

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper:—

Proceedings of the Board of Revenue, dated 23rd November 1882, No. 2874.

Read—the following letter from J. G. HORSFALL, Esq., Collector of the Kistna District, to the Secretary to the Board of Revenue, dated Masulipatam, 4th November 1882, No. 2838:—

* Circulated with Board's Proceedings, dated 26th September 1882, No. 2380.

I have the honor to submit the following remarks upon the Kudimaramat Bill*:

Section III.—There is no definition of owner or proprietor as the Bill now stands. Where the ayacut of a tank is 200 acres, of which 150 are occupied and 50 waste, Government as the owner of the 50 acres waste must contribute its quota.

Section III, Clause 2.—I would insert the words "removal of and" before "prevention;" as it now stands the vegetation cannot be interfered with after it has grown.

Section V.—"Not forthcoming" seems somewhat vague. I would propose "where there is doubt as to who is the owner or proprietor, or where the owner or proprietor may be non-resident in the taluk."

Section VI.—I would insert a proviso that the value of the labor to be contributed as Kudimaramat should in no case exceed a certain proportion, say, $6\frac{1}{4}$ per cent., of the assessment in any one year. This would guard against any individual being called upon to contribute an undue amount.

Section VIII involves an amount of labor which the hard-worked Tahsildar with his present establishment will be unable to perform efficiently. Should the section become law it will be necessary to allow an extra clerk for the work in each taluk. I would insert after Tahsildar "or other officer empowered."

Sections XI and XII I would omit. I do not consider that Kudimaramat should be permitted to be compounded for, and the provision, if it stands, will entail a great amount of labor for no practical purpose.

Resolution—dated 23rd November 1882, No. 2874.

Submitted to Government with reference to G.O., dated 16th September 1882, No. 2393 W., Public Works.

(A true Copy and Extract.)

(Signed)

E. GIBSON,
Acting Secretary.

To the Secretary to Government, Public Works Department.

Copy to the Collector of the Kistna District.

„ Secretary to Government, Revenue Department.

No. 2354-C.

Transferred to the Legislative Department.

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

18th December 1882.

To the Legislative Department, with original Note
by the Hon. H. E. Sullivan.

ORDER—dated 1st August 1883, No. 139, Legislative.

Communicated to the Select Committee appointed to consider the Kudimaramat
Bill.

(True Extract.)

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

To the Members of the Select Committee on the Kudimaramat Bill.

Copy to the Revenue Department.

,, Public Works Department.

Exd. J. Wright,

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

PAPERS

(No. 3.)

RELATIVE TO

A Bill to provide for the regulation and enforcement of Kudimaramat or unpaid village labor in the Presidency of Fort St. George.

G.O., Legislative Department, dated 1st August 1883, No. 139.
(Proceedings of the Board of Revenue submitting remarks of the Collector of the Kistna District.)

27TH APRIL 1883, No. 80, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following papers :—

MINUTE by HON. H. E. SULLIVAN, dated 12th February 1883.

My attention has been recently called to the Kudimaramut Bill, the draft of which was transferred by G.O., 16th September 1882, No. 2393, Public Works Department, to the Legislative Department for such further action as may be necessary.

II. A reconsideration of its object and provisions leads me to doubt the expediency of giving it legal effect in its present form.

III. The measure appears to me to be open to the following objections :—

- (1) That the exaction by the State of unpaid labor for the maintenance of works from which it derives a large revenue being a relic of a barbarous time, when nearly all public works were carried out under the *corvée* system, an attempt to revise and legalize a practice which, with the progress of civilization, has fallen into desuetude indicates a retrograde policy.
- (2) That it is almost impossible to define, even theoretically, the quota of labor which each individual member of a community may justly be called on to furnish, whilst in practice an equitable adjustment of the burden is wholly impracticable.
- (3) That the measure of the burden which the proposed law will impose on communities and individuals will depend very much on the character and idiosyncracies of the subordinate officers of Government, who in nine cases out of ten will have to enforce its provisions. In the hands of an indolent, apathetic officer the law may remain almost a dead letter, whilst in those of an energetic unscrupulous man it might become a formidable engine of oppression. Even if worked at its best, the weaker would certainly be pushed to the wall and the bulk of the labor exacted from the poorest class of cultivators.
- (4) That the object in view can be more satisfactorily attained in the commutation of the value of statute labor, to be effected by the imposition of a cess on the holders of irrigated lands, the proceeds being devoted to the conservancy of the works on which they depend for their water-supply.
- (5) That, inasmuch as the said water supply is a monopoly of the State and that the public revenues are largely augmented by its sale to the holders of land, it must be conceded that, whatever may be the liability of the latter to contribute towards the maintenance of irrigation works, a corresponding obligation attaches to the State, which is equally interested in their efficient upkeep.

IV. I do not propose to raise the question as to whether the State as the holder of a great monopoly is not solely responsible for the efficient maintenance of its water works, the ryot being merely charged for the article when delivered to him at the mouth of the sluice. The point is arguable, but I am content to admit that ancient custom favors the idea of the cultivator's liability to share in the cost.

The object I have in view is to prevent their being saddled with the entire burden and to provide for their legitimate share of it being equitably distributed among the individual members of the community.

V. I do not think that I need say much in support of my first three propositions. It will be readily admitted that the legalization of forced labor is a measure which cannot be justified except as a last resort in cases of grave emergency, and, if any one is inclined to doubt the practical difficulty of an equitable distribution of the burden sought to be imposed, let him ponder over the provisions of Sections 6—9 of the Kudimaramut Bill. Take Section 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." Here an important factor seems to have been omitted. Before the quota of labor to be furnished by individuals can be arrived at, it must be known what aggregate amount will be required to execute the repairs specified in Section 3. How is it possible to calculate this so accurately beforehand as to determine the share which each ought to contribute in proportion to his interest in the work, and who is to do it? Again, when it is considered how numerous the holders under a single work are and the small size of the holdings of many, the task of calculating the proportion which individual assessments bear to the whole is no light one. Multiply the number of these holders by the one thousand and one irrigation works of sorts in a taluk, and one begins to realize the magnitude of the operation. If it could be done once for all it might be faced, but many of the holdings change hands and vary in extent every year so that the calculation would have to be annually revised. Section 8 of the Bill provides for this and heaps a mountain of additional labor on the already overburdened Tahsildar. The more I look at the Bill the more unworkable do its provisions appear to me, and the only part of it which commends itself to me is the arrangement for composition which finds a place at Section 11, and this does not go far enough inasmuch as it is merely permissive.

VI. It has been found necessary from time to time to commute all payments in kind for a money-value. In the case of the land revenue the share of the produce claimable by the State was so commuted long ago, and in 1864 an Act was passed by the Madras Government for the commutation of fees payable by the ryots towards the remuneration of the village service, and wherever this has come into force, the State contribution towards the object, which previously took the form of grants of land free of assessment, has been similarly commuted. The commutation of grain fees was found to be necessary in consequence of the uncertain nature of payments in kind, the facilities which existed for evading them, and the door which their realization opened to speculation, fraud, and oppression. Precisely the same objections as I have endeavored to show offer themselves to the exaction of unpaid labor which it is proposed to legalize, and in regard to this I am strongly of opinion that the same course should be adopted as has been followed in the case of other contributions in kind. In this view I append the rough draft of a Bill, framed on the lines of Madras Act IV of 1864, having for its object the commutation into a money-cess of the labor which the holders of land are liable to contribute towards the maintenance of irrigation works. When Sub-Collector of Coimbatore many years ago, I introduced this commutation arrangement in connection with the principal irrigation channels in my division, and, though it has no legal sanction, it holds good to this day, and the same system obtains, I believe, in a portion of the Trichinopoly and Salem Districts. The work of repair is carried out immediately under the orders of the principal ryots who supply the necessary labor, which is duly paid for by the Tahsildar, who is the custodian of the fund. The fact that this arrangement has been going on satisfactorily for some twenty years is a proof that it is acceptable to the people. The only hitch has been the want of legal sanction to catch defaulters. The rate is collected with the usual instalments of the land revenue, and, with reference to a remark which has been made to the effect that the cess is an enhancement of the assessment, I may observe that it merely represents the value of the labor which would otherwise have to be contributed gratis, and, as it does not go to swell the land revenue, but is expended on the objects for which, and

in the locality where, it is raised, the people do not regard it as an addition to the regular fiscal burden. A certain work has to be done, and each ryot subscribes the necessary funds in proportion to his interest therein. The execution of the work is thus secured under the best possible guarantee, whilst at the same time the remuneration of the actual laborer is assured. The rate per acre is high, touching, if I remember right, in some instances, the sum of Rs. $1\frac{1}{2}$, but this is because the State has hitherto shirked its obligation to bear a share of the cost. The Bill which I now circulate will, if accepted, legalize the voluntary composition now in force in certain localities and will enable similar arrangements to be carried out elsewhere under the sanction of the law. Its provisions are but roughly sketched and will of course have to be carefully revised before the measure can be introduced, but experience has shown that they can be readily worked.

VII. There is one new feature in the Bill regarding which a few observations seem necessary. I refer to the legal liability which it is sought to impose on the State to bear its share in the maintenance of the works from which it derives a revenue of some 73 lakhs of rupees. This liability has always been admitted, but in very many—in, I may say, the majority of—instances the obligation has not been discharged. The liability has been admitted by the sanction of estimates for repairs, but as often as not, owing to some financial exigency or to meet the demands of some more favored locality, the funds have been diverted to other purposes. The object in view when the Kudimaramut Bill was put forward was, I take it, twofold. It was partly to secure the continuous maintenance of the works in such a state of efficiency by annual petty repairs as to obviate the necessity of more extensive and costly operations requiring professional supervision and partly by throwing the work on the people themselves to relieve the Public Works Department of a responsibility which they were numerically unable to cope with. There can be no question as to the truth of the old proverb "a stitch in time saves nine," and a measure to provide for that stitch being put in was a step in the right direction. But, as thereby the cost of the nine is to be saved to the State, it seems only fair that it should share in the cost of the one, and it is to this end that I have introduced the provision which finds a place at Section 5. The Kudimaramut Bill lays down in unmistakeable terms the liability of the ryots, but is silent in regard to the corresponding obligation of the State. If my views find acceptance, a sure and certain provision for the efficient maintenance of irrigation works throughout the Province will be secured including ordinary repairs to masonry works. As, in the course of time, their condition improves, it will be possible to lower the rate of cess and proportionately to contract the State contribution. It is, I think, only on this basis of the State accepting its share that the obligation sought to be imposed on the holders of land can be equitably defended. The Kudimaramut Bill proceeds on the principle of "*aide toi et le ciel ne t'aidera pas*."

VIII. Section 8 of the Bill empowers the Government to make rules for the efficient working of the law and especially for determining the agency by which the works should be executed and supervised and the expenditure controlled. As in places where a voluntary cess is now levied all earthwork will be done by the people themselves, the labor being paid for by the Tahsildar; but repairs to masonry works will have to be undertaken by the professional department.

IX. I have not the means at my disposal or the time to calculate the financial effect of these proposals, but, so far as the State is concerned, I am under the impression that its contribution will be covered by the allotment which under recent arrangements it is proposed to make for the repairs of irrigation works other than those entirely maintained by the State. The expenditure of the cess must be restricted to the locality where it is raised, but power has been taken in the Bill for the Government to direct the expenditure of that portion of the fund which is contributed by the State wherever it may be most required. This is to meet those cases where the local cess *plus* the State contribution of equal amount is insufficient. The rate of cess will have to be determined for each locality and will, of course, be subject to periodical revision. A maximum rate will also have to be settled, and a guide to this will be found in the localities where the voluntary cess is in force.

Draft Bill for the levy of a cess in lieu of Kudimaramut or the exaction of unpaid labor.

Whereas by the immemorial usage of the country it is customary for the people holding and cultivating lands under tanks, channels, and other irrigation works, to contribute unpaid labor, known as Kudimaramut, towards the petty repairs and maintenance of such works, and whereas it has been found in practice difficult to exact such labor in equitable proportions from the persons interested in their conservancy, it is held expedient, in view to the proper upkeep of the works aforesaid on which the prosperity of the ryots and the stability of the public revenues are largely dependent, to abolish the aforesaid system of Kudimaramut, and to commute the same for a money-cess to be levied and expended as hereinafter described. It is therefore enacted as follows:—

1. In all districts or parts of districts to which this Act shall be extended in the manner prescribed by Section 10 the exaction of unpaid labor for the execution of any work for the purposes of irrigation or drainage anything in Section 6, Act I of 1858, to the contrary notwithstanding shall, from the date of such extension, absolutely cease and determine.

2. In lieu of the unpaid labor aforesaid, it shall be lawful for the Local Government to impose a money-cess upon all holders of irrigated land in any districts or parts of districts to which this Act may be extended, the proceeds of which shall be devoted to the execution of petty repairs as hereinafter defined to a work or group of works irrigating the lands on which such cess is imposed.

3. The rate of cess shall be from time to time determined by the Local Government; but shall not in any case exceed the sum of per acre of the land dependent on the work or works for irrigation—

(a) The amount of such cess payable by each holder of land on ryotwari tenure shall be entered in his patta, and shall be realized in the manner provided for the recovery of arrears of land revenue in the Madras Presidency.

(b) In the case of Inam land or lands held wholly or partially free from assessment, the cess shall be levied at the same rate per acre as in ryotwari lands and shall be recoverable in the same manner.

4. The proceeds of the cess hereby authorized to be levied shall be applied to the petty repairs of the work or works irrigating the lands on which the cess is imposed.

5. In every district, or part of a district to which this Act may be extended, a sum equal to the amount of the cess imposed on the holders of irrigated land within such district or part of a district shall be annually contributed by the State for the purposes of this Act, and unless otherwise directed by the Local Government, the expenditure of such contribution shall be restricted to the repairs of irrigation works within the limits of the district or part of a district where the local cess is thereby supplemented.

Provided that it shall not be lawful for the Local Government to direct the appropriation of any portion of the State contribution aforesaid to purposes other than the repairs of irrigation works within the Presidency for which capital and revenue accounts are not maintained.

6. All moneys realized under this Act shall be carried to a separate head of account and shall constitute and be known as the "Irrigation Works Repair Fund."

7. No claim regarding the liability of parties to the cess imposed under this Act or regarding the rate thereof or in regard to the apportionment of funds for repairs shall be cognizable by the ordinary Courts of judicature, but all such matters shall be adjudicated by the Collector, or officers exercising the powers of a Collector, of the District in which they may arise. It shall however be competent to the Collector or such officer to refer any such claim or question for adjudication by the Tahsildar of the taluk in which it has arisen.

8. Petty repairs for the purposes of this Act shall be held to include—

(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.
- (6) Ordinary repairs to all masonry works (not appertaining to irrigation works for which capital and revenue accounts are maintained) within such limit of expenditure as may be prescribed in the rules framed under this Act by the Local Government.

Provided that in no case shall the restoration of a tank or channel bank breached by causes beyond the control of the landholders and not arising from their act or neglect, or the reconstruction of a masonry work rendered necessary by similar causes be deemed to be a petty repair within the meaning of this Section.

In the event of a doubt arising as to whether in any case the work to be done is or is not a petty repair within the meaning of this section, the question shall be decided by the Collector, whose decision shall be subject to an appeal to the Board of Revenue to be preferred within sixty days from the date of the Collector's order.

9. It shall be lawful for the Local Government to make from time to time, and to alter and cancel rules to regulate the following matters:—

the Agency by which petty repairs to irrigation works shall be executed and the control and supervision to be exercised over the same;

the manner in which allotments of funds shall be made and their expenditure; and generally to carry out the provisions of this Act.

Such rules and modifications thereof shall on publication in the *Fort St. George Gazette* and the local Gazettes of the Districts concerned have the force of law.

10. This Act shall take effect only within such districts or parts of districts of the Madras Presidency, and from such dates in each of the same as the Local Government shall direct by notification in the *Fort St. George Gazette*.

ORDER—dated 27th April 1883, No. 80, Legislative.

The Kudimaramut Bill, which has been so long under discussion, has already received the preliminary approval of the Government of India and the Secretary of State, and is now ripe for settlement.

2. The proposal brought forward by the Hon. Mr. Sullivan in his Minute and revised draft Bill read above virtually reopens the whole question. It seems to the Right Honorable the Governor in Council that the suggestion cannot be dealt with now that Government have received the approval of superior authority to the course already determined upon after due deliberation.

(True Extract.)

To the Hon. H. E. Sullivan.
Public Works Department.
Exd. J. Wright.

M. M. M.
Acting Asst. Secy. to Govt.

Original, 2573 of 7th 7. 82
to be 259 a printed copy of the
letter from the Secretary to the
P. R. M. 164 of 22. 11. 75
3261 of 18. 11. 75

No. 1352 w a / 9-4-B

Recorded
CS
2/5
Att
6/5

Ch. S. for. d. 24/4
Ch. S. for. d. 9/4
out 4/5 Act 7/5
K. S. 7.5- 24/5

P. O. C. No. 3676
Govt. of (1883) Madras.

LEGISLATIVE.

Issued 1st May.

Recd. 2/5/83

Encl.

G.O., 27th April 1883, No. 80.

No. 1352 w a / 9-5-B

APRIL.

File in
C. No. 3797

Madras Kudimaramut Bill.

Remarking that the revised — brought forward by the Hon. H. E. Sullivan cannot be dealt with now, as the original Bill has already received the approval of the Government of India and the Secretary of State.

3RD OCTOBER 1883, No. 173, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper:—

From S. RAMASAWMY MUDALIAR, Secretary to the Madras Native Association, to the Acting Assistant Secretary to Government, Legislative Department, dated 29th September 1883.

I am directed by the Madras Native Association to submit the following remarks and observations, for the consideration of Government, in connection with the Kudimaramat Bill now before the Legislative Council.

2. While on behalf of the public the Association feel thankful to Government for their anxiety to put in good order the numerous small irrigation works scattered over the Presidency, they are of opinion that it is not desirable to revive the system of Kudimaramat, as the revival is likely to prove highly oppressive to the poor inhabitants of villages, and the system is altogether unsuited to the altered condition of the times.

3. Kudimaramat was felt as oppression even in those days when the communal system was in force and the ryots readily submitted to the orders of their headmen, and it must be much more so now when the spirit of liberty and individuality has taken the place of that of submission to custom. In the old days there were many ties which kept the villagers together and facilitated united action. For the most part they cultivated their lands jointly; they divided the produce of the village jungles and waste lands; no strangers were allowed to enter the village and take up lands except with their consent and through their intervention; they had to raise voluntary contributions for village expenses; and, in fact, each village community was a small republic of its own. But now every thing has changed. One ryot has no concern with another; the forest and jungle conservancy rules have deprived the villagers of their joint interest in the jungles; strangers are freely admitted, and each ryot, in fact, acts for himself. The Association do not mean to say that the change is not for the good of the country, but they merely observe that the altered state of things is ill-suited for the introduction of any such system as that of Kudimaramat, in which joint action is so indispensable.

4. The Bill requires that labor should be apportioned with reference to the assessment paid by each ryot; but this to begin with, the Association submit, cannot be done without great inequality and constant change in the apportionment of labor and consequent annoyance to the ryots. The areas and assessments of holdings vary in minute proportions and constantly change, so that if labor is to be apportioned with reference to the assessment the apportionment will not only have to be varied almost every year and every month, but also give rise to various difficulties. Some ryots will have to work only for a few hours or even minutes, and such a nice adjustment being impracticable the distribution of work will necessarily have to be arbitrary in most cases, and the consequence will be that the poor and weak will suffer.

5. The whole number of laborers that the village is bound to supply will not be necessary every time the labor is wanted. A system of rotation will have therefore to be adopted and a register of attendance and non-attendance kept in the villages, so that there may be no double imposition of labor on the ryots. This register will

have necessarily to be entrusted to the Karnam of the village, who is sure to convert it into a source of income. Laborers that had once attended might be compelled to attend again, and those that had not excused, according to the pleasure of the village officer. When fines are collected there is no guarantee that they will not be misappropriated by the village officers.

6. The capacity of all laborers for work cannot be the same, and therefore the number of laborers supplied by each ryot will not correctly represent the quantity of labor supplied by him. The village officials would necessarily have the power to reject the weak and infirm, but this power is likely to lead to abuse.

7. Of the men summoned to work some may fall sick, some may be unacquainted with the nature of the work required of them, some may wilfully shirk it, and some may run away. In all these cases the village officer must have the power of substituting hired labor, and this is too much power for low-paid village officials to be entrusted with, and is likely to lead to serious complaints and oppression.

8. There are upwards of 250,000 landholders who pay an assessment of ten rupees and less, and who, being too poor to live by the produce of their lands, have to seek other employment during portions of the year in places remote from their villages. In their case the system of Kudimaramat will cause great hardship, as they cannot work in person and are too poor to furnish hired labor.

9. There are several castes, such as Brahmans, Rachavars, &c., who, while they have no objection to cultivate their own lands, have a prejudice against manual labor for others. By them also the proposed measure will be felt as oppressive, as they will be driven to the necessity of furnishing hired labor which is expensive.

10. Owing to the increased facilities of communication all over the country, the villagers frequently absent themselves from their homes. They go on visits to their relations or on pilgrimages, or to attend religious or social feasts. On this account also the proposed law is sure to prove a source of inconvenience and annoyance to the ryots.

11. The Association trust that the foregoing reasons will be considered sufficient for not proceeding with the Bill. To pass it into law will be to reverse the policy which the British Government have pursued for the last fifty years, with a view to liberate the ryot from abject submission to Government officials. Government have abolished serfdom, have discontinued the system of compulsory occupation and cultivation of land, have under stringent penalties prohibited the employment of torture in the collection of revenue and the impressment of labor for Government purposes. They have introduced a money assessment in the place of a vexatious division of crops; they have permitted even ordinary ryots to bring suits against Government for any illegal acts on the part of their officers; they are striving to educate the masses, and after having done all this to make the ryot a free man, it seems to the Association a retrograde step to introduce a measure which was suited only to a time in which the most abject submission on the part of the ryots to the pettiest officers of Government was the rule and a feeling of independence was the exception. The Association consider that not merely at *first sight*, as the Honorable mover of the Bill observes, but also in reality the revival of the Kudimaramat system is "so little in harmony with, if not indeed absolutely repugnant to, our rapidly-advancing civilization."

12. There may be a difference of opinion in regard to the question whether on principle the State is not bound to execute all descriptions of repairs of the irrigation works in the country. While on the one hand it may be argued that the assessment paid by the ryot includes the charge for water, and that therefore he is not responsible for the maintenance of the works, it may, on the other hand, be said that the assessment does not include the full price of water, but only represent the Government's share of the produce, and that therefore the ryot is bound to supply the labor, inasmuch as he, like Government, gets an increase in his share of the produce by the aid of irrigation. Whatever may be the theory on which the land assessment is based, the Association consider that, in the majority of cases, it is high and is as

much as, if not more than, what a wise and benign Government should levy from its ryots, and it is undesirable to throw additional burden upon them.

13. The Association have considered the question whether an irrigation cess cannot be substituted for Kudimaramat, but they have come to the conclusion that with the numerous cesses now in force, with the heavy assessment the ryot has to pay, and with the contemplated enhancement of the responsibilities of the people in regard to local funds, it will not be wise to add to the burden of taxation. But, convinced as the Association are that taxation in this Presidency has reached its highest point, they yet consider that even the imposition of an irrigation cess would be a less evil than the revival of Kudimaramat. The one would only impoverish the people, the other would demoralize as well as impoverish them.

14. If the Government place at the disposal of the Collector 10 per cent. of the revenue raised under each work of irrigation, and if he carry out the repairs through the agency of the villagers concerned, the Association believe that all the repairs can be executed satisfactorily and the works maintained in an efficient condition. Whatever extra expenditure this arrangement may entail upon Government, the Association feel sure that it will be more than compensated for by an increase of revenue, to say nothing of the contentment and prosperity that will result therefrom.

15. As already pointed out, the Association are of opinion that the contract for the ordinary repairs of irrigation works should be given to the villagers themselves or the chief men among them who have a direct interest in the work. They would be glad to execute the repairs at the cheapest rate possible. It may be said that this system has been tried by the Public Works Department without success, but the Association think that the results would be quite different if the Revenue authorities had charge of the work instead of the Public Works Department. It may so happen that in some cases the maintenance of a work at the sole expense of Government may not be profitable. In such cases Government should offer to bear a portion of the cost and leave it to the villagers to supplement it by voluntary contributions. This is frequently done in Zemindaries with much advantage to the ryots as well as the Zemindar, and the Association do not see why the same should not be done by Government. If it is not worth the while of the people to incur any portion of the cost, or of the Government to bear the whole cost, then the Association consider it is better to give up the work altogether rather than maintain it by any system of forced labor.

16. In the event, however, of the Government considering it expedient to pass the Bill, the Association are of opinion that at least it should be optional to the ryot to commute the labor into a fixed money-payment, the rate being decided by a Panchayet. As the section in the Bill now stands, the Collector may or may not admit the composition offered, but the Association consider that the Collector should be bound to admit it, the rate being settled by arbitration when necessary.

ORDER—dated 3rd October 1883, No. 173, Legislative.

Communicated to the Honorable Members of the Select Committee on the Kudimaramat Bill.

(True Extract.)

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

To the Honorable Members of the Select Committee
on the Kudimaramat Bill.

Exd. J. Henricus.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

PAPERS

(No. 6.)

RELATIVE TO

A Bill to provide for the regulation and enforcement of Kudimaramat or unpaid village labor in the Presidency of Fort St. George.

G.O., Legislative Department, 3rd October 1883,
No. 173. (Remarks of the Madras Native Association.)

3RD OCTOBER 1883, No. 174, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper:—

TO THE HONORABLE THE COUNCIL OF THE
GOVERNOR OF FORT ST. GEORGE FOR MAKING
LAWS AND REGULATIONS.

The memorial presented by the Executive Committee of the Tanjore People's Association in accordance with a resolution passed at their meeting held on the 27th September 1883.

HONORABLE SIRS,—Having read and discussed the Kudimaramat Bill so far as it relates to the irrigated portion of our district, we beg to submit the following remarks on it for favorable consideration. As to its bearing on the Kadarambam portion of our district, we shall consider the subject on a future occasion and submit our views.

1. Before enforcing kudimaramat by a legislative enactment, it is necessary, as urged in the report of the Public Works Commission of 1869-70, to ascertain by a careful local inquiry in the district the various works which have been usually performed by kudimaramat, especially as the jurisdiction of civil courts is to be excluded by the 14th section of the Bill. Colonel Sankey, in the speech which he delivered when introducing the Bill before the Legislative Council, expressed his solicitude that no burden should be thrown on the mirasidars which was not sanctioned by ancient custom.

He said, "Looking to the suspicion, if not dread, with which the natives, and especially the agricultural classes, contemplate fresh legislation directly affecting their interests, it is desirable that the proposals for this Bill should go forth to the country accompanied by the strongest guarantees which the Government can afford to give, that it covers no demands which they, the ryots, do not willingly assent to, and have as a fact admitted, and acted up to, of their own free choice." The inquiry thus imperatively demanded has never been made in our district, and though from the Statement of Objects and Reasons it appears that an inquiry was conducted in Madras with respect to the subject on hand, we are not aware that it was then ascertained that kudimaramat in the Tanjore district included within its scope such works mentioned in section 3 of the Bill, as we think, relate to the delta portion of the district, viz., the repairs of channel banks mentioned in clause I, the work referred to in clause II, and the clearance of silt from river channels when not maintained by the State which is alluded to in clause IV of section 3. Even if such a determination had been arrived at then, it cannot, we respectfully submit, be made the basis of legislation, inasmuch as it is opposed to our experience and the custom that has long prevailed in the irrigated portion of the district with respect to kudimaramat.

2. Irrigation channels in the district generally take their rise from rivers west of the villages they irrigate, and have to run varying distances before they enter the limits of such villages. They then branch off into several minor channels which spread themselves over the villages and irrigate their different portions. It is the repairs of these minor channels and the drainage channels within the limits of villages, as also the work indicated in clause V of section 3, that the mirasidars have been accustomed to execute by unpaid labor. They have never interfered with the construction, repair or preservation of sluices of irrigation or drainage channels which, as requiring professional skill and large outlay, have always been under the supervision of officers of Government.

3. On the other hand river channels had always been maintained by the State up to a few years back. The repairs to irrigation and drainage channels outside the limits of villages to which they appertain, such as clearing silt from them and strengthening their bank therewith, repairing their sluices and otherwise preserving them from injury, had always been executed by revenue officers up to the year 1856, when the Department of Public Works was established. Since then its officers had been continuing the old practice until recently, when they unaccountably desisted from removing silts from irrigation and drainage channels, and confined themselves to repairing the sluices and preventing damage to them. It is incorrect to observe, so far as this district is concerned, that the Department of Public Works undertook upon themselves a liability which the Revenue Department had not recognized or discharged before the year 1856, viz., to remove silts from irrigation and drainage channels outside the limits of the villages to which they relate. Their conduct in this respect was only consistent with the responsibility of Government to supply water for agricultural purposes, which responsibility is recognized by them in allowing remission on account of drought or inundation.

4. Such is the practice that has been obtaining in our district, and should it be accepted as correct, there will be no necessity for fresh legislation, inasmuch as section 6 of Act I of 1858 is sufficient to secure the due execution of the petty works which the mirasidars have been voluntarily performing for years for protection of their interests. But if the framers of the Bill should differ from us upon this point, it will be necessary to determine the truth or otherwise of the foregoing statements before legislative action can be taken in respect to kudimaramat, and an additional burden thrown on the heavily-taxed mirasidars. We therefore respectfully pray that a commission may be appointed to make a careful local inquiry into the subject.

5. The power given by section 4 is very large and calculated to cause great anxiety in the minds of the mirasidars. To allay this feeling, we deem it proper that the commission which may be appointed should be invested with power to inquire fully and ascertain once for all the different items of work which have been usually performed by unpaid labor. The advisability of legislation upon the subject will depend upon the report of the commission as to the nature and extent of the works to which village labor has been usually contributed.

6. With regard to the details of the Bill, we have also to make a few suggestions. The Bill does not define who is the headman of a village. Probably it means the village munsif in the Tanjore district. This point requires to be cleared up. If the local self-government scheme should be introduced in villages, the duties of the headman may well be entrusted to the village committee. As to penalties and their appropriation, we would prefer the provisions of section 6 of Act I of 1858 being re-enacted, inasmuch as we consider that payment by a defaulter of a sum, equal to twice the value of the labor which he was bound to contribute, is a sufficient punishment for his neglect of duty, and that the application of the sum thus recovered on works of irrigation or drainage connected with the village to which the defaulter belongs is an appropriate use of the money. In this respect the present Bill appears to us liable to objection, not only because it provides that a defaulter shall pay, besides the amount expended on his account, a penalty not exceeding twice such amount, but because it is silent as to the disposal of any surplus that may remain out of the amount collected as penalty after deducting these from all payments made on account of

defaulters who have not been able to pay up their dues. The limitation period for suits under the Bill may, we think, be extended to six months, and the same indulgence shown to parties suffering from disabilities as is allowed by the general Limitation Act.

We pray that your honors will be pleased to consider the foregoing reasons, and either exempt the irrigated portion of the Tanjore district from the operation of the proposed law, or pass such resolution as may be proper under the circumstances of the case.

KUMBAKONAM,
27th September 1883.

(Signed) K. RAMACHANDRA ROW,
Secretary for the Tanjore People's Association.

ORDER—dated 3rd October 1883, No. 174, Legislative.

Communicated to the Honorable Members of the Select Committee on the Kudimaramat Bill.

(True Extract.)

*Ag. Asst. Secy. to Govt.,
Legislative Department.*

To the Honorable Members of the
Select Committee on the Kudimaramat Bill.

Exd. T. O'Connor.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

PAPERS

(No. 7.)

RELATIVE TO

A Bill to provide for the regulation and enforcement of Kudimaramat or unpaid village labor in the Presidency of Fort St. George.

G.O., Legislative Department, 3rd October 1883, No. 174. (Memorial from the Tanjore People's Association).

16TH OCTOBER 1883, No. 179, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper:—

Petition from five hundred and forty-four Members of the Anglo-Vernacular Society, Madurantakam taluk, Chingleput district, to His Excellency the Right Honorable the Governor in Council, dated — October 1883.

We, the undersigned, the members of the Anglo-Vernacular Society and the loyal inhabitants of the Madurantakam taluk, Chingleput district, venture to approach your Excellency with this humble petition with the hope that our grievances will be redressed by giving ears with your Excellency's usual magnanimity to our views on Kudimaramat Bill, lately published in the *Fort St. George Gazette* and other local papers *in extenso*. We feel, we beg to state, that we are in duty bound to express our views on the subject, as it concerns all the landholders under your Excellency's Government, of whom we form a part. And we further beg to state that we quite agree with the views expressed by different associations in their memorials to your Excellency on this Bill, and hence we have stated our views very briefly. Our views then are:—

1. That if this Bill passes, it will tend to harass and thereby aggravate the miseries of all poorer classes who are already groaning under your Excellency's Government owing to the inability of paying the very heavy taxes imposed on them in multifarious forms, which must be ascribed partly to the failure of crops on account of the absence of timely rains, and partly to granting no remissions, and partly to Government withdrawing their lands to execute the necessary repairs, the cost of which has invariably been borne by them for the last twenty years.

2. That the people are already doing such day-to-day repairs to ensure the safety of their next crops, notwithstanding the very many difficulties they are laboring under, and to give them additional and more painful work is too heavy a burden to be borne by them.

3. That the Bill simply states that all the landholders must do the repairs by unpaid labor, and in case of failing this, not less than double the amount will be demanded from them, but fails to define in detail the cost to be expended by them.

4. That minor repairs, as mentioned in the Bill, such as opening the main canal and its branches to irrigate the lands, opening and closing the sluices when necessary, are already being done by them from self-interest and therefore giving additional powers to the local authorities, thereby subjecting them to their threats and ill-treatment, is involving them in fresh difficulties, and hence a great bar to their very existence.

5. That this fresh legislation is dreaded by all the agricultural classes who suspect that the repairs of minor irrigation works will gradually be extended to very heavy repairs, such as repairing the breaches in calingula, which are now being done by the Government, once in twenty years at least, and which, if exacted from the people, will be very oppressive and will directly affect their interest.

6. That at present dependent on these tanks, twice or thrice as much lands as formerly are cultivated, and as there is comparatively a decrease in the supply of water, people do not get even one-fourth of the produce they were reaping formerly.

From all these considerations, we humbly pray that your Excellency will give due consideration to their grievances and withdraw the dangerous and unpopular Bill.

(Signed) V. RAMA ROW,
and 543 other members.

ORDER—dated 16th October 1883, No. 179, Legislative.

The petition will be printed and circulated to all Members of Select Committee on the Kudimaramat Bill.

(True Extract.)

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

To the Honorable the Members of the
Select Committee on the Kudimaramat Bill.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

PAPERS

(No. 8.)

RELATIVE TO

A Bill to provide for the regulation and enforcement of Kudimaramat or unpaid village labor in the Presidency of Fort St. George.

G.O., Legislative department, 16th October 1883, No. 179. (Petition from the Anglo-Vernacular Society, Madurantakam taluk, Chingleput district).

29TH SEPTEMBER 1883, No. 170, LEGISLATIVE.

GOVERNMENT OF MADRAS.
LEGISLATIVE DEPARTMENT.

READ—Minute by the Right Honorable the Governor, dated 4th August 1883.

ORDER—dated 29th September 1883, No. 170, Legislative.

The following extract from the address of the Municipal Commissioners, Cuddalore, will be communicated to the Select Committee appointed to consider the Kudimaramut Bill.

“Another matter to which we would invite your Excellency’s consideration is the necessity for providing a money limit for works carried out under the Kudimaramut Act, for the amendment of which a Bill has been recently circulated. This Bill does not provide for any money limit, and in the absence of such limit, we fear the ryots might be compelled to contribute large sums which may be too heavy for them to pay in addition to the land assessment, which, we have already submitted, is excessively high.”

(True Extract.)

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

To the Honorable Members of the Select Committee
on the Kudimaramut Bill.

Exd. A. F. Aaron.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

PAPERS

(No. 5)

RELATIVE TO

A Bill to provide for the regulation and enforcement of Kudimaramut or unpaid village labor in the Presidency of Fort St. George.

G.O., Legislative Department, 29th September 1883,
No. 170 (Extract from the address of the Municipal Commissioners, Cuddalore).

27TH AUGUST 1883, No. 150, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper :—

G.O., dated 13th August 1883, Mis. No. 531, Educational.

Read—the following Address from the Mirasidars, Puttadars, and Ryots of Madurantakam, Chingleput District, dated 3rd August 1883, through the Private Secretary to the Right Honorable the Governor :—

On the occasion of your Excellency's flying visit to this little station we, the Mirasidars, Puttadars, and Ryots of Madurantakam, beg to express our feelings of loyalty and attachment to our beloved Queen-Empress and your Excellency, the representative of that august personage. While doing so we take this opportunity of laying before your Excellency our humble views regarding the proposed Kudimaramut Bill which is brought before your Excellency's Government to be passed into law. The proposed Bill, if it becomes law, will work more harshly and be more unpopular than the law of England to impress seamen. The revival of this old system of unpaid village labor, which we beg to say is only a retrograde move after thirty years of suspension for the repair and maintenance of minor irrigation works, will be felt as a great hardship by the agricultural classes, for the system itself is opposed to the nature of the present times and changed habits of the people. This "legalisation of forced labor" in villages as we may call it will necessarily increase the powers of the Revenue officials where-with they can oppress and annoy the working classes who, your Excellency might probably be aware, are already groaning under the tyranny of that class. The Indian Famine Commission suggest the desirability of reviving the custom of Statute labor on the distinct understanding that tanks irrigating over 50 acres, if found to require repairs, should be brought up to the necessary standard by the Public Works Officers at the cost of Government and then handed over to the village officials to be maintained *with a reduction of the assessment on the irrigated lands for the labor* which the people had to contribute. Whatever may be the gain to the Government and the fancied benefits to the agricultural classes from the proposed measure, which we beg to assure your Excellency is open to many abuses, we most respectfully beg to request that your Excellency's Government will not rush into hasty legislation in the proposed lines, as we are sure that any such measure will give rise to grave discontent among the agricultural classes of this Presidency.

* * * * *

Order—dated 13th August 1883, Mis. No. 531, Educational.

Paragraph 1 of the petition will be communicated to the Legislative Department, and paragraph 2 referred to the Director of Public Instruction.

(True Extract.)

(Signed) E. S. LAFFAN,
Acting Under Secy. to Govt.

To the Legislative Department.
„ Director of Public Instruction.

Communicated to the Members of the Select Committee on the Kudimaramut Bill.

81507. (True Extract.) 114703

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

To the Hon. H. E. Sullivan,	} Members of the Select Committee on the Kudimaramut Bill.
" " Major-General R. H. Sankey, C.B., R.E.,	
" " the Advocate-General,	
" " A. Seshayya Sastri, C.S.I.,	
" " Raja G. N. Gajapati Rao,	

Exd. T. O'Connor.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

PAPERS

(No. 4.)

RELATIVE TO

A Bill to provide for the regulation and enforcement of Kudimaramut or unpaid village labor in the Presidency of Fort St. George.

G.O., Legislative Department, 27th August 1883,
No. 150. (Extract of an address from the Mirasidars,
&c., of Madurántakam containing their views).

27TH APRIL 1883, No. 80, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following papers :—

MINUTE by HON. H. E. SULLIVAN, dated 12th February 1883.

My attention has been recently called to the Kudimaramut Bill, the draft of which was transferred by G.O., 16th September 1882, No. 2393, Public Works Department, to the Legislative Department for such further action as may be necessary.

II. A reconsideration of its object and provisions leads me to doubt the expediency of giving it legal effect in its present form.

III. The measure appears to me to be open to the following objections :—

- (1) That the exaction by the State of unpaid labor for the maintenance of works from which it derives a large revenue being a relic of a barbarous time, when nearly all public works were carried out under the *corvée* system, an attempt to revise and legalize a practice which, with the progress of civilization, has fallen into desuetude indicates a retrograde policy.
- (2) That it is almost impossible to define, even theoretically, the quota of labor which each individual member of a community may justly be called on to furnish, whilst in practice an equitable adjustment of the burden is wholly impracticable.
- (3) That the measure of the burden which the proposed law will impose on communities and individuals will depend very much on the character and idiosyncracies of the subordinate officers of Government, who in nine cases out of ten will have to enforce its provisions. In the hands of an indolent, apathetic officer the law may remain almost a dead letter, whilst in those of an energetic unscrupulous man it might become a formidable engine of oppression. Even if worked at its best, the weaker would certainly be pushed to the wall and the bulk of the labor exacted from the poorest class of cultivators.
- (4) That the object in view can be more satisfactorily attained in the commutation of the value of statute labor, to be effected by the imposition of a cess on the holders of irrigated lands, the proceeds being devoted to the conservancy of the works on which they depend for their water-supply.
- (5) That, inasmuch as the said water supply is a monopoly of the State and that the public revenues are largely augmented by its sale to the holders of land, it must be conceded that, whatever may be the liability of the latter to contribute towards the maintenance of irrigation works, a corresponding obligation attaches to the State, which is equally interested in their efficient upkeep.

IV. I do not propose to raise the question as to whether the State as the holder of a great monopoly is not solely responsible for the efficient maintenance of its water works, the ryot being merely charged for the article when delivered to him at the mouth of the sluice. The point is arguable, but I am content to admit that ancient custom favors the idea of the cultivator's liability to share in the cost.

The object I have in view is to prevent their being saddled with the entire burden and to provide for their legitimate share of it being equitably distributed among the individual members of the community.

V. I do not think that I need say much in support of my first three propositions. It will be readily admitted that the legalization of forced labor is a measure which cannot be justified except as a last resort in cases of grave emergency, and, if any one is inclined to doubt the practical difficulty of an equitable distribution of the burden sought to be imposed, let him ponder over the provisions of Sections 6—9 of the Kudimaramut Bill. Take Section 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." Here an important factor seems to have been omitted. Before the quota of labor to be furnished by individuals can be arrived at, it must be known what aggregate amount will be required to execute the repairs specified in Section 3. How is it possible to calculate this so accurately beforehand as to determine the share which each ought to contribute in proportion to his interest in the work, and who is to do it? Again, when it is considered how numerous the holders under a single work are and the small size of the holdings of many, the task of calculating the proportion which individual assessments bear to the whole is no light one. Multiply the number of these holders by the one thousand and one irrigation works of sorts in a taluk, and one begins to realize the magnitude of the operation. If it could be done once for all it might be faced, but many of the holdings change hands and vary in extent every year so that the calculation would have to be annually revised. Section 8 of the Bill provides for this and heaps a mountain of additional labor on the already overburdened Tahsildar. The more I look at the Bill the more unworkable do its provisions appear to me, and the only part of it which commends itself to me is the arrangement for composition which finds a place at Section 11, and this does not go far enough inasmuch as it is merely permissive.

VI. It has been found necessary from time to time to commute all payments in kind for a money-value. In the case of the land revenue the share of the produce claimable by the State was so commuted long ago, and in 1864 an Act was passed by the Madras Government for the commutation of fees payable by the ryots towards the remuneration of the village service, and wherever this has come into force, the State contribution towards the object, which previously took the form of grants of land free of assessment, has been similarly commuted. The commutation of grain fees was found to be necessary in consequence of the uncertain nature of payments in kind, the facilities which existed for evading them, and the door which their realization opened to speculation, fraud, and oppression. Precisely the same objections as I have endeavored to show offer themselves to the exaction of unpaid labor which it is proposed to legalize, and in regard to this I am strongly of opinion that the same course should be adopted as has been followed in the case of other contributions in kind. In this view I append the rough draft of a Bill, framed on the lines of Madras Act IV of 1864, having for its object the commutation into a money-cess of the labor which the holders of land are liable to contribute towards the maintenance of irrigation works. When Sub-Collector of Coimbatore many years ago, I introduced this commutation arrangement in connection with the principal irrigation channels in my division, and, though it has no legal sanction, it holds good to this day, and the same system obtains, I believe, in a portion of the Trichinopoly and Salem Districts. The work of repair is carried out immediately under the orders of the principal ryots who supply the necessary labor, which is duly paid for by the Tahsildar, who is the custodian of the fund. The fact that this arrangement has been going on satisfactorily for some twenty years is a proof that it is acceptable to the people. The only hitch has been the want of legal sanction to catch defaulters. The rate is collected with the usual instalments of the land revenue, and, with reference to a remark which has been made to the effect that the cess is an enhancement of the assessment, I may observe that it merely represents the value of the labor which would otherwise have to be contributed gratis, and, as it does not go to swell the land revenue, but is expended on the objects for which, and

in the locality where, it is raised, the people do not regard it as an addition to the regular fiscal burden. A certain work has to be done, and each ryot subscribes the necessary funds in proportion to his interest therein. The execution of the work is thus secured under the best possible guarantee, whilst at the same time the remuneration of the actual laborer is assured. The rate per acre is high, touching, if I remember right, in some instances, the sum of Rs. 1½, but this is because the State has hitherto shirked its obligation to bear a share of the cost. The Bill which I now circulate will, if accepted, legalize the voluntary composition now in force in certain localities and will enable similar arrangements to be carried out elsewhere under the sanction of the law. Its provisions are but roughly sketched and will of course have to be carefully revised before the measure can be introduced, but experience has shown that they can be readily worked.

VII. There is one new feature in the Bill regarding which a few observations seem necessary. I refer to the legal liability which it is sought to impose on the State to bear its share in the maintenance of the works from which it derives a revenue of some 73 lakhs of rupees. This liability has always been admitted, but in very many—in, I may say, the majority of—instances the obligation has not been discharged. The liability has been admitted by the sanction of estimates for repairs, but as often as not, owing to some financial exigency or to meet the demands of some more favored locality, the funds have been diverted to other purposes. The object in view when the Kudimaramut Bill was put forward was, I take it, twofold. It was partly to secure the continuous maintenance of the works in such a state of efficiency by annual petty repairs as to obviate the necessity of more extensive and costly operations requiring professional supervision and partly by throwing the work on the people themselves to relieve the Public Works Department of a responsibility which they were numerically unable to cope with. There can be no question as to the truth of the old proverb "a stitch in time saves nine," and a measure to provide for that stitch being put in was a step in the right direction. But, as thereby the cost of the nine is to be saved to the State, it seems only fair that it should share in the cost of the one, and it is to this end that I have introduced the provision which finds a place at Section 5. The Kudimaramut Bill lays down in unmistakable terms the liability of the ryots, but is silent in regard to the corresponding obligation of the State. If my views find acceptance, a sure and certain provision for the efficient maintenance of irrigation works throughout the Province will be secured including ordinary repairs to masonry works. As, in the course of time, their condition improves, it will be possible to lower the rate of cess and proportionately to contract the State contribution. It is, I think, only on this basis of the State accepting its share that the obligation sought to be imposed on the holders of land can be equitably defended. The Kudimaramut Bill proceeds on the principle of "aide toi et le ciel ne t'aidera pas."

VIII. Section 8 of the Bill empowers the Government to make rules for the efficient working of the law and especially for determining the agency by which the works should be executed and supervised and the expenditure controlled. As in places where a voluntary cess is now levied all earthwork will be done by the people themselves, the labor being paid for by the Tahsildar; but repairs to masonry works will have to be undertaken by the professional department.

IX. I have not the means at my disposal or the time to calculate the financial effect of these proposals, but, so far as the State is concerned, I am under the impression that its contribution will be covered by the allotment which under recent arrangements it is proposed to make for the repairs of irrigation works other than those entirely maintained by the State. The expenditure of the cess must be restricted to the locality where it is raised, but power has been taken in the Bill for the Government to direct the expenditure of that portion of the fund which is contributed by the State wherever it may be most required. This is to meet those cases where the local cess plus the State contribution of equal amount is insufficient. The rate of cess will have to be determined for each locality and will, of course, be subject to periodical revision. A maximum rate will also have to be settled, and a guide to this will be found in the localities where the voluntary cess is in force.

Draft Bill for the levy of a cess in lieu of Kudimaramut or the exaction of unpaid labor.

Whereas by the immemorial usage of the country it is customary for the people holding and cultivating lands under tanks, channels, and other irrigation works, to contribute unpaid labor, known as Kudimaramut, towards the petty repairs and maintenance of such works, and whereas it has been found in practice difficult to exact such labor in equitable proportions from the persons interested in their conservancy, it is held expedient, in view to the proper upkeep of the works aforesaid on which the prosperity of the ryots and the stability of the public revenues are largely dependent, to abolish the aforesaid system of Kudimaramut, and to commute the same for a money-cess to be levied and expended as hereinafter described. It is therefore enacted as follows:—

1. In all districts or parts of districts to which this Act shall be extended in the manner prescribed by Section 10 the exaction of unpaid labor for the execution of any work for the purposes of irrigation or drainage anything in Section 6, Act I of 1858, to the contrary notwithstanding shall, from the date of such extension, absolutely cease and determine.

2. In lieu of the unpaid labor aforesaid, it shall be lawful for the Local Government to impose a money-cess upon all holders of irrigated land in any districts or parts of districts to which this Act may be extended, the proceeds of which shall be devoted to the execution of petty repairs as hereinafter defined to a work or group of works irrigating the lands on which such cess is imposed.

3. The rate of cess shall be from time to time determined by the Local Government; but shall not in any case exceed the sum of per acre of the land dependent on the work or works for irrigation—

(a) The amount of such cess payable by each holder of land on ryotwari tenure shall be entered in his patta, and shall be realized in the manner provided for the recovery of arrears of land revenue in the Madras Presidency.

(b) In the case of Inam land or lands held wholly or partially free from assessment, the cess shall be levied at the same rate per acre as in ryotwari lands and shall be recoverable in the same manner.

4. The proceeds of the cess hereby authorized to be levied shall be applied to the petty repairs of the work or works irrigating the lands on which the cess is imposed.

5. In every district, or part of a district to which this Act may be extended, a sum equal to the amount of the cess imposed on the holders of irrigated land within such district or part of a district shall be annually contributed by the State for the purposes of this Act, and unless otherwise directed by the Local Government, the expenditure of such contribution shall be restricted to the repairs of irrigation works within the limits of the district or part of a district where the local cess is thereby supplemented.

Provided that it shall not be lawful for the Local Government to direct the appropriation of any portion of the State contribution aforesaid to purposes other than the repairs of irrigation works within the Presidency for which capital and revenue accounts are not maintained.

6. All moneys realized under this Act shall be carried to a separate head of account and shall constitute and be known as the "Irrigation Works Repair Fund."

7. No claim regarding the liability of parties to the cess imposed under this Act or regarding the rate thereof or in regard to the apportionment of funds for repairs shall be cognizable by the ordinary Courts of judicature, but all such matters shall be adjudicated by the Collector, or officers exercising the powers of a Collector, of the District in which they may arise. It shall however be competent to the Collector or such officer to refer any such claim or question for adjudication by the Tahsildar of the taluk in which it has arisen.

8. Petty repairs for the purposes of this Act shall be held to include—

(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 calingulaks (waste weirs with upright stones) and the regulation of calingulaks according to the requirements of the season.

(6) Ordinary repairs to all masonry works (not appertaining to irrigation works for which capital and revenue accounts are maintained) within such limit of expenditure as may be prescribed in the rules framed under this Act by the Local Government.

Provided that in no case shall the restoration of a tank or channel bank breached by causes beyond the control of the landholders and not arising from their act or neglect, or the reconstruction of a masonry work rendered necessary by similar causes be deemed to be a petty repair within the meaning of this Section.

In the event of a doubt arising as to whether in any case the work to be done is or is not a petty repair within the meaning of this section, the question shall be decided by the Collector, whose decision shall be subject to an appeal to the Board of Revenue to be preferred within sixty days from the date of the Collector's order.

9. It shall be lawful for the Local Government to make from time to time, and to alter and cancel rules to regulate the following matters:—

the Agency by which petty repairs to irrigation works shall be executed and the control and supervision to be exercised over the same;

the manner in which allotments of funds shall be made and their expenditure; and generally to carry out the provisions of this Act.

Such rules and modifications thereof shall on publication in the *Fort St. George Gazette* and the local Gazettes of the Districts concerned have the force of law.

10. This Act shall take effect only within such districts or parts of districts of the Madras Presidency, and from such dates in each of the same as the Local Government shall direct by notification in the *Fort St. George Gazette*.

ORDER—dated 27th April 1883, No. 80, Legislative.

The Kudimaramut Bill, which has been so long under discussion, has already received the preliminary approval of the Government of India and the Secretary of State, and is now ripe for settlement.

2. The proposal brought forward by the Hon. Mr. Sullivan in his Minute and revised draft Bill read above virtually reopens the whole question. It seems to the Right Honorable the Governor in Council that the suggestion cannot be dealt with now that Government have received the approval of superior authority to the course already determined upon after due deliberation.

(True Extract.)

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

To the Hon. H. E. Sullivan,
Public Works Department.

Exd. J. Wright.

CP 3676/18

Govt. of (1883) Madras.

LEGISLATIVE.

Issued

13/12 1352W 9/5/18

Recd.

Encl.

G.O., 27th April 1883, No. 80.

APRIL.

Madras Kudimaramut Bill.

Remarking that the revised — brought forward by the Hon. H. E. Sullivan cannot be dealt with now, as the original Bill has already received the approval of the Government of India and the Secretary of State.