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Government of Madras.

Revenue DEPARTMENT.

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G.O., No. 379-380

Dated 25-5-97

[Despatch Abstract.]

Approving, subject to certain modifications and remarks, the draft Standing order embodying rules for quarrying and mining, and addressing the Govt. of India on the subject of the reservation by the State of full rights to minerals in unoccupied ryotwari lands.

BACK PAPER

G.O.	No.	Department.	Date.	G.O.	

FURTHER PAPE

G.O.	No.	Department.	Date.	G.O.	
G.O. 1358 7/104/97 C.no ~~71977~~		Rev	20-7-97		
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SUBJECT.

ding for the approval of Govt, the draft of a Standin order regarding quarrying & mining revised up to date, a the report called for in regard to the reserv State right to miner occupied Govt land granted hereafter for tion.

G.O.

BACK PAPER

G.O.	No.	Department.

FURTHER PAPERS

G.O.	No.	Department.

REVISED RULES

FOR

QUARRYING AND MINING

IN THE

MADRAS PRESIDENCY, 1896.

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1896.

G.O.

REVISED RULES FOR QUARRYING AND MINING IN THE MADRAS PRESIDENCY, 1896.

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*) [a]In estates held on sanads of permanent settlement[a].

(*b*) [b]In enfranchised inam lands.

(*c*) In religious service tenements confirmed under the inam rules on perpetual service tenure[b].

(*d*) [a & g]In lands held on title-deeds issued under the Waste Land rules, prior to 7th October 1879, in which no reservation of the right of the State to mineral was made[a & g].

Note.—Mines on such lands may briefly be described as **"Private mines."**

2. The right of the State to minerals is limited in the following cases to a **share** in the produce of the minerals worked—

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

(*b*) [d]In jenmam lands in Malabar[d] [e]and Nilgiris[e].

(*c*) [f]In unenfranchised shrotriems and minor inams, not falling under clause (*c*) of paragraphs 1 and 3 of this Standing Order, unless there has been an express conveyance of the rights to minerals in the original grant[f].

Note.—Quarries and Mines on such lands will be referred to in brief as **"Shared quarries or shared mines."**

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

(*a*) [g]In lands sold under the Waste Land rules subsequent to 7th October 1879[g].

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

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

(d) [b]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 [b].

(f) [i]In unreserved waste lands at the disposal of Government[i].

(g) In all other lands not falling under paragraph 1 or 2.

Note.—Quarries and Mines on such lands will be referred to in brief as "**State quarries**" or "**State mines.**"

Shared Mines and Quarries.

4. Persons intending to work minerals in **shared mines** or **quarries** 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. On receipt of the notice, the Collector will allow the operation to be carried on under such conditions and stipulations as may be prescribed by the Board of Revenue under the orders of Government and on payment, in addition to the land assessment, of a royalty or dead-rent, whichever may be the greater in amount, at the rates specified below :—

Shared Mines [j].	Royalty.	Dead-rent per acre (minimum).
Coal (exclusive of dust and coal used on the works).	2 annas per ton ...	2 annas.
Oil	8 annas per 40 gallons or 5 per cent. *ad valorem*.	8 annas.
Gold or silver ...	7½ per cent. of value of gold or silver extracted.	8 annas.
Iron	⅛ anna per ton of iron-stone.	6 pies.
Copper, tin, lead or other metals.	2½ per cent. on the sale value at the pits' mouth of the dressed ore or metal, convertible at the option of the lessee to an equivalent charge per ton to be fixed annually or for a term.	8 annas.
Precious stones.	30 per cent. on value. ([l]This applies only to finds. Conditions as to royalty for mining leases will be determined in each case by the Government of India[l]).	
Other kinds of minerals.	Such seigniorage fees or additional acreage assessment as may be fixed by the Board of Revenue according to the merits of each case and the scale on which the mining or quarrying operations are carried on.	

Notes.—(1) No charge will be made for merely exploring or prospecting for minerals [j]in the above-mentioned descriptions of mines[j] if the mines are not regularly worked.

(2) The amount payable to Government on account of minerals worked will be entered in the patta granted for the land ([j]or in its absence in a miscellaneous patta)[j] and will be collected under the provisions of Act II of 1864, Madras.

(3) No remission will be granted in respect of any land rendered unfit for surface cultivation by the carrying on of mining operations.

(4) The rates will be increased if ~~mining operations are carried on without giving notice to the Collector.~~ the Conditions of workings are not complied with

(5) [k]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[k]. Nor do the rules affect in any way the right which all holders of [j]such lands[j] 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.

State mines and quarries.

5. [n]In the case of lands referred to in paragraph 3, applications for the grant of **exploring** and **prospecting** licenses and **mining** leases in respect of all minerals such as coal, oil, metals, precious stones, mica, corundum, &c., and generally all **minerals possessing commercial value,** will be dealt with under the special rules issued by the Government of India and reprinted below as rules 16 to 42[n].

G.O.

State Quarries of building stone, gravel, &c.

6. The quarrying of **building stone gravel** and the like which does not come within the scope of the Government of India's rules, will be subject to the following limitations.

7. [m] In **reserved forests** [para. 3, 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[m].

8. In the **reserved lands** specified in para. 3, 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 reserved lands 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 excepted minerals 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.

9. Applications to quarry **minerals having a commercial value** in the State lands specified in para. 3, clauses (*a*), (*b*), (*c*) and (*g*) 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.

10. [m] In **unreserved State lands** [para. 3, clause (*f*)], including poramboke, quarrying will be left **absolutely free** *whether the minerals have a commercial value or not* (1) to the general public for *bonâ fide* **domestic purposes,** (2) to departments of Government, Local Boards and Municipalities and ~~other public bodies, *e.g.*, Railway companies, as well as to the contractors employed by them~~. But 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 collected by the Revenue officers direct from the quarriers[m].

11. **Land to be restored to Status quo.**—[o] When quarrying is permitted, it will rest with the Collector to impose conditions for the

with the previous sanction of Govt in each case to other public bodies

restoration of the land to a state fit for cultivation in cases in which such a condition may be necessary [o].

12. **Extent of underground concessions.**—The mining or [n] quarrying[n] operations referred to in the above rules should be [p]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.[p]

13. **Mines in Estates under Government Management.**—Officers in charge of private estates should regulate the grant of concessions within such estates as far as possible in accordance with the Government of India's rules in rules 16 to 42 below and should in no case go beyond the terms which are allowed in State lands.

14. **Standard license and lease for coal.**—Standard forms of exploring and prospecting licenses and of mining lease in respect of coal prescribed by the Government of India are given in the Appendix. [q] The mining lease can be adapted with the necessary alterations for any other species of mining [q].

15. **Authorities for granting licenses and leases.**—All applications for **prospecting** licenses or **mining** leases should invariably be submitted for the orders of the Board and Government. [r] Collectors may grant **exploring** licenses on their own authority.[r]

Government of India rules.

16. The following rules regulating the grant by Local Governments of licenses to explore and prospect for minerals and the grant of leases of mines and minerals have been made by the Governor-General in Council, and sanctioned by the Secretary of State for India in Council.

No such license or lease can be granted by any Local Government otherwise than in accordance with these rules, except with the previous sanction of the Secretary of State for India in Council, or with that of the Governor-General in Council under any general or special authority which he may have received in this behalf from the said Secretary of State in Council.

[o] *Note.*—In these rules—

Collector means the Revenue-officer in charge of the district; and Local Government includes a Chief Commissioner.

Exploring Licenses.

17 [*1.] A license to explore land for minerals or mineral oil, called hereinafter an exploring license, will authorise the licensee to

* The numbering of these rules in the Government of India Resolution is indicated between square brackets.

G.O.

search the surface of the land specified in the license for minerals of every description and for mineral oil, and, subject to such restrictions as the Local Government may from time to time impose, to remove any specimens or samples found by the licensee in or upon such land.*

18 [2] Such license shall only be granted with respect to land in which the mines, minerals, or mineral oils are the property of the Government and (subject to the provisions of any law or rule having the force of law, for the time being in force with reference to such land) shall not authorize the licensee to enter upon any land in the occupation of any person without the consent of the occupier.

19 [3] Such license shall not authorise the licensee to mine or quarry, but he may be permitted to turn up to a depth not exceeding two feet the surface of unoccupied lands, or, with the consent of the occupier that of land which the Government has granted for agricultural purposes reserving only the right to minerals.

20 [4] Such license may be granted by such person and under such rules as the Local Government may prescribe.

21 [5] Every such license shall run for one year, and there shall be paid for each license such fee, not exceeding Rs. 10, as the Local Government may prescribe.

22 [6] A royalty shall be payable to Government on the value of all precious stones found and removed by an explorer, whether he has taken out a license or not. In the case of licenses such royalty shall be at such rate, not exceeding 30 per cent., as shall be fixed by the license, and in the case of an unlicensed explorer shall be 30 per cent. on the value of the stones removed. Neglect to report the discovery of any such stone within a reasonable time shall involve the forfeiture of the license and of all claim to have an application for a mining or prospecting lease favourably considered.

23 [7] Such license shall give no exclusive or preferential rights, but in considering rival claims for a prospecting license or mining lease, due regard will be had to operations conducted under cover of an exploring license.

Prospecting Licenses.

24 [8] (1) A license to prospect for minerals or mineral oil, called hereinafter a prospecting license, shall confer on the licensee the sole right, subject to the conditions contained in the license, to mine, quarry,

* *Note.*—The surface of unoccupied and unreserved land which is the property of Government may be freely searched without a license, but the Government does not object to granting a license to explore when one is applied for.

bore, dig and search for, win, work, and carry away any mineral or mineral oil specified in the license, and lying or being within, under, or throughout the land specified in the license.

(2) A prospecting license shall only be granted with respect to land in which the mines, minerals, or mineral oils are the property of the Government, and which is comprised in a compact block, the area of which does not exceed the area specified in Schedule A, and the length of which does not exceed four times its breadth.

25 [9] When any area has been explored, and its value as a field for mining sufficiently ascertained, the Local Government may refuse to grant prospecting licenses and may order such area to be demarcated into blocks, and may, subject to such rules as the Governor-General in Council may from time to time prescribe, sell by public auction or private contract the right to win and carry away minerals in and from all or any of such blocks for such term or terms not exceeding 30 years, and subject to such conditions, as it may think fit, or may grant mining leases thereof as provided in rules 34 and 35 [18 and 19], as it may think fit.

Provided that no such sale as aforesaid shall be made without the previous sanction of the Secretary of State for India in Council if the estimated value thereof exceeds 12 lakhs of rupees.

26 [10] (1) No prospecting license shall be granted except to a person approved by the Local Government, and such person shall, before the license is granted, deposit as security in respect of each license such sum, not being less than Rs. 500, as the Collector may determine, or give security to the like amount to the satisfaction of the Collector. Subject to such deduction on account of compensation for surface damage or otherwise as the Collector may order, the amount of any deposit made under this rule, should the depositor afterwards become the lessee of any mining lease, will be carried to his credit as part of the rents and royalties payable under his lease, and should he decline or fail to obtain any such lease as aforesaid, will be returned to him.

(2) No prospecting license shall be granted to any Company or to any Syndicate on behalf of a proposed Company without the previous sanction of the Governor-General in Council.

27 [11] (1) Every application for a prospecting license shall, unless the Local Government shall in any case otherwise direct, be made to the Collector of the district in which the land or some part of the land with respect to which the license is required is situate.

(2) Every such application shall contain the following particulars, namely—

(*a*) the name, residence, and profession of the applicant;

(*b*) a description as accurate as possible, and illustrated by a rough sketch of the situation, boundaries, and area of the land with respect to which the license is required; and

(*c*) a specification of the mineral or minerals for which the applicant desires to prospect.

(3) Every application shall be accompanied by a certificate of approval signed by a Secretary to the Local Government.

28 [12] On receipt of any such application the Collector shall, as soon as practicable, inquire whether the grant of the license applied for is inexpedient either on the ground that the land described in the application is required for a public purpose, or otherwise.

29 [13] (1) Should the Collector be of opinion that it is not expedient to grant the license or should he find that the licensee has not been approved by the Local Government, he shall refuse to grant the license, and shall forthwith report the matter through the proper channel to the Local Government, which may pass such orders as it may think fit.

(2) Subject to the control of the Local Government, the Collector, if he finds that there is no objection to the grant of the license applied for, and if the applicant has been approved by the Local Government, may grant to the applicant a license in such form as may be prescribed, and shall report the matter to the Local Government or such other authority as the Local Government may direct.

30 [14] No licensee shall, while his license is in force, be granted a prospecting license with respect to any other land which lies within such distance of the land covered by his license as is specified in Schedule A.

Provided that the Local Government may, for special reasons, dispense with or modify this condition.

31 [15] A register of applications for prospecting licenses shall be kept in English in the Collector's Office, specifying—

1. Number of application.
2. Date.
3. Name and residence of applicant.
4. Situation of the land.
5. Boundaries.
6. Estimated area.
7. Date of sanction by the Local Government.

8. Date of license.
9. Rent and royalty payable.
10. Period for which granted.

32 [16] Every prospecting license shall contain such conditions as may in any particular case seem necessary, and shall in all cases contain the following conditions:—

(i) The term for which the license shall be granted shall be one year or such shorter term as the applicant may desire. The license may be renewed by the Collector for a further term not exceeding one year, whenever he is satisfied that the licensee has been prevented from completing his search of the land by any cause other than his own default.

(ii) A moderate rent not exceeding one rupee per acre shall be paid for the land covered by the license.

(iii) The licensee shall pay a royalty at a rate not exceeding 30 per cent. of the value on all precious stones won and carried away, and a royalty at the rates specified in Schedule C on all other minerals won and carried away over and above such quantity as the Local Government may allow to be taken free for purposes of experiment.

(iv) No land in the occupation of any person shall be entered upon without the consent of the occupier, and no trees, standing crops, or other private property shall be cut or in any way injured without the consent of the owner thereof.

(v) The licensee shall make and pay reasonable satisfaction and compensation for all injury which may be done by him in exercise of the powers granted by the license, and shall indemnify the Government against all claims which may be made by third parties in respect of any such damage or injury.

(vi) The licensee shall not cut or injure any tree on unoccupied and unreserved land without the permission of the Collector in writing.

(vii) Neither the licensee nor any one claiming through or under him shall grant or assign any interest under the license to any person without the previous consent in writing of the Local Government, or to any Company without the previous sanction of the Governor-General in Council.

(viii) In case of any breach on the part of the licensee of any of the five last preceding clauses, the Collector may summarily revoke the license, and thereupon all rights conferred thereby or enjoyed thereunder shall cease.

(ix) The licensee shall, within six months next after the determination of the license, or the date of the abandonment of the undertaking, whichever shall first occur, securely plug any bores and fill up or fence any holes or excavations that he may have made in the land to such extent as the Collector may require, and shall to the like extent restore the surface of the land and all buildings thereon which he may have damaged in the course of prospecting. Provided that this clause shall not apply to any land held under a mining lease.

(x) Should any question or dispute arise regarding the license, or any matter or thing connected therewith, or the powers of the licensee thereunder, or the amount or payment of the rent or royalty made payable thereby, the matter in difference shall be decided by the Local Government, whose decision shall be final.

33 [17] On or before the determination of his license the licensee shall have a right, subject to the rules hereinafter contained, and provided that the Local Government is satisfied that the prospecting has been of a *bonâ fide* character—

(*a*) in the case of mineral oil or minerals other than precious stones, to a mining lease in accordance with the terms contained in the rules for mining leases;

(*b*) in the case of precious stones, to the first offer of such mining lease (if any) as the Governor-General in Council may think fit to grant.

Such lease may include so much land, whether comprising the whole or a part only of the area for which the prospecting license was granted, as shall not exceed the area specified with respect to mining leases in Schedule A annexed to these rules.

Mining Leases.

34 [18] (1) Every application for the grant of a mining lease, not being a lease of a mine of precious stones, shall be presented to the Collector in whose district the land or some part of the land with respect to which the lease is applied for is situate. The Collector shall forward the application through the proper channel to the Local Government.

(2) No mining lease shall be granted otherwise than with respect to land in which the mines, minerals, or mineral oils are the property of Government, and no lease of a mine of precious stones shall be granted except by the Governor-General in Council.

(3) No mining lease shall be granted to any Company or to any Syndicate on behalf of a proposed Company without the previous sanction of the Governor-General in Council.

35 [19] Every application for a mining lease shall contain—

(*a*) the name, residence, and profession of the applicant;

(*b*) the name of the mineral for which the applicant intends to mine;

(*c*) a map of the area over which the proposed lease is to extend.

36 [20] On receipt of any such application the Local Government may, if it considers that the applicant should be granted a mining lease, grant the same in accordance with these rules over such one or more blocks, each not exceeding in extent the area specified in Schedule A annexed to these rules, as the Local Government may think fit.

No such lease shall be executed until it has been approved by the Advocate-General or other legal adviser, if any, appointed for the Province.

37 [21] Without the previous sanction of the Governor-General in Council, the length of a block shall not be allowed to exceed four times its breadth, nor shall the same lessee be granted either in the same lease or in separate leases more than one block unless the distance between each two of such blocks is not less than that mentioned in the last column of the said Schedule A.

38 [22] The term for which a mining lease may be granted shall not exceed thirty years, and no covenant for renewal may be inserted in the lease without the sanction of the Governor-General in Council.

39 [23] Every such lease shall contain such conditions and stipulations as the Local Government may in each case consider necessary; but shall in every case contain the following conditions, namely—

(i) the lessee shall pay a royalty at the rate specified in the lease, which rate shall be that fixed for the particular mineral in Schedule C; and if any other mineral shall be discovered, then royalty shall be paid therefor at such rate, not being less than 20 per cent. of the value thereof, as the Local Government may determine, until a mining lease has been obtained in respect of such mineral; but the lessee shall be entitled to require and obtain such lease for the term then unexpired of his original lease upon the terms hereinbefore mentioned in Rule 33 [17];

(ii) the lessee shall also pay for every year after the first year a fixed yearly dead rent at a rate not less than that laid down in Schedule B, provided that no lessee shall pay both royalty and dead rent in respect of the same lease but only such one of them as may be the greater in amount;

(iii) the lessee shall also pay for all land which he may take, use, or occupy for the purpose of the mine a surface rent at the rate specified in Schedule B;

(iv) the lessee shall at his own expense erect and at all times maintain and keep in repair boundary marks and pillars according to the demarcation to be shown in a plan annexed to his lease;

(v) the lessee shall make and pay reasonable satisfaction and compensation for all injury which may be done by him in exercise of the powers granted by the lease, and shall indemnify the Government against all claims which may be made by third parties in respect of any such injury;

(vi) the lessee shall not cut or injure any tree reserved in the lease;

(vii) neither the lessee nor any person claiming through or under him shall assign the lease, or underlet the whole or any portion of the premises comprised in such lease, without the previous consent in writing of the Local Government; and no such assignment or underlease shall be made to a Company without the previous sanction of the Governor-General in Council;

(viii) the lessee shall commence operations within two years from the date of the execution of the lease, and shall thereafter carry them on effectually in a proper, skiful, and mininglike manner unless prevented by unavoidable cause;

(ix) the lessee shall keep correct accounts showing the quantity and particulars of all minerals obtained from the mine and the number of persons employed therein, and also complete plans of the mine, and shall allow any officer authorised by the Local Government in that behalf at any time to examine such accounts and plans, and shall furnish the Local Government with such information and returns in respect of the aforesaid matters as it may prescribe;*

(x) the lessee shall allow any officer authorised by the Local Government in that behalf to enter upon the premises comprised in the lease for the purpose of inspecting the same;

(xi) the lessee shall without delay send to the Collector a report of any accident which may occur at or in the said premises, and also the finding therein of any mineral not specified in the lease;

(xii) should the royalty or rent reserved or made payable by the lease be not paid within twenty-eight days next after the date fixed in the lease for the payment of the same, the Local Government may enter

* Note.—All information and returns obtained or furnished under this clause shall be treated as strictly confidential.

upon the said premises and seize and sell any minerals or moveable property therein, and, if the royalty or rent cannot be so recovered, may determine the lease and take possession of the premises comprised therein;

(xiii) in case of any breach on the part of the lessee of any covenant contained in the lease, the Local Government may determine the lease and take possession of the said premises;

(xiv) at the end or sooner determination of the lease, the lessee shall deliver up the said premises and all mines (if any) dug therein in a proper state for working;

(xv) should any question or dispute arise regarding the lease or any matter or thing connected with the mines and minerals leased or the working or non-working thereof, or the amount or payment of the royalty or rent reserved or made payable by the lease, the matter in difference shall be decided by the Local Government, whose decision thereon shall be final.

General Provisions as to Licenses and Leases.

40 [24] **Notice regarding operations in reserved forest to be given to District Forest-officer.**—No license or lease shall authorise the commencement of any exploration, prospecting, or mining in a reserved forest unless previous notice of such intended commencement shall have been given to the District Forest-officer, and such exploration, prospecting, or mining shall be subject to such conditions as the said officer may prescribe.

41 [25] **Preparation of sketch or map by Collector.**—Should the applicant for a prospecting license or mining lease desire the Collector to prepare for him the sketch required by rule 27 (2) (*b*) or the map required by rule 35 (*c*), or should the sketch or map presented by the applicant be insufficient, the Collector may prepare the sketch or map required and may, if he so order, recover the cost from the applicant at a rate not exceeding 4 annas per acre. If the Local Government has prepared a map of a tract of country specially for the convenience of intending applicants for licenses and leases under these rules, and if any applicant makes use of such map for the sketch or map aforesaid, it will be open to the Local Government to recover as above such share of the cost of preparing the map as it may consider to be equitably due from such applicant.

42 [26] **Consequence of failure to execute license or lease within six months.**—If a license or lease is not executed within six

months after lease has been granted for it, the right of the applicant to such license or lease shall be held to have lapsed, unless the Local Government for special reasons consents to grant the same notwithstanding the delay.

B.P., No. 28, dated 25th January 1895, and B.P., No. 464, dated 23rd December 1895. (See also G.O., No. 77, dated 10th January 1895 (Confidential).

a G.O., No. 544, 25th May 1882 (Notification para. 1).
b G.O., No. 1187, 28th October 1882 (para. 4).
c G.O., No. 1248, 8th October 1883.
G.O., No. 121, 23rd January 1884.
G.O., No. 551, 28th April 1884.
d G.O., No. 1384, 16th December 1884 and G.O., No. 809, 15th July 1880.
e B.P., No. 6304, Mis., 13th November 1894.
f B.P., No. 570, 4th October 1893.
g G.O., No. 2029, 7th October 1879 (para. 2.)
h B.P., No. 2030, 9th July 1885 (App. para. 11).
i G.O., No. 598, 21st June 1887.
j G.O., No. 286, 27th April 1894.
G.O., No. 3334, 24th August 1894.
B.P., No. 502, 16th November 1894.
Government of India's letter No. 646-22, 28th February 1895 (para. 3).
k G.O., No. 1293, 19th November 1885 (para. 1).
l G.O., No. 16, 15th January 1895.
m G.O., No. 508, 20th May 1892.
G.O., No. 847, 13th August 1892.
B.P., No. 401, 10th July 1893.
B.P., No. 204, 19th May 1894.
n B.P., No. 114, 24th March 1896.
o Para. 3 of the Notification appended to G.O., No. 598, 21st June 1887.
p B.P., No. 501, 25th March 1881 (para. 7).
q The Government of India's letter No. 2115-25-42, 21st September 1892 in G.O., No. 1116, 2nd November 1892.
r B.P., No. 66, 19th February 1896 (para. 2, cl. (*d*)).

Schedule A.

[Vide *Nos.* 24 (2), 30, 36 *and* 37 *of Rules.*]

—	Maximum area in square miles for		Distance in miles between grants to same person.	
	Prospecting.	Mining.	Prospecting.	Mining.
Coal	4	2	8	2
Oil	2	1	4	1
Gold or silver	1	½	1	½
Metals	1	½	4	½
Precious stones	1	*	1	*

* Will be decided by the Government of India in each case on its merits.

Schedule B.

[Vide *Nos.* 32 (ii), 39 (ii) *and* 39 (iii) *of Rules.*]

—	Prospecting.	Mining.	
	—	Surface rent per acre.	Dead rent per acre (minimum).
Rent charged for—			
Coal	A moderate rent not exceeding one rupee per acre.	The rent rate assessable under the revenue or rent law of the Province; or, if no such rent is so assessable, the rate which may be fixed by agreement subject to a maximum of one rupee.	4 annas.
Oil			1 rupee.
Gold or silver			1 rupee.
Iron			1 anna.
Other metals			1 rupee.

The rate for a mining lease for precious stones will be decided by the Government of India in each case on its merits (No. 34 (2) of Rules).

Schedule C.

[Vide *Nos.* 32 (iii) *and* 39 (i) *of Rules.*]

	Prospecting and Mining.
Royalty—	
Coal, exclusive of dust and coal used on the works	2 annas per ton.
Oil	8 annas per 40 gallons or 5 per cent. *ad valorem*.
Gold or silver	7½ per cent. of value of gold or silver extracted.
Iron	½ anna per ton of ironstone.
Copper, tin, lead or other metals	2½ per cent. on the sale value at the pit's mouth of the dressed ore or metal, convertible at the option of the lessee to an equivalent charge per ton to be fixed annually or for a term.
	Prospecting [No. 16 (iii) of Rules].
Precious stones *	30 per cent. on value.

* The rates for a mining lease will be decided by the Government of India in each case on its merits [No. 34 (2) of Rules].

APPENDIX I TO S.O., No. 15.

STANDARD FORM OF EXPLORING LICENSE.

This Indenture made the day of 189 BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL hereinafter called the "Secretary of State" (in which term are also included his successors in office and assigns unless the context shall be repugnant to such construction) of the one part and

of

(hereinafter called "the Licensee") of the other part WITNESSETH as follows—

1. In consideration of the prescribed fee of Re. one which has before the execution hereof been paid by the licensee to the Collector of on behalf of the Secretary of State license is hereby granted by the Secretary of State to the licensee subject to the restrictions conditions and provisos hereinafter contained to enter upon the lands described in the schedule hereunder written and to explore and search the surface of the same for minerals of every description and for mineral oil and subject to the restrictions hereinafter contained or such other restrictions as the Local Government may from time to time impose to remove any specimens or samples thereof found by the licensee in or upon the said lands during the term for which this license shall be in force.

2. This license does not authorise the licensee to enter upon or turn up the surface of any land in the occupation of any person or without the consent of the occupier or to cut or damage any trees or standing crops and in particular the licensee shall not interfere with or cause damage to any buildings huts or other structures or to the property of any occupier or occupiers of the said lands or any portion thereof and he shall make good and pay reasonable satisfaction and compensation for all injury which may be done by him in exercise of the powers conferred on him by this license and shall indemnify the Secretary of State against all claims which may be made by third parties in respect of any such damage or injury.

3. This license shall not authorise the licensee to mine or quarry though he will be at liberty within the boundaries specified in the

schedule and subject to the restrictions conditions and provisos contained in the last preceding clause to turn up the surface of the said land to a depth not exceeding two feet.

4. The licensee may with the sanction of the Collector of put up or erect temporary huts or structures on the said lands for the purpose of residing therein or housing coolies or employés during the continuance of this license but he shall not erect any huts or structures without such sanction and he shall not cut down any trees or timber though he may clear undergrowth and brushwood for the purposes of exploration and he may also with the like sanction (but not without it) bring and erect upon the said lands such machinery and conveniences chattels and effects as shall be necessary and proper for effectually carrying on the exploring operations hereby licensed.

5. This license shall be in force for the period of one year only from the day of the date of these presents and on the determination thereof the licensee shall forthwith remove all huts and structures machinery conveniences and other chattels and effects which he may have erected or brought upon the said lands.

6. The licensee may remove any specimens or samples found by him in or upon the said lands in the course of his exploring operations under this license subject to the following restrictions viz.:—

Coal exclusive of dust not exceeding	...	1 ton.
Oil	do.	... 20 gallons.
Gold or silver	do.	... ½ of a ton.
Iron	do.	... 1 ton of iron stone.
Other metals	do.	... 1 ton of dressed ore.
Mica	do.	... $\frac{1}{10}$ of a cwt.
Corundum	do.	... ½ of a cwt.
Phosphatic nodules	do.	... 1 ton.

7. The licensee shall within days of the discovery by him his servants workmen or agents of any and all precious stone and stones upon the said lands report the discovery and produce the stones to the Collector of or to such other officer as the Collector may from time to time appoint in that behalf and the licensee shall pay to the Collector or other officer aforesaid on behalf of the Secretary of State by way of royalty ten per cent. of the value of the precious stone or stones so found such value in the case of dispute to be fixed by the Local Government.

8. In the event of the licensee neglecting or failing to report the discovery of or to produce any precious stone or stones within the time fixed by clause 7 or to produce them and pay the said royalty upon the same or in the event of his committing any breach of the terms of this license the Collector of acting on behalf of the Secretary of State may forthwith cancel this license and thereupon all rights conferred thereby or enjoyed thereunder shall absolutely cease and determine.

IN WITNESS whereof, &c.

The schedule

Board's Proceedings No. 66, 19th February 1896, No. 222, 18th June 1896 and No. 334, 3rd September 1896.

APPENDIX II to S.O. No. 15.

STANDARD FORM OF PROSPECTING LICENSE.

An Indenture made the day of 189 BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL hereinafter called the Secretary of State (which expression is intended to comprise as well the Secretary of State for India in Council as his successors in office and assigns unless the context shall be repugnant to such construction) of the one part and of hereinafter called the licensee (which expression is intended to comprise as well the said as his executors administrators and assigns unless the context shall be repugnant to such construction) of the other part. WHEREAS the licensee has applied in accordance with the rules prescribed by the Government for the granting of prospecting licenses to the Collector of for a license to prospect for in the lands specified in the Schedule marked A hereunder written and has submitted to the said Collector a certificate signed by a Secretary to the Local Government of showing that the licensee has been approved by the said Local Government and has also deposited with the said Collector as security in respect of such license the sum of Rs. 500 being the sum determined by the said Collector for that purpose as required by the said rules AND WHEREAS the said Collector has found that there is no objection to granting the said license and the said Local Government has approved and sanctioned the grant thereof NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the rent and royalties covenants and agreements hereinafter reserved and contained on the part of the licensee to be paid and observed the Secretary of State doth by these presents grant and demise unto the licensee the sole right and license subject to the conditions hereinafter contained to enter upon the lands described in the said Schedule and to mine quarry bore dig search for win and work all or any lying or being within under or throughout the said lands without any interruption claim or disturbance from or by the Secretary of State or any other person or persons whomsoever and to carry away and dispose of the produce thereof to and for the use and benefit of the licensee and for the purposes aforesaid to clear undergrowth and brushwood and with the

sanction of the Collector previously obtained (but not without such sanction) to make and use any drains or water-courses on the said lands for clearing the from any water which may flow or accumulate therein and with the like sanction (but not without it) to erect and bring upon the said lands all such temporary huts sheds and structures steam and other engines machinery and conveniences chattels and effects as shall be proper and necessary for effectually carrying on the prospecting operations hereby licensed or intended so to be or for the workmen employed therein TO HAVE AND TO HOLD the said right and license and all and singular other the premises hereby granted and demised with their appurtenances unto the licensee from the day of the date of these presents for and during the term of henceforth next ensuing RENDERING AND PAYING therefor free and clear from all rates taxes assessments charges impositions and deductions whatsoever the rent of four annas for every acre or fraction of an acre and also a royalty at the rate of ten per cent. of the value on all precious stones which may from time to time be won and carried away by the licensee from or out of the said lands and a royalty at the rates specified in the Schedule hereunder written and marked B on all other minerals and on mineral oil which may from time to time be so won and carried away over and above the quantities hereinafter mentioned or the said other minerals and mineral oil respectively which the licensee may win and carry away free of all royalty and charge for the purposes of experiment or as samples or specimens that is to say—

Coal	10 tons.
Oil	200 gallons.
Gold or Silver	5 tons of quartz or Silver ore.
Iron	10 tons of Ironstone.
Other metals	10 tons of dressed ore.
Mica	1 cwt.
Corundum	2 cwts.
Phosphatic Nodules ..	10 tons.

or such other quantity or quantities thereof respectively as the Local Government may from time to time allow to be taken free as aforesaid for the purposes aforesaid and the licensee for himself his executors administrators and assigns doth by these presents covenant promise and agree with and to the Secretary of State in manner following that is to say that he and they shall and will from time to time and at all times well and truly render and pay to the Secretary of State the said rent and royalties in manner aforesaid according to the true intent and meaning of these presents and also shall and will at all times during

the said term work and carry on the undertaking and operations hereby licensed in a fair proper orderly skilful and workmanlike manner and with as little damage as possible to the surface of the said lands or to the trees crops buildings structures and other property thereon and also shall and will not enter upon any lands in the occupation of any person without the consent of the occupier and also shall and will not cut or in any way injure any trees standing crops or other private property belonging to any person without the consent of the owner thereof and in particular will not without such consent interfere with or cause any damage to any buildings huts or other structures or property of any occupier or occupiers of the said lands or any portion thereof AND ALSO SHALL and will from time to time and at all times make and pay reasonable satisfaction and compensation for all injury which may be done by him or them in the exercise of the powers conferred by this license and shall and will at all times hereafter keep harmless and indemnified the Secretary of State against all claims which may be made by third parties in respect of any such damage and injury and all and all manner of suits actions and proceedings which may be instituted against the Secretary of State for or in respect of any such damage or injury and all costs charges and expenses in any wise relating thereto AND ALSO SHALL and will not cut or injure any timber or tree on any unoccupied or unreserved land without the permission of the Collector of in writing and also shall and will not nor will any other person claiming through or under him the licensee grant or assign any interest under this license to any person without the previous consent in writing of the Local Government or to any Company without the previous sanction of the Governor-General in Council and also shall and will well and truly measure and weigh or cause to be measured and weighed upon some part of the said lands the whole produce which shall be so won as aforesaid of mineral oil and the said other minerals or such of them as may be required to be weighed for the purpose of ascertaining the amount of royalty payable in respect thereof under these presents at least in every and as many other times as occasion may require and that day's notice in writing of every such measuring and weighing shall be given to the Collector of in order that he or some person on his behalf may be present at such measuring and weighing and attend to the proper conduct thereof and also that no part of the said produce shall on any account whatsoever be taken away from the said lands until the same shall have been so measured or weighed as aforesaid as the case may be and also that the value of

all precious stones which shall be so won as aforesaid and of all the said other minerals ores and metals won dressed or extracted which may be required to be valued for the purpose of ascertaining the amount of royalty payable in respect thereof under these presents shall be ascertained in such manner as the Local Government may from time to time prescribe and in case of any question or dispute as to any such value the matter in difference shall be decided by the Local Government whose decision shall be final and also that he and they shall and will immediately upon the expiration or sooner determination of this license or the abandonment of the undertaking hereby licensed whichever shall first occur with all convenient speed remove all such sheds huts structures engines machinery and other conveniences chattels and effects as shall have been erected or brought by him or them upon the said lands under the provisions hereinbefore contained and also that he and they shall and will within six months next after the expiration or sooner determination of this license or the date of the abandonment of the said undertaking whichever shall first occur securely plug any and all bores and other holes made by boring and fill up or fence any and all holes and excavations that he or they may have made in the said lands to such extent as the Collector of may require and shall and will to the like extent restore the surface of the said lands and all buildings and structures thereon which he or they may have damaged in the course of prospecting so far as may be to their natural or original condition. Provided always and it is hereby expressly agreed and declared that if the licensee his executors administrators or assigns shall at any time refuse or neglect to observe or perform all or any of the Covenants or Agreements herein mentioned and on the part of the licensee to be observed and performed then it shall be lawful upon any such breach as aforesaid for the Collector of by notice in writing and signed by him and delivered to the licensee his executors administrators or assigns and left at his or their usual or last known place of residence summarily to declare that these presents and the right and license hereby granted shall thenceforth determine and stand revoked and thereupon these presents and all rights and liberties conferred hereby or enjoyed hereunder shall forthwith determine and cease and become absolutely void to all intents and purposes without prejudice however to the rights and remedies of the Secretary of State in respect of any prior breach or non-performance of all or any of the Covenants and Agreements herein contained on the part of the licensee and except in respect of the Covenants and Agreements on the part of the licensee

herein mentioned to be done and performed after the expiration or sooner determination of this license or after the abandonment of the undertaking hereby licensed. Provided also and it is hereby further agreed and declared that it shall be lawful for the Collector of from time to time and at all times to apply the said security deposit of Rs. 500 or any portion thereof or any further sum which may be deposited under the provisions next hereinafter contained in making good and satisfying the claim of any third parties in respect of any damage or injury which may be done by the licensee in the exercise of the powers conferred by this license and also in indemnifying the Secretary of State against any claims which may be made by any such third parties in respect of any such injury or damage and all and all manner of suits actions and proceedings which may be instituted against the Secretary of State for or in respect of any such damage or injury and all costs charges and expenses in any wise relating thereto and the licensee doth hereby for himself his executors administrators and assigns covenant promise and agree with and to the Secretary of State that he and they shall and will whenever and so often as the said security deposit or any portion thereof or any further sum which may be deposited by him or them under the present clause shall during the continuance of this license be so applied as aforesaid forthwith deposit such further sum with the Collector of as may be required to bring the amount for the time being deposited or intended so to be as such security as aforesaid up to the required sum of Rs. 500. And it is hereby further agreed and declared that upon the determination of this license or of any renewal thereof that may be made under the provisions in that behalf hereinafter contained the amount which shall for the time being be in deposit with the Collector of as such security as aforesaid under the provisions hereinbefore contained or so much thereof as shall not be required by the said Collector to be applied for the purpose hereinbefore mentioned shall if the licensee shall become the lessee of any mining lease of the said lands or any portion thereof under the provisions hereinafter contained be carried to the credit of the licensee as part of the rents and royalties payable under such lease or if the licensee shall decline or fail to obtain any such lease as aforesaid then the same shall be returned to the licensee Provided that if the Collector has reason to anticipate that any such claims as aforesaid are likely to be made by third parties for damage or injury he may retain the amount of the said security or such portion thereof as he may think proper for a period not exceeding six months beyond the determination of this

license [or any renewal thereof as aforesaid] AND THE SECRETARY OF STATE for himself his successors in office and assigns doth by these presents covenant promise and agree with and to the licensee in manner following that is to say that if upon the expiration by effluxion of time of the term hereby granted the Collector of is satisfied that the licensee has been prevented from completing his search of the said lands by any cause other than his own default then the said Collector shall at the request of the licensee and at his cost and expense and on behalf of and so as to bind the Secretary of State by indorsement on these presents and the counterpart thereof or by some separate deed or writing but whereof there shall be a counterpart executed by the licensee renew this license and grant and demise the like right and license and all and singular other the premises as are hereby granted and demised unto the licensee for such further term not exceeding one year as the licensee may desire to commence and be computed from the expiration by effluxion of time of the term hereby granted and thenceforth next ensuing at under and subject to such and the like security deposit rent royalties reservations provisos covenants and agreements as are herein and hereby mentioned reserved expressed and contained except this covenant for renewal AND ALSO that on or before the determination of this license the licensee shall have a right subject to the rules prescribed by the Government for granting mining leases and provided that the Local Government is satisfied that the prospecting operations hereby licensed have been of a *bonâ fide* character in the case of mineral oil and minerals and other than precious stones to a mining lease in accordance with the terms contained in the said rules of so much of the said lands as shall not exceed the area specified in the said rules provided also that the Local Government shall consider that the licensee should be granted such lease or in the case of precious stones to the first offer of such mining lease (if any) as the Governor-General in Council may think fit to grant of the said lands or any portion thereof. Provided lastly that if at any time during the continuance of this license or after the determination thereof any question or dispute shall arise regarding this license any matter or thing connected herewith or the powers of the licensee hereunder or the amount or payment of the rent or of any royalty made payable hereby then and in all such cases the matter in difference shall be decided by the Local Government whose decision shall be final. In witness whereof

Board's Proceedings, Nos. 66, dated 19th February 1896, 122, dated 18th June 1896, and Board's Proceedings, No. 334, dated 3rd September 1896.

SCHEDULE A.

District.	Taluk.	Village.	Boundaries of the land applied for.	Estimated extent.

SCHEDULE B.

Royalty.

Coal exclusive of dust and coal used on the works ...	2 annas per ton.
Oil	8 „ per 40 gallons or 5 per cent. *ad valorem*.
Gold or silver	7½ per cent. of value of gold or silver extracted.
Iron	½ anna per ton of ironstone.
Copper, tin, lead or other metals	2½ per cent. on the sale value at the pit's mouth of the dressed ore or metal, convertible at the option of the lessee to an equivalent charge per ton to be fixed annually or for a term.

Note.—All coal which can pass through the meshes of a screen, the bars of which are not more than one inch apart in the clear, shall be regarded as dust.

APPENDIX III TO S.O. No. 15.

STANDARD FORM OF MINING LEASE.

This indenture made the day of 189

BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL hereinafter called "the lessor" which expression shall be taken to mean and include the said Secretary of State for India in Council and his successors in office and assigns except when the context requires another or different meaning of the one part and hereinafter called "the lessee" which expression shall be taken to mean and include the said his heirs executors administrators representatives and assigns except when the context requires another or different meaning of the other part witnesseth that in consideration of the rents and lessees covenants hereinafter reserved and contained the lessor doth hereby demise unto the lessee the mines beds veins and seams of coal mentioned and described in the first part of the schedule hereunder written together with the liberties powers and privileges to be exercised in connection with the said mines which are mentioned in the second part of the said schedule subject to the restrictions and conditions as to the exercise and enjoyment of the same liberties powers and privileges which are specified in the third part of the said schedule except and reserved out of this demise unto the lessor the liberties powers and privileges mentioned and specified in the fourth part of the said schedule.

To hold the hereditaments and premises intended to be hereby demised unto the lessee from the day of for the term of years thence next ensuing yielding and paying to the lessor the several rents and sums of money mentioned and specified in the fifth part of the said schedule subject to the provisions relating to the said rents expressed in the sixth part of the said schedule and the lessee doth hereby covenant with the lessor as in the seventh part of the said schedule is expressed and the lessor doth hereby covenant with the lessee as in the eighth part of the said schedule is expressed and it is hereby mutually agreed and declared by and between the parties hereto as in the ninth part of the said schedule is expressed, and it is declared that the schedule hereunder written shall be deemed part of these presents and be read and construed accordingly.

IN WITNESS, &c.

THE SCHEDULE ABOVE REFERRED TO.

Part I.—The mines demised by this lease.

The mines beds veins and seams of coal lying and being within and under the land situate lying and being in

Description of mines.

in

which are delineated in the plan hereunto annexed and therein coloured [ ] and contain an area of or thereabouts

Part II.—Rights and privileges to be exercised or enjoyed by the lessee but subject to the restrictions and conditions in Part III.

1. Liberty and power for the lessee at all times during the term hereby granted to work the said mines and to win and get the said mines and premises and the produce thereof.

Grant of liberty to work the mines.

2. Liberty and power to dig sink drive make repair and use all such pits shafts drifts levels water gates water courses air gates and other works as may be necessary or proper for searching for mining working and getting the said mines and premises and for ventilating and draining the same.

To sink pits.

3. Liberty and power to appropriate and use for any purpose connected with the working of the said mines the water upon or within any of the said lands and to collect and impound the same in ponds reservoirs or otherwise for the purpose of working the said mines but so that in the exercise of this privilege the lessee shall not deprive any lands villages houses or watering places for cattle of a reasonable quantity of water as before accustomed and do not in any manner foul impregnate or otherwise deteriorate any springs or streams of water so as to render them useless or unprofitable.

To appropriate water.

4. Liberty and power to enter upon use and occupy a sufficient part of the said lands adjoining any pits for depositing and heaping thereon the produce of the said mines and all the earth soil and other substances dug up and brought to the surface in or about the working of the same and for otherwise carrying on the works of the said mines.

To appropriate land for stocking.

5. Liberty and powers in and upon the said lands to convert coal into coke whether for purposes of sale or otherwise.

To convert coal into coke.

6. Liberty and power to take lead and carry away over the said lands the coal to be gotten as aforesaid and the coke to be made and manufactured under the liberties and powers hereinbefore granted and to dispose of the same at his own will and pleasure.

To lead and carry away coal.

7. Liberty and power to erect set up and make in upon and over the said lands workmen's houses sheds engines machinery furnaces buildings erections rail roads tram roads and other roads and works necessary or convenient for the effectual working of the said mines and the exercise of the several liberties and powers hereinbefore granted.

To erect houses.

8 Liberty and power to search for get and dig gravel sand and stone within the said lands for the purposes mentioned in this second part of this schedule but not for sale and also to dig for and get clay and to make and burn the same into bricks for the purposes aforesaid but not for sale.

Part III.—Restrictions and conditions as to the exercise of the above liberties powers and privileges.

1. No building or thing shall be erected or set up and no other surface operations carried on by the lessee by virtue of the liberties and privileges above granted in or upon any place of worship sacred grove burial ground house village site public road or other place in respect of which on public grounds it appears to the Local Government that objections exist to so doing nor in such a way as to injure or affect any buildings or other works property or rights of private individuals nor shall any land be taken or occupied for surface operations if the same is already in the occupation of and used by persons other than the lessor for other works or purposes not included in this present demise if any other lands not so occupied and used are suitable and convenient and equally available for such surface operations and the lessee shall pay to the owners tenants and occupiers full compensation and satisfaction for all damage or injury which may be done or occasioned in or about the carrying on of such surface operations and shall keep indemnified the lessor from and against all actions suits claims and demands in relation thereto.

No building, &c., upon sacred places.

2 Before taking any land for surface operations which has not already been used for such operations the lessee shall give to the lessor's agent (who for the purposes of this clause shall be taken to be the for the time being) two calendar months' previous notice in writing specifying by name or other

Notice to be given before entering on lands and lessor to be at liberty to object to proposed site.

sufficient designation and by quantity the land proposed to be taken and the purpose for which same is required. The lessor's agent may at any time within two calendar months from the receipt of such notice state his objections if any to the proposed site and the validity of such objections in case of dispute shall be determined by reference to the Local Government whose decision thereon shall be final.

3. The lessee shall not without the express sanction of the Collector cut down or injure any trees or timber on the said lands but he may clear away brushwood or undergrowth which interferes with the due exercise of the liberties and privileges above granted.

Part IV.—Rights reserved to lessor.

1. Liberty and power for him the lessor and any lessee or other person authorized by him on that behalf to enter into and upon the said lands and to search for dig work and get any minerals or substances other than coal in upon or under the said lands and for the purposes aforesaid to sink make erect and use such pits shafts levels drains water courses reservoirs tunnels buildings engines or machinery canals railways wagon ways and other ways works and conveniences upon through or under the said land as shall be necessary or expedient *Provided always* that the said reserved rights and privileges to work for minerals other than coal shall be exercised and enjoyed in such manner as not to hinder or interfere with the rights and privileges of the lessee under these presents and *Provided also* that fair and proper compensation shall be paid by the lessor for all loss damages or injury which the lessee may sustain or be put to by reason or in consequence of the exercise of the said reserved rights and privileges to work for minerals other than coal the amount of such compensation to be settled in case of difference by reference to the said Local Government whose decision thereon shall be final.

Liberty for lessor to work mineral, &c.

2. Liberty and power for the lessor if the lessee shall not within months from the commencement of the said term hereby granted have started operations under this lease to some substantial extent or if at any time during the said term such operations shall not be in *bonâ fide* progress to the satisfaction of the said Local Government to re-enter upon the said premises and to hold the same and to lease the same to third parties or otherwise deal with the same as if this lease had not been made.

Part V.—Rents reserved by this lease.

1. The certain half-yearly rent of ℞ shall be paid by the lessee to the lessor at for and in respect of the said mines and premises from the day of by equal payments on the day of and the day of in each year for the half-year immediately preceding the first of such half-yearly payments to be made on the day of For and in respect of such certain half-yearly rent of ℞ the lessee may in every half-year during the currency of this demise work and get from or out of the said mines and sell or export such a quantity of coal and coke manufactured therefrom as at the rate hereinafter mentioned would yield or pay for that half-year a royalty equal in amount to the said certain half-yearly rent of ℞ But the said certain rent as from the said day of shall always be paid whether such quantity shall in fact be gotten or not.

Certain half-yearly rent.

2. The lessee shall during the months of the said term from the day of to the day of pay to the lessor the royalty of annas for every ton or part of a ton of coal which shall be sold at the said mines or exported therefrom for sale or otherwise or which shall be manufactured into coke and shall during the remainder of the said term pay the said royalty for every ton or part of a ton of coal which shall be sold at the said mines or exported therefrom for sale or otherwise or which shall be manufactured into coke in any half-year of the said term over and above the quantity of which the lessee is by clause 1 of this part authorised to work or get in respect of the said certain rent.

3. The further yearly rent of ℞ a of land the surface whereof shall be occupied or used by the lessee for any of the purposes of this demise and so in proportion for any less quantity than a the said surface rent to be paid by equal half-yearly payments on the same days as the said certain rent of ℞ is hereinbefore made payable the first of such payment to be made on such of the said days as shall happen next after such occupation or use shall commence and the last half-yearly payment thereof to be made on such of the said days as shall happen next after such occupation or use shall have ceased and the land shall have been restored and rendered fit for cultivation again *Provided always* that no such rent shall be paid or demanded in respect of any roads or ways now in existence.

Part VI.—Provisions relating to the rents.

1. All the aforesaid rents shall be paid free from any deductions.

Provisions for making up underworkings.

2. If in any one half-year after the first 18 months of the said term the lessee shall not raise from or out of the said mines such quantity of coal as at the abovementioned rate would produce for that half-year the amount of the certain rent hereby reserved then and in every such case the lessee may in the next succeeding half-year of the said term raise and get from or out of the said mines such a quantity of coal as shall be required to make up the deficiency without paying any royalty for the same other than the said certain rent. But the overworkings of any preceding half-year or half-years shall not come in aid of or be applied to make good the deficiency of short workings in any subsequent half-year or half-years. The said rent and royalty shall be calculated upon the weight of the said coal as and when the same shall be sold or exported from the said mines or previous to its manufacture into coke and such rent and royalty shall be paid on the half-yearly days hereinbefore provided for the payment of the said rent at

for and in respect of the coal sold or exported or manufactured into coke during the preceding half-year and in respect of which the same shall be payable.

Coal used in the mines to be free from rent and royalty.

3. All coal used by the lessee for the usual and customary purposes of the mines and for domestic consumption in the houses and offices of agents and workmen for the time being employed in and about the said mines and premises shall be free from rent and royalty.

Part VII.—The Lessee's covenants.

To pay rent rates and taxes.

1. The lessee shall pay the rent and royalty reserved by this lease at the times and in the manner above appointed in that behalf and shall also pay and discharge all taxes rates assessments and impositions whatsoever being in the nature of public demands which shall from time to time be charged assessed or imposed upon the said mines or any part thereof by authority of the Government of India or the said Local Government or otherwise except demands for land revenue and shall also pay interest at the rate of per cent. per annum on all arrears of such rent or royalty from the due date thereof.

To erect boundary marks.

2. The lessee shall at his own expense forthwith erect and at all times maintain and keep in repair boundary marks and pillars according to the demarcation shown in the plan hereto annexed so that the boundaries of the said lands may at all times be maintained.

To work continuously.

3. The lessee shall within months from the commencement of the term hereby granted start and work the said mines to the satisfaction of said Local Government and shall thereafter at all times during the continuance of this lease continuously work for and as far as possible obtain coal from the said lands and maintain in good repair working order and condition and work all mines when opened without voluntary intermission in a skilful and workmanlike manner and upon the most approved principle without doing or permitting to be done any unnecessary or avoidable damage to the surface of the said lands within or under which the said mines lie and shall not cultivate or use the said lands in any manner save for the purposes of this demise and the rights hereby granted.

To secure pits and shafts.

4. The lessee shall well and properly secure and keep open with timber or other durable means all pits and shafts to be sunk or made in the said lands and make and maintain sufficient fences round every such pit or shaft and also shall at all times during the said term keep the said mine except abandoned mines free from water and from foul air as far as possible.

Lessor to inspect.

5. The lessor's agents servants and workmen shall be at liberty at all reasonable time during the said term to inspect and examine all works carried on by the lessee under the liberties hereinbefore granted and the lessee with proper persons employed by him and acquainted with the workings of mines and works shall effectually assist the lessor's agents servants and workmen in conducting such inspection and shall afford them all information connected with the working of the mines which they may reasonably require AND ALSO shall and will from time to time and at all times during the said term hereby granted conform to and observe all orders and regulations which the lessor as the result of such inspection may from time to time see fit to impose in the interests of public health and safety and also shall particularly without delay send to the Collector or Deputy Commissioner of the District a report of any accident which may at any time occur at or in the said lands or any pit or shaft or mine.

6. The lessee shall at all times upon finding any mineral or product other than that or those for which this lease is granted immediately report such finding in writing to the Collector or Deputy Commissioner of the District with full particulars of the nature and position of each find.

And if the lessee is desirous of working or winning such new mineral or product he shall pay a royalty on all that he may work or win at such rate not being less than 20 per cent. of the value thereof as the Local Government may determine (the value being that from time to time prescribed by the Government of India and in the event of any dispute as to such value the decision of the Local Government being final and conclusive) until a fresh mining lease may have been given in respect of such new mineral or product and the lessee shall at any time after discovery of such new mineral or product be entitled to obtain a mining lease therefor or if precious stones be concerned the first offer of a mining lease therefor upon the terms and conditions prescribed in Rule 17 of the rules by the Government of India for the grant of prospecting licenses dated the 12th December 1894.

7. The lessee shall at all times during the said term keep or cause to be kept at the office or counting house of the works to be situate in or contiguous to some part of the said lands correct and intelligible books of accounts upon such plan or principle and in such form as may be approved of by the said Local Government which books shall contain accurate entries of (1) the quantity of coal raised and brought to bank from the mines which have been or may be made or sunk by the lessee under the license and liberty on that behalf hereinbefore contained (2) the quantity of manufactured coal into coke (3) the quantity of coal or coke sold and exported from the said mines and (4) the quantity of coal otherwise disposed of and the manner and purpose in and for which the same have been or are intended to be applied (5) the number of persons employed in the said mines together with all other facts necessary or proper for conveniently ascertaining amount of the royalty from time to time payable under these presents and the manner in which such coal or coke have been disposed of and shall also at his own expense furnish to such officer as the said Local Government may from time to time direct and at such times as the said Local Government may appoint true and correct abstracts of all or any of such accounts and shall at all reasonable times allow such

To keep books of accounts.

officers or persons as the said Local Government shall in that behalf appoint to enter into and have free access to the said office or counting house for the purpose of examining and inspecting the said several books of account and to take copies thereof and make extract therefrom.

Furnish abstract of accounts, &c.

8. The lessee shall at all times during the said term cause to be made and kept at the said office or counting house true and correct and intelligible plans and sections of the said mines which plans and sections shall show as well the operations and workings which have been carried on as also all views faults and other disturbances which have been observed and encountered in such workings and operations and all such plans and sections shall be made amended and filled up by and from actual surveys to be made for that purpose at the end of every period of twelve months and the lessee shall at his own cost furnish to the lessor true and correct copies of such plans and sections when thereunto required.

To keep plans of working.

9. The lessee shall provide and at all times keep at or near the pit head or each of the pit heads at which the produce of the said mines shall be brought to bank a good and properly constructed weighing machine and shall weigh or cause to be weighed therein all coal brought to bank from or out of the mines hereby demised or which may be sunk or made by the lessee under the license and liberty in that behalf hereinbefore contained and shall at the end of each day cause the total weights of the coal gotten during the previous twenty-four hours and weighed as aforesaid to be entered in the aforesaid book or books of account the lessee shall also weigh or cause to be weighed in the said machine or machines all coal sold at or exported from the said mines and shall cause true and correct entries to be made daily in the aforesaid books of account of all coal so sold or exported and of all coal manufactured into coke and it shall be lawful for the lessor at all times during the said term to employ any person or persons to be present at the raising and weighing of the said coal and the removal thereof from the mines for sale or for export and to keep accounts thereof and to check the accounts kept by the lessee.

To provide weighing machine.

10. The lessor may through his agents or servants at any time or times during the said term examine and test each and every weighing machine or machines to be provided and kept by the lessee as aforesaid and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order and if

The lessor may test weighing machine.

upon any such examination or testing any such weighing machine or weights shall be found incorrect or out of repair or order it shall be lawful for the lessor or his agent to require that the same be adjusted repaired and put in order by and at the expense of the lessee and to hinder the use thereof in the mean time and if such requisition be not complied with within fourteen days after the same shall have been made the lessor or his agent may cause the said weighing machine and weight respectively to be adjusted repaired and put in order and may recover the expense of so doing from the lessee and if upon any such examination or testing as aforesaid any error shall be discovered in any weighing machine or weights to the prejudice of the lessor such error shall be considered to have existed for three calendar months previous to the discovery thereof or from the last occasion of so examining and testing the same weighing machine and weights in case such occasion shall be within such period of three months and the said rent and royalty shall be paid and accounted for accordingly.

Not to assign or underlet without license.

11. The lessee shall not assign or underlet the premises hereby demised or any part thereof or the rights and privileges hereby granted or any of them (1) to any person or persons without the consent in writing of the lessor under the hand of a Secretary to the Local Government or (2) to any company without the like consent under the hand of a Secretary to the Government of India for that purpose first had and obtained.

12. The lessee shall at all times have at the said premises a duly accredited manager or agent to whom all notices may be given and all communications from the lessor may be made. If there shall not at any time be such an agent on premises the lessor shall be at liberty to treat any other person there as such agent and to serve all documents upon the said agent or in his absence upon any such other person as aforesaid or in the case of there being no such other person as aforesaid then by affixing the notices upon some conspicuous portion of the said premises in the occupation of the lessee.

To deliver up mines, &c., in good order.

13. The lessee shall at the end or sooner determination of the said term deliver up to the lessor in good order repair and condition and fit for future working all mines which have been or may be made or sunk by the lessee under the license and liberty in that behalf hereinbefore contained together with all engines pits shafts water courses air gates levels and fixtures below ground level and which cannot be moved

without causing injury to the said mines except any pits shafts or other works which shall have been abandoned or disused in the ordinary and fair course of working of the said mines and premises.

Part VIII.—The lessor's covenants.

For quiet enjoyment.

1. The lessee paying the rents hereby reserved and observing and performing the covenants and provisions herein contained and on his part to be observed and performed shall and may peaceably and quietly hold and enjoy the rights and premises hereby demised for and during the term hereby granted without any lawful interruption from or by the lessor or any person rightfully claiming from or under him.

2. *If the lessee shall be desirous of taking a renewed lease of the said mines for the further term of years from the expiration of the said term hereby granted and of such desire shall prior to the expiration of such last mentioned term give to the lessor six calendar months' previous notice in writing and pay the said rent and royalty hereby reserved and observe and perform the several covenants herein contained and on the part of the lessee to be observed and performed up to the expiration of the said term hereby granted the lessor will upon the request and at the expense of the lessee and upon his executing and delivering to the lessor a counterpart thereof sign and deliver to the lessee a renewed lease of the said premises for the further term of years at the same rent and under and subject to similar covenants provisions and agreements as are herein contained other than this present covenant but subject nevertheless to the payment by the lessee of such increased royalty as may be then fixed by the Government of India.*

NOTE.—No provision for renewal of any lease should be agreed to or inserted in any lease without the express sanction of the Government of India.

3. The lessee may at any time or times within six calendar months after the determination of this demise whether by effluxion of time or otherwise enter into and upon the said lands or any part thereof for the purpose of taking down removing and disposing of for their own use and benefit all the machinery utensils implements articles and things set up and used in and about the working of the said mines and all ovens kilns sheds huts railways tramways and other works (except buildings and erections of brick or stone) erected and then standing upon any of the said lands for the purpose of working the said mines unless the lessor shall be desirous of purchasing the same or any of them in pursuance of the provision in that behalf hereinafter contained.

Part IX.—General Provisions.

1. If the rent or royalty hereby reserved or either of them or any part thereof respectively shall be behind or unpaid for the space of 28 days next after any of the days whereon the same ought to be paid then and so often as the case shall happen the lessor may enter into and upon the said lands which shall for the time being be possessed or occupied by the lessee for the purposes of this demise and may distrain all or any of the stock of engines plant live and dead stock and things which shall be found in or upon the same premises and the same may take lead drive carry away impound detain and keep until the rent or royalty which shall then be due and all costs and expenses occasioned by the non-payment thereof shall be fully paid and satisfied.

Power of distress.

2. If the rent or royalty hereby reserved or either of them or any part thereof respectively shall be behind or unpaid for the space of six calendar months next after any of the days whereon the same ought to be paid as aforesaid and whether the same shall have been legally demanded or not or if the lessee shall commit any breach of the covenants and conditions contained in the lease and in his part to be observed and performed or any of them in such case it shall be lawful for the lessor at any time thereafter and although he may not have taken advantage of some previous default of a like nature into and upon the said mines or any part thereof in the name of the whole to re-enter and the same to have again repossess and enjoy as of his former estate.

Power of re-entry.

3. If at the end or sooner determination of the said term the lessor shall be desirous of purchasing all or any of the buildings or works above ground level set up or constructed by the lessee and shall signify such his desire by notice in writing to the lessee six calendar months at least before the expiration of the said term (or if the said term shall be determined under the power of re-entry hereinbefore contained at any time within three calendar months after the determination of the said term) the lessee shall sell to the lessor all or any of the said buildings and works at a price which shall be fixed or ascertained by taking the net cost of such buildings or works as at date of construction and deducting therefrom for depreciation a sum equivalent to per cent. per annum on the net original cost.

Proviso for lessor to purchase.

4. If at any time during the continuance of this demise the said mines shall become destroyed or rendered substantially and permanently unfit for the purposes of this demise by fire tempest or flood or violence of any army or mob or other irresistible force these presents shall at the option of the lessee be void provided that if the injury be occasioned by the wrongful act or default of the lessee or his servants he shall not be entitled to avail himself of the benefit of this provision AND PROVIDED also that if this lease shall become void for or by reason of any of the causes aforesaid it should be without prejudice to the rights and remedies of the lessor under or by virtue of these presents for the recovery of any rent or royalty which may then remain unpaid or in respect of any breach which may have been committed of any of the covenants herein contained on the part of the lessee.

Right of lessee to determine lease of mines destroyed by act of God.

5. Whenever any doubt difference or dispute shall hereafter arise touching the construction of these presents or anything herein contained or any matter or thing connected with the said mines and minerals hereby dealt with or the working or non-working thereof or the amount or payment of any royalty or rent reserved or made payable hereunder the matter in difference shall be decided by the Local Government whose decision shall be final.

Board's Proceedings, No. 464, dated 23rd December 1895.

DEPARTMENT OF AGRICULTURE
Enclosure No.
To Dispatch No.
1139

150
REVENUE DEPARTMENT.
Enclosure No.
To Covering No.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—again Proceedings of the Board of Revenue (Land Revenue), No. 66, dated 19th February 1896.

ABSTRACT.—Communicating to all Collectors, with remarks, Government Order forwarding the standard forms of exploring and prospecting licenses for minerals prescribed by the Government of India, and stating that the revised Standing Order No 15, printed in Board's Proceedings, No. 464, dated 23rd December 1895, will be modified and issued separately.

READ—again Proceedings of the Board of Revenue (Land Revenue), No. 114, dated 24th March 1896.

ABSTRACT.—Communicating to all Collectors Government Order approving, with remarks, the revised Standing Order No. 15 relating to quarrying and mining, and stating that the revised Standing Order will be issued separately.

READ—again Proceedings of the Board of Revenue (Land Revenue), No. 128, dated 31st March 1896.

ABSTRACT.—Recording Government Order recording, with remarks, Board's Proceedings communicating to Collectors the standard forms of exploring and prospecting licenses for minerals and stating that the revised Standing Order No. 15 will be modified and issued separately.

READ—again Proceedings of the Board of Revenue (Land Revenue), No. 334, dated 3rd September 1896.

ABSTRACT.—Communicating to all Collectors, for information and guidance, Government Order, Revenue Department, accepting Board's recommendation in regard to the free allowances admissible under prospecting licenses for experimental purposes except in the cases of phosphatic nodules and fixing the free allowance under exploring licenses at one-tenth of the quantity allowed under the former; and stating that the necessary alterations will be made in Standing Order No. 15 now under revision.

RESOLUTION—No. 475, dated 19th December 1896.

With reference to the orders read above, the Board submits for the approval of Government the draft of a Standing Order regarding quarrying and mining revised up to date.

2. The Board has taken the opportunity to improve the general arrangemer the Standing Order in regard to typography and the numbering of paragraphs. S verbal alterations not involving any change of rule have also been introduced u places. In note (4) to paragraph 4 the word "increased" has been substitu "doubled" as it may be necessary to enforce compliance with conditions

imposition of severely penal rates. Attention is also invited to paragraph 10 where Railway Companies were not specifically mentioned in the present order (paragraph V), but as the privilege of free removal was obviously meant to be extended to Railway Companies, as well as to other public bodies, the Board has inserted a provision to this effect.

3. In 1882 Government, after considerable discussion, decided * that it was not necessary to make any exclusive reservation of rights to minerals in pattas to be thereafter issued, and this view was accepted by the Secretary of State, who, in paragraph 5 of his despatch, † No. 49, dated 12th July 1883, expressed his concurrence in the opinion that it would be well to adopt one rule for all ryotwari lands in Madras, viz., that subjacent minerals belong to the holder of the land subject to special assessment in the event of their being worked.

* Government Order, No. 1008, dated 21st September 1882, paragraphs 12 (5) and (6).

† Board's Proceedings, No. 3587, dated 26th November 1883, paragraph 3.

4. In paragraph 5 of their letter ‡ No. 646–22, dated 28th February 1895, the Government of India desires a reconsideration of the question on the ground that rights to minerals are not in fact reserved under this practice, as, if a man has reason to suspect the existence of a valuable mineral in unoccupied Government land, he has only to apply for a patta in order wholly to evade the operation of the mining rules, save as regards the payment of royalty—a patta being apparently given as a matter of course if Government is ignorant of the existence of the mineral.

‡ Government Order, No. 4218, Revenue, dated 25th October 1895.

5. In the first place it is to be observed that a patta would not be given on application as a matter of course, unless the applicant who suspected the existence of the mineral happened to be the ryot who had a preferential claim under the darkhast rules. Moreover, applications presented under the circumstances supposed would probably be for a considerable tract of country, as the suspicion referred to could hardly be located with precision without an exploration which would attract notice, and an applicant of the kind would probably soon find that mining rights over the land desired could be obtained most expeditiously and economically by means of an application under the mining rules.

6. The Government of India, however, seems to consider that the position of a holder under a patta would be so superior to that of a holder under the mining rules, that it would be well worth a man's while to secure the position of pattadar even though it were necessary to take much pains and incur considerable expenditure for the purpose. The Board is not prepared to admit the correctness of this view. Under the customary law of the country a special assessment can be levied up to half the net value of the produce, which is more than Government has yet proposed to levy on account of royalty under the mining rules, and under a well-known principle of common law, the utmost possible production would be presumed against any one who worked the minerals and declined to keep accounts on which the demand for special assessment or royalty could be based. The Board, therefore, does not anticipate any serious difficulty in the way of inducing pattadars who work minerals to comply with all the conditions in the mining rules with regard to the accounts to be kept by mining lessees. The question will probably soon come up for practical decision in connection with mica mines in Nellore, and it would certainly be premature now to act on the assumption that it will be found impossible to give effect to the proposals made in paragraph 9 of Board's Proceedings, No. 362, dated 24th September 1896, and approved in Government Order, No. 618, dated 13th November 1896.

7. There remains the question of areas, but as already pointed out, it is very likely that any one would be successful in surreptitiously obtaining under the darkhast rules mineral rights over a larger area than he could obtain under a mining lease. These areas vary in extent from 160 to 1,280 acres under ordinary circumstances, but the extent may be increased indefinitely in special cases, and it is probable that a very large area, indeed, would be granted in a case such as that assumed by the Government of India, in which the existence of a valuable mineral was not suspected

by any one but the applicant. It is not usual to grant large areas on patta under the darkhast rules without very careful enquiries as to the object for which the land is sought.

8. For the reasons given above, the Board is of opinion that there is no reason to ask the Secretary of State to reconsider his decision in the matter.

(True Copy and Extract.)

Secretary.

To the Secretary to Government, Revenue Department,
with copy of the draft Standing Order.
Copy to all Collectors.

Exd. P. Seetharam.

REVENUE DEPARTMENT.

1896.

Board of Revenue

(Land Revenue),

MADRAS.

Printed January 12th, 1897.

Proceedings, No. 475, *19th December* 1896.

Submitting, for the approval of Government, the draft of a Standing Order regarding quarrying and mining revised up to date, and the report called for by Government in regard to the reservation of State's right to minerals on unoccupied Government land to be granted hereafter for cultivation.

D 4--1,000--11-6-96.

Mining Rules

REVENUE DEPARTMENT.

379-382
25-3-97

No. 389

From The Board of Revenue (Land Rev)

Dated 19th December 1896.

FOR ORDERS.

The Hon'ble Mr. J. Grose C.I.E.

Member.

The Govt of India in
its letter no 646/22 dated 28th February
1895, while approving, subject to
certain remarks, the revised Rules fo
quarrying and mining in this Pr
stated as follows in para 5 thereof—
"It appears however to the Govt of Ind
"that if a man has reason to suspect
"the existence of a valuable mineral
"unoccupied Govt land, he has only t
"apply for a pattah (which if Gov
"is ignorant of the existence of the
"mineral, will apparently be gr
"as a matter of course) in order to
"to evade the operation of mining r
"same as regards the payment of
"royalty. The advisability of reserv
"the right to minerals in such la
"was discussed by our Predecessors
"the end of June his minute of 7 ju
received with the Madras Govt's
No 1009 of 21st April 1892 an

C. 18/3/97

by him partly because of the suspicion with which the introduction of a new condition would be regarded and partly because 'as regards the vast bulk of such lands the reservation would be objectless'. This view was apparently accepted in para 12 of the Madras Govt. order No 1008, dated the 21st Septr 1882 and it was supported by the Secretary of State in para 5 of his Despatch No 49, dated the 12 July 1883. Subject to any modification which subsequent discussion might have led the Madras Govt to adopt. The Govt rights to minerals are fully reserved in lands sold under the waste land rules para 3(a) of Madras orders under discussion: but land cannot be sold under these rules (except in very small plots without the sanction of the Govt of India (Rule 1, standing order No 32); it cannot be sold free of reservation (Rule 19 ditto); and it appears doubtful whether much land is of a kind should be sold under these rules. Rule 21 of standing orders reserves the right to grant waste lands by ordinary pattah. Probably this is the course usually pursued in such

× G O 16 15-1-95

"cases. If so it would appear that the claims of the state to minerals in these lands is not preserved under the existing practice. I am therefore to request that the Govt in Council will be pleased to consider the question again and to suggest some measures of avoiding the difficulty referred to in the first sentence of this para".

This was communicated to the Board of Rev with the request that it would report on the above and amend its standing order No 15 in accordance with the remarks of the Govt of India (Vide G O No 421 dd 25th Octr 95)

Flagged B

The current is the reply of the Board. The standing orders as now revised by the Board may, it is submitted, be approved. The amendment ordered in G O No 1033, dated 14th March 1896 have all been carried out

Yes
JG
24/3/96

Now as regards the question of reserving to the State full rights to minerals in unoccupied Govt lands, attention is respectfully solicited to paras 18 to 31 of the office note where a summary of the previous correspondence is given

Flagged C

As the Govt of India seem to be under some misapprehension

as to the way in which pattas are granted in this Presy, the Board of Rev observes that a patta would not be given on application as a matter of course, unless the applicant who suspected the existence of the mineral happened to be the ryot who had a preferential claim under the darkhast rules and that applications presented under the circumstances supposed would probably be for a considerable tract of country, as the suspicion referred to could hardly be located with precision without an exploration which would attract notice and that an applicant of the kind would soon find that mining rights over the land desired could be obtained more expeditiously and economically by means of an application under the mining rules.

Para 6 of the current

G.I. 17-2-(5).

The Board of Rev does not admit the proposition put forward by the Govt of India that an ordinary pattadar is in a more advantageous position than a holder under mining rules, so far as rights to minerals are concerned, because the amount ~~such~~ pattadars can be called upon to pay as special assess on his land and the subjacent minerals is half the net value of the produce while the amount prescribed as royalty is much smaller.

Of course the pattadar can explore and prospect in his patta lands without making any deposit like the applicant under the mining rules but the moment the pattadar makes pits on a large scale, the case will be treated as mining and the Collector under the power allowed to him under para 15 of the Standing orders can enforce all the Govt of India mining rules with reference to accounts &c. The Board anticipates no difficulty in this direction.

With reference to areas the Board observes that it is not usual to grant large areas on patta under the darkhast rules without very careful enquiries as to the object for which the land is sought.

G.I. 17-7-19

On the whole it does not seem that the State rights in minerals are unduly sacrificed in favor of pattadars. They pay the same amount of royalty as an ap

...under the mining rules.

It is submitted that the Board's views may be concurred in and the Govt of India be informed that there is no reason to ask the Secretary of State to reconsider his decision in the matter

The Hon'ble Mr Grose has already rested upon a resumé of the entire correspondence that he sees no reason to dissent from the views already expressed (vide note against para 31 of the office note)

Submitted that Govt may on the main issue express its concurrence with the Board.

The draft standing order calls for the following comments

(i) There are clerical errors or mis-prints in paras 1 (d), 5, 10, 11 (in status quo or "to the status quo ante"

(ii) Rule 10. — The words "other "public bodies, eg. Railway Companies" are an addition. — As Govt has the power to reserve for its own use specific quarries, the addition is unnecessary.

Rule 12. What are the "above" rules? — Nos 5 to 11, or Nos 4 to 11?

Flagged D

11/17.2.97

Yes
JG
24/3/97

JG

"To the status in quo ante"

JG
24/3/97

JG

Put it after 15 with a separate heading.

JG
24/3/97

JG

as by letter dated 11.17.2.97.

40.

JG

JG
24/3/97

Should it not be made clear that rules 4 is included? If so, rule 12 should follow rule 15 & form a separate heading, unless it is inserted as a footnote to rule 4

(iv) Rules 12 to 15 hardly come under the 2nd heading "State "Quarries of building stone, gravel &c" This shd be made clear by revising the printing.

(v) p. 20. The wording of clause 6 of Appx I requires altering, thus:- "Subject to the restriction that "nothing shall be removed in excess "of the undermentioned quantities or "

Coal exclusive of dust ... 1 ton
Oil 20 gals
&c &c &c.

(vi) p. 28 To avoid confusion, shd. perhaps be better to style these schedules "No I" & "No II" — There are other Schedules A & B at pp. 16 & 17. Consequential alterations at pp. 22 & 23 wld. be necessary.

14.2.97

11/17.2.97

I regret that Godavari Re-settlement has compelled me to delay this paper for nearly a month. It was rec'd on 15th January & reached me about the 16th February.

14.3.97

18

READ Proceedings of the Board of Revenue (2 R). dy 19th Dec. 96 No 475.

ORDER:-

With the Proceedings read above the Board of Revenue submits for approval a draft revised standing order embodying rules for quarrying and mining and submits its views regarding the right to the subjacent minerals in unoccupied ryotwari lands which may hereafter be granted on pattah for cultivation.

2. The draft standing order is approved subject to the following remarks:

(i) There are clerical errors or misprints in paras. 1 (d) and 5 ("mineral" for "minerals"), para. 10 ("domestic purposes" in line 4), and para. 11 ("to statu quo" for "to the status in quo ante").

(ii) Rule 12 to 15 do not appear to form part of the major head "State Quarries of building stone, gravel, &c", and the printing should be revised in

H.E. the Gov. In approval of the draft. Letter to the Govt of India.

I am not satisfied with this draft. In the first place, it is not written in the shape in which letters to the Govt. of India should take. This draft merely forwards another letter or proposal, and then adds that this Govt. is in general agreement with that letter. Our letters should itself fully set forth our argument. But beyond and beside this, I am not sure that we are right in expressing general agreement.

R.C 3/12/97

order to make this clear, Rule No. 12 being placed immediately after Rule No. 15 with a separate heading, in order that there may be no doubt as to the applicability of Rule 12 to the case of "Shared Mines and Quarries".

(iii) The wording of clause 6 of Appendix I at page 20 requires a slight amplification; for the words "subject to the following restrictions" should be substituted "subject to the restriction that nothing shall be removed in excess of the undermentioned quantities".

(iv) The schedules appended to the general prospecting license should be designated Schedule I and Schedule II in order to avoid confusion with the schedules A and B printed on pages 16 & 17. Consequential alterations will be necessary in pages 22 &23 in the standard form of prospecting license.

3. As regards the question of reserving to the State full rights to minerals in unoccupied lands, H. E. the Governor in Council is in general agreement with the Board of Revenue and the Govt. of India will be addressed accordingly.

fr.o.

D/ 4-7-97 11/4/97.

To the Board of Revenue (L.R.)

Letter dtd 5-7-97

The Secretary to the Govt. of India,
Dept. of Revenue & Agriculture.

Sir,

Adverting to para. 5 of ~~your~~ letter No. 648 dtd 28th Feb. '95 suggesting the

14

Govt. of India says that under the new rules, a man has only to get a prefix of the land in order wholly to evade the operation of the mining rules, so far as regards the payment of royalty. The Board reply to this that a prefix is not necessarily given to every applicant. This argument does not meet the difficulty, for the effect is frustrated, whenever, be he the first or the second or the last applicant, — gets the prefix. Further the B/ says there will be no difficulty in Govt. obtaining its proper royalty. This Govt. of India have not denied.

The Govt. of India say that a man, by getting a prefix, may escape many of the restrictions and conditions, which would be imposed upon him, if, instead of getting a prefix, he took out an ordinary mining license. This is true, and the Board have not attempted to meet it.

I would suggest that the real answer is, that to attempt to reserve all mineral rights

If the Secy approves this draft, I will go to H.E. in proof

Mr. Tobetson's fly A.

15

11.E.

(Paras. 3 to 8 of the Board's Proceedings No. 475 d/ 19th December 1896,)

omitting the last sentence of para 6

rights in private lands would be to destroy the prefix in the completeness and permanency of that title conferred by a Govt. prefix; and, that, as such rights would be of value to Govt. only in a comparatively few cases, and as Govt. would after all not lose much (it would retain its royalty), it would unjustifiable and impolitic to attempt to retain such surface rights.

I do not think the proposed extension of Rule 10 can be justified. I would grant the concession to Local Boards and Municipalities, but not to Railway Companies, whether or to the Contractors employed by them. Local Boards and Municipalities are and it is the Public that the concession is granted. the parties in a corporate form. The concession might be permissible in the case of State Railways but these are practically included in the existing wording as a detachment of Govt.

The concession

advisability of reconsidering the question of reserving to the State in unoccupied Govt. lands, I am to subjoin an extract from the proceedings submitted by the Board of Revenue with regard to this subject matter. The Board have discussed the question fully and I am to say that H. E. the Governor in Council is in general agreement with the Board as expressed in its Resolution and concurs in the conclusion arrived at viz. that there is no sufficient reason to revise the existing orders on the subject.

D/ 14-7-97

11/3/1/97

The term "public bodies" as used in Rule 10 is vague. The Board might be asked to define their meaning of the term.

A.S.H. 26.6.97

Quarrying & Mining Rules

17

Recirculated to the
Hon'ble Mr Grant C.I.E.
with reference to H.E's
note on the Draft
&c.

For Hon'ble Mr Bell C.S.I.

4157/17

I quite agree with H.E. that it is better to set forth our reasons briefly but clearly in the letter to India rather than to refer to another paper for them. The shortness of our letter will conduce to a careless reader the impression that we have very little to say, & having to turn to another paper does not increase the disposition even of a careful reader to admit the argument. The considerations set forth in the two letters would seem to me quite ample, & afford a complete answer to the idea that lands where projections intend to mine are likely to be applied for & granted under "Dunkan". May not be embodied in the letter to India, & to them could be added the considerations which I think of overwhelming importance in this Presidency,

Forwarded

The decision of this Govt which was accepted by the Secretary of State was that it was not necessary to make any exclusive reservation of rights to minerals in pattas to be hereafter issued.

The Govt of India ask for a reconsideration of this decision on the following grounds (to quote their words):-

"It appears however to the Govt of India that if a man has reason to suspect the existence of a valuable mineral in unoccupied Govt land, he

"has only to apply for a
"pattah (which if Govt
"is ignorant of the existence
"of the mineral will apparently
"be given as a matter of
"course) in order wholly
"to evade the operation of
"the mining rules such as
"regards the payment of
"royalty"

The Govt of India therefore assumes that in this Presidy there is an appreciable chance or probability of a man suspecting the existence of a valuable mineral sufficiently strongly to move for & get a pattah without raising the suspicions of any of the local authorities+ before the acceptance of his darkhast.

With this assumption the Board chiefly deal. They deny its truth; and the assumption having fallen to the ground have apparently not thought it worth while to oppose the question

The truth is I think that the Govt of India Notification & H.C's note are theoretically correct: but practically there is no danger.

JJ 4/5/97.

× that is and the injudicious & impolitic to attempt to obtain under our present rights in private lands pieces, as were shown in G.O. 21.9.Fz / 1008 Rev, such reservation would be absolutely objectionable and have the effect of creating wide-spread distrust in the minds of the ryots.

As regards the inclusion of Railway Companies & others

+ viz Village Officers
Rev Inspector
Dy Tahsildar or Tahsildar
Divl Officer
Collector

Public Bodies in Rule X I have no doubt. They have been allowed to quarry fire in unreserved lands hitherto, & their doing so Campbell benefits the Public. Moreover, in the case of Railway Companies land is given free, & free quarrying seems but a legitimate corollary. Reconsidered, on the whole, I think it would be better to omit Railway

Companies & Public Bodies from Rules X & Xi and Govt to decide with each case on its merits

I think Note 4 to Rule IV should be amended as suggested in the Note, & that "if the conditions of working are not complied with, shall be substituted for "without giving notice to the Collr.

JJ 8/5/97

I agree generally, though I don't go so far as the H. in thinking that the local

It is really a question of what is likely practically to occur.

JJ 4/5/97

authorities as noted on the preceding page are likely to have in all cases the intelligence to report when a stranger took up waste land & began to dig holes in it — & they had the intelligence, many of them would take the trouble — nevertheless, the chance of waste lands being taken up for mining in any large quantities is so remote that it will be best not to unsettle the minds of the ryots by making any

further on its merits.

It is clear that if the local authorities are aware that the darkhast land contains valuable minerals or quarries of building stone etc, then the darkhast should not be accepted. Whoever be the applicant (Vide Boards Standing order No. 30 para 2 clause (viii)). If by error or fraud the lands are granted on darkhast then of course the grant can be cancelled.

For the Govt of India objection to have any practical force, the local authorities must be aware of the existence of valuable mineral etc. Further as the Board point out they must be aware of the existence while a private individual suspects it with so much confidence that he is prepared to pay the ordinary assessment for

the land. The Board point out that claimants would hardly do this without some previous exploration which would certainly attract notice, or failing this exploration, without applying for so large a tract as would certainly cause enquiries to be made. Lastly the Board point out that unless the applicant was a preferential darkhast-dar (i.e. either one of the persons called "privileged" in Board's Standing order 30 para 8 clause (3) c, in other words, if he was a stranger in the village, this fact in itself would attract attention. This, I submit is the Board's meaning when it says "a patta" would not be given on "application as a matter" of course" unless the "

Ask rules—
Lapsmith H.L.
as to Railway companies—
Why should not they have
to pay prospecting? Learn
law.

RS
8/5/27

* i.e. I submit, interest-requiring
If there was stopping there the real
purpose of the stranger comes hardly
fair to ascertain

If so all the village women know of his doings
1-5-27

"applicant" happens to be a ryot who had a preferential claim under the Darkhast rules"

In view of the extreme improbability of not, practical impossibility of the assumption made by the Govt of India a discussion on the merits, I submit, has in this Presidency an interest rather academical than practical.

~~To ascertain~~

If a man suspects the existence of a valuable mineral & applies for & gets a patta for the land:—

I He must first enter into a Collector specifying the fields in which he intends to carry on prospecting or mining operations

II He operations must be carried on (1) under such conditions & stipulations as may be prescribed

1/4/1927

of the Bd of Revenue under the orders of Govt:

(2) on payment of a royalty or headrent not less than that charged in the case of State mines & quarries

III No charge is however made for merely exploring or prospecting.

IV The rate will be increased if mining operations are carried on without giving notice to the Collector.

[With reference to IV it is submitted that this is not to para 4 of the revised L.O. 15. The Board (3rd Sentence of para 2 of their Resolution No 475 dated 15th Dec 1896) appear to consider that this rule will enable penal rate to be levied if the conditions of working are not complied with but the rule only provides for levy of penal rate in cases where notice is not given. I submit that this rule should be made clear to conform with the

Boards intention]

On the other hand if a man applies a mining lease he will have to do so under the Govt of India rules.

The main advantages of this system over those of mining under a pattah are

(1) Govt can select its grantee or can refuse to make any grant at all

(2) fees royalties are charged for prospecting & exploring.

~~By a dead rent is charged~~ ~~after working commences~~ ~~one year after~~ this

(3) the areas granted to each person can be regulated.

(4) the lease is only for 30 years & the royalty rate can be raised thereafter subject only to such limits as experience dictates while in the case of a pattah the royalty cannot exceed & can not produce

All the other conditions can be enforced in the case of a pattah under the same sanction afforded by Rule IV above (if it is amended).

The only important advantage lost by grant of a pattah appears to

It is a question whether Govt. under ever charge a royalty so high as half the net produce in Slate mines.

In the above, an attempt has been made to meet the defects pointed out by His Excellency in that part of his note marked B

~~When the~~. In the portion marked C His Excellency raises the question of allowing to Railway companies the concession of free quarrying & points out the necessity for a clear definition of the term "public bodies".

After final order has been passed care will be taken, with reference to ~~His Excellency's~~ that portion of His Excellency's note marked A, to make the letter to India complete in itself.

1.5.97 4/5/97.

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REVENUE DEPARTMENT.

C. No. 389 of 1897. 25

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read Proceedings of the Bd of Rev L.R. dated 19th December 96 No 1475

To H.S. the Govr

note ref to H.E.'s note flagged E the spl note thereon & the notes of the Hon Mr Groom & the Hon Mr Bliss. Flagged F.

Note.

A draft G.O. & letter to India are submitted for approval. The only point wherein the Hon. & H.S. differ is upon the wording of the rule allowing free quarrying to public Bodies. H.S. suggests that the Bd may be asked to define the term. Hon Mr think that each case may be dealt with on its merits. All are agreed that Govt cos should get the concession

Spl correspondence file

Mr 4/5/97.

Bd's Memo 23.5.97

Order. No. 379 of 25th May 1897.

P.S.

With the proceedings read above the Board of Revenue submits for approval a draft revised standing order embodying rules for quarrying and mining and submits its views regarding the right of the State to the subjacent minerals in ryotwari unoccupied ~~lands~~ lands which may hereafter be granted on patta for cultivation.

2. The draft standing order is approved subject to the following modifications and remarks.

(1) In Note (4) to paragraph 4, the words "if the conditions of working are not complied with" should be substituted for the words "if mining operations are carried on without giving notice to the Collector"

R.C. 21/5/97.

(iii) The term "Public Bodies" in paragraph 10 requires further definition. The concession which was originally granted to ryots and villagers to take earth and gravel free for domestic use, has been extended to municipalities and Local boards on the ground that these latter are semi-State bodies. The grant of the concession to Railway companies is to ~~not~~ extend it unduly. The Board is requested to furnish a definition of the term "public bodies" with reference to the above remarks.

(iii) (a) There are clerical errors or misprints in paras. 1(d) and 5 ("mineral" for "minerals"), para. 10 ("domestico purposes" in line 4), and para 11 ("to State Govt" for "to the States in statu quo ante").

(b) Rules 12 to 15 do not appear to form part of the major head "State Quarries

~~Alteration (this is not required)~~

(ii) In paragraph 10 in lieu of the words "other public bodies, cf. Railway companies, as well as some contractors employed by them", the words "with the previous sanction of Govt in each case, to other public bodies" should be substituted.

of building stone, gravel &c." and the printing should be revised in order to make this clear, Rule No. 12 being placed immediately after Rule No. 15 with a separate heading, in order that there may be no doubt as to the applicability of Rule 12 to the case of "Shared Mines & Quarries".

(c) The wording of clause 6 of Appendix I at page 20 requires a slight amplification; for the words "subject to the following restrictions," should be substituted "subject to the restriction that nothing shall be removed in excess of the under mentioned quantities."

(d) The schedules appended to the General prospecting licences should be designated Schedule I & Schedule II in order to avoid confusion with the Schedules A & B printed on pages 16 & 17.

Consequential alterations will be necessary on pages

22 & 23 in the Standard form of prospecting licenses.

3. There remains the question of reserving to the State in future full rights to minerals in unoccupied lands. The views of this Govt are set forth in G.O. No 1008 Rev dated 21st Sept 1882. They were to the effect that such a reservation would introduce a new condition into the well known & long established land tenure of this Presidency & would consequently engender distrust & suspicion in the minds of the ryots, and that, further, it would, in the case of the vast bulk of lands which both occupiers & cultivators, be objectless.

4. These views were concurred in by the Rt Hon the Secretary of State in his despatch No 49 Revenue dated 12th July 1883. The Govt of India subsequently ask for a reconsideration of the question on the ground, set forth in para 4 of the B.P. read above, that it appears (to the Govt of India &c)

5. The Board points out that in this Presidency it is very improbable that a patta can be obtained for a tract of land containing a valuable mineral vein, the existence of such mineral being unsuspected by the local authorities. In the circumstances the applicant would be in the hands of the village or other person having a privileged claim under the darkhast rule, in respect of the presence of any valuable mineral could thereby be secured with sufficient precision without an exploration & the application would probably be for a considerable tract of land. All these circumstances would obviously initiate & encourage speculation.

6. Moreover, as pointed out by the Board, under a patta the State claims a share of the subjacent minerals may extend to as much as half the net produce which is more than Govt has yet

proposed to levy under or
the account of royalty under
the mining rules. Lastly,
under the sanction afforded
by the rule contained in note (a)
to paragraph 4 of the Rules
as amended by Govt, nearly all
the conditions of working as
set forth in the Central mining rule
may be enforced in the case
of a pattah as.

7. In these circumstances
H.E. the C in C has no doubt
~~hesitation in arriving at~~
~~the conclusion that any the~~
advantage that might
accrue to the State by
the ~~the~~ reservation of full
rights to ~~to~~ subsoil minerals
in unoccupied lands would
be more than counter balanced
by the evil which would
ensue from the consequent
disturbance of the public
faith in the completeness
& permanency of the title
conferred by a Govt pattah.

8. The following letter will
be despatched to the Govt of
India -

To The Board of Rev. (Ag)

30

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Ses. 7-7-97

Agric

Letter No 380
25-5-97

To The Secy to the Govt of India
Dept of Revenue & Agriculture

Sir

I am directed to submit
for the information of the
Govt of India a copy
of the Rules regarding
mining & quarrying in
Ceded Districts as revised by this Govt in
its order of this date, a
copy of which is also
enclosed.

2. ~~both reference to~~ In
para 5 of Mr Lubbock's
letter quoted above the
Govt of India ask for
a reconsideration of the
decision of this Govt, which was
accepted by the Rt Hon'ble the
Secretary of State, ~~that it~~ to the effect
~~is not necessary to make~~
~~any exception reservation~~
~~of rights to minerals in~~
~~pattas to be hereafter~~
~~granted~~ To quote the words

R.S.H
23.5.97

of mr Robertsons letter—"
"It appears..... to the Govt
of India that if a man
has reason to suspect
the existence of a valuable
mineral in unoccupied
Govt land, he has only to
apply for a pattah (which
if Govt is ignorant of the
existence of the mineral
will apparently be given
as a matter of course)
in order wholly to evade
the operation of the mining
rules save as regards the
payment of a royalty."

3. The Govt of India
therefore assume that,
in this Presidency, there
is an appreciable ~~chance~~
chance of a man, sus-
pecting the existence of
a valuable mineral
sufficiently strongly to
move for, and get, a
pattah without raising
the suspicions of any of
the local authorities
before the ~~accepted~~ grant
of the pattah.

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88 770

3. It must be premised, that
under the existing standing
orders, if the local authorities
are aware that the land
applied for contains valuable
minerals or quarries of
building stone, etc., the application
should not be accepted,
whoever be the applicant.
If by deceit or fraud such
land is granted on pattah,
the grant can be cancelled.
If the village authorities
allowed a grant to be made
without due report of the
material fact connected
with it, it would certainly
cost them their office if they
knew this.

4. Sir E. Chapman cannot
assent ~~fully~~ to the ~~first~~ proposition
that it is at all probable
that the local authorities
~~would~~ connive ever ~~knowingly~~ bonafide
unaware of the
existence of valuable
minerals, etc., in any land
which a private individual
suspects that existence
with so much confidence
that he is prepared to ~~pay~~

expend the time & trouble necessary to get a pattah for the land & to pay the ordinary assessment thereon. The presence of any valuable mineral could hardly be ascertained without a previous exploration & examination which would certainly attract notice. The application would in most cases be for a considerable tract of land, & ~~while the circumstance~~ would in itself attract attention in this Presidency, fond of large areas on pattas are not made without careful consideration & enquiry. The applicant himself would rarely be a man of the village or other person having a preferential claim under the ordinary rules for this part of land on pattah and this circumstance, while in itself likely to attract notice, would materially

add to the trouble & expense of getting a pattah; so much so, that it would be easier probably for anyone wanting to mine to obtain a mining lease.

6. Further, it does not appear to H.E. the G. in C. that any important advantage would accrue to the applicant or be lost by the State if land with valuable mineral were taken on pattah for mining purposes instead of under a mining license. It is not quite correct to say that by getting a pattah a man with "wholly evade the operation of the mining rules save as regards the payment of a royalty". First, of not all the conditions of working enforced under the mining rules could be enforced in the case of a pattah due by the rules of prescribed by the Board of Rev

under the orders of the
Local Govt (vide paragraph
4 of the Rules enclosed)
and under the sanction
afforded by the rule
in Note (4) to para 4
of the Rules as amended
by this Govt in its order
of this date. In the
case of a patta under
the States share may
extend to half the
net produce which
is probably more than
will ever be claimed
under a mining license
even after the necessity
for encouraging
mining enterprise
by the imposition of
a low scale of royalty
has passed away.

6. The above considerations strengthen & confirm H.E. the C in C in the opinion expressed by this Govt in my order No 1008 Rev dated 21-9-82. In that order it was pointed out that any

reservation of the full
rights to minerals in lands
both granted in patta
would be objectionable as far
as the vast bulk of lands
in this Presidency are
concerned & would have
the effect of creating
wide spread distrust in
the minds of the ryots. To
these considerations H.E.
the C in C attaches the
greatest importance & is
strongly of opinion that
it is not a ~~expedient~~ judicious
& impolitic to make
any such reservation
in this Presidency

Ulle
20/5/83

20/5/83. 50/2

37

38

Government {1897} of Madras.

REVENUE.

Recd. } 1897. Enclosures

Regd. } Spare copies

G.O., No. 379, 25th May 1897.

MAY.

Quarrying and Mining.

Approving, subject to certain modifications and remarks, the draft Standing Order embodying rules for —, and addressing the Government of India on the subject of the reservation by the State of full rights to minerals in unoccupied ryotwari lands.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), No. 475, dated 19th December 1896 :—

Read—again Proceedings of the Board of Revenue (Land Revenue), No. 66, dated 19th February 1896.

Abstract.—Communicating to all Collectors, with remarks, Government Order forwarding the standard forms of exploring and prospecting licenses for minerals prescribed by the Government of India, and stating that the revised Standing Order No. 15, printed in Board's Proceedings, No. 464, dated 23rd December 1895, will be modified and issued separately.

Read—again Proceedings of the Board of Revenue (Land Revenue), No. 114, dated 24th March 1896.

Abstract.—Communicating to all Collectors Government Order approving, with remarks, the revised Standing Order No. 15 relating to quarrying and mining, and stating that the revised Standing Order will be issued separately.

Read—again Proceedings of the Board of Revenue (Land Revenue), No. 128, dated 31st March 1896.

Abstract.—Recording Government Order recording, with remarks, Board's Proceedings communicating to Collectors the standard forms of exploring and prospecting licenses for minerals and stating that the revised Standing Order No. 15 will be modified and issued separately.

Read—again Proceedings of the Board of Revenue (Land Revenue), No. 334, dated 3rd September 1896.

Abstract.—Communicating to all Collectors, for information and guidance, Government Order, Revenue Department, accepting Board's recommendation in regard to the free allowances admissible under prospecting licenses for experimental purposes except in the cases of phosphatic nodules and fixing the free allowance under exploring licenses at one-tenth of the quantity allowed under the former; and stating that the necessary alterations will be made in Standing Order No. 15 now under revision.

Resolution—No. 475, dated 19th December 1896.

With reference to the orders read above, the Board submits for the approval of Government the draft of a Standing Order regarding quarrying and mining revised up to date.

2. The Board has taken the opportunity to improve the general arrangement of the Standing Order in regard to typography and the numbering of paragraphs. Slight verbal alterations not involving any change of rule have also been introduced in a few places. In note (4) to paragraph 4 the word "increased" has been substituted for "doubled" as it may be necessary to enforce compliance with conditions by the

imposition of severely penal rates. Attention is also invited to paragraph 10 where Railway Companies were not specifically mentioned in the present order (paragraph V), but as the privilege of free removal was obviously meant to be extended to Railway Companies, as well as to other public bodies, the Board has inserted a provision to this effect.

3. In 1882 Government, after considerable discussion, decided * that it was not necessary to make any exclusive reservation of rights to minerals in pattas to be thereafter issued, and this view was accepted by the Secretary of State, who, in paragraph 5 of his despatch,† No. 49, dated 12th July 1883, expressed his concurrence in the opinion that it would be well to adopt one rule for all ryotwari lands in Madras, viz., that subjacent minerals belong to the holder of the land subject to special assessment in the event of their being worked.

* G.O., No. 1008, dated 21st September 1882, paragraphs 12 (5) and (6).

† Board's Proceedings, No 3587, dated 26th November 1883, paragraph 3.

4. In paragraph 5 of their letter ‡ No. 646–22, dated 28th February 1895, the Government of India desires a reconsideration of the question on the ground that rights to minerals are not in fact reserved under this practice, as, if a man has reason to suspect the existence of a valuable mineral in unoccupied Government land, he has only to apply for a patta in order wholly to evade the operation of the mining rules, save as regards the payment of royalty—a patta being apparently given as a matter of course if Government is ignorant of the existence of the mineral.

‡ Government Order, No. 4218, Revenue, dated 25th October 1895.

5. In the first place it is to be observed that a patta would not be given on application as a matter of course, unless the applicant who suspected the existence of the mineral happened to be the ryot who had a preferential claim under the darkhast rules. Moreover, applications presented under the circumstances supposed would probably be for a considerable tract of country, as the suspicion referred to could hardly be located with precision without an exploration which would attract notice, and an applicant of the kind would probably soon find that mining rights over the land desired could be obtained most expeditiously and economically by means of an application under the mining rules.

6. The Government of India, however seems to consider that the position of a holder under a patta would be so superior to that of a holder under the mining rules, that it would be well worth a man's while to secure the position of pattadar even though it were necessary to take much pains and incur considerable expenditure for the purpose. The Board is not prepared to admit the correctness of this view. Under the customary law of the country a special assessment can be levied up to half the net value of the produce, which is more than Government has yet proposed to levy on account of royalty under the mining rules, and under a well-known principle of common law, the utmost possible production would be presumed against any one who worked the minerals and declined to keep accounts on which the demand for special assessment or royalty could be based. The Board, therefore, does not anticipate any serious difficulty in the way of inducing pattadars who work minerals to comply with all the conditions in the mining rules with regard to the accounts to be kept by mining lessees. The question will probably soon come up for practical decision in connection with mica mines in Nellore, and it would certainly be premature now to act on the assumption that it will be found impossible to give effect to the proposals made in paragraph 9 of Board's Proceedings, No. 362, dated 24th September 1896, and approved in Government Order, No. 618, dated 13th November 1896.

7. There remains the question of areas, but as already pointed out, it is very unlikely that any one would be successful in surreptitiously obtaining under the darkhast rules mineral rights over a larger area than he could obtain under a mining lease. These areas vary in extent from 160 to 1,280 acres under ordinary circumstances, but the extent may be increased indefinitely in special cases, and it is probable that a very large area, indeed, would be granted in a case such as that assumed by the Government of India, in which the existence of a valuable mineral was not suspected

by any one but the applicant. It is not usual to grant large areas on patta under the darkhast rules without very careful enquiries as to the object for which the land is sought.

8. For the reasons given above, the Board is of opinion that there is no reason to ask the Secretary of State to reconsider his decision in the matter.

(True Copy and Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with copy of the draft Standing Order.

Copy to all Collectors.

Order—No. 379, Revenue, dated 25th May 1897.

Miscellaneous.

With the proceedings read above the Board of Revenue submits for approval a draft revised standing order embodying rules for quarrying and mining, and submits its views regarding the right of the state to the subjacent minerals in unoccupied ryotwari lands which may hereafter be granted on patta for cultivation.

2. The draft standing order is approved subject to the following modifications and remarks:—

(i) In Note (4) to paragraph 4, the words "if the conditions of working are not complied with" should be substituted for the words "if mining operations are carried on without giving notice to the Collector."

(ii) In paragraph 10 in lieu of the words "other public bodies, *e.g.*, Railway Companies, as well as to the contractors employed by them," the words "with the previous sanction of Government in each case, to other public bodies" should be substituted.

(iii) (*a*) There are clerical errors or misprints in paragraphs 1 (*d*) and 5 ("mineral" for "minerals"), paragraph 10 ("domestico purpses" in line 4), and paragraph 11 ("to *statu quo*" for "to the status *in quo ante*").

(*b*) Rules 12 to 15 do not appear to form part of the major head "State quarries of building stone, gravel, &c.," and the printing should be revised in order to make this clear, rule No. 12 being placed immediately after rule No. 15 with a separate heading in order that there may be no doubt as to the applicability of rule 12 to the case of "shared mines and quarries."

(*c*) The wording of clause 6 of appendix I at page 20 requires slight amplification; for the words "subject to the following restrictions," should be substituted "subject to the restriction that nothing shall be removed in excess of the undermentioned quantities."

(*d*) The schedules appended to the general prospecting license should be designated schedule I and schedule II in order to avoid confusion with the schedules A and B printed on pages 16 and 17. Consequential alterations will be necessary in pages 22 and 23 in the standard form of prospecting license.

3. There remains the question of reserving to the state in future full rights to minerals in unoccupied lands. The views of this Government *were* set forth in G.O., No. 1008, Revenue, dated 21st September 1882. They were to the effect that such a reservation would introduce a new condition into the well known and long established land tenure of this Presidency and would consequently engender distrust and suspicion in the minds of the ryots, and that, further, it would, in the case of the vast bulk of land likely to be occupied for cultivation, be objectless.

4. These views were concurred in by the Right Honourable the Secretary of State in his Despatch No. 49, Revenue, dated 12th July 1883. The Government of India ask for a reconsideration of the question on the ground set forth in paragraph 4 of the Board's Proceedings read above.

5. The Board points out that in this Presidency it is very improbable that a patta could be obtained for a tract of land containing a valuable mineral without the existence of such mineral being suspected by the local authorities. In the circumstances the applicant would hardly be a ryot of the village or other person having a privileged claim under the darkhast rules; the presence of any valuable mineral could hardly be ascertained with sufficient precision without an exploration, and the application would probably be for a considerable tract of land. All these circumstances would attract notice and initiate enquiry.

6. Moreover, as pointed out by the Board, under a patta the State's claim to a share of the subjacent minerals may extend to as much as half the net produce which is more than Government has yet proposed to levy on account of royalty under the mining rules. Lastly, under the sanction afforded by the rule contained in Note (4) to paragraph 4 of the rules as amended by Government, nearly all the conditions of working as set forth in the general mining rules may be enforced in the case of a pattadar.

7. In these circumstances His Excellency the Governor in Council has no doubt that any advantage that might accrue to the State by the reservation of full rights to subjacent minerals in unoccupied lands would be more than counterbalanced by the evil which would ensue from the consequent disturbance of the public faith in the completeness and permanency of the title conferred by a Government patta.

8. The following letter will be despatched to the Government of India.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Exd. W. D'Moss.

80 Copies.

45

1897.

REVENUE AND AGRICULTURAL DEPARTMENT.

From *The Government of Fort St. George.*

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

Letter, No. 380, 25th May 1897.

MAY.

SUBMITTING to the Government of India a copy of the rules regarding mining and quarrying in this Presidency, and stating that it would be injudicious and impolitic to make any reservation of full rights to minerals in unoccupied ryotwari lands.

REVENUE DEPARTMENT.

From

The Hon'ble Mr. G. STOKES, I.C.S.,
Acting Secretary to the Government of Madras,

To

The SECRETARY to the GOVERNMENT of INDIA,
Revenue and Agricultural Department.

Dated Ootacamund, 25th May 1897.

Sir,

Miscellaneous.

Adverting to Mr. Ibbetson's letter No. 646—22, dated 28th February 1895, I am directed to submit, for the information of the Government of India, a copy of the rules regarding mining and quarrying in this Presidency, as revised by this Government in its order of this date, a copy of which is also enclosed.

2. In paragraph 5 of Mr. Ibbetson's letter quoted above, the Government of India ask for a reconsideration of the decision of this Government, which was accepted by the Right Honourable the Secretary of State. To quote the words of Mr. Ibbetson's letter—

"It appears . . . . . to the Government of India that if a man has reason to suspect the existence of a valuable mineral in unoccupied Government land, he has only to apply for a patta (which if Government is ignorant of the existence of the mineral will apparently be given as a matter of course) in order wholly to evade the operation of the mining rules, save as regards the payment of a royalty."

3. It must be premised, that under the existing standing orders, if the local authorities are aware that the land applied for contains valuable minerals or quarries of building stone, &c., the application should not be accepted, whoever be the applicant. If by deceit or fraud such land is granted on patta, the grant can be cancelled. If the village authorities allowed a grant to be made without due report of the material facts connected with it, it would certainly cost them their office and they know this.

4. His Excellency the Governor in Council cannot assent to the proposition that it is at all probable that the local authorities could ever be *bonâ fide* unaware of the existence of valuable minerals, &c., in any land while a private individual suspects that existence with so much confidence that he is prepared to expend the time and trouble necessary to get a patta for the land and to pay the ordinary assessment thereon. The presence of any valuable mineral could hardly be ascertained without a previous exploration or examination which would certainly attract notice. The application would in most cases be for a considerable tract of land, and, in this Presidency, grants of large areas on patta are not made without careful consideration and enquiry. The applicant himself would rarely be a ryot of the village or other person having a preferential claim under the ordinary rules for the grant of land on patta and this circumstance, while in itself likely to attract notice, would materially add to the trouble and expense of getting a patta, so much so, that it would be easier probably for any one wanting to mine to obtain a mining lease.

5. Further, it does not appear to His Excellency the Governor in Council that any important advantage would accrue to the applicant or be lost by the State if land with valuable minerals were taken on patta for mining purposes instead of under a mining license. It is not quite correct to say that by getting a patta a man will "wholly evade the operation of the mining rules, save as regards the payment of a royalty." Most, if not all, the conditions of working enforced under the mining rules could be enforced in the case of a pattadar by the rules to be prescribed by the Board of Revenue under the orders of the Local Government (*vide* paragraph 4 of the rules enclosed) and, under the sanction afforded by the rule in Note (4) to paragraph 4 of the rules as amended by this Government in its order of this date. In the case of a pattadar the State's share may extend to half the net produce which is probably more than will ever be claimed under a mining license even after the necessity for encouraging mining enterprise by the imposition of a low rate of royalty has passed away.

6. The above considerations strengthen and confirm His Excellency the Governor in Council in the opinion expressed by this Government in its Order No. 1008, Revenue, dated 21st September 1882. In that order it was pointed out that any reservation of full rights to minerals in lands to be granted on patta would be objectless as far as the vast bulk of lands in this Presidency are concerned and would only have the effect of creating widespread distrust in the minds of the ryots. To these considerations His Excellency the Governor in Council attaches the greatest importance and is firmly of opinion that it would be injudicious and impolitic to make any such reservation in this Presidency.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) G. STOKES,
Ag. Secretary to Government.

Ed W. D'Mos.

50 Copies.

22.2.06 V

21-4-09

11-7-11

22-7-12

14-10-12 V

15.10.13 V

9-11-14

30.12.16

19-3-19

26/11/19

17.3.25 II

29.6.25 II V

27/8/32 II

9.7.34 II V

1-6-37 II V