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# MADRAS RECORD OFFICE.

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## Government of Madras.

Public Works DEPARTMENT.

G.O. No. 2507 Press ~~Mis.~~

21-22

Dated 3-8- 1871.

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Public Works Department, 3rd October 1871.*

No. 21. Read the following Proceedings of the Board of Revenue, dated 21st August 1871, No. 3,604 :—

Read replies of Collectors to Board's Proceedings, dated 13th October 1870, No. 6,099.

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THESE letters will be submitted to Government with reference to Government Order, 16th September 1870, No. 2,229, (Civil Works.)

2. On the 23rd July 1870, the Collector of Trichinopoly issued a notice in his *District Gazette* prohibiting Contractors for the supply of earth, stones, gravel, etc., for the use of the Public Works Department or Railway from quarrying as heretofore in Government waste lands without first obtaining the permission of the Tahsildar of the Talook and getting the lands duly marked out.

3. The Superintending Engineer took exception to the order, and referred to Government for instructions.

4. The Government in the order mentioned above, in paragraph 1, condemned the notice, and directed it to be cancelled, referring the general question to the Board for report.

5. The Board consulted all Collectors, and their replies have now been received.

6. The majority of the Collectors consider that no such restriction as that directed by the Collector of Trichinopoly is needed. In many districts no trouble seems to have arisen as regards waste lands, and in these the Collectors say the same unrestricted freedom as has hitherto been permitted may still be allowed.

7. Two or three Collectors think that it would be better if lands required for quarrying gravel and metal were formally applied for and handed over to the Department of Public Works.

8. Some think that it will be sufficient if the Range Officers satisfy themselves as to the suitability of the sites for quarrying, and others believe that if communication is had with the village officers it will be sufficient.

9. It is, however, obvious that the circumstances of different districts vary so much that uniformity of practice, or of views, can hardly be expected.

10. As regards the practice of taking earth and material from private or puttah lands, however, a large number of Collectors think that there is considerable laxity and much abuse which needs checking.

11. Some think that, as a rule, the Revenue Officers should be applied to when private land is required for the purpose of quarrying.

12. Some would leave it to the Contractors and Departmental Officers to settle by private arrangement only applying in cases of difficulty for assistance from the Tahsildar.

13. In some districts the people are pretty well aware of these rights while in others it appears to be sufficient for a contractor to urge that he is engaged on Government work to stop all opposition.

14. Some cases are reported where injury to public roads has resulted from the reckless manner in which material has been quarried close to the road side.

15. In other districts it is said that wanton injury is often inflicted on the land-owners by the way in which earth is taken out, deep pits being dug here and there instead of lowering the whole surface of the field.

16. Standing Circulars 132 and 132-1 are quoted by some Collectors and the Trichinopoly Circular is thought to be in accordance with them, but those Circulars had reference rather to cases of quarries and gravel pits opened by private individuals for their own benefit than to the case in point of materials required for Government purposes.

17. Referring to paragraph 4, Government Order 10th September 1870, No. 2,229, the Board resolve to advise Government to issue a few general instructions for the guidance alike of Revenue and Department Public Works officers to the following effect:—

1st. *As regards waste lands.*—As a general rule Government waste lands will be available for the excavation of materials for making and repairing roads, embankments, tank bunds, and similar works the property of Government without reference to the Revenue authorities.

When the material required is excavated and removed departmentally, *i. e.*, under the direct supervision of the department Public Works, the Range Officer or Divisional Overseer should satisfy himself, by communication with the villagers or otherwise, that the land to be operated on is really unclaimed *bona fide* Government waste, and should take measures to mark out the limits within which quarrying or digging is to take place, taking especial care that existing roads are not injured, and that all pits are sunk at a reasonable distance from the road side.

In cases where a large quantity of material exists which is likely to be required as a permanent source of supply, the Tahsildar should be asked to hand over the land to the Department as a Government Quarry.

In all cases, except where the occupation is of a strictly temporary nature, intimation should be sent to the Tahsildar in order that durkhasts may not be accepted for the land without previous communication with the Department Public Works.

Where contractors are employed to quarry in Government land the Range Officer should issue a certificate to the contractor, stating that he is authorized to quarry a certain quantity of materials in certain waste lands, the Department Public Works Officers should be responsible that encroachments on roads are not made by their contractors, just in the same way as if the operations were conducted departmentally.

In the Revenue Department; Curnums and Monigars will be directed to give the Department Public Works Officers all the information they may require as to the position of waste lands in their respective villages, and to report to the Tahsildar whenever a quarry or excavation is opened.

When new lines of road or embankments are laid out, a good margin of land should be taken up for repairs wherever the soil is suitable, and waste lands near the line containing good material should be secured and retained as Government waste to ensure a supply for *future necessities*.

*Proceedings of the Madras Government, Public Works Department, 3rd October 1871.*

2nd—*As regards private lands.*—The Board think the only safe rule is that any one encroaching on private lands for materials, without the consent of the owner whether he be contractor or Government servant shall be held personally responsible for his acts if sued in the Courts, except in cases of proved emergency.

Department Public Works Officers and their Contractors should be directed not to enter on private land without permission from the owner.

When they are unable to come to terms, the Revenue Officers will be directed to aid them. When necessary, land must be taken up under the Land Acquisition Act; but this should be avoided as much as possible.

Whenever excavations are made in private land, officers of the Department of Public Works should make a point of measuring up the work with least possible delay; great inconvenience and hardship being caused by their not doing so.

Tahsildars will be ordered to aid in every way in making amicable arrangements for permission to dig, and every opportunity should be taken to secure a space of ground adjoining tank bunds and other embankments from whence materials can be dug when required for repairs.

Whenever practicable excavations for repairs of tanks should be made in the tank bed; but this cannot always be done.

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No. 22. ORDER THEREON, 3rd October 1871, No. 2,507.

CIVIL WORKS, No. 3.

ORDERED that these Proceedings be circulated to Superintending Engineers for any remarks they may think necessary on the rules proposed by Board of Revenue, for quarrying, etc., in Government waste and private lands.

(True Extract.)

Captain, R.E.,
*Offg. Joint Secretary to Government.*

To Superintending Engineers.
,, Major R. B. Kennedy.

Exd. S. T. Augustin.

Public Works Department

No. 2507.

Proceedings of the Madras Government

Under date the 3 October 71.

Read the following

Rec. of the Board of Revenue (H.E. No. 3604 of 21st August 71)

Ordered that these Proceedings be circulated to Superintending Engineers for any remarks they may think necessary on the rules proposed by Board of Revenue, &c. for quarrying in Government waste and private lands.

Advt

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To The Superintg Engineer
Major R.B. Kennedy.

Desp. 4/10/71

C - ho - 4257.

Cobt of (1871) Madras.

PUBLIC WORKS.

To The Superintending Engineers

Go. 14 3 d 10.6.72 P.W.

Dated

Read. Ans.

G. O. 3 Acted, No 2507.

Nos. 21922

Copy of draft Board Proceedings as to Hirwale Lands - Proposed Board proposing certain Rules communicated to the Superintending Engineers for remarks.