

# India

## Relevant Laws

1. [The Mines and Minerals \(Development and Regulation\) Amendment Act, 2015, No. 10 of 2015](#)
2. [The Mines and Minerals \(Development and Regulation Amendment Act, 2016, No. 25 of 2016](#)

Together, “MMDR 2015”

## Conditions for Competitive Bidding

In India, there is mandatory competitive bidding for the grant of mining leases in respect of identified minerals—*i.e.*, bauxite, iron ore, limestone, and manganese ore (Sections 10B(4), 2(i)(ea), MMDR 2015). For non-identified minerals, the grant of combined prospecting-cum-mining licenses shall only be made by way of an auction process (Section 11(5), MMDR 2015).

**Revenue sharing agreement for gathering information related to exploration:** Under the National Mineral Exploration Policy (NMEP), private agencies may be engaged to carry out exploration with the right to a certain share in the revenue paid by the successful bidder in respect of a specific mineral block. The revenue-sharing may be either in the form of a lump sum or an annuity to be paid throughout the period of the mining lease. The selection of a private company is to be done following a transparent process of competitive bidding.

The NMEP proposes the following:

1. The pre-competitive baseline geo-scientific data will be created as a public good and will be fully available for open dissemination free of charge.
2. A National Aero-geophysical Mapping program will be launched to map the entire country to help delineate the deep-seated and concealed mineral deposits. ([Business Standard](#))

## Two-Tier Bidding – Pre-Qualification Criteria

Information not available.

## Bidding Process

An applicant who fulfills the eligibility conditions shall be selected through a method of competitive bidding, including e-auctions (Section 10B(4), MMDR 2015).

## Biddable Factors/ Evaluation Criteria

“The Central Government shall prescribe the terms and conditions, and procedure, subject to which the auction shall be conducted, including the bidding parameters for the selection, which may include a share in the production of the mineral, or any payment linked to the royalty payable, or any other relevant parameter or any combination or modification of them.”<sup>8</sup> (Section 10B(5), MMDR 2015).

## Bidding Fee – Revenue/Buy-In

Information not available.

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<sup>8</sup> We do not have access to these terms and procedures.

## **Eligibility**

Information not available. Eligibility “as specified in this act” is referred to but is not present within the MMDR as amended up to May 10, 2012.

## **Other Sources**

1. Mines and Minerals (Development and Regulation) Act, 1957
2. Samir Whitaker, What do India's new mining regulations mean for business and biodiversity?