

(1) Number of pages 26
 (2) Date of repair 24-3-87
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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W. DEPARTMENT

G.O. No.	1515 W	Press.
B.P. No.		Mis.
Dated	17. 6. 1882	197.

Not to be folded or roughly handled

LIST OF RECORDS ISSUED BY THE TAMIL NADU ARCHIVES

(To be filed with the paper.)

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543

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17TH JUNE 1882, No. 1515 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 123.

READ—the following papers :—

Proceedings of the Board of Revenue, dated 2nd May 1882, No. 1205.
From the Government Solicitor, " 19th " " 240.
From the Government of India, Revenue and Agricultural Department, dated 26th May
1882, No. 242 R.

No. 124.

ORDER—dated 17th June 1882, No. 1515 W., Public Works.

The draft Bill for the regulation and enforcement of Kudimaramut will be referred back to the Committee, who will be requested to take into consideration the modifications suggested by the Board of Revenue and the Advocate-General, and to submit a revised Bill adopting such of the suggested emendations as they may think proper.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Hon. C. G. Master,
" Colonel R. H. Sankey, C.B., R.E., } with draft Bill.
" J. O. Hasted, R.E.,
" E. F. Webster, Esq.,

Exd. J. W. Fischer.

Spare Copies

GENERAL
ESTABLISHMENT.

Gobt. of (1882) Madras.
PUBLIC WORKS.

Dated June, 17th.

Recd.

Encl.

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

JUNE
Nos. 123-124.

Kudimaramut.

The draft Bill for the regulation and
enforcement of — referred back to the Com-
mittee with instructions.



1575
2

Proceedings of the Board of Revenue,

Dated 2^d May

1882.

No. 1205.

Miscellaneous

READ L.C. dated 29th March 1882 No. 832 N., O. W. D.

The Board resolve to offer the following
remarks upon the Bill for regulating and
enforcing Kudimaramut - or Customary
labour - forwarded with the foregoing
order of Government.

2. The Bill as drawn appears to contain
adequate provision for carrying out the
object in view but the Board think
there is room for the following modifications,
and that the wording of the Bill would
be improved by their introduction.

3. Section III - First paragraph - For
"who own or cultivate lands" substitute
"who

who own in whole or in part or cultivate -
This would ensure the liability of share holders.
and the same wording might be employed
at the close of the paragraph in lieu of
"does not hold land". Moreover an addition
to this Section seems the required indica-
ting who is to be ^{the} judge of what work
is necessary, whether practically near see
endangers the safety of a work and so forth.
The Board would suggest that this duty
and generally that of initiating repairs
under the Act be distinctly laid upon
the Engineer in charge of the work or
where there may be no professional
officer in charge thereof, upon the
Revenue Officer in charge of the Division
in which the work may be situated.
Possibly, however, it is the intention of
the Committee that provision for such
action

action should be made by rule promul-
-gated by Court. under Section ~~IV~~.
1515/3
4. Section V should read as follows:
"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 labour
as defined by Section III 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."

5. Section VII. The Board would make
all orders ^{passed} by a Divisional Officer subject
to revision by the Collector and similarly
under Sec VIII would make appeals
from such Officers lie not to the Board
but to the Collector.

6. Section IX first sentence. The word
promptly

promptly "might with advantage be
inserted after "duly" in the second line.

7. Section II. 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 & compound being advanced
when an emergency is imminent.

(True Subact)

E. J. Davis
Ag Secretary

To
The Secretary & Govt. P. W. D.

Wm.
C. J. Davis

4.6.3268. 21-5-81

" 23588-26-7- " (orig)

" 8328-29-3-82 (orig)

1882.

Board of Revenue,
MADRAS.

To

The Secretary to Govt. P.W.D.

Proceedings, dated 2nd May 1882.
No.

Subject.

Submitting remarks on the
Bill for regulating & enforcing
Kudimaramat in the Madras
Presidency.

only 5/5/82.

Enclosure No I of Letter No 240.

1575
Without giving any opinion as to the expediency of legislating on the subject the following are the observations which occur to me upon the draft Bill for the regulation and enforcement of Kudimaramat or unpaid village labour in the Presidency of Fort Saint George.

Section III. The words "under such works" in line 4 seem to me to be hardly definite enough. What is meant, I think, 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 labour. 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, I think, 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 cultivation adopted is wet or dry cultivation shall contribute or only the owners of lands for the cultivation of which water is or may hereafter be supplied from the irrigation works?

(5) Insert the words "the clearances of spaces" and "the regulation of Calungatas" instead of the words in this part of the Bill.

The Section ought, I think, to conclude with a paragraph to the following effect instead of inserting it in the 4th Section.

The Government may, from time to time, by notification in the Fort Saint 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.

Section IV. The words "on satisfactory evidence of its recognition" appear to me to be too vague. Assuming that the Government is to judge of the sufficiency of the evidence which is to be required, what "recognition" will suffice or by whom? I suggest a Section somewhat as follows:-

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 labour upon being satisfied that such work has been heretofore performed by unpaid labour in such District or part of a district and may from time to time in like manner cancel such Notifications. I think it would be well also if practicable to specify the kind of work. Probably the word "heretofore" which I have used is not the proper word, but I am unable to suggest a better word at present. In stead of it a date might be mentioned in the Act.

Section V. I suggest the addition of a paragraph to this effect at the end of the Section.

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.

Section VI. This Section also has the words "under the irrigation works" The words may be quite intelligible to those who are conversant with the subject.

Section VII. In line 2 instead of "concerned" insert "Supplies" In line 5 after "Divisional Revenue Officer" add "subject to the Collector's approval" In line 6 from the words after "after which" down to the words "regularly performed" in line 7 substitute the following: "it shall be the duty of the Headman of such village to see that the works for

1575
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 line 8 instead of "in divisional" insert "such". No penalty is provided in the Section or in the Code for failure by the Headman to perform the duties imposed upon him. Perhaps the liability to dismissal from office has been deemed sufficient.

Section VIII. Line 8 for "notes" insert "entered" and add a paragraph at the end as follows:-

Such registers and the Copies thereof furnished to the Headmen shall be open to the inspection of the public at all reasonable times.

Section IX. Omit the word "concerned" In line 6 instead of the words "prevailing rate of wages" insert "at the lowest rate of wages at which it can be procured"

For the rest of the Section substitute the following:-

Whenever such Headman hires labour 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 enquiry 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 labour 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 labour 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 for

from which the Collector may pay the Headman all moneys expended or due by them for hired labour under this Section and the surplus, if any, shall be spent upon irrigation works in the district.

Section X. Omit the words "forthwith" and "in the Madras Presidency."

Section XII. Instead of the words at the end insert after "be" the words "recoverable in the manner prescribed for the recovery of arrears of land revenue."

Section XIV. Insert "No Civil Court" instead of "No Court of Civil Judicature."

The 18th May 1882.

/Signed/ P. C. Sullivan
Advocate General

/A True Copy/
Ernest Barclay
Government Solicitor

No. 210.

Madras 19th May 1882

From

Ernest Barclay

Government Solicitor

Madras

To

The Secretary to Government

Public Works Department

Cotacaimund

Sir,

1. I beg to acknowledge receipt of your memorandum dated 10th instant No 88 E together with its enclosures.

2. As requested I submitted the papers forwarded with your memorandum for the consideration of the Advocate General and I now forward herewith a copy of his remarks on the proposed Bill for the regulation and enforcement of kindimaramat or unpaid village labour in the Presidency of Fort St George, and return the enclosures which accompanied your memorandum.

I am, Sir

Your Obedient Servant,

Ernest Barclay

Government Solicitor

Prd 2113497

(1882) Department

From

The Government Solicitor
Madras.

To

The Secretary to Government
Public Works Department
Cotacaimund

No 240

Dated 19 }
Recd 20 } May 1882

Enclosures 3.

Forwarding Copy of the Advocate
General's Remarks on the proposed
Bill for the regulation and enforcement
of Kudumarama or unpaid village
labour in the Presidency of Fort St George

Cir 13/6. R 15/6

o.L.S. 30/5

Cir 1/6

Revenue and Agricultural Department,
(Revenue)
The 26th May 1882.

No. 242 R.

1575

To The Secretary to the
Govt of Madras

SIR,

I AM directed to invite attention
to the communication marginally
noted,* and to request the favour of
an early reply thereto.

I have the honour to be,

SIR,

Your most obedient Servant,

M. C. L. M.

Under Secretary to the Govt. of India.

* No. 245 dated 27 April 1881
subsequent reminder
No. dated

Commenced to C.E. for
Irrigation 22/5/82
2/6/82

REVENUE (1882) DEPARTMENT

McQuo: 3522

No. 2900

From

The Govt of Andhra
Rev. & Agric. Dept.

Dated

26 May

Recd.

29 June

5/6/82

No. 242 R.

SUBJECT.

Requesting an early
reply to the communication
regarding Irrigation law
for the Presidency of
Madras.

Public Works.

P. W. DEPARTMENT.

Proceedings of the Board of Revenue. No. 1205 of 23 May 1882
Letter from the Government of India, Madras,
No. 240 of 10th May 1882

Read the following:—

1575
11

FOR ORDERS.

See from Mr H. E. Sullivan was supplied with the
papers as suggested by the H. E. but was not yet
replied

C. S. Mankay Chaudhary

Secretary to Government, Madras

May 1882

The Draft has been
printed in 2 margin
and a copy, to the
Bd. & Adv. Gen. proposed
indicated is inserted in
the blank margin.

26/5/82

FOR ORDERS.

No

1575
12

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

15/5/82

Read the following:—

Pro: Board of Revenue - 118.4.12052/15/82

Letter from Govt. Secy, Madras, 240 of 19.5.82

" " Govt. of India, Revenue

+ Agricultural Dept

24.2.82 of 26.5.82 -

Ordered that the
draft Bill submitted
by the Committee ap-
pointed in L.O. 2358W
of 26th September 1881 be
printed with proposed
modifications by the
Board of Revenue and
Advocate General, and
copies furnished for
the information of the
Govt. of India.

H. 9. No of

To

The Secretary to the
Govt. of India

Home, Revenue, & Agriculture
Dept

Chief Secy for Irrigation
Board of Revenue
Revenue Department
Legislative Dept

Sir,

I am directed
to acknowledge

the

15/5/82

Recd at
15/5/82

The receipt of your
letter No 245 d/27th
April 1881 and sub-
sequent reminders on
the subject of an Irrig-
ation Law for the
Madras Presidency, and
to forward for the Con-
sideration of the Govt.
of India the accompany-
ing draft of a Bill
which has been drawn
up by a Committee
composed of the fol-
lowing named below.

Members of Committee

- C. G. Mader Esq: Chief Secy to Govt.
- Col. R. S. Laing C.B. Chief Eng: Secy
to Govt. Rd Dept
- E. Forster Esq: Secy to Govt. Rev. Dept
- Col. J. Mullins R.E. Chief Eng: for Irrigⁿ &
to Secy to Govt. Irrigⁿ Branch

2. The draft is ac-
companied by re-
marks of the Board
of Revenue and the
Advocate General
to whom it was sent
for consideration in
the

The first instance -

3. The Report of
the Members of Com-
- mittee printed with
G. O. 832 Wd/29th March
1882 also accompanied.

RS
1575
13

RS