

# **The Rajasthan Validation of Execution of Certain Leases, Licences and Agreements Act, 1987**

RAJASTHAN

India

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### **Act 16 of 1987**

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The Rajasthan Validation of Execution of Certain Leases, Licences and Agreements Act, 1987 Act No. 16 of 1987 Statement of Objects and Reasons - In pursuance of clause (1) of Article 299 of the Constitution, a notification dated 4th February, 1959 was issued by the Governor of Rajasthan authorising the Deputy Director (Administration), Mines and Geology Department, Government of Rajasthan to execute leases, licences and agreements under the Mineral Concession Rules, 1949 and the Rajasthan Minor Mineral Concession Rules, 1955 on behalf of the Governor of Rajasthan. At that time, the post of Deputy Director (Administration) was in existence which was subsequently up-graded to that of the Joint Director (Administration) under orders dated 8th October, 1960. The Joint Director (Administration) however, continued to execute the leases, licences and agreements by purporting to act under the authorisation earlier made in favour of the Deputy Director (Administration) even though no specific authorisation in favour of the Joint Director (Administration) under clause (1) of Article 299 of the Constitution was made. This state of affairs continued from October 8, 1960 to February 3, 1972. The High Court of Rajasthan has held in some cases that the Joint Director (Administration) had no powers to execute and sign leases, licences and agreement under the Mineral Concession Rules unless such powers were specifically delegated to him. Due to this formal defect in authority, heavy financial interests of the State have been placed in jeopardy and it has become necessary to regularise and validate such leases, licences and agreements. Published in Rajasthan Gazette, Extraordinary, Part III-A, dated 28-3-1986, page 149(3). [Published in Rajasthan Gazette, Extraordinary, Part IV-A, dated 21-4-1987, page 102.] [Received the assent of the Governor on the 20th day of April, 1987.] An Act to validate the execution of certain leases, licences and agreements by the Joint Director (Administration), Mines and Geology Department, Government of Rajasthan, Udaipur. Be it enacted by the Rajasthan State Legislature in the Thirty-eighth Year of the Republic of India as follows:-

## **1. Short title and commencement.**

(1) This Act may be called the Rajasthan Validation of Execution of Certain Leases, Licences and Agreements Act, 1987. (2) It shall come into force at once.

## **2. Validation of Execution of Certain Leases, Licence and Agreements.**

- Notwithstanding any Judgment, decree or order of any court and notwithstanding any defect in or want of jurisdiction or authority, the execution of all leases, licences and agreements by the Joint Director (Administration), Mines and Geology Department, Government of Rajasthan during the period from the eighth day of October, 1960 to the third day of February, 1972, shall be deemed to be valid and duly made on behalf of the Governor of Rajasthan and the execution of such leases, licences and agreements and any other actions taken, things done or orders made in respect thereof shall not be liable to be called in question in any court of law.