

Tanjore Pannaiyal Protection Act, 1952

14 of 1952

[25 December 1952]

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SCHEDULE 1 :- SCHEDULE

Tanjore Pannaiyal Protection Act, 1952

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PREAMBLE

An Act to provide for the improvement of agrarian conditions in the district of Tanjore.

Whereas in the district of Tanjore the relations between landowners and their agents on the one hand and tenants and farm labourers on the other had become strained, resulting in the displacement of tenants and the dismissal of farm labourers and in agrarian crimes and disturbances;

And whereas the situation threatened to cause deterioration in

agricultural production;

And whereas the Tanjore Tenants and Pannaiyal (Protection) Ordinance, 1952 (Madras Ordinance IV of 1952), and the Tanjore Tenants and Pannaiyal (Protection) Amendment Ordinance, 1952 (Madras Ordinance V of 1952) were promulgated by the Governor of Madras to meet the situation aforesaid;

And whereas with a view to remove certain doubts which had arisen regarding the validity of the said Ordinances, the Governor of Madras after obtaining the instructions of the President in pursuance of the proviso to Article 213, clause (1) of the Constitution, promulgated the Tanjore Tenants and Pannaiyal Protection (No. 2) Ordinance, 1952 (Madras Ordinance VI of 1952), which repealed the said Ordinances and re-enacted the provisions contained therein;

And whereas it is necessary to replace Madras Ordinance VI of 1952 by an Act of the State Legislature;

It is hereby enacted as follows:--

1 For Statement of Objects and Reasons, see Fort St. George Gazette, Extraordinary, dated the 24th October 1952, Part IV-A, page 129.

Under section 10 of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956), if any provision contained in the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952) is repugnant to any provision contained in the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), as amended by Madras Act XIV of 1956, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be of no effect. A similar provision is made in section 16 of the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956).

In Revenue Department Notification No. 278, published in Part I of the Fort St. George Gazette Extraordinary, dated the 1st July 1953, this Act was extended to certain areas in Chidambaram and Cuddalore taluks in South Arcot district specified below, subject to certain modifications of sections 11 and 12 and the omission of the Schedule to this Act.

Chidambaram Taluk.

The whole of Kattumannargudi firka, Komaratchi firka, Chidambaram West firka, Chidambaram East firka, Buvanagiri firka and all villages in Setiatope firka except the following twelve villages lying to the west of the Vellar Rajan Channel:--

Kathalai, Valayamadevi Mel, Valayamadevi Kil, Agara Alambadi, B. Adanur, Perianergunam, Chinnanergunam, Veeramudayanatham, Anaivari, Thuringukollai, Nellikollai, Erumbur.

Cuddalore taluk.

The following six villages in Cuddalore taluk:--

Maruvai, Arangamangalam, Kalgunam, Budambadj, Adur Agaram, Kothavacheri.

1. Short Title and Commencement :-

(1) This Act may be called the Tanjore ¹[] Pannaiyal Protection Act, 1952.

(2) It shall be deemed to have come into force in the whole of the district of Tanjore on the 23rd August 1952; and it shall come into force in any other area in the adjoining districts in the State of Madras, on such date as the Government may, by notification, appoint:

Provided that the Government may, by notification, direct that, with effect from such date as may be specified therein, this Act shall cease to apply to any specified area in the district of Tanjore or to any other specified area elsewhere in which this Act may have been brought into force.

1. The words "Tenants and" were omitted by section 2 of the Tanjore Tenants and Pannaiyal Protection (Amendment) Act, 1956 (Madras Act XXV of 1956), which came into force on the 19th December 1956.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,--

(a) "agricultural year" means the year commencing on the 1st day of May;

(b) "commencement of this Act" or "date of commencement of this Act" means the 23rd August 1952 in respect of the whole of the district of Tanjore, and the date appointed by the notification issued under section 1, sub-section (2), in the case of any other area;

(c) "Conciliation Officer" means in relation to any area, the Conciliation Officer appointed under this Act for such area, and where no such Officer has been appointed, the Tahsildar having jurisdiction over the area;

¹[(d)];

(e) "Government" means the State Government;

(f) "gross produce" includes the yield obtained at the poradi;

²[(g) "landowner" in relation to a pannaiyal means the owner of a land or other person deriving any right from him in respect thereof, who has engaged the pannaiyal for cultivating the said land;]

³[(h)];

(i) "pannaiyal" means any person engaged by the landowner ⁴[] to look after a farm and do all cultivation work on the land whenever necessary in the course of an entire agricultural year, but does not include one who is engaged either casually or only for a specific item of work;

³[(j)]:

³[(k)];

(l) "Revenue Court" means in relation to any area, the Revenue Court constituted under this Act for such area, and where no Revenue Court has been so constituted, the Court of the Revenue Divisional Officer having jurisdiction over the area;

²[(m)].

1 Clauses (d), (h), (j), (k) and (m) were omitted by section 3(i) of the Tanjore Tenants and Pannaiyal Protection (Amendment) Act, 1956 (Madras Act XXV of 1956) which came into force on the 19th December 1956.

2 This clause was substituted for the original clause (g) by section 3(ii), of the Tanjore Tenants and Pannaiyal Protection (Amendment) Act, 1956 (Madras Act XXV of 1956), which came into force on the 19th December 1956.

3 Clauses (d), (h), (j), (k) and (m) were omitted by section 3(i), *ibid*,

4 The words "or by the cultivating tenant" were omitted by section 3(iii), *ibid*.

3. Act to override contract and other laws, etc. :-

The provisions of this Act--

(a) shall have effect notwithstanding anything to the contrary contained in any pre-existing law, custom, usage, agreement or decree or order of a Court, but

(b) shall not apply in respect of the land held by a landowner in any village if the land held by him in such village does not exceed one veli (6-2/3 acres) which is either wet land or dry land irrigated from any Government source, or three velis (twenty acres) of dry land not irrigated from any Government source.

4. Appointment of Conciliation Officers :-

The Government or any authority empowered by them in this

behalf may, by order, appoint any person for any area specified therein, to be a Conciliation Officer for the purpose of performing the functions entrusted to a Conciliation Officer by this Act.

5. Constitution of Revenue Courts :-

The Government may, by notification, constitute for any area specified therein, a Revenue Court which shall be presided over by an officer not below the rank of a Revenue Divisional Officer for the purpose of performing the functions entrusted to a Revenue Court by this Act.

5A. Revision by High Court :-

¹[The Revenue Court shall be deemed to be a court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and its orders shall be liable to revision by the High Court under the provisions of that section.]

1 This section was inserted by section 3-A of the Tanjore Tenants and Pannaiyal Protection (Amendment) Act, 1956 (Madras Act XXV of 1956), which came into force on the 19th December, 1956.

6. Omitted :-

Omitted

7. Omitted :-

Omitted

8. Omitted :-

Omitted

9. Omitted :-

Omitted

10. Omitted :-

¹ [Omitted]

1 Sections 6 to 10 were omitted by section 4, ibid.

11. Wages payable to pannaiyals :-

¹[Wages shall be payable to pannaiyals and the members of their families, for each day of work done, as follows:--

(a) In accordance with the terms set forth in the Mayuram Agreement, dated the 28th day of October 1948, as reproduced in the Schedule to this Act; or

(b) at the following rates in kind:--

² marakkals of paddy for every adult male worker.

¹ marakkal of paddy for every adult woman worker.

^{3/4} marakkal of paddy for every worker not being an adult.

Any pannaiyal may elect to be paid his wages for an agricultural year either under clause (a) or under clause (b) of this section: but if he prefers to be paid under clause (b) he shall not be entitled to claim in addition any kind of customary privilege or remuneration provided that an adult male pannaiyal shall, in addition, be entitled at each harvest to his share in the aruvadaippangu (crop-share) of half-a-marakkal for every kalam of gross produce (or in the case of produce other than paddy, of one-twenty-fourth of the gross produce) and be given manaikollais according to custom.

1 This section in its application to certain areas in Chidambaram and Cuddalore taluks has been substituted as follows:--See in this connection the third paragraph of footnote 1 at p. 413 ante.

"II. Wages payable to pannaiyals.--Wages shall be payable to pannaiyals and the members of their families, for each day of work done at the following rates in kind:--

2 marakkals of paddy for every adult male worker.

1 marakkal of paddy for every adult woman worker.

3/4 marakkal of paddy for every worker not being an adult.

Pannaiyals shall not be entitled to claim in addition any kind of customary privilege or remuneration, provided that an adult male pannaiyal shall, in addition, be entitled at each harvest to his share in the aruvadaippangu (crop-share) of half-a-marakkal for every kalam of gross produce (or in the case of produce other than paddy, of one-twenty-fourth of the gross produce) and be given manaikollais according to custom."

12. Dismissal of pannaiyal :-

(1) Whenever a landowner dismisses a pannaiyal, he shall, within a week from the date of such dismissal, make a report thereof to the Conciliation Officer having jurisdiction over the area.

(2) The Conciliation Officer may, on receipt of such report from the landowner, or of any complaint from the pannaiyal who has been dismissed, whether after the commencement of this Act or at any time before such commencement not being earlier than the ¹[1st day of March 1952], call upon the landowner and the pannaiyal concerned to appear before him in person or by agent and to represent their respective cases.

(3) After considering the representations, if any, so made, and after making such further inquiry into the case as he may deem fit, the Conciliation Officer may, if he finds that the dismissal of the pannaiyal was not just and proper, by an award in writing, require the landowner to take back the pannaiyal and reinstate him in all the rights which would have accrued to him but for his dismissal.

(4) If the landowner fails to comply with the award of the Conciliation Officer under sub-section (3), the Revenue Court may, on receipt of intimation of such failure, after such inquiry as it considers necessary, direct the landowner to pay the pannaiyal such compensation as may be fixed by it without detriment to the rights accruing to the pannaiyal under sub-section (3).

(5) If the landowner fails to pay the compensation so fixed to the pannaiyal, the Revenue Court may, on application by the pannaiyal, direct that it be recovered from the landowner as if it were an arrear of land revenue and paid over to the pannaiyal.

(6) Any landowner or pannaiyal may terminate the engagement by giving notice of not less than 12 months ending with the expiry of the next agricultural year, or by mutual agreement, provided that where the landowner terminates the engagement under this sub-section, he shall be liable to pay to the pannaiyal, grain or money equivalent to six months wages or such amount as may be mutually agreed upon.

²[]

1 The expression "1st day of January 1953" shall be substituted for this expression in the application of the Act to certain areas in Chidambaram and Cuddalore taluks--See in this connection the third paragraph of footnote I at page 413 ante.

2 Sub-section (7) was omitted by section 5 of the Tanjore Tenants and Pannaiyal Protection (Amendment) Act, 1956 (Madras Act XXV of 1956), which came into force on the 19th December 1956.

13. Adjudication of disputes :-

¹[²(1) Save as otherwise expressly provided in this Act, any

dispute between a landowner and a pannaiyal including any matter which affects their mutual harmonious relationship in the cultivation of land, or any question which may arise as to the payment or non-payment of any wages shall, on application by any party, be decided by the Conciliation Officer.]

(2) Against any final order passed by a Conciliation Officer under sub-section (1), an appeal shall lie to the Revenue Court within thirty days of the passing of the order, unless the court in the special circumstances of any case, condones the delay in preferring the appeal within that time; and the decision of the Revenue Court on such appeal shall be final.

(3) Every application under sub-section (1) and every memorandum of appeal under sub-section (2) shall bear a court-fee stamp of one rupee.

(4) Nothing contained in this section shall affect any decision of the Revenue Court which has become final under section 13 of Madras Ordinance IV of 1952 or of Madras Ordinance VI of 1952.

³[(5)]

1 Under section II of the Madras Cultivating Tenants Protection Amendment) Act, 1956 (Madras Act XIV of 1956), any application made to a Conciliation Officer under the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), and pending on the date of the coming into force of the former Act, shall, if it relates to a matter falling within the purview of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), as amended by Madras Act XIV of 1956, be transferred to and disposed of by the Revenue Divisional Officer who would have had jurisdiction to entertain such application under Madras Act XXV of 1955, as if it had been made thereunder.

2 This sub-section was substituted for the original sub-section (1) by section 6(i), *ibid*.

3 Sub-section (5) was omitted by section 6(ii), *ibid*.

14. Bar of jurisdiction of civil courts :-

No civil court shall entertain any suit or other proceeding to set aside or modify any order, decision or award passed by any Revenue Court, Conciliation Officer, or other authority under this Act or in respect of any other matter falling within its or his scope.

15. Special conditions applicable to areas outside Tanjore district :-

(1) Where this Act is to be brought into force in any neighbouring area outside the Tanjore district, its provisions shall apply subject to such adaptations, exceptions and modifications, if any, as the Government may, by notification, specify in this behalf.

(2) Any such notification shall be laid before the Legislative Assembly of the State for not less than fourteen days and shall have effect thereafter subject to such modifications, whether by way of repeal or amendment as that Assembly may make during the session in which it is so laid.

16. Power to make rules :-

(1) The Government may, by notification, make rules to carry out the purposes of this Act, and in particular for the execution or enforcement of any orders, decisions or awards passed thereunder or for the removal of any doubts or difficulties which may arise in giving effect to the provisions thereof.

(2) All rules made under this section after the 31st December 1952 shall be laid for not less than fourteen days before the Legislative Assembly of the State, as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as that Assembly may make during the session in which they are so laid.

Explanation.--This sub-section shall not apply to any rules made on or before the 31st December 1952.

17. Repeal of Madras Ordinance VI of 1952 :-

(1) The Tanjore Tenants and Pannaiyal Protection (No. 2) Ordinance, 1952 (Madras Ordinance VI of 1952), is hereby repealed.

(2) Any rules made, notifications issued, orders, decisions or awards passed, action taken, or thing done in the exercise of any power conferred by or under Madras Ordinance IV of 1952, or by or under that Ordinance as amended by Madras Ordinance V of 1952, or by or under Madras Ordinance VI of 1952, shall be deemed to have been made, issued, passed, taken or done in the exercise of the powers conferred by or under this Act,

SCHEDULE 1

SCHEDULE

¹[THE SCHEDULE.

[See section 11(a).]

(1) Pannaiyals will be paid daily wages at one marakkal and women labourers at 3/4th marakkal.

(2) For harvesting, kalavadi, ehindumani, sattuva, nadaval, kalavadi and other items, pannaiyals will be paid 1/7th of the gross produce of the plots on which they have worked as pannaiyals.

(a) The 1/7th share will be split up and the kalavadi will be fixed at 11/2 marakkal out of 14 and harvest cooly at half-a-marakkal out of 14.

(b) Where the pannaiyal exclusively harvests the field, he will get 1/7th of the produce.

(c) Where the pannaiyal harvests part of the field, he will get 1/7th of the produce harvested by him.

(d) Where outside labour has harvested certain areas and the pannaiyal certain other areas, the pannaiyal will get 11/2 marakkals out of 14 as kalavadi, irrespective of what cooly is paid to outside labour.

(e) To prevent pannaiyals from claiming their share and working elsewhere, a penalty of two marakkals for each day of wilful absence during the harvest season will be deducted out of the kalavadi or other dues to him.

(f) Each pannaiyal will get his share only on the yield from not more than one veli (6-2/3 acres) of land belonging to the mirasdar.

(3) For poradi, pannaiyals will be paid only daily wages at one marakkal and they should finish the poradi.

(4) Pannaiyals will be given maniams (manaikollais) according to custom.]

1 This Schedule in the application of the Act to certain areas in Chidambaram and Cuddalore taluks in South Arcot district was omitted in Revenue Department Notification No. 278, published in Part I, Extraordinary, of the Fort St. George Gazette, dated the 1st July 1953.

(Set the third paragraph of foot-note I at p. 413 ante).