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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

PUBLIC WORKS DEPARTMENT

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BILL

FOR THE REGULATION AND ENFORCEMENT OF KUDIMARAMAT OR UNPAID VILLAGE-LABOR IN THE PRESIDENCY OF FORT ST. GEORGE.

Original Draft.

As proposed by the Revenue Board.

As proposed by the Advocate-General.

WHEREAS it is expedient to make
Preamble, better provision
for the regula-
tion and enforcement of Kudimara-
mat, or unpaid village-labor, in
the Presidency of Fort St. George;
It is hereby enacted as follows:—

I. This Act may be cited as the
Madras Kudimaramat Act, 1882; it
extends to the whole of the Presi-
dency of Fort St. George, excepting
the districts of Madras, Malabar,
South Canara and Nilgiris, and the
canals and distributaries irrigating
more than one village in the Godá-
vari and Kistna Deltas; and it shall
come into force on the passing
thereof.

II. Section 6 of Act I of 1858
is hereby repealed.

III. The following repairs to
Description of Ku- irrigation and
dimaramat Works. drainage works,
shall be perform-
ed by Kudimaramat or unpaid
labor, contributed as hereinafter
laid down by those who own, or
cultivate lands, under such works:
Provided that no one shall be liable
to furnish Kudimaramat to an irri-
gation work under which he does
not hold land:—

I. No remark.

I. No remark.

II. No remark.

II. No remark.

III. The following repairs to
irrigation and drainage works shall
be performed by Kudimaramat or
unpaid labor, contributed as here-
inafter laid down by those who own
in whole or in part or cultivate lands,
under such works: Provided that no
one shall be liable to furnish Kudi-
maramat to an irrigation work
under which he does not own in
whole or in part or cultivate land:—

III. (The words "under such
works" seems to him hardly definite
enough. What is meant he thinks is
that persons who own or cultivate, in
any village, lands which receive
water from the irrigation or drainage
works appertaining to such village
shall be bound to contribute labor.
If, on the other hand, all persons
who own or cultivate lands in the
village, are bound to contribute,
whether the lands receive water or
not, or whether the owners of the
lands are or are not entitled to
receive water for some or all of their
lands, it would be well that such
intention should be expressed in
the Bill in clearer terms than it
is. Is it the intention that all
owners of lands, whether the culti-
vation adopted is wet or dry culti-
vation, shall contribute, or only the
owners of lands for the cultivation of
which water is or may hereafter be
supplied from the irrigation works?)

(1) No remark.

(1) The filling up of gullies,
ruts, and holes, especially
at the back of revetments,
and all petty repairs of a
like nature essential for
the safety of bunds of

(1) No remark.

Original Draft.

tanks, channel-banks, or other irrigation works appertaining to the village.

(2) The prevention of the growth on village irrigation works of prickly-pear, wild croton, young trees and other vegetation endangering the safety or concealing the condition of the work.

(3) The preservation of such bushes and grasses as have been planted for the protection of the interior water-slopes of bunds of tanks.

(4) The clearance of silt from sluices, supply, and distributing channels of tanks, spring-channels and also when not maintained by the State from river-channels.

(5) To clear the spaces between the upright stones of calingulabs (waste weirs with upright stones) and to regulate the latter according to the requirements of the season.

IV. The Government shall have power to require the performance of any description of work not included in Section III, on satisfactory evidence being adduced of its recognition as Kudimaramat in any district or part of a district, and similarly to declare that in any locality, or on any work, Section III or any part of it, shall not be applicable.

V. The actual cultivator, or tenant of the land, where the owner or proprietor of the land is not forthcoming, shall be bound to contribute the quota of labor as defined by Section VI of this Act, and it shall be lawful for such cultivator or tenant, to deduct the value of such labor at the current rate of wages in the village, from the rent payable to the owner or proprietor.

As proposed by the Revenue Board.

(2) No remark.

(3) No remark.

(4) No remark.

(5) No remark.

The Board suggest the following addition to Section III:—

The Engineer in charge of the work, or where there may be no professional officer in charge thereof, the Revenue-officer in charge of the division in which the work may be situated shall be the judge whether prickly-pear, wild croton, young trees and other vegetation endanger the safety or conceal the condition of the work. Such officer shall also initiate repairs under the Act.

IV. No remark.

V. Where the owner or proprietor of the land is not forthcoming, the actual cultivator or tenant of the land shall be bound to contribute the quota of labor as defined by Section VI of this Act, and he shall be entitled to deduct the value of such labor at the current rate of wages in the village from the rent payable to the owner or proprietor.

As proposed by the Advocate-General.

(2) No remark.

(3) No remark.

(4) No remark.

(5) *The clearances of spaces between the upright stones of calingulabs (waste weirs with upright stones) and the regulation of calingulabs according to the requirements of the season.*

The Advocate-General suggests the addition of the following paragraph to Section III:—

The Government may, from time to time, by notification in the "Fort St. George Gazette" and in the Gazette of the district, exempt any district or part of a district, or any locality or work, from the operation of this section, or any part thereof, and may from time to time in like manner cancel such notifications.

IV. In any district or part of a district to which this Act applies, the Government may from time to time by such notification as aforesaid require that any work not included in Section III, shall be performed by unpaid labor, upon being satisfied that such work has been heretofore performed by unpaid labor in such district or part of a district and may from time to time in like manner, cancel such notifications.

(The Advocate-General cannot suggest a better word than "heretofore," but thinks that instead of it a date might be mentioned in the Act).

V. Suggests the following addition to this paragraph:—

In case of any dispute as to the amount which the cultivator or tenant is entitled to deduct from his rent under this section, the same shall be determined upon summary inquiry by the Divisional Revenue-officer.

Original Draft.

VI. The quota of labor to be furnished by individuals will be determined by the proportion between the assessment of the lands occupied by them under the irrigation work, and the total assessment of the occupied lands under such work. In the case of Inam or rent-free lands the full assessment which

such lands would bear if they were not Inam shall

be taken to be the assessment of such lands for the purposes of this section. Whenever a majority of the persons bound to contribute

labor are willing to settle among themselves the details of its apportionment, it shall be open to them to do so, the Divisional Revenue-officer being empowered to appoint a Panchayat for this purpose under the provisions of Regulation V of 1816.

VII. Whenever an irrigation work supplies the lands of more than one village, every village concerned shall be

liable to furnish labor for its Kudimaramat. In such cases the shares of work to be done shall be, for tanks and their connected works, settled under the orders of the Divisional Revenue-officer by apportioning to each village a definite length of the tank-bund, supply-channel, distributaries, &c., after which the headman of the village will be responsible that the share of his village is regularly performed. In the case of channels irrigating more than one village, the shares of individual villages shall in like manner be arranged from time to time under the orders of the Divisional Officer and subject to the Collector's approval.

VIII. It will be the duty of the Tahsildar to prepare and maintain registers for each village in his taluk showing the number and description of the works, upon which Kudimaramat labor is required under the provisions of this Act, and also the names of those who are bound to contribute this labor, and the share

As proposed by the Revenue Board.

VI. No remark.

VII. Whenever an irrigation work supplies the lands of more than one village, every village concerned shall be liable to furnish labor for its Kudimaramat. In such cases the shares of work to be done shall be, for tanks and their connected works, settled under the orders of the Divisional Revenue-officer, subject to revision by the Collector, by apportioning to each village a definite length of the tank-bund, supply-channel, distributaries, &c., after which the headman of the village will be responsible that the share of his village is regularly performed. In the case of channels irrigating more than one village, the shares of individual villages shall in like manner be arranged from time to time under the orders of the Divisional Officer, and subject to the Collector's approval.

VIII. No remark.

As proposed by the Advocate-General.

VI. Remarks that this section also has the words "under the irrigation work," and that the words may be quite intelligible to those who are conversant with the subject.

VII. Whenever an irrigation work supplies the lands of more than one village, every village supplied shall be liable to furnish labor for its Kudimaramat. In such cases the shares of work to be done shall be, for tanks and their connected works, settled under the orders of the Divisional Revenue-officer, subject to the Collector's approval, by apportioning to each village a definite length of the tank-bund, supply-channel, distributaries, &c., after which it shall be the duty of the headman of such village to see that the works for his village are performed in the manner prescribed, and to report any failure or neglect in the execution thereof without unnecessary delay to the Tahsildar or Divisional Revenue-officer. In the case of channels irrigating more than one village, the shares of such villages shall in like manner be arranged from time to time under the orders of the Divisional Officer, and subject to the Collector's approval whose decision shall be final.

(Remarks that no penalty is provided in the section or in the Bill for failure by the headman to perform the duties imposed upon him, and that perhaps the liability to dismissal from office has been deemed sufficient.)

VIII. It will be the duty of the Tahsildar to prepare and maintain registers for each village in his taluk, showing the number and description of the works upon which Kudimaramat labor is required under the provisions of this Act, and also the names of those who are bound to contribute this labor, and the share for which each one of them is responsible. The village registers

Original Draft.

for which each one of them is responsible. The village registers shall be corrected annually by the Tahsildar, all alterations in holdings, or relinquishment of lands, being duly noted. Copies of the registers shall be furnished to the headman of the village to which they relate, in view to their contents being made known as widely as possible among the villagers.

IX. It shall be the duty of the headman of every village concerned, to see that the Kudimaramat required for his village is duly contributed, and applied to the purposes specified in Section III. Whenever the labor so required is withheld by the person bound to contribute the same, it shall be the duty of the headman of the village to cause the immediate execution of the work by hiring labor at the prevailing rate of wages, at the same time reporting his proceedings to the Tahsildar of the taluk, who shall thereupon hold a summary inquiry into the facts of the case, and may recover the value of the labor withheld from the person who should have contributed it. If it appears to him that the labor has been withheld without good and sufficient reason, he may in addition adjudge the defaulter to pay a penalty not exceeding twice the value of the labor withheld.

X. The cost of the labor hired, as well as the penalty which may be adjudged under the preceding section, shall be forthwith recoverable in the manner prescribed for the recovery of arrears of land-revenue in the Madras Presidency.

XI. When any of the persons who, under the provisions of this Act, are bound to furnish labor, prefer individually or collectively to compound for the whole or any part of such obligation by an annual money-payment, it shall be lawful

As proposed by the Revenue Board.

IX. It shall be the duty of the headman of every village concerned to see that the Kudimaramat required for his village is duly and promptly contributed, &c., (the rest of the section remains unaltered).

X. No remark.

XI. (Remark that it seems desirable to require that any composition should be made at a fixed date in order to prevent complications which might arise by proposals to compound being advanced when an emergency is imminent.)

As proposed by the Advocate-General.

shall be corrected annually by the Tahsildar, all alterations in holdings, or relinquishment of lands, being duly entered. Copies of the registers shall be furnished to the headman of the village to which they relate, in view to their contents being made known as widely as possible among the villagers. Such registers and the copies thereof furnished to the headmen shall be open to the inspection of the public at all reasonable times.

IX. It shall be the duty of the headman of every village to see that the Kudimaramat required for his village is duly contributed, and applied to the purposes specified in Section III. Whenever the labor so required is withheld by the person bound to contribute the same, it shall be the duty of the headman of the village to cause the immediate execution of the work by hiring labor at the lowest rate of wages at which it can be procured. Whenever such headman hires labor under the authority of this section, he shall report all the facts of the case to the Tahsildar of the taluk without unnecessary delay. The Tahsildar shall hold a summary inquiry into the facts, and he may direct that the persons making default do pay to the headman the amount expended or due for such hired labor, and in addition to pay into the local treasury a penalty not exceeding twice the amount so expended or due. Such headman shall be entitled to receive from the Collector all moneys expended or due by him for hired labor under this section in cases in which he does not recover the same from the defaulters. All penalties paid under this section shall be applied, as far as may be necessary, to providing a fund from which the Collector may pay the headmen all moneys expended or due by them for hired labor under this section, and the surplus, if any, shall be spent upon irrigation works in the district.

X. The cost of the labor hired, as well as the penalty which may be adjudged under the preceding section shall be recoverable in the manner prescribed for the recovery of arrears of land-revenue.

XI. No remark.

Original Draft.

for the Collector to admit such composition for a period not exceeding three years at such rates as shall be fully equivalent to the money-value of the obligation, and to undertake the execution of the work so compounded for, provided that the whole of the sum so raised shall be spent on the irrigation work in respect of which it is collected.

XII. The Collector shall fix the dates within which each party to the above composition shall pay the share due by him: and every sum not so paid shall be deemed to be an arrear of land-revenue and be recoverable under the provisions of Act II of 1864.

XIII. All decisions or orders passed by a Tahsildar under the provisions of this Act shall be appealable to the Divisional Officer, provided such appeal be made within two months from the date of such decision or order: and a further appeal shall lie to the Collector if made within one month from the date of the Divisional Officer's decision or order. Orders passed by the Collector on such appeals shall be final. From every original decision or order of a Collector or Divisional Officer an appeal shall lie to the Board of Revenue, if preferred within three months from the date of such order or decision.

XIV. No Court of Civil Jurisdiction shall have authority to take into consideration or decide any questions relating to the liability to contribute labor or money, the rates of composition, and the expenditure of the money raised under this Act.

XV. The Government may, from time to time, make rules, make and when made may alter or cancel rules to regulate the following matters:—

- (1) The proceedings of any officer who under any provision of this Act is required to take action in any matter.
 - (2) And generally to carry out the provisions of this Act.
- Such rules, alterations, and cancellments shall be published in the *Port St. George Gazette*, and shall thereupon have the force of law.

As proposed by the Revenue Board.

XII. No remark.

XIII. All decisions or orders passed by a Tahsildar under the provisions of this Act shall be appealable to the Divisional Officer, provided such appeal be made within two months from the date of such decision or order: and a further appeal shall lie to the Collector if made within one month from the date of the Divisional Officer's decision or order. Orders passed by the Collector on such appeals shall be final. From every original decision or order of a Collector or Divisional Officer an appeal shall lie to the Collector if preferred within three months from the date of such order or decision.

XIV. No remark.

XV. No remark.

As proposed by the Advocate-General.

XII. The Collector shall fix the dates within which each party to the above composition shall pay the share due by him: and every sum not so paid shall be deemed to be an arrear of land-revenue, and be recoverable in the manner prescribed for the recovery of arrears of land-revenue.

XIII. No remark.

XIV. No Civil Court shall have authority to take into consideration or decide any questions relating to the liability to contribute labor or money, the rates of composition, and the expenditure of the money raised under this Act.

XV. No remark.

To Hon^{ble} the President
of the Board of Commissioners
of the Public Lands
1875

For order

I herewith submit
the Undermanned
Bill with the emen-
dations by proposed
by the Res. Board &
the Advocate General,
printed in parallel
columns as suggested
by the Hon^{ble} Auditor
in his note of the
26th ultimo

I have however not
initialed the draft-
order thereon as I
am not aware that
this is the disposal
which Government desire
or whether they will
not rather take such
measures as may be

Co 1876 - R 15/6

desirable for
amending the draft
Bill (taking into
consideration the
proposed modification)
and then submit it
into their recommendation
to the Govt.

In this view possibly
the Govt. may desire
to refer the draft
again to the original
Committee for early
report - ?

Att

13-6-82

This is the course
that should be followed
H.C.

Yes - Let the Committee
send up a fresh Bill
adopting such of the
suggested amendments as
they think proper - We
shall then have a definite
Bill to lay before India's
honourable recommendation
in its favor - The department
will then be able to
proceed to make any small
changes in form &c.

15/6

No 1515 W 15/6

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 17th June 1882
Read the following:-

Pro: B? of Rev ——— N E No 1208 of 2nd May/82
Govt. Secy ——— 240 of 19 May/82
Govt. of India ——— 242 R 26-50
Rev: & Ag: Dept

The Draft Bill
for the regulation and
enforcement of Judgments
must will be referred
back to the Committee
who will be requested
to take into consideration
the modifications sug-
gested by the Board
of Revenue and the
Advocate General, and
to submit a revised
Bill adopting such
of the suggested em-
endations as they may
think proper
15/6/82

To The Hon: Cg. Master
Col. R. H. Sankar C. R. & Co.
" J. B. Hasted R. E.
E. F. Webster Esq.

With draft bill

Deposited
21-6-82

Att
15/6/82

Printed
20/11

3622 4-

J

Govt. of (1882) Madras.

PUBLIC WORKS.

Dated

Sd/-
17/6

Recd.

Encl.

G. O. 17 June 1882. No. 1515 W

Nos. 123 15/29

Kudimaramb

The Draft Bill for the
regulation and improvement
of — referred back to
the Committee with instructions.

only 24/6