlled by Central Government or State Government. Therefore it is necessary that any JV to whom the PL / ML is proposed to be given mining rights under Rule 37 of MCR must necessarily conform to the principles of reservations.

9.3 While, technically, any area reserved for public sector use cannot be granted in favour of a private sector company, the law does not prohibit any PSU to enter into a joint venture with private sector for mining operations on such areas provided the grant still confirms to the basic principle of reservation, i.e. the ownership or control of the company conducting mining operations lies with the State Government. Moreover, in general, preference accorded to any applicant in grant of mineral concession, where the State Government has notified an area, needs to be in terms of Section 11 (3) of the MMDR Act. Similarly in reserved areas, since the area is not open for private sector, it is therefore necessary that if the PSU company which holds the ML/PL rights seeks to enter into any joint venture with the private sector company, then the process of selection of such joint venture partner should also satisfy the norms set out in the Section 11(3) of the MMDR Act.

9.4 State Governments should, accordingly, indicate in the forwarding proposal seeking PL/ML for PSUs in reserved areas whether the PSU intends to get into a JV, and if so, the State Government needs to also indicate that a suitable notification has been issued to call for a JV partner, and that the evaluation of the EOI for selecting the JV partner is in accordance with the provisions of Section 11(3) of the MMDR Act.

### **Section 30 of the MMDR Act**

10.1 As per the provisions of Section 30 of the MMDR Act, the Central Government may, of its own motion or on application made within the prescribed time by an aggrieved party, revise any order made by a State Government or other authority in exercise of the powers conferred on it by or under this Act with respect to any mineral other than a minor mineral.

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10.2 Rule 63 A of Mineral Concession Rules, 1960 provides that disposal of applications of mineral concession means, in case of applications for grant of mineral concession for First schedule mineral, either a recommendation to the Central Government or a refusal to grant the mineral concession under Rule 5 of MCR for RP, Rule 12 of MCR for PL and Rule 26 of MCR for ML. It has been generally noticed that the State Governments have been recommending an application to the Central Government seeking prior approval, but do not communicate the same to the other applicants. In this context, it is pointed out that as per Rule 63A of MCR, a recommendation to the Ministry of Mines in favour of a particular applicant is a disposal of that application and for this reason it is an order of the State Government for purpose of Section 30. Clearly, any other applicant may be aggrieved by such a recommendation and as such his right under Section 30 arises from the date of the recommendation subject to knowledge. The Mines Tribunal has been condoning delay in revision for reasons of want of knowledge. As such in the interest of speedy disposal of concession applications, and to reduce the scope for a revision application, it is desirable that the State Government communicate the factum of decision to make a recommendation to the Central Government to all interested parties (i.e. other applicants) at the same time that the recommendation is forwarded to the Central Government. It may be noted here that communication of the factum of recommendation of one applicant is communication of an established fact and is not linked with rejection or non-rejection of the other applications. It is important to give reason at this stage itself, since non-recording of a reasoned order may result in the Tribunal exercising its revisionary power in favour of the revision-applicant. Accordingly, in all cases where a recommendation is made under Section 5(1) of the Act, the State Government may ensure that the following actions are undertaken while dealing with and disposing off the application:

- (i) Ensure all the applicants have been given a reasonable opportunity of being heard under Rule 5(1) for RP, Rule 12 (1) for PL and Rule 26 (1) for ML, after giving due notice.
- (ii) The documents or records on the basis of which a decision will be made have been specifically asked for. In this connection the provisions of Rule

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12(1B) of the MCR need to be kept in view in respect of PL; Rule 5(2) of MCR for RP, and Rule 26 (2) of MCR for mining lease.

- (iii) A proper record of the intimations/ notice served on the applicants for the hearing has been kept.
- (iv) Sufficient time for the applicants has been given to respond or be present in the meeting.
- (v) Hearing has been undertaken by a competent authority. Written submission may be encouraged, and kept on record.
- (vi) Speaking orders have been prepared after the completion of the hearing process recording the decision to recommend a particular applicant, giving the reason for selecting him in preference to other applicants, within the parameters of Section 11(3) or 11(5) as the case may be.
- (vii) The speaking order has been communicated at least in brief to all the interested parties or published on the web-site.
- (viii) A copy of the speaking order has been attached alongwith the proposal forwarded to the Central Government for obtaining prior approval, clearly indicating if it has been communicated to all the interested parties and if so on what date.

10.3 It is emphasized here that following the above practice would not only, increase the transparency in grant of mineral concessions, but also lead to reduction in revision applications. Accordingly, the State Governments, while forwarding the proposal, should also certify that the above-mentioned actions have been completed.

10.4 Refusal orders to concerned applicants under Section 10 (3) of the MMDR Act would then be issued after the receipt of the prior approval of the Central Government in favour of the successful applicant.

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### **Miscellaneous matters**

#### **(a) Availability of area for regrant to be notified under Rule 59 of MCR**

11.1. Rule 59 of MCR lays down that no area, which was previously held or presently held under a reconnaissance permit or a prospecting licence or a mining lease, or has been reserved by the Government for any purpose other than mining, or where order granting a permit or licence or lease has been revoked, or the area has been reserved under Section 17 or 17A of the MMDR Act, shall be available for regrant of mineral concession unless the availability of the area for grant is notified in the Official Gazette specifying a date (being a date not earlier than thirty days from the date of the publication of such notification in the Official Gazette) from which such area shall be available for grant.

11.2 However, it has been generally noticed that State Governments more often than not do not issue a Gazette notification and in many cases do not de-reserve the area if it was earlier reserved for exploitation by the public sector, and approach Central Government for relaxation of the provision of Sub-Rule 59(1). The underlying principle behind notification in the official Gazette is that information is available to the larger public and people who are interested for taking the area are able to apply. The action of State Governments, in many cases in not notifying the area in the Official Gazette and recommending a particular applicant for grant of RP/PL/ML is not as per the requirement of this Rule, and is open to legal challenge.

11.3 The State Government in such cases should follow the procedure laid down in Rule 59(1) of MCR rather than approaching the Central Government for relaxation of the provisions under Rule 59(2) of the MCR. It is also advised that all Notifications should be published with Map/Sketch of the area. Latitude and Longitudes should be indicated for RP cases and khasra numbers of the area notified for PL and ML cases. Relaxation of Rule 59(1) of MCR should only be sought on very exceptional grounds to be specified in each case, and not as a general norm.

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11.4 The State Government would be required to indicate clearly in the Checklist whether the area being recommended for grant of mineral concession has been granted under a RP/PL/ML in the past, and if so, whether the State Government has notified the area in terms of Rule 59 of MCR and if not, then whether the State Government is seeking relaxation under Rule 59(2) of the MCR. Special reason need to be given if relaxation is being sought in view of the normal applicability of Rule 59(1) of MCR.

### **(b) Communication of prior approvals**

12. In order to ensure transparency and reduce delays, where due to information being incomplete, a back reference is made to the State Governments, a copy will be endorsed to the applicant in case the information is to originate from him. Similarly disposal of recommendation cases (approval or return) will also be endorsed to the applicant.

13. In addition to endorsing communication of prior approvals for mineral concessions to IBM, the Ministry will henceforth be endorsing prior approvals for RP to GSI also. State Governments are requested to endorse a copy of reconnaissance permit executed to the GSI and a copy of prospecting licence / mining lease to the IBM, so that data filing requirement under Rule 7 and Rule 16 of MCR and Rule 8 of MCDR are enforced by GSI/IBM. The RP/PL/ML holder may, while filing data with the State Governments, simultaneously file the data directly with GSI/IBM, as per the requirement of the Rules. Both GSI and IBM will be liaising with the State Governments in this regard in the State Geological Programming Board and other fora.

14. The State Governments are requested to process all proposals in accordance with the above mentioned guidelines with immediate effect before applying for prior approval, and submit the proposals as per the revised checklist. In case of any doubt, the State Government may refer the matter to the Ministry of Mines.

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