M.R.O. 1—77,000—8-6-37.

(1) Number of pages 8

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(3) Initials of the Repairer

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 3640 Press Mis.

Dated 3-12- 1892

Not to be folded or roughly handled

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—again the following papers:—

Government Order, dated	21st	June	1887,	No.	598, Revenue.
„	3rd	„	1890,	„	388, „
„	25th	„	„	„	490, „
„	18th	„	1891,	„	556, „
„	20th	May	1892,	„	508, „
„	13th	Aug.	„	„	847, „
Board's Proceedings, „	3rd	Dec.	„	„	7967, Mis.

READ—also the file of Collectors' replies regarling the working of the quarrying and mining rules sanctioned by Government in its order, dated 21st June 1887, No. 598, R.

RESOLUTION—dated 10th July 1893, No. 401.

With reference to paragraph 2 of Government Order, dated 20th May 1892, No. 508, the Board begs to submit, for the approval of Government, a set of draft rules (Appendix I) for regulating quarrying for minerals.

2. The Board has considered it desirable to combine the draft rules with Standing Order No. 15 (new edition), as it is not easy to keep them separate from the rules already prescribed in the Standing Order without much needless repetition. It will be seen that in revising the Standing Order for the purpose such portions of it, as are provided for in the provisional rules issued by the Government of India for the grant of exploring and prospecting licenses and of mining leases, in regard to coal, metals, mineral oils and precious stones, have been omitted. The Government of India rules when finally sanctioned, as also the forms of model lease and prospecting license, prescribed in Government Orders, dated 2nd November 1892, No. 1116, 1st February 1893, No. 93, and 21st April 1893, No. 315, Revenue, will follow and complete the Standing Order.

3. As regards paragraph 3 of the Government Order quoted above, in which the Board has been asked to propose the rates of seigniorage in the case of lands, in which the right of the state to minerals is limited, the Board begs to submit that it is not clear, whether Government requires only a list of acreage assessment for coal, lime-stone, &c., not prescribed in the Standing Order, and which are left to the Board to fix from time to time, or a list of royalties on the produce of mines instead of the acreage assessment, with reference to paragraphs 8 to 11 of Board's Proceedings, dated 7th January 1890, No. 4, and paragraph 4 of Government Order, dated 25th June 1890, No. 490. Seeing, however, that this Government Order has not been alluded to in Government Order, dated 20th May 1892, No. 508, that the latter Government Order was passed purely with reference to the hardships imposed on ryots in the matter of quarrying, and that in the former Government Order, Government deferred passing final orders on the question of levy of royalty on outturn, pending receipt of the report on the working of the rules of 1887, which has not been submitted, it is presumed that only a list of acreage rates, for the items above referred to is required, although Government speaks also of seigniorage.

4. The rates of extra assessment or of seigniorage fees, hitherto sanctioned by the Board for quarrying for building stones, &c., on patta lands in certain districts, under the discretionary power vested in it by paragraph 2 of the Standing Order, are noted below for the information of Government :—

	Rs	A.	P.	
Gódávari	2	8	0	per acre.
Tanjore	1	8	0	do.
Anantapur	2	0	0	do.
Nilgiris	5	0	0	do. (temporary).

Trichinopoly—The following seigniorage rates :—

Rough stones	1 anna per cart load.
Chiselled stones	2 annas do.
Gravel, laterite limestone, earth and turf ...	6 pies do.

Tinnevelly—The seigniorage rates prescribed for reserved lands (paragraph 5 of Government Order, dated 25th June 1890, No. 490).

Thus it will be seen that seigniorage rates on the outturn have been sanctioned in two districts, and an additional acreage assessment in four districts, and that, even under the latter system, the rates fixed have not been uniform.

5. The Board considers that seignorage on outturn is troublesome and impracticable in the case of petty undertakings and would give room for fraud. There are, besides, difficulties in the way of prescribing a single uniform rate throughout the Presidency; for the value of the material excavated varies with the locality, and a quarry near a large town or line of railway may be very valuable, while a similar quarry in a remote village, although capable of producing as much, would be worth comparatively little.

Theoretically, Government is entitled to (1) compensation for the land spoiled for cultivation, and (2) a share in the profits. In paragraph 10 of Board's Proceedings, dated 7th January 1890, No. 4, the Board expressed itself in favour of an acreage assessment, subject to the reservation that security should be taken from the person who carried on quarrying operations, binding him to pay the additional assessment imposed until he had paid the value of the land, rendered unfit for cultivation by the operations, at a fair rate, say, 25 times the assessment; but the Board, as at present constituted, considers that no account of damage or relinquishment need be taken, in view of the fact that quarrying in most places needs encouragement and that the area rendered unfit for cultivation will be very trifling. The Board is of opinion that the course which can be adopted with greatest advantage, is the one hitherto followed, viz., that Collectors should forward to the Board the applications for permission to quarry in patta and jenmam lands, giving full information regarding the locality, the kind of mineral (mica, corundum, soapstone, shale, &c.), the demand for the material excavated, and the rate of extra assessment which he would propose to levy, &c. The Board can then dispose of each application on its merits.

6. In its order, dated 21st July 1887, No. 598, Revenue, the Government approved of the rules now contained in the revised Standing Order No. 15, and requested the Board to report at the end of two years on the working of the rules, prescribed in the latter portion of paragraph 3 of the Standing Order, with suggestions for any modifications that might be found necessary. All Collectors were requested to report accordingly, and an abstract of their replies is printed in appendix No. II to these Proceedings. It will be observed therefrom that the Collectors' reports do not contain much useful information. The rules were not in operation in several districts, while in others, they were worked to a limited extent. The only suggestions of any importance are those made by the Collectors of North Arcot, South Arcot and Tinnevelly, regarding free quarrying respectively of earth and turf, of stone and gravel in scattered localities, and of small quantities of stone, gravel and limestone taken for domestic use from places, where no regular quarrying takes place. The orders contained in Government Orders, dated 20th May 1892, No. 508, and 13th August 1892, No. 847, and embodied in the draft rules, now submitted, have granted the concessions proposed, ... not therefore necessary to consider them at present.

7. In Government Order, dated 3rd Ju... 1890, No. 388, Government requested the Board to take the opportunity, when sub...ting the report called for in Government Order, dated 21st June 1887, No. 598, c...nsidering the advisability of framing rules to regulate prospecting for precious ...es in Government waste lands, and prospecting of any kind in occupied lands. In paragraph 3 of Government Order, dated 25th June 1890, No. 490, Governme... remarked that the rules contained in Standing Order No. 15 required modificati... with reference to certain correspondence with the Government of India, and requested that the necessary amendments of the rules might be submitted along with the repo... on their operation. Lastly, in paragraph 3 of Government Order, dated 18th June 1891, No. 556, the Board was requested to expedite the above report in order that, in the event of the Government of India deciding to prescribe the same set of rules for all provinces in regard to the grant of licenses to explore and prospect for min...als and mining leases, that Government might be addressed in time to secure recogni...on for this Presidency of such special rules as its requirements, tested by the results of the actual working of the rules, might call for.

Of these requirements the only one which now requires notice relates to the advisability of framing rules to regulate prospecting in occupied lands, the other matters having been dealt with above or provided for by the Government of India rules for prospecting and mining referred to above.

8. As regards prospecting of any ki... in occupied lands, the Board considers that no attempt need be made to regulate it for the present. It would be impossible to check prospecting in such lands, unless ... were done on a very large scale, and it seems needless to hamper the occupiers on this account. The Board observes that Government has, in paragraph 3 of its ... dated 20th May 1892, No. 508, expressed its opinion that the existing rule... paragraph 2 of Standing Order No. 15, are sufficient. The prospecting operation... of the Arkónam Coal Mining Company, referred to in Government Order, dated 13th ... 1893, No. 410, may possibly extend to occupied lands on a large scale, and the results of these operations may show how far rules are necessary to regulate prospe... future.

(A true Ex...)

Acting Secretary.

To the Secretary to Government, Revenue Depart...

APPENDIX.

REVISED STANDING ORDER No. 15.

15. RULES FOR QUARRYING AND MINING.

Claim of the State to minerals.

1. The State lays no claim to minerals—

(*a*) in estates held on sanads of permanent ... ;

(*b*) in enfranchised inam lands ;

(*c*) in religious service tenements confirmed in ... the inam rules on perpetual service tenure ;

(*d*) in lands held on title-deeds issued und... to land rules prior to 7th October 1879, in which no reservation of the right of the St... erals is made.

2. The right of the State to minerals is limited in ... following cases to a share in the produce of the minerals worked, commuted into a mon... yment, if thought necessary by Government, in like manner with, and in addition to, the ... assessment—

(*a*) In lands occupied for agricultural purposes under ryotwari pattas.

(*b*) In jenmam lands in Malabar.

(*c*) In enfranchised Shotriem and Minor inams, not falling under clause (*c*) of paragraph ... of this Standing Order unless there has been ... express conveyance of the right to minerals ... grant.

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3. The State claims the full right to mines and minerals in the following cases:—

(*a*) In lands sold under the waste land rules subsequent to 7th October 1879.

(*b*) In escheat lands, the jenmam right to which was sold by Government subsequent to the issue of Government Order, dated 15th July 1880, No. 809, but prior to Government Order, dated 16th December 1884, No. 1384.

(*c*) In inams held on service tenure, *i.e.*, as wages for public service and unenfranchised.

(*d*) In lands which have been constituted Reserved Forests under the Madras Forest Act.

(*e*) In lands which have been notified as Reserved Lands under the rules issued by Government under section 26 of the Madras Forest Act.

(*f*) In unreserved waste lands at the disposal of Government.

Disposal of applications for quarrying or mining.

4. Persons intending to work minerals in lands referred to in paragraph 2 should give notice of their intention to the Collector of the district, specifying the fields in which they intend to carry on quarrying or mining operations, and should pay in two half-yearly instalments a special assessment for minerals in addition to the land assessment at the following rates:—

	Per acre.
	Rs.
(1) For mining for gold	5
(2) For mining for metals other than gold	2
(3) For mining for diamonds and other precious stones	15
(4) For mining for coal, limestone, &c., or quarrying for building stone, &c.	Such rates as may be fixed by the Board from time to time.

The rates will be doubled if mining operations are carried on without giving notice to the Collector. The special assessment will be entered in the patta granted for the land and will be collected under the provisions of Act II of 1861, Madras. No charge will be made for merely exploring or prospecting for minerals in patta lands if mines are not regularly worked. No remission will be granted in respect of any land rendered unfit for surface cultivation by the carrying on of mining operations. This rule does not of course affect in any way the right which all holders of lands on patta possess of digging wells in their lands and of disposing of the gravel and stones which may be thrown up in the course of such excavation.

No charge will be made in cases in which a pattadar may wish to quarry a small quantity of laterite, &c., for his own use for a specific purpose without any intention of continuing operations indefinitely, provided that the land is not in any way rendered less fit for cultivation than before.

5. In the case of lands referred to in paragraph 3, applications for the grant of licenses to explore and prospect for coal, oil, metals and precious stones and of mining leases in respect of them, will be dealt with under the special rules issued by the Government of India. As regards other minerals, the general principle to be observed, except in the case of lands falling under clauses (*d*) and (*e*), paragraph 3 *supra*, are that no restrictions should be placed on the quarrying of any minerals, except those having a commercial value, and that, even in their case, the removal of small quantities required for domestic use should be allowed free.

In the case of Reserved Forests, however (clause (*d*)), the public will be prohibited from any interference, not only from mining and quarrying, but also from removing the surface mud and turf, without special permits to be obtained under the provisions of the Madras Forest Act.

In the case of lands specified in clause (*e*), quarrying shall not ordinarily be permitted in places where damage is likely to be caused to forest growth or in areas under special treatment. In other localities, the general public may be allowed to quarry free, except for building stone, gravel, laterite and any particular clay which has a commercial value. These will be subject to seigniorage fees which may be collected in any one of the undermentioned ways in consultation with the Conservator:—

(1) Direct from the quarriers by Government.

(2) The collection may be leased out by public auction or otherwise.

(3) The quarries themselves may be leased out by public auction or otherwise, the general public retaining the right to quarry for themselves on payment of the authorized seigniorage rates to the lessees.

6. Applications to mine or quarry minerals having a commercial value in the lands specified in clauses (*a*), (*b*) and (*c*) of paragraph 3 *supra* will be disposed of on their merits as cases arise, by the Collector in unimportant cases, and by the Board or by Government in more important cases.

7. In the case of unreserved lands (clause (*f*)), including poramboke, quarrying will be left absolutely free to the general public for *bonâ fide* domestic use and to departments of Government, Local Boards and Municipalities as well as to the contractors employed by them (whether the minerals have a commercial value or not), subject to the proviso that quarries of any particular importance and value containing gravel, &c., may be closed against the general public and reserved for the use of Government departments or public bodies. Quarrying for other than *bonâ fide* domestic purposes will be charged with seigniorage fees which will be realized in any one of the three ways prescribed for lands specified in clause (*e*).

8. In special cases falling under clauses (*e*) and (*f*), as for instance, mica, corundum, &c., the applications may be dealt with under rules similar to those framed by the Government of India for the disposal of applications to mine for gold, coal, &c., and should for that purpose be submitted for the orders of the Board.

9. When quarrying is permitted it will rest with the Collector to impose conditions for the restoration of the land to a state fit for cultivation in cases in which such a condition may be necessary.

10. The mining operations referred to in the above rules should be confined to the ground vertically beneath the surface in respect of which permission is granted, and no under-tunnelling beyond such limits will be permitted.

APPENDIX II.

Anantapur.—There is only one diamond mine, namely, at Wajra Karur, in the district, and a full report on this was submitted with the Collector's letter disposed of in Board's Proceedings, dated 16th July 1889, No. 486. The right to quarry bangle earth is also carried on to a small extent in the Anantapur and Penukonda taluks at a seigniorage of two annas per bullock-load. As there are no important mining and quarrying operations, the Collector states that it is not feasible to say how the rules worked.

North Arcot.—There are no mines for obtaining gold or other metals or diamonds or other precious stones and no quarries for marble, coal or laterite. Except in reserved forests and reserved lands where seigniorage rates are being levied, quarrying for building stone or clay or gravel has been allowed free to the public until further orders under a notification issued in February 1888 with reference to clause 1, paragraph 3 of the Standing Order. Quarrying for stone and clay, which is carried on by Wodders and potters respectively, forms their sole means of livelihood. The seigniorage fee of 6 pies prescribed for earth and turf should be abolished in the interests of the poor ryots. The demand for granite has considerably increased owing to the construction of the Villupuram-Guntakal Railway, but will only last for a short time. The mode best suited to the district is the levy of the authorized seigniorage rates with a reservation of the right of Government to issue free permits in deserving cases, and the Collector deprecates the leasing system, though admittedly more profitable to Government, on the ground that more than the prescribed fees will be exacted by the lessees from the villagers. There is a sand stone quarry on the Tirupati Hills included in the reserved forests and leased out annually by auction. The Collector has properly omitted reference to gold mining about to start in Kangundi and to earth quarrying for bangle manufacture and shell quarries in Kálahasti, as these are zemindari tracts.

South Arcot.—There are no mines in the district, but building stone, gravel, laterite and chunam shells are quarried. The Municipal and Local Fund Boards, the Public Works Department and the South Indian Railway were allowed to quarry free in some quarries, while other quarries were reserved for the use of the general public on payment of authorized seigniorage rates. The remaining quarries were intended to be sold by auction under clause 3 of the Standing Order, but the sale was held in abeyance pending orders on the claims of the French Government to quarry free, which were finally admitted. The quarries reserved for the use of the villagers were, however, sold under clause III. There were also some chunam shell quarries in the Merkanam backwaters which were not leased out during the period under report pending disposal of a suit filed by Nachiappa Mudaliar claiming the backwater to be part of his zemindari villages. The Collector strongly urges the abolition of the levy of seigniorage rates on scattered quarries and gravel pits, on the ground that it is opposed to immemorial custom and consequently felt by the public as unjust and oppressive.

Bellary.—No applications were received under the rules A, B and C. The receipts in 1888–89 consisted wholly of seigniorage fees, and those for 1889–90 were made up mostly of rents derived from leases of the right to quarry.

South Canara.—Quarrying in reserved forests and reserved lands was prohibited in the district, but was allowed free of charge for five years in unreserved lands, on special permits issued by the Collector. In quarries within 5 miles of the Mangalore town, a charge of Rs. 2–8–0 per gunta is levied. No applications have been made for permission to mine, and the quarrying has been confined to laterite.

Chingleput.—Of the five ways mentioned in paragraph 3 of the Standing Order No. 15 (New Edition), the first two only were adopted, and there were no special cases to which condition 5 could be applied. The quarries in the reserved forests and reserved lands are chiefly of gravel and building stone. The demands of the general public were supplied on permits granted in

the Forest branch of the Collector's office ...n payment of the prescribed seigniorage rates. In unreserved lands the ryots were allowed t... quarry on the licenses of the Divisional officers, the royalty levied being under the old system, ... Rs. 2 per quarter of an acre of gravel land, Rs. 4 for stones within a radius of 10 miles from M...dras and Re. 1 per quarry elsewhere. The Local Fund Board was permitted to take free of ...rge, for a period of 5 years, road materials from all the quarries enjoyed by them before. Th... west of the Madras Municipality, to take gratis read materials from unreserved waste lands ... negatived by the Board in its Proceedings, dated 15th January 1890, Mis. No. 215. On thi... were taken to levy seigniorage by cart-loads for materials removed from all lands at the di... of Government.

Coimbatore.—Quarrying in unreserved ... lands (*f*) was allowed free up to the beginning of 1890 under the erroneous impression th... existing practice fell within clause 1 of paragraph 3 of the Standing Order. Divisio... ers have since been called upon to report if the levy of fees or the leasing system shoul... ed to. As regards (*d*) and (*e*), seigniorage rates prescribed in 1884 are levied. Licenses ... pecting for metals were granted to Mr. Hamilton Holmes on payment of a rent of R..., and applications for mining leases are under consideration.

Cuddapah.—The Collector states ha... only applications received were for quarrying for stones in the three railway taluks of the sub... sion, and that a fee of one rupee per quarry used to be levied until receipt of Government Orde... ed 10th July 1889, No. 577, and that it has since been replaced by the authorized seigniorag... ates. He also draws the Board's attention to his letter, dated 24th January 1890, in whic... suggested that, in cases where stone has to be extensively quarried by Railway contracto... they may, to avoid delay in the execution of the work, be allowed to take stone without pe...s, and that the prescribed fees may be recovered monthly by calling on the Engineer in ch...ge of the works to submit a statement of the cart-loads of stone quarried, and sending a bil... the fees leviable thereon.

Ganjám.—No mines or quarries are ...sed out, and the Public Works and Local Fund Departments are allowed to remove gra...l, &c., free of charge from selected localities. The material removed from reserved fore... reserved lands is charged for by the Forest Department.

Gódávari.—No licenses were issued ... the rules, and the general public were allowed to quarry, as they required in unreserved ... lands, on payment of the authorized seigniorage rates.

Kistna.—No leases fo... ining or qua... have either been applied for or granted.

Kurnool.—The only ...tion u...der the rules is quarrying for ordinary building stone and it is allowed free to the pub... in waste lands on special permits, limited to 3 months, under clause 1 of paragraph 3 of the Standi... der. The only quarries worked in reserved lands are those used by the B. K. State Railway the Engineers having been allowed to take what they required without payment or restriction of any kind. The Collector inquires also whether "Soudu" impregnated with soda and used for building purposes, should be exempted from seigniorage fees under clause 1 of paragraph 3 of Standing Order No. 15 and Government Order, dated 18th December 1882, No. ..., as is being done in Bellary, or should be charged seigniorage fees at the rate of six pies per cart-load as previously.

Madras.—The Collector states that th... quarrying and mining rules have never been worked in the district and that he is unable to af...d any information regarding the new rules.

Madura.—There are seven stone qu...ries in unreserved waste lands in the Dindigul taluk one of which is largely utilized by the public on payment of the authorized seigniorage rates. Certain quarries in the Madura taluk in lands notified as reserved lands have been leased out. In Mélúr taluk, ryots quarry for chunam ...ee. There are no quarries in the other taluks of the district and either the permit or the leasi... ystem will suit the district.

Malabar.—In this district the ex...t of Government land is comparatively small, and such as there is, is mostly forest land in loca...s more or less inaccessible and none of it is in present request for mining operations. In ...po...tion of Walawanád taluk the public were allowed to quarry laterite on payment of seig...ge rates, at the rate of 2 annas per cart-load. In Kóttayam taluk two leases were ...nted, under rule IV, on a fee of Rs. 15 an acre, the extent of the quarry being only a th...d of an acre in each case. There has been no demand for building stone or gravel from Govern...t land elsewhere.

Nellore.—Quarrying is not carri... extensively, except within the municipal limits of Nellore and Ongole, for laterite and s...d stone for building purposes and along district roads for gravel and metal, &c. Formerly no ch... was made for quarrying, and in 1872 the Board held that the time had not yet arrived for de...ing a revenue from this source, and in 1877 the Board approved of the Collector's proposal to ...se a small seigniorage at 3 pies per cart-load on gravel. In 1878, the Collector brought to not... the existence of several laterite quarries in the district which had been worked indiscriminately, ... proposed a seigniorage of 2 annas per cubic yard and the Board agreed, remarking that ... would be preferable to charge a certain sum for the right to quarry for a fixed time instead ... for the quantity of material excavated. Subsequently all other quarries except those worke... District Boards and Public Works were charged.

Soapstone, shale and mica quarries were also work... only to a limited extent. Of these, the shale and mica quarries have been leased out, but ...apstone has been worked for generations by certain families, the members of which have been ...ed personal licenses at Rs. 2 each. Of late, speculators have offered double the present ...t the Collector is averse from placing the industry at their mercy, as it would deprive t... ...milies of their only means of livelihood. There have been no complaints regarding the w... of the rules and they may be left as they are.

Nilgiris.—No instance has arisen under th... ...les. Recently, however, the promiscuous excavation in patta lands and Government waste l... ...he purpose of making bricks and tiles, and for stone and gravel without the previous permissi... ...f the Collector, was prominently brought to notice, and the Collector has called on the Deputy ...hsildars to report on the subject. As the rules quoted have practically remained a dead le... since their introduction, the Collector is unable to offer any remarks in regard to their suit... ...lity as they stand.

Salem.—There is no mining or quarrying on ... ...rge scale in this district. One license only has been issued for a period of one year on pay... ...of Rs. 50 to quarry building stone in the Puliansholai reserved forest.

Tanjore.—No mining or quarrying operation... ...carried on in any of the taluks except Tanjore, in which building stone and gravel are t... ...nly minerals obtained. Gravel is generally quarried for Local Fund Boards. The system in... ...gue of levying the acreage rates sanctioned in Board's Proceedings, dated 8th March 18... ...168, is suited to the circumstances of the taluk.

Tinnevelly.—There is no mining of metal o... ...recious stones. Only rough-stone, gravel and limestone are excavated. No seigniorage has ... ...n levied under rules II, III and IV. Free licenses under rule I were issued in some cases f... ...xed periods. It would not be advisable to demand any fee for small quantities excavated by th... ...eneral public for domestic use from isolated places where no regular quarrying takes place. The Collector would select the principal quarries 9 and lease them out by public auction.

Trichinopoly.—The matter was overlooked till ... 1889, when the Collector ordered that the rules should be brought into force. Seigniorage f... ...re charged for stone, laterite, gravel and limestone and no seigniorage is charged for ... ...y used for bangles, pottery, &c., but free licenses are issued in such cases as before.

Vizagapatam.—The Collector states that no... ...ses or leases for quarrying or mining purposes have been granted during the two years, ... that he has therefore had no opportunity of watching the working of the rules.

REVENUE DEPARTMENT.

1893.

Board of Revenue

(Land Revenue),

MADRAS.

Printed July th.

Proceedings, 10th July 1893, No. 401.

Submitting for the approval of Government, with remarks, the draft rules called for to regulate quarrying for minerals, as also the Collectors' reports on the working of the rules for quarrying and mining embodied in the Standing Order No. 15 (New Edition), and stating that no attempt need be made at present to regulate prospecting in occupied lands.

P.P.O.

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G.O. Mis No 3640 dt 3rd October 1893

Rec'd 3/10. '93

Recorded pending receipt of the communication referred to in para 2 of the letter from the Govt. of India. Read in G.O. (Rev. No. 3640)

To the Bd of Rev (L.R.).

Note.

The communication promised by the Govt. of India will necessitate revision of the rules proposed in the enclosed

R.P.C.

2 Jy.