M.R.O. 1—77,006—8-6-37.

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MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1451 — Press — Mis. -

Dated 18th December 1882.

Not to be folded or roughly handled

21.9.44

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 15th November 1882, No. 8803, Miscellaneous:—

Read—G.O., dated 21st September 1882, No. 1008, Revenue Department.

Resolution—dated 15th November 1882, No. 8803, Miscellaneous.

The Board beg to be informed whether the final orders of the Government of India should be awaited before issuing definite instructions to Collectors for giving effect to the views enunciated by Government in the foregoing Order, or whether instructions may at once be issued to them.

2. The Board desire to take this opportunity also to inquire whether, having regard to the propositions 5 and 6 mentioned in paragraph 12 of the Order, and the recognition of the principle that the exclusive right of Government in the soil of waste lands ceases the moment it is occupied, it is the intention of Government to claim in regard to waste lands granted henceforward for cultivation only a right to a share in the minerals found in them instead of an exclusive right to them, which is now asserted with reference to the instructions in G.O., dated 28th January 1880, No. 104. If this be so the distinction made in the headings of columns 5 and 6 of the form of putta proposed in Board's Proceedings, 4th August 1882, No. 1931, should be done away with, and in the foot-note to the putta given in Board's Proceedings, 18th September 1882, No. 2314 the latter portion alone will have to be retained. Lands dealt with under the Waste Land Rules in the Nílgiris and elsewhere are not strictly entitled to the same concession, but it is a question whether they should be placed in an inferior position as regards mineral rights to lands granted under the Durkhast rules. If the same concession is extended to the former class of lands also the clauses in the forms of title-deeds sanctioned in G.O., dated 7th June 1881, No. 895, reserving the exclusive right of Government to minerals found in such lands will have to be modified.

3. The Board presume that the conditions for leasing out for mining purposes alone waste lands for a limited term will still subsist, the difference being that if the lands are taken up for cultivation under the Durkhast rules the Durkhastdar acquires an indefeasible right to the land and its minerals on payment of the usual assessment *plus* the mining rate, whereas if he takes up the land for mining purposes alone he acquires no right to the land except for the term limited, and is not obliged to pay anything beyond the mining rate.

4. The Board request to be furnished, Government see no objection, with a copy of the Hon'ble Mr. Hudleston's minute the important question of the rights of ryots to the land in their occupation.

(A true Extract.)

(Signed) E. GIBSON,
Acting Secretary.

To the Secretary to Government, Revenue Department.

ORDER—dated 18th December 1882, No. 1451, Revenue.

Miscellaneous.

The Board will defer issuing any detailed instructions to give effect to the principle laid down in G.O., 21st September 1882, No. 1008, until the Government of India have had an opportunity of expressing their views on the question of the ryots' right to minerals in lands which they held on putta before the Government notified their intention to reserve an exclusive right therein.

2. With reference to paragraphs 2 and 3 of the Board's Proceedings, it is observed, that the conclusion arrived at by this Government is contained in paragraph 14 of their Order and not in paragraph 12. It refers to "*occupied holdings*" only, and the rules and instructions previously issued with respect to waste lands at the disposal of Government remain unaffected.

3. A copy of the Hon'ble Mr. Hudleston's minute will be furnished to the Board as requested by them.

(True Extract.)

(Signed) P. P. HUTCHINS,
Ag. Secretary to Government.

To the Board of Revenue.

Exd. C. Howarth

80 Copies.

17-7-24
23/7/98
5-8-17

Original.

Govt. of {1882} Madras.

REVENUE.

Issued

Recd. *Encl.*

G.O., 18th December 1882, No. 1451.

DECEMBER.

Mines and Minerals.

Intimating that the final orders of India Government should be awaited on the question of the rights of ordinary ryots in—.

REVENUE BOARD OFFICE MADRAS.

5

Proceedings of the Board of Revenue,

Dated 15th November 1882.

No. 8803 Miscellaneous.

READ Government Orde dated 21st September 1882 & No. 1078 Revenue Department.

Resolution:

The Board beg to be informed whether the final orders of the Government of India should be awaited before issuing definite instructions to Collectors for giving effect to the views communicated by Government in the foregoing order, or whether instructions may at once be issued to them.

2. The Board desire to take this opportunity also to enquire whether having regard to the propositions 5 & 6 mentioned in para 12 of the order and the recognition of the principle that the exclusive right of Govt. in the soil of waste lands ceases the moment it

it is accepted, it is the intention of Government to claim in regard to Waste lands granted henceforward for cultivation, only a right to a share in the minerals found in them instead of an exclusive right to them which is now asserted with reference to the instructions in G.O. dated 28th January 1880 No. 105. By this he sees, the distinction made in the headings of columns 5 & 6 of the form of pattah proposed in Board's Proceedings 4th August 1882 No. 1931 should be done away with and in the footnote to the pattah given in Board's Proceedings 18th September 1882 No. 2314 the latter portion alone will have to be retained. Lands dealt with under the Waste land rules in the Nilgiris and elsewhere are not strictly entitled to the same concession, but it is a question whether they should be placed in an inferior position as regards mineral rights to lands granted under the Dunkhast rules. If the same concession is extended to the former class of lands also the clauses in the forms of title deeds sanctioned in G.O. dated 7th June 1887 - No. 895 reserving the exclusive right of Govt to minerals

found in such lands will have to be modified.

3. The Board presume that the conditions for leasing out for mining purposes alone waste lands for a limited term will still subsist, the difference being that if the lands are taken up for cultivation under the Dunkhast rules the Dunkhastdar acquires an indefeasible right to the land and its minerals on payment of the usual assessment plus the mining rate, whereas if he takes up the land for mining purposes alone he acquires no right to the land except for the term limited and is not obliged to pay anything beyond the mining rate.

4. The Board request to be furnished if Government see no objection with a copy of the Hon'ble Mr Hudleston's minute on the important question of the rights of ryots to the land in their occupation.

I have &c

R. Ellis
Secretary.

To
The Secretary to Government R.D.

Ev. 21. 9. 82 No 1008
Pris. 8. 11. 82 No 2597

Revenue (1882) Depart
No 6584

1882.

Board of Revenue,

MADRAS.

To

The Secretary to Govt R.D.

Read. 16th Nov 82

Memorandum, dated 15th Nov 1882.

No. 8813 Pris:

Subject.

Requiring whether the final orders of the Govt. of India should be awaited before issuing definite instructions to Collrs for giving effect to the views communicated by Govt in reviewing the question of the rights of ordinary ryots in Mines & Minerals or whether instructions may at once be issued

16/11/82

Draft G. O.

Cir No 6584

Board's Proc dy 15th Nov 1882
No 8813 Misc:

The Board will defer issuing any detailed instructions to give effect to the principle laid down in G.O. 21 Sept 82, No 1008, until the Govt of India have had an opportunity of expressing their views on the question of the Ryots' right to minerals in lands held on patta before the Govt notified their intention to reserve the exclusive right thereto ~~the reply of the Govt of India shall be received before issuing detailed instructions on G.O. 21 Sept 1882 No 1008.~~

With reference to para 2 of the Board's Proc, it is observed that the conclusion arrived at by this Govt is contained in para 11 of their Order ~~referred to~~ and not in para 12. ~~as intended by the Board.~~ It is proposed to "Reserve" ~~already~~ ~~to "Reserve"~~ ~~subject to existing holdings~~ and

the notes and instructions ~~heretofore~~ previously issued with respect to waste lands at the disposal of Govt; remain ~~therefore~~ unaffected.

3 A copy of the Honorable Mr Rudlestons minute will be furnished to the Board as requested by them.

MK
12 Dec

21st The Board are requested to withdraw the letter from the Secretary of State

Note.

Having regard to the terms of the Secretary of State's observations in para 4 of the despatch to the Govr Genl of India, embodied in G.O. 1st June 1880 No 633, as to the power of the Govr in Council to dispose of waste lands, it seems advisable to await the final decision of those authorities before issuing definite instructions. If this view is adopted, final orders on the question of the form of patents, referred to in C No 6606, submitted with a note in a separate packet, will have to be deferred also.

Secretary of State, printed in C. of 7th Oct 1879 No 5; if deemed advisable

c-12-12-82 R. 19.12.82