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The Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act, 1969

(ACT NO. 42 OF 1969)

(*As on the* 26*th Sep*, 2025)

LIST OF ABBREVIATIONS USED

G.S.R	*for*	General Statutory Rules.
S.O	„	Statutory Order.
Notifn.	„	Notification.

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THE BIHAR LAND REFORMS LAWS (REGULATING MINES AND MINERALS) VALIDATION ACT, 1969

ARRANGEMENT OF SECTION

SECTIONS

1. Short title.
2. Validation of certain Bihar State laws and action taken and things done connected therewith.
THE SCHEDULE.

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THE BIHAR LAND REFORMS LAWS (REGULATING MINES AND MINERALS) VALIDATION ACT, 1969

ACT NO. 42 OF 1969

[26*th December,* 1969.]

An Act to validate certain provisions contained in the Bihar Land Reforms Act, 1950, and the Bihar Minor Mineral Concession Rules, 1964, and action taken and things done in connection therewith.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act, 1969.

2. Validation of certain Bihar State laws and action taken and things done connected therewith.—(*1*) The laws specified in the Schedule shall be, and shall be deemed always to have been, as valid as if the provisions contained therein had been enacted by Parliament.

(*2*) Notwithstanding any judgment, decree or order of any court, all action taken, things done, rules made, notifications issued or purported to have been taken, done, made or issued and rents or royalties realised under any such laws shall be deemed to have been validly taken, done, made, issued or realised, as the case may be, as if this section had been in force at all material times when such action was taken, things, were done, rules were made, notifications were issued, or rents or royalties were realised, and no suit or other proceeding shall be maintained or continued in any court for the refund of rents or royalties realised under any such laws.

(*3*) For the removal of doubts, it is hereby declared that nothing in sub-section (*2*) shall be construed as preventing any person from claiming refund of any rents or royalties paid by him in excess of the amount due from him under any such laws.

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THE SCHEDULE

(*See* section 2)

1. Section 10 of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as amended by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965) and by the Bihar Land Reforms (Amendment) Act, 1965 (Bihar Act VI of 1965).

2. Section 10-A of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as inserted by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965).

3. Section 31 of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as amended by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965) and by the Bihar Land Reforms (Amendment) Act, 1965 (Bihar Act VI of 1965).

4. Sub-rule (*2*) of Rule 20 of the Bihar Minor Mineral Concession Rules, 1964, as inserted by the Bihar Minor Mineral Concession (First Amendment) Rules, 1964, published under the Bihar State Government notification No. A/MM-1099/64(Pt.) 7700/M, dated the 19th December, 1964, in the Gazette of Bihar (Pt. II) dated the 30th December, 1964.

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STATEMENT OF OBJECTS AND REASONS

The Supreme Court, in Baij Nath Kedia vs. State of Bihar (C.A. No. 685 of 1967), by their judgment dated 28-8-1969 have, inter alia, held that-

(a) to the extent of the topics covered by the Parliamentary legislation [the Mines and Minerals (Regulation and Development) Act, 1957] the powers of the State Legislature are excluded;

(b) after the creation of statutory mining leases under the pro-visions of sections 9 and 10 of the Bihar Land Reforms Act, 1950, any attempt to regulate those mining leases will fall not in Entry 18 of the State List but in Entry 54 of the Union List although it touches land and not vice versa;

(c) the whole field of regulation and development of minor minerals have been taken over under the control of the Union.

and consequently, certain provisions of the Bihar Land Reforms Act, 1950, as amend by the Bihar Land Reforms (Amendment) Act, 1964, and sub-rule (2) of rule 20 of the Bihar Minor Mineral concession Rules, 1964, as inserted by the Bihar Minor Mineral concession (First Amendment) Rules, 1964, were struck down.

2. The Government of Bihar have pointed out that, as a result of the aforesaid judgment, the levy and collection of royalty on minor minerals in respect of statutory leases by the State Government under the pro-visions of the Bihar Minor Mineral Concession Rules, 1964. have not only become void but they may also be required to refund royalty collected by them on minor minerals in respect of those leases which runs into a few crores of rupees. It is also likely that as a result of the general principles laid down in the said judgment, the proceedings initiated by the State Government to resume un-worked statutory lease-holds under section 10 (2) of the Bihar Land Reforms Act, 1950, as amended by the Bihar Land Reforms (Amendment) Act, 1965, may be challenged.

3. Since in view of the aforesaid judgment of the Supreme Court it is Parliament which is competent to frame legislation in regard to matters referred to in paragraph 1 above, the Bill seeks to re-enact and validate the provisions of the State laws specified in the Schedule to the Bill.

NEW DELHI: JAGANATH RAO.

The 27*th November*, 1969.