REVENUE DE[illegible]T.

Paper taken out of the Records from the charge of the Record-keeper.

Regular / Miscellaneous No. of 189 .

For what Current.		To whom given.	When taken out.
No.	Year.		

Revenue (1897) Department.

PRESS SERIES.

G.O. No. 821

Dated 28th September 1897

[Despatch Abstract.]

Communicating for the use of Executive Officers a letter from the Govt. of India re: the recommendations of the Opium Commission in respect of conditional sales of opium and of safeguards for preventing diversion of deposit in case of missing seals

1897.

File No. 92 of 1897.
Serial No. 2.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

GEOLOGY AND MINERALS.

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
REVENUE DEPARTMENT.

No. 2448 / 92—2.

Dated Simla, the 30th August 1897.

SUBJECT.

Amendment of the mining rules in respect of certificates of approval of applicants for prospecting licenses and of deposit in case of mining leases.

G. C. Press, Simla.—No. 1013 R. & A. D.—31-8-97.—50.

No. 2448
92—2.

FROM

E. MACONOCHIE, Esq., C.S.,
Offg. Under-Secretary to the Government of India,

TO

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
REVENUE DEPARTMENT.

Dept. of Rev. & Agri.
Geology and Minerals.

Simla, the 30th August 1897.

SIR,

I AM directed to reply to your letter No. 3915, dated 28th ultimo, in which certain modifications of the mining rules are suggested.

2. As regards the certificates of approval referred to in rules 10 (1) and 11 (3) of the rules, I am to say that the Government of India are still of opinion that the approval of the applicant for a license should be that of the Local Government since the grant of a prospecting license entitles the grantee, under certain conditions to demand a mining lease under the rules. If the Local Government think that their approval should hold good for a term only it will be easy to word their certificate accordingly. If in any case the circumstances of the applicant should have so altered since the approval was given as to render the applicant's fitness for a license doubtful, it would be the duty of the Collector under rules 12 and 13 (1) to refuse the license and report the matter to the Local Government. The wording of the rules will, however, be altered, so as to make it clear that it is the applicant, and not the application, that is approved of by the Local Government.

3. As regards the desirability of taking a deposit from applicants for mining leases, I am to say that the Government of India doubt whether a deposit is ordinarily necessary in such cases. They agree however with the Government of Madras that in the case of small operations, such as mica mines, it might often be well to demand a deposit; and they therefore propose to ask the approval of the Secretary of State to the addition to rule 18 the words "the Local Government may by general or special order require a deposit to be made by the applicant in any case or class of cases before the application is taken into consideration."

I have the honour to be,

SIR,

Your most obedient Servant,

E. Maconochie

Offg. Under-Secretary to the Government of India.

Government {1897} of Madras.

REVENUE.

Recd. } 1897. *Enclosures*

Regd. } *Spare copies*

G.O., No. 821, 28th September 1897.

SEPTEMBER.

Mining Rules.

Communicating to the Board of Revenue letter from the Government of India regarding the amendment of the — in respect of certificates of approval of applicants for prospecting licenses and of deposit in case of mining leases.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again the following G.O., Mis. No. 3914, Revenue, dated 28th July 1897:—

Order—Mis. No. 3914, Revenue, dated 28th July 1897.

Ordered that the following letter be despatched to the Government of India.

(True Extract.)

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

READ—again letter from the Acting Secretary to the Government of Madras, Revenue Department, to the Secretary to the Government of India, Revenue and Agricultural Department, dated 28th July 1897, No. 3915.

I am directed to submit, for the consideration of His Excellency the Governor-General in Council, the following suggestions for amending the Mining Rules promulgated by the Government of India in their Resolution No. 15—17, dated the 12th December 1894.

2. Under the existing rules an individual wishing to prospect has first to apply to the Local Government for a certificate of approval. In granting or refusing such certificates the Government must necessarily be guided by the report of the local officers, and it is the same officers who have afterwards to grant or refuse the prospecting license. This entails a waste of time and correspondence. Moreover, under the existing rules, no limit of time is laid down within which the certificate of approval is to be in force. It is possible to conceive the case of a man using a certificate after his circumstances have so changed as to make him an unfit subject for such a certificate.

3. In these circumstances, I am to suggest that the certificates of approval referred to in Rules 10 (1) and 11 (3) of the Mining Rules may be dispensed with altogether and that Rule 12 may be amplified so as to make it incumbent on the Collector to institute enquiries into the means and *bonâ-fides* of the applicants for a prospecting license and to empower him to refuse a prospecting license in cases where the result of such enquiries is unsatisfactory.

4. Another point which I am in this connection to bring to the notice of the Government of India is that, while the applicants for prospecting licenses are required by the Imperial Rules to make a minimum deposit of Rs. 500, applicants for mining leases have not to make any such deposit. The desirability of taking a deposit from applicants for mining leases also, in all cases in which the application for a mining lease has not been preceded by the grant of a prospecting license, was urged on the attention of the Government of India, by the Chief Commissioner of Burma in his letter No. 473–2M–10, dated the 21st March 1894, and the proposal was also approved by this Government. In the rules, however, as finally promulgated by the Government of India, no provision to this end was made. His Excellency the Governor in Council is not aware whether the omission was intentional. The precaution may not perhaps be necessary in the case of extensive operations which cannot be undertaken

without the command of capital, but, in the opinion of His Excellency the Governor in Council, it is essential in the case of small operations like those of mica mining. Recently, in dealing with proposals for regulating prospecting and mining operations in respect of mica in the Nellore district, His Excellency the Governor in Council felt the necessity for demanding a deposit from applicants for mining leases also, and agreed with the Collector and the Board of Revenue in considering that such a precaution should be insisted upon. I am to suggest therefore that Rule 18 of the Imperial Rules may be amended so as to provide for the making of a deposit by applicants for mining leases on a small scale in cases in which the Local Government may think it necessary.

READ—also the following letter from E. MACONOCHIE, Esq., C.S., Officiating Under Secretary to the Government of India (Department of Revenue and Agriculture—Geology and Minerals), to the Acting Secretary to the Government of Madras, Revenue Department, dated Simla, the 30th August 1897, No. 2418—92-2:—

I am directed to reply to your letter, No. 3915, dated 28th ultimo, in which certain modifications of the Mining Rules are suggested.

2. As regards the certificates of approval referred to in Rules 10 (1) and 11 (3) of the rules, I am to say that the Government of India are still of opinion that the approval of the applicant for a license should be that of the Local Government, since the grant of a prospecting license entitles the grantee, under certain conditions, to demand a mining lease under the rules. If the Local Government think that their approval should hold good for a term only, it will be easy to word their certificate accordingly. If in any case the circumstances of the applicant should have so altered, since the approval was given as to render the applicant's fitness for a license doubtful, it would be the duty of the Collector under Rules 12 and 13 (1) to refuse the license and report the matter to the Local Government. The wording of the rules will, however, be altered so as to make it clear that it is the applicant, and not the application, that is approved of by the Local Government.

3. As regards the desirability of taking a deposit from applicants for mining leases, I am to say that the Government of India doubt whether a deposit is ordinarily necessary in such cases. They agree, however, with the Government of Madras that in the case of small operations, such as mica mines, it might often be well to demand a deposit; and they therefore propose to ask the approval of the Secretary of State to the addition to Rule 18 of the words "the Local Government may, by general or special order, require a deposit to be made by the applicant in any case or class of cases before the application is taken into consideration."

ORDER—No. 821, Revenue, dated 28th September 1897.

Miscellaneous.

Communicated to the Board of Revenue.

(True Extract.)

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

To the Board of Revenue (Land Revenue).

Exd. Shaik Karim.

35 Copies.