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N^o 1351 W of 9th May 1883

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Govt. of (1883) Madras.

LEGISLATIVE.

Encl.

Recd 3/5/83

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Issued 1st May

Recd.

Encl.

5 A. Copy

G.O., 27th April 1883, No. 79.

APRIL.

N^o 1351 W. of 9th May/83

Madras Kudimaramut Bill.

Directing the publication of this Bill with Statement of Objects and Reasons in the Fort St. George Gazette, and requesting the Hon. Colonel Sankey to take charge of it.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—again the following papers :—

G.O., dated 28th September 1882, No. 95, Legislative.

Letter to Government of India, dated 28th September 1882, No. 96, Legislative.

Despatch to the Secretary of State for India, dated 10th October 1882, No. 8, Legislative.

Read—also the following papers :—

From R. J. CROSTHWAITE, Esq., Additional Secretary to the Government of India, Legislative Department, to the Chief Secretary to Government, dated Fort William, 17th February 1883, No. 308.

I am directed to acknowledge your letter, No. 96, dated the 28th September 1882, enclosing a draft Bill to regulate and enforce Kudimaramut, or unpaid village labor in the execution of irrigation works, and soliciting the sanction of the Governor-General in Council to the Bill being proceeded with in the Madras Council on the ground that some of the clauses of the Bill might be considered *ultra vires* of the local Council.

2. In reply, I am to say that the validity of Section 14 of the Bill might possibly be questioned, both on the ground of its purporting to exclude the jurisdiction of the High Court and on the ground of its being inconsistent with the Madras Civil Courts Act, 1873.

3. I am however to state that His Excellency the Governor-General will not on these technical grounds object to the Bill being proceeded with in the local Council.

Despatch from the Right Honorable the Secretary of State for India, to His Excellency the Right Honorable the Governor in Council, Fort St. George, dated India Office, London, 15th March 1883, No. 1 (Legislative).

I have received and considered in Council your Excellency's letter, No. 8, of 9th October 1882, Legislative, enclosing a draft Bill "To regulate and enforce Kudimaramut or unpaid village labor in the execution of irrigation works," which it is proposed to introduce before the Madras Legislative Council.

2. I recognise the importance of the object sought to be accomplished through this measure, and trust that the desired improvement of system may be effected.

3. I gather from the correspondence which has passed on the subject between your Excellency's Government and the Government of India that the introduction of this Bill was suggested with a view to the removal of certain defects in the method of dealing with irrigation works in the Madras Presidency, to which attention has been directed in the Report of the Famine Commission.

4. The Government of India specially noticed paragraphs 58 and 60 of Part II of the Report as indicating the more important points touched on by the Commission. But a reference to the Report will show that for a complete statement of the views of the Commission paragraphs 57 and 59 must likewise be considered, and indeed it would appear that it is these last-named paragraphs which contain the suggestions on which the greatest stress was laid.

5. The contention of the Commission, briefly stated, was that a line should be drawn between the works to be maintained and managed by the Government through its Public Works Agency, and those to be left to be maintained by the people themselves; because, in consequence of the vast number of the minor works, the attempts to maintain them all by a direct Government agency must be ineffectual.

6. Believing that the present draft Bill would in its general scope make a valuable advance towards the accomplishment of this object, I yet doubt how far Section XI in its present form would be found compatible with the intention of relieving the Government to the utmost of the responsibility for the maintenance of the works to which the Bill applies. This section gives to the ryots a complete power of commuting their liability to provide labor into a money payment to the Collector, who thereby would necessarily become wholly responsible for carrying out the work for which the payment was made.

7. As it is proposed to revive an old custom which has for a long time been in abeyance, some provision will doubtless be needed to enable those who cannot or are unwilling to labor themselves to provide substitutes, or possibly a sufficient money commutation; but the responsibility for the execution of the work ought still to remain with the local community, and not be imposed on the Collector.

8. With these observations, I leave your Excellency to proceed with the consideration of the Bill in the regular course.

ORDER—dated 27th April 1883, No. 79, Legislative.

The required sanction to the introduction of the Madras Kudimaramat Bill into the local Council having been accorded in the papers read above, His Excellency the Governor, under Rule 25 of the rules for the conduct of business, directs the publication of the Bill with Statement of Objects and Reasons in the *Fort St. George Gazette*.

2. The Hon. Colonel Sankey, C.B., will be requested to take charge of the bill.

3. The remarks of the Right Honorable the Secretary of State will be considered when the Bill is referred to a Select Committee.

(True Extract.)

M. M. M.

Acting Asst. Secy. to Govt.

To the Public Works Department,
Hon. Colonel R. H. Sankey, C.B., R.E., } with Bill, &c.

Exd. J. Wright.



Bill to be introduced into the Council of the Governor of Fort St. George for making Laws and Regulations.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published for general information under Rule 25 of the Rules for the conduct of business at Meetings of the Council of the Governor of Fort St. George for making Laws and Regulations:—

No. 2 OF 1883.

A Bill for the regulation and enforcement of Kudimaramat or unpaid Village-labor in the Presidency of Fort St. George.

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

1. This Act may be cited as "The Madras Kudimaramat Act, 1883;" it extends to the whole of the Presidency 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 Godavari and Kistna Deltas; and it shall come into force on the passing thereof.

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

3. The following repairs to irrigation and drainage works shall be performed by Kudimaramat or unpaid labor, contributed as hereinafter 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 Kudimaramat to an irrigation work under which he does not own in

whole or in part or cultivate land. The Government may, from time to time, by notification in the *Fort St. George Gazette*, 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:—

- (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 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) The clearance of spaces between the upright stones of calingulahs (waste weirs with upright stones) and the regulation of calingulahs according to the requirements of the season.

4. 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 3 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.

5. 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 6 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. 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.

6. 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.

7. 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.

8. 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 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.

9. 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 3. 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.

10. 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.

11. 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, the Collector may 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 may 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.

12. 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.

13. 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.

14. 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.

15. The Government may, from time to time, 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 *Fort St. George Gazette* and shall thereupon have the force of law.

STATEMENT OF OBJECTS AND REASONS.

1. Proposals to improve the system of Irrigation Works in the Madras Presidency have for years been under consideration.

2. One of the chief points to be dealt with was the question of Kudimaramat or unpaid village-labor.

3. The meaning of the term and the circumstances under which the custom had fallen into disuse are succinctly described in Chapter 4 of the "Report of the Committee appointed under the Famine Commission to inquire into the management of Irrigation Works in Madras, Orissa, and Midnapur" published in 1879, and will be found in the following extracts therefrom:—

"During the first half of this century the ryots were admittedly under the obligation to watch over the safety of their tanks, and to carry out the petty repairs necessary from month to month. They received no pay for their labor, nor was any deduction made from the land assessment on account of it. It was the ancient and recognised rule of the land and was locally termed *Kudimaramat*. For much of the ordinary tank maintenance then the State paid nothing, but funds were occasionally given by Government and disbursed through the agency of the Revenue Officers in the nature of a grant-in-aid for some specific repair, such as the closing of a breach, the renewal of a waste weir, or the improvement of a tank. For the villagers were not expected to give their unpaid labor to effect improvements, but only to maintain works *in statu quo*, or to keep them from falling into disrepair.

"A Public Works Commission in 1854 pronounced against this system as open to many abuses, and in 1856-57 the Department of Public Works was established. The duty of initiating tank repairs was then removed from the Revenue Officers and transferred to the new depart-

ment; but it was not empowered to insist, as the Revenue Department could, on the ryots performing their *Kudimaramat*. The Range Engineer carried with him none of the influence of the Deputy Collector or Tahsildar. He was left to get on as best he might unaided, and thus an amount of unpaid labor, representing probably some lakhs of rupees, was lost to the State. The ryots soon found that no more was expected of them. Why should they stop holes or cut down prickly-pear when Government was going to do all that for them? And although, from the exigencies of the budget and the want of supervising establishment, they must have since found out that minor works were receiving but little attention, still, since the Public Works Department has been in the habit of taking up every here and there a group of tanks and spending money on it, the ryots have refrained from exerting themselves in the hope that it will some day come to their turn too.

"Where irrigation is effected by small spring channels, almost the only repair needed is their silt clearance, and as this is absolutely necessary at short intervals to get water at all, it is still generally performed by the free labor of the ryot. The case of tanks is different. There irrigation will go on until the final moment when the embankment bursts, and there is not the same pressing need for the ryot to exert himself in repairing them. We have to consider then the best system of tank maintenance.

"In the opinion of the Committee, the first measure to be taken is to revive the custom of *Kudimaramat* and to place it on a satisfactory basis,—that is, to require from the peasantry of the country the execution from time to time of those petty repairs to irrigation works which are necessary for their safety and good order. This is no new proposal in Madras. Section 6 of Act I of 1858 empowered the enforcement of this obligation, but it was worded in such an indefinite way that it has seldom, if ever, been used. This was prominently brought to notice in the report of the Public Works Commission of 1869-70. In paragraph 10 it is said—

"There is, therefore, a very general agreement as to the necessity for providing more definite powers for the enforcement of the obligation than are conferred by Act I of 1858, Section 6, and after hearing much evidence on the subject and giving it, as its importance demanded, very full and careful consideration, we beg to make the following recommendations:—

"In the first place, we consider it to be both necessary and desirable in every way, that careful local inquiry should be made in and throughout each district as to the work of this kind, which is or has been customary.

"Secondly, that customary labor, so ascertained, should be enforced by a legal enactment. A Draft Act has been prepared and discussed, and will be found appended to this report.

"The careful inquiry here referred to was, under instructions from Government, very completely carried out, and the Board of Revenue came to the conclusion that the expediency of maintaining the system of *Kudimaramat* where it was already in force, and of reviving it where it had fallen into desuetude, had been satisfactorily established.

"In Appendix A of this report will be found a Draft Act, which the Committee beg to recommend for adoption. It has been based closely on that proposed by the Public Works Commission of 1869-70, modified by the result of the after-inquiries alluded to, and by the views expressed on them by the Board of Revenue."

4. The Famine Commission in their report* recorded in the following terms the opinion which they had formed upon the recommendation thus expressed:—

"The question of reviving the custom of statute labor, and imposing on the ryots the obligation of doing the ordinary work necessary to maintain their tanks and channels in proper order, has been carefully examined, and its desirability is enforced by a large number of local authorities; and we feel no hesitation in recommending that this reform be at once carried out. In the actual circumstances such a revival would be less burthensome to the people and more effectual than any other system under which the necessary work could be done. If in any case the change were found to throw on the cultivators a burden which was inconsistent with ancient custom, or with the demands which can be equitably made on them under existing assessments, a suitable compensation must be granted, but we apprehend that this would rarely be the case."

5. The Government decided on this to frame draft of Act to regulate *Kudimaramat*, and a Committee was appointed accordingly to review the Bill framed by the Irrigation Committee above mentioned.

6. The present Bill is the result of their labor.

Section I excepts certain districts and canals from its provisions.

Section II provides for the repeal of Section 6, Act I of 1858 (the only section of that Act which treats of the subject now under consideration and which has long been a dead letter).

Section III describes the various works which are to be performed by *Kudimaramat*, and restricts the obligation to contribute labor to those who hold lands under the particular Irrigation work.

Section IV empowers Government to extend or restrict the operation of the Act as circumstances may require.

Section V makes the actual cultivator of the land liable to contribute labor, and enables him to deduct the money value of it from the rent payable by him.

Section VI provides that the quota of labor for which each individual is responsible is to be regulated by the proportion which the assessment payable by him bears to the total assessment of the occupied lands under the work.

Section VII lays down rules for the distribution of *Kudimaramat* on works supplying more than one village.

Section VIII directs the preparation and maintenance of registers, showing the works on which *Kudimaramat* is to be exacted and the share of labor which each individual is to contribute.

Section IX provides for the execution of work by hired labor, when those who are bound to contribute labor refuse to do so without good and sufficient cause, and imposes a penalty where labor is wrongly withheld.

Section X provides for recovery of the cost of labor hired.

Sections XI and XII allow of a composition being made for a period of three years, where the ryots concerned prefer to pay in money the full value of the labor they would otherwise be bound to contribute.

Section XIII deals with appeals.

Section XIV debars the jurisdiction of Civil Courts to the extent specified.

Section XV provides for the framing of rules to carry out the provisions of the Act.

R. H. SANKEY.

OOTACAMUND,
27th April 1883.

(By Order.)

M. HAMMICK,
Acting Asst. Secy. to Govt.,
Legislative Department.

Govt. of (1883) Madras.

LEGISLATIVE.

Issued 1st May

Recd.

Encl.

G.O., 27th April 1883, No. 79.

APRIL.

No. 1351 W. 8/9th May/83

Madras Kudimaramut Bill.

Directing the publication of this Bill with Statement of Objects and Reasons in the Fort St. George Gazette, and requesting the Hon. Colonel Sankey to take charge of it.

1882.

LEGISLATIVE DEPARTMENT.

From

The Government of Fort St. George.

Issued

Recd.

Encl.

Letter, 28th September 1882, No. 96.

SEPTEMBER.

Draft Bill for the regulation and enforcement of Kudimaramat, &c.

Soliciting the sanction of the Governor-General in Council for the introduction of a —, into the Madras Legislative Council.

LEGISLATIVE DEPARTMENT.

LETTER—from

G. S. FORBES, Esq.,

Acting Under Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

REVENUE AND AGRICULTURAL DEPARTMENT.

SIR,

I am directed to transmit copies of the accompanying papers and of a Draft Bill to regulate and enforce Kudimaramat or unpaid village labor in the execution of irrigation works, and to solicit that the sanction of the Governor-General in Council may be obtained to its being proceeded with in the Council for making

Laws in this Presidency, as some of the clauses of the Bill may be considered *ultra vires* of the Local Council.

2. The Bill originated thus. The Indian Famine Commission reported that in this Presidency the subject of irrigation required more comprehensive and systematic treatment than it had yet received. The attention of this Government was accordingly drawn to the matter by the Government of India in their Revenue letter, No. 245, dated 27th April 1881. After due consideration this Government came to the conclusion that the question could be effectively dealt with only by legislation, and that, to suit the requirements of the Presidency, two enactments were necessary—one regulating Kudimaramat, and the other prescribing the law and obligations relating to

irrigation; and a Committee was appointed to draw up drafts of the measures proposed. The Bill now forwarded is the result of their consultations as regards the former of the measures mentioned. Its objects and reasons are sufficiently explained in the various reports of the Committee, recorded in the Proceedings which accompany this letter.

I have the honor to be,

Sir,

Your most obedient servant,

OOTACAMUND,
28th September 1882.

G. S. FORBES,
Acting Under Secy. to Govt.

Exd. J. Wright.

Govt. of (1882) Madras.
LEGISLATIVE.

Issued

Recd.

Encl.

G.O., 28th September 1882, No. 95.

SEPTEMBER.

Draft Bill for the regulation and enforcement of Kudimaramat, &c.

Ordering that a letter be despatched to the Government of India, soliciting sanction of the Governor-General in Council for the introduction of this Bill into the Madras Legislative Council.

LEGISLATIVE DEPARTMENT.

LETTER—from

G. S. FORBES, Esq.,

Acting Under Secretary to the Government of Fort St. George,

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Acting Under Secy. to Govt.

OOTACAMUND,
28th September 1882.

Exd. J. Wright.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—again the following papers:—

G.O., dated 21st May 1881, No. 326 I., Public Works.

Read—the following letter from C. L. TUPPER, Esq., Officiating Under Secretary to the Government of India, Home, Revenue, and Agricultural Department (Revenue), to the Secretary to the Government of Madras, dated Simla, 27th April 1881, No. 245:—

I am directed to forward the accompanying extracts from the Report* of the

* Part II, Chapter V, Section II, paragraphs 58 and 60 to 66.

† *Vide* letter from Government of India, Public Works Department, No. 92 C (Famine), dated the 18th March 1879.

Indian Famine Commission on the question of an Irrigation Law for the Madras Presidency, and to request that, after duly considering the remarks of the Commission in connection with the report† of the Madras, Orissa, and Midnapur Irriga-

tion Committee, the Government of Madras will favor the Governor-General in Council with a full expression of its opinion upon the subject.

ENCLOSURE.

Extract from Report of the Indian Famine Commission (Part II).

CHAPTER V.

Section II.—Irrigation Works.

Para. 58. The question of reviving the custom of statute labor, and imposing on the ryots the obligation of doing the ordinary work necessary to maintain their tanks and channels in proper order, has been carefully examined, and its desirability is enforced by a large number of local authorities, and we feel no hesitation in recommending that this reform be at once carried out. In the actual circumstances such a revival would be less burthensome to the people and more effectual than any other system under which the necessary work could be done. If in any case the change were found to throw on the cultivators a burden which was inconsistent with ancient custom, or with the demands which can be equitably made on them under existing assessments, a suitable compensation must be granted, but we apprehend that this would rarely be the case.

60. There is a general agreement that great inconvenience is occasioned by the absence of any Irrigation Law for Madras. Act VII of 1865 empowers the Government to levy a water-rate, in addition to the land revenue, wherever water is supplied for irrigation. But, with this exception, no special provision is made by law for the grant of sufficient powers to carry out the various administrative arrangements which the introduction of canal irrigation necessarily involves; and there are, in our opinion, several particulars as to which the absence of express enactment has produced evils of a very serious nature.

61. In the first place, there are at present no means of enforcing on Zemindars the obligation of maintaining their tanks and other irrigation works in proper efficiency, or even of contributing their share of expenses incurred by Government in the improvement of irrigation works by which their estates are benefited. As an instance of this, the case of the Jaghirdar of Arni, the holder of a large Zemindari Estate, may be mentioned, part of whose land has received considerable benefit from a series of tanks constructed in North Arcot, but who declines, and cannot, as the law stands, be compelled to contribute to the outlay involved.

62. The obligation on the part of the Zemindars to keep their tanks in repair is strengthened by the consideration that the land forming the bed of the tank was excluded from consideration when the permanent assessment was fixed. The object of this exemption has been, unfortunately, lost sight of, and the Zemindar often puts the tank bed to what purposes he pleases, and ignores his obligation to maintain it as a means of irrigation. Every Zemindar should, we think, be bound to keep every tank on his estate in complete repair, under rules similar to those that are made applicable to tanks on Government lands. If he fails to do so, the Government should do it, the outlay thus incurred being made a first charge on the land along with the revenue.

63. An abuse, which requires correction, has arisen by which the Zemindars benefit at the cost of the State. Lands which, on the introduction of canal irrigation, were in the enjoyment of any means of irrigation, however inferior and precarious, are now supplied with canal water without any additional charge. The consequence is that a Zemindar gets a continuous and unlimited supply for the whole of the area which, under the most favorable circumstances, he had ever brought under irrigation. There seems no reason why this benefit should be gratuitously conferred. In those cases in which the supply is enlarged or otherwise improved, a corresponding payment should be enforced, and any difficulty in doing this should be removed at once by proper legislation.

64. Where persons hold land rent free on condition of keeping certain tanks in good repair, the duty is seldom properly performed, and the tanks accordingly are a constant menace to the tanks below, and often, by breaching, cause the Government tanks to breach also. Power should be taken either to carry out the necessary repairs, charging the responsible person with the cost, or to buy up his right at a fair price.

65. There is great difficulty in dealing, under the general criminal law, with various offences which interfere materially with the proper management of a canal. Stopping up other people's channels, improperly opening one's own, tampering with banks, &c., are acts of this nature. The Irrigation Acts of other provinces provide for such cases, and a corresponding enactment is very necessary to secure effective canal administration in Madras.

66. In short we consider that in the Madras Presidency the subject of irrigation requires a more comprehensive and systematic treatment than it has ever yet experienced.

Order—dated 21st May 1881, No. 326 I., Public Works.

Communicated to the Chief Engineer, Public Works Department, and to the Chief Engineer for Irrigation, who are requested to favor the Government with an expression of their views on the subject of an Irrigation Law.

2. Their replies will subsequently be communicated to the Board of Revenue for such remarks and proposals as they may desire to offer prior to final consideration of the subject by Government.

(True Extract.)

(Signed) J. O. HASTED, Lieut.-Colonel, R.E.,
Ag. Joint Secy. to Govt., P.W.D.,
Irrigation Branch.

To the Chief Engineer, Public Works Department.

" Chief Engineer for Irrigation.
" Revenue Department.
" Board of Revenue.
" Legislative Department.

G.O., dated 26th September 1881, No. 2358 W., Public Works.

Read—again Proceedings of the Madras Government in the Public Works Department, dated 21st May 1881, No. 326 I.

Order—dated 26th September 1881, No. 2358 W., Public Works.

On reconsidering the subject of the above paper, the Honorable the Governor in Council is of opinion that the best and most practical way of meeting the demand of

the Government of India will be by framing drafts of Acts for regulating Kudimaramat, and prescribing the law and obligations relating to Irrigation, to suit the requirements of the Madras Presidency.

2. The following gentlemen will therefore be requested to form themselves into a Committee to consider the subject, and to draw up the drafts proposed after review of that relating to Kudimaramat, which will be found in the Report of the Irrigation Famine Committee, dated 27th December 1878, and of the various Canal Acts in operation in other Provinces:—

Members of Committee.

C. G. Master, Esq.
Colonel R. H. Sankey, C.B., R.E.
E. Forster-Webster, Esq.
Colonel J. Mullins, R.E.

3. The drafts will, on receipt by Government be forwarded to the Board of Revenue for their remarks before being dealt with by Government.

(True Extract.)

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

To C. G. Master, Esq.
" Colonel R. H. Sankey, C.B., R.E.
" E. Forster-Webster, Esq.
" Colonel J. Mullins, R.E.
" the Board of Revenue.
" the Revenue Department.
" the Legislative "

G.O., dated 29th March 1882, No. 832 W., Public Works.

Read—the following letter from the Members of the Committee appointed in Government Order, dated 26th September 1881, No. 2358 W., to the Secretary to Government, Public Works Department, dated Madras, 24th March 1882:—

We, the undersigned members of the Committee appointed in the Government Order noted in the margin, to frame drafts of Acts for regulating Kudimaramat and prescribing the law and obligations relating to Irrigation, have the honor to submit, herewith, a Bill relating to the former of these subjects.

2. We have carefully considered the draft Act contained in the Report of the Irrigation Famine Committee, dated 27th December 1878, as well as the Proceedings of the Board of Revenue, dated 6th May 1876, No. 1192, in which the whole subject of unpaid village labor is fully discussed. We have also referred to such other papers on the subject as were available, and we now beg to submit the conclusions at which we have arrived.

3. There appears to be no reason to doubt that the execution of timely repairs to Irrigation works by unpaid labor has, for a long series of years, been recognised as a duty devolving on the ryots whose crops depend on the maintenance of these works.

4. The custom was mentioned with approval by Sir Thomas Munro, who, speaking of tanks, says: "There are very few tanks in which ordinary repairs have not always been made either by the cultivators themselves or by the Revenue servants at their expenses." While of the repair of water-courses (tributary channels), he says: "Their repair is still more common than that of tanks by the labor of the cultivators. In every part of the country water-courses are annually cleared out by them, and the performance of

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such work is not regarded as any extra duty more than the payment of their rent." Board's Standing Order, No. 148.

Later on, the Board of Revenue, in 1847, drew up a list of works which they considered might fairly be classed as those which the ryot was bound to execute without payment, and full recognition of the existence of the custom is to be found in the Report of the Public Works Department Commission in 1869, as well as in the subsequent Proceedings of the Board of Revenue in May 1876. At the same time there seems always to have been some divergence of opinion as to the policy of enforcing this obligation by legislation, and as to the exact nature of the work to be enforced.

5. After giving the subject our closest attention, we concur in opinion with the Board of Revenue that the expediency of maintaining the system of Kudimaramat where it is already in force, and of reviving it where it has fallen into desuetude, has been satisfactorily established; but we consider that such a system can only be justified by necessity, and that it would be undesirable to enforce it by legislation, merely in order to supplement deficient funds.

6. We have accordingly endeavoured to frame the Bill so as to impose on the cultivator the duty of carrying out by unpaid labor, only such timely repairs to Irrigation works as require to be promptly attended to, in order to save the standing crops, or to prevent trifling injuries, leading, from want of prompt care and attention, to serious loss and expense. The general repair of Irrigation works must still, in our opinion, devolve on Government, and the requisite funds for carrying out such repairs should, we think, be provided by the State out of its Irrigation Revenue, and might properly form a first charge on that revenue.

7. We have omitted Items (6) and (7) of Section II of the Bill drafted by the Irrigation Committee in 1878, for the following reasons:—

Item (6). This provided for the construction of ring dams in front of breaches, and for strengthening bunds of tanks, where necessary, during the rainy season. The latter is generally provided for in Section III (1) of our draft Bill, and as regards the formation of ring bunds round breaches, we think that, although it was formerly a work usually performed by Kudimaramat, it is liable to be too heavy an exaction to make it desirable to enforce it as a Kudimaramat obligation. We propose therefore that the obligation to construct such ring bunds should be strictly enforced under the provisions of Act I of 1858, and that the work done should be paid for as therein required.

The importance of its being done promptly and effectually, whenever there is a reasonable prospect of thereby saving water to secure the crops, is indisputable; Act I of 1858 confers the necessary power to summon laborers belonging to the village or, if necessary, those of neighbouring villages also, and if it be made clear to Heads of villages, by Circular order of Collectors, that the duty must be attended to, no further legislation will be required.

Item (7). This required sluices to be uncovered by the villagers on the requisition of the Inspecting Officer. Our reason for omitting it is, that though the work to be done might in the majority of cases be trifling, it would, or might in the case of deep tanks, be far too heavy to be demanded without payment. We think that by an administrative order, the Heads of villages should be required to attend to requisitions for the uncovering of sluices which may need repair, but that the work done should be measured by the Inspecting Officer and paid for.

8. We have specially exempted from the operation of the Act the districts of Madras, Malabar, South Canara, and Nilgiris, as it appears from the Board's Proceedings, to which reference has been made above, that "Customary labor" has never been recognised in those districts. Nor do we intend that the provisions of the Act should apply to the canals and larger channels in the Godavari and Kistna Deltas, inasmuch as the entire regulation and distribution of water from these works is under the control of the Public Works Department—a state of things

which, as regards distribution of water in village channels, does not exist in the Cauvery Delta.

Section II of our draft provides for the repeal of Section 6, Act I of 1858, the only section of that Act which treats of the subject now under consideration, and which has long been a dead letter.

Section III describes the various works which are to be performed by Kudimaramat, and restricts the obligation to contribute labor, to those who hold lands under the particular irrigation work.

Section IV empowers Government to extend, or restrict the operation of the Act, as circumstances may require.

Section V makes the actual cultivator of the land liable to contribute labor, and enables him to deduct the money-value of it from the rent payable by him.

Section VI provides that the quota of labor for which each individual is responsible, is to be regulated by the proportion which the assessment payable by him bears total assessment of the occupied lands under the work.

Section VII lays down rules for the distribution of Kudimaramat on works supplying more than one village.

Section VIII directs the preparation and maintenance of registers, showing the works on which Kudimaramat is to be exacted, and the share of labor which each individual is to contribute.

Section IX provides for the execution of work by hired labor when those who are bound to contribute labor refuse to do so without good and sufficient cause, and imposes a penalty where labor is wrongly withheld.

Section X provides for recovery of the cost of labor hired.

Sections XI and XII allow of a composition being made for a period of three years where the ryots concerned prefer to pay in money the full value of the labor they would otherwise be bound to contribute.

Section XIII deals with appeals.

Section XIV debars the jurisdiction of Civil Courts to the extent specified.

Section XV provides for the framing of rules to carry out the provisions of the Act.

(Signed)	C. G. MASTER.
(")	R. H. SANKEY.
(")	JOHN MULLINS.
(")	E. F. WEBSTER.

ENCLOSURE.

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

WHEREAS it is expedient to make better provision for the regulation and enforcement of Kudimaramat, or unpaid village labor, in the Presidency of Fort St. George; it is hereby enacted as follows:—

Preamble.

I.—This Act may be cited as the Madras Kudimaramat Act, 1882: it extends to the whole of the Presidency 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 Godavari 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 irrigation and drainage works shall be performed 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 irrigation work under which he does not hold land:—

(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 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.

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 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 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 Judicature 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.

Government may make rule.

XV. The Government may, from time to time, 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 *Fort St. George Gazette* and shall thereupon have the force of law.

Order—dated 29th March 1882, No. 832 W., Public Works.

Forwarded to the Board of Revenue for remarks with reference to paragraph 3 of G.O., No. 2358 W., dated 26th September 1881.

2. In consideration of the urgent demands made by the Government of India, the Government desire to impress on the Board the absolute necessity for disposing of this reference with the least practicable delay.

(True Extract.)

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

To the Board of Revenue.
" Revenue Department.
" Legislative Department.

G.O., dated 17th June 1882, No. 1515 W., Public Works.

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.

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

The draft Bill for the regulation and enforcement of Kudimaramat 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 Government, P.W.D.

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

ENCLOSURE.

A 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 better provision for the regulation and enforcement of Kudimaramat, 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 Presidency 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 Godavari and Kistna Deltas; and it shall come into force on the passing thereof.	I. No remark.	I. No remark.
II. Section 6 of Act I of 1858 is hereby repealed.	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 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 irrigation work under which he does not hold land:—	III. The following repairs to irrigation and drainage works shall be performed by Kudimaramat or unpaid labor, contributed as hereinafter 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 Kudimaramat 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

Original Draft.	As proposed by the Revenue Board.	As proposed by the Advocate-General.
(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 tanks, channel-banks, or other irrigation works appertaining to the village.	(1) No remark.	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?) (1) No remark.
(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.	(2) No remark.	(2) No remark.
(3) The preservation of such bushes and grasses as have been planted for the protection of the interior water-slopes of bunds of tanks.	(3) No remark.	(3) No remark.
(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.	(4) No remark.	(4) No remark.
(5) To clear the spaces between the upright stones of calingulahs (waste weirs with upright stones) and to regulate the latter according to the requirements of the season.	(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,	(5) The clearances of spaces between the upright stones of calingulahs (waste weirs with upright stones) and the regulation of calingulahs according to the requirements of the season. The Advocate-General suggests the addition of the following paragraph to Section III:—

Original
Draft.As proposed by the Revenue
BoardAs proposed by the Advocate-
General.

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.

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.

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 contri-

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.

VI. No remark.

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.

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.

Original
Draft.As proposed by the Revenue
Board.As proposed by the Advocate-
General.

Details of apportionment of labor by Panchayat. but 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 for which

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.

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 shall be

Original Draft.	As proposed by the Revenue Board.	As proposed by the Advocate-General.
each one of them is responsible. To correct them. 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.		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 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.	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).	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	X. No remark.	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

Original Draft.	As proposed by the Revenue Board.	As proposed by the Advocate-General.
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.		manner prescribed for the recovery of arrears of land revenue.
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 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.	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).	XI. No remark.
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.	XII. No remark.	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. 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.	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 appeal 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.	XIII. No remark.
XIV. No Court of Civil Judicature shall have authority to take into consideration or decide any questions relating	XIV. No remark.	XIV. No Civil Court shall have authority to take into consideration or decide any questions relating to the

Original Draft.	As proposed by the Revenue Board.	As proposed by the Advocate- General.
to the liability to contribute labor or money, the rates of composition, and the expenditure of the money raised under this Act.		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, and when made, may alter or cancel rules to regulate the following matters:—	XV. No remark.	XV. No remark.
(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 <i>Fort St. Gazette</i> , and shall thereupon have the force of law.		

G.O., dated 16th September 1882, No. 2393 W., Public Works.

Read—again—

G.O., No. 2358 W., dated 26th September 1881.

" " 832 W., " 29th March 1882.

" " 1515 W., " 17th June 1882.

Read—also—

REPORT OF COMMITTEE.

With reference to G.O. of the 17th June 1882, No. 1515 W., Public Works, we have the honor to report that we have carefully considered the various amendments suggested by the Advocate-General and the Board of Revenue, and now beg to submit to Government a revised Bill for the regulation and enforcement of Kudimaramat, with the following remarks:—

In lines 4 and 6 of Section 3, we have added the words "*in whole or in part*," as suggested by the Board of Revenue, and have enabled the Government by notification in the *Fort St. George Gazette* to exempt any district or part of a district or any locality or work from the operation of the section or any part thereof and to cancel such notifications; we do not however agree with the Board in considering it necessary to state in the section itself who is to judge whether the condition of any work is concealed, or its safety endangered, by the growth of vegetation; we prefer to leave this point to be settled by the rules to be framed under Section 15.

We have struck out Section 5 of the original draft and instead of it have adopted the wording suggested by the Board of Revenue, and the addition proposed by the Advocate-General. And although there is no difference of opinion on questions of principle between us and the Advocate-General, we prefer his wording of Sections 7, 8, 9, 10, 12 and 14 to our own, and have accordingly incorporated them in our revised draft with the single exception of the provision at the end of Section 9 that all penalties shall be applied to the providing of a fund from which the Collector may pay to the headmen of villages all money expended by them for hired labor.

The creation of funds out of penalties imposed is undesirable, and is also, we understand, forbidden by the rules of the Financial Department, and we have therefore struck it out of the section.

(Signed) C. G. MASTER.
(") E. F. WEBSTER.
(") R. H. SANKEY, Col., R.E.

OOTACAMUND,
12th September 1882.
To the Secretary to Government, Public Works Department.

A Bill for the Regulation and Enforcement of Kudimaramat or unpaid Village labor in the Presidency of Fort St. George.

Whereas it is expedient to make better provision for the regulation and enforcement of Kudimaramat, or unpaid village labor, in the Presidency of Fort St. George; It is hereby enacted as follows:—

Preamble.

I. This Act may be cited as the Madras Kudimaramat Act, 1882; it extends to whole of the Presidency 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 Godavari 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 irrigation and drainage works shall be performed by Kudimaramat or unpaid labor, contributed as hereinafter laid down by those

Description of Kudimaramat Works. who own in whole or in part or cultivate lands under such works: Provided that no one shall be liable to furnish Kudimaramat to an irrigation work under which he does not own in whole or in part or cultivate land. The Government may, from time to time, by notification in the *Fort St. George Gazette* 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:—

- (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 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) The clearance of spaces between the upright stones of calingulahs (waste weirs with upright stones) and the regulation of calingulahs according to the requirements of the season.

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 3 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.

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 6 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. 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.

VI. The quota of labor to be furnished by individuals will be determined by

Quota of labor.

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.

In case of Inam lands.

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.

Works supplying more than one village.

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 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.

Tahsildar to keep registers of works.

To correct them.

To furnish copies to village headmen.

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.

Refusal to contribute labor.

Penalty to be imposed.

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.

Mode of recovery of penalty.

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, the Collector may 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 may 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.

Composition allowed.

For three years.

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. 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 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. The Government may, from time to time, 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 *Fort St. George Gazette* and shall thereupon have the force of law.

Order—dated 16th September 1882, No. 2393 W., Public Works.

The draft Bill for the regulation and enforcement of Kudimaramat or unpaid village labor in the Presidency of Fort St. George, as finally revised by the Committee and submitted with the report of the 12th September 1882, is approved by Government and will be transferred to the Legislative Department for such further action as may be necessary.

(True Extract.)

(Signed) R. THOMPSON, Lieut.-Col., R.E.,
Ag. Under Secy. to Govt., P.W.D.

To the Legislative Department.
" Board of Revenue.
" Revenue Department.

ORDER—dated 28th September 1882, No. 95, Legislative.

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

(True Extract.)

G. S. FORBES,
Acting Under Secretary to Government.

6-3-93

Govt. of (1882) Madras.
LEGISLATIVE.

Issued

Recd.

Encl.

G.O., 28th September 1882, No. 95.

SEPTEMBER.

**Draft Bill for the regulation and
enforcement of Kudimaramat, &c.**

Ordering that a letter be despatched to the
Government of India, soliciting sanction of the
Governor-General in Council for the introduction
of this Bill into the Madras Legislative Council.

30/10/1351 W 2/9/1883
Recorded

P.W. D. 1883

Govt. of (1883) Madras.
LEGISLATIVE.

Issued

Recd.

Encl.

G.O., 27th April 1883, No. 79.

APRIL.

Madras Kudimaramut Bill.

Directing the publication of this Bill with State-
ment of Objects and Reasons in the *Fort St. George*
Gazette, and requesting the Hon. Colonel Sankey
to take charge of it.

PW Sept
30 1351 W 2/9 May
1883
Recorded
Govt. of (1883) Madras.

LEGISLATIVE.

Issued

Recd.

Encl.

G.O., 27th April 1883, No. 79.

APRIL.

Madras Kudimaramut Bill.

Directing the publication of this Bill with Statement of Objects and Reasons in the *Fort St. George Gazette*, and requesting the Hon. Colonel Sankey to take charge of it.

27TH APRIL 1883, No. 79, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—again the following papers:—

G.O., dated 28th September 1882, No. 95, Legislative.

Letter to Government of India, dated 28th September 1882, No. 96, Legislative.

Despatch to the Secretary of State for India, dated 10th October 1882, No. 8, Legislative.

Read—also the following papers:—

From R. J. CROSTHWAITE, Esq., Additional Secretary to the Government of India, Legislative Department, to the Chief Secretary to Government, dated Fort William, 17th February 1883, No. 308.

I am directed to acknowledge your letter, No. 96, dated the 28th September 1882, enclosing a draft Bill to regulate and enforce Kudimaramut, or unpaid village labor in the execution of irrigation works, and soliciting the sanction of the Governor-General in Council to the Bill being proceeded with in the Madras Council on the ground that some of the clauses of the Bill might be considered *ultra vires* of the local Council.

2. In reply, I am to say that the validity of Section 14 of the Bill might possibly be questioned, both on the ground of its purporting to exclude the jurisdiction of the High Court and on the ground of its being inconsistent with the Madras Civil Courts Act, 1873.

3. I am however to state that His Excellency the Governor-General will not on these technical grounds object to the Bill being proceeded with in the local Council.

Despatch from the Right Honorable the Secretary of State for India, to His Excellency the Right Honorable the Governor in Council, Fort St. George, dated India Office, London, 15th March 1883, No. 1 (Legislative).

I have received and considered in Council your Excellency's letter, No. 8, of 9th October 1882, Legislative, enclosing a draft Bill "To regulate and enforce Kudimaramut or unpaid village labor in the execution of irrigation works," which it is proposed to introduce before the Madras Legislative Council.

2. I recognise the importance of the object sought to be accomplished through this measure, and trust that the desired improvement of system may be effected.

3. I gather from the correspondence which has passed on the subject between your Excellency's Government and the Government of India that the introduction of this Bill was suggested with a view to the removal of certain defects in the method of dealing with irrigation works in the Madras Presidency, to which attention has been directed in the Report of the Famine Commission.

4. The Government of India specially noticed paragraphs 58 and 60 of Part II of the Report as indicating the more important points touched on by the Commission. But a reference to the Report will show that for a complete statement of the views of the Commission paragraphs 57 and 59 must likewise be considered, and indeed it would appear that it is these last-named paragraphs which contain the suggestions on which the greatest stress was laid.

5. The contention of the Commission, briefly stated, was that a line should be drawn between the works to be maintained and managed by the Government through its Public Works Agency, and those to be left to be maintained by the people themselves; because, in consequence of the vast number of the minor works, the attempts to maintain them all by a direct Government agency must be ineffectual.

6. Believing that the present draft Bill would in its general scope make a valuable advance towards the accomplishment of this object, I yet doubt how far Section XI in its present form would be found compatible with the intention of relieving the Government to the utmost of the responsibility for the maintenance of the works to which the Bill applies. This section gives to the ryots a complete power of commuting their liability to provide labor into a money payment to the Collector, who thereby would necessarily become wholly responsible for carrying out the work for which the payment was made.

7. As it is proposed to revive an old custom which has for a long time been in abeyance, some provision will doubtless be needed to enable those who cannot or are unwilling to labor themselves to provide substitutes, or possibly a sufficient money commutation; but the responsibility for the execution of the work ought still to remain with the local community, and not be imposed on the Collector.

8. With these observations, I leave your Excellency to proceed with the consideration of the Bill in the regular course.

ORDER—dated 27th April 1883, No. 79, Legislative.

The required sanction to the introduction of the Madras Kudimaramut Bill into the local Council having been accorded in the papers read above, His Excellency the Governor, under Rule 25 of the rules for the conduct of business, directs the publication of the Bill with Statement of Objects and Reasons in the *Fort St. George Gazette*.

2. The Hon. Colonel Sankey, C.B., will be requested to take charge of the bill.

3. The remarks of the Right Honorable the Secretary of State will be considered when the Bill is referred to a Select Committee.

(True Extract.)

M. HAMMICK,
Acting Asst. Secy. to Govt.

To the Public Works Department,
„ Hon. Colonel R. H. Sankey, C.B., R.E., } with Bill, &c,

Exd. J. Wright.