

Public Works (1897) Department.

G.O., No. 685 W

DATED 9th March 1897

[Despatch Abstract.]

Lamine: P.W.: Revenue Dept passing
orders on Board's P.W.: regarding the question
of being below the minimum - waf
recorded.

G.O.	No.	Department.	Date.

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REVENUE.

6/5/57

Passing orders on Board's Proceedings regarding the question of fining below the minimum wage.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), dated 15th December 1896, No. 436:—

Read—the following G.O., No. 668, Revenue, dated 25th November 1896:—

Miscellaneous.

His Excellency the Governor in Council considers that it is now necessary to place all the relief works in the Cuddapah district under the control of the Public Works Department as contemplated in the Famine Code. To this end the staff of the Public Works Department in that district must be strengthened. The Chief Engineer will accordingly be instructed to depute to Cuddapah an officer of the grade of Executive Engineer, if possible, for the charge of all relief works in the Pulivendla, Jammalamadugu and Proddatur taluks. A staff of Overseers sufficient to allow one for the charge of each separate work should be detailed for direct charge of the works. If an Executive Engineer cannot be deputed, a selected Assistant Engineer should be at once sent.

2. The officer sent must be instructed that he must strictly enforce tasks by the system laid down in Appendix VI. He should depart as little as possible from the task table. Weakness is the only cause, directly attributable to the workers, which is a valid excuse for not turning out the required task. When however it is shown that a gang cannot, owing to weakness, turn out the allotted task, the case should be met by reduction of the task and of the class of the gang. Short work should not be excused under any circumstances. The minimum wage should only be allowed in those cases where the default is not directly or indirectly due to the workers themselves and the cause for allowing the reduced wage must be stated on the face of the bill.

3. In all Public Works Department relief works the system of working detailed in Appendix VI must be followed. If the existing Public Works Department methods clash therewith, they must be modified.

4. The system of separating the executive duties from the payment of workers laid down in the same appendix must be invariably and strictly observed. Paymasters must be specially entertained by the Collector and they must obtain money, keep accounts and pay the gangs in accordance with the instructions therein laid down. They will obtain money from the nearest Treasury under the system laid down in the appendix.

5. The audit and scrutiny of the bills sent by the paymasters must be specially arranged for. It is not a matter of difficulty and the work must be kept well up to date and be carefully performed.

6. The officer detailed should submit a statement of the special establishment required, which may be entertained in anticipation of sanction, subject to the rules of the Code in that behalf.

(True Extract.)

(Signed) G. STOKES,

Ag. Secretary to Government.

To the Public Works Department.

„ Board of Revenue (Revenue Settlement).

Read—also G.O., No. 675, Revenue, dated 27th November 1896.

ABSTRACT.—Communicating, with remarks, to the Board of Revenue, Proceedings of the Government of the North-Western Provinces and Oudh on the scarcity in those Provinces and the relief measures adopted to meet it.

Resolution—dated 15th December 1896, No. 436.

In its order first read above, the Government has directed that the test works, opened in Cuddapah, should be placed under the Public Works Department as relief works, to be carried on under the provisions of the Madras Famine Code. It directs that tasks must be strictly enforced by the system laid down in Appendix VI of the Code; that the task table (form F, appendix III) is to be departed from as little as possible; that the minimum wage is to be allowed only in those cases where the default is not directly or indirectly due to the workers themselves, and states that weakness is the only cause, directly attributable to the workers, which is a valid excuse for not turning out the required task.

2. According to the “Provisional Famine Code” issued by the Government of India, section 56, “fines may be imposed for short work, provided that the daily payment does not fall below the minimum wage. In the case of contumacious refusal to perform full work, payment may be made in proportion to the work done.” In sections 74 to 93 of the Famine Code for the North West Provinces, and in sections 135 and 138 of the Punjab Famine Code, it is similarly laid down that contumacy or wilfulness is the only reason for which any deduction from the minimum wage of relief-workers may be made. Section 106 of the Madras Famine Code also follows the same lines, but indicates that, in case of “wilfulness” and “contumacy” only, fines may be imposed on A, B or C class labourers in proportion to the work turned out, so long, however, only as the wage is not, as a general rule, reduced below the minimum wage, and any action taken in this respect is to be reported to Government. The reasons for this latter proviso, which was inserted so as to safeguard the interests of the relief-workers, are set forth in the Board’s Official Memorandum, dated 15th July 1892, No. 6076, wherein it is shown that the effects of fining must be anxiously watched, and that in some cases the people lose heart, and fining becomes mere cruelty, and that therefore discretion must be left to a responsible officer to stop fining. This view, that it is in some cases necessary to prohibit fining altogether, was accepted by the Madras Government in its Order No. 839, Revenue, dated 11th August 1892. So far as the Board understands, the Government now desires that a system of unrestricted fining should be carried out on the relief-works now in operation under the Famine Code.

3. That Code was prepared with special reference to the Government Order quoted above, and has received the approval of the Government of India—G.O., Mis. No. 5399, Revenue, dated 16th August 1896—and that approval was obtained on the representations and explanations made in G.O., No. 685, Revenue, dated 24th September 1894, and the provisions of the Code should not, the Board respectfully submits, be departed from, except under the sanction of the Supreme Government.

4. It must also not be forgotten that, notwithstanding the strong representations of the Madras Government, the Government of India has considered it necessary to override its conclusions in reference to the regulation of the scale of wages on relief-works in two important particulars,—firstly, it has reduced the grain rations by 10 per cent., as it has struck out the allowance for loss in husking the dry grains in preparing them for use; and, secondly, it reduced the grain ration for a minimum wage from 2 lb. for a man, as proposed by the Madras Government, to 1.75 lb. only; that is, from 80 tola of husked, to 70 tola of unhusked, grain. The total reduction, so far as the minimum grain ration is concerned, is therefore from 80 to 63 tola of husked grain, or 21.25 per cent. It was, as a reference to paragraph 30 of Board’s Proceedings, dated 11th April 1894, No. 156, will show, found in 1892

that a wage equivalent to 75-6 tolahs of ragi flour was insufficient to preserve the relief-workers in health and efficiency. To act contrary to this experience would, therefore, in the Board's opinion, be to run the risk of disaster, and of throwing numbers of famine-stricken coolies on gratuitous relief, at great expense to the State, and most terrible suffering to the people. It would be both unwise and contrary to the dictates of economical administration, and also to the dictates of humanity.

5. In regard to the question of "weakness" being the only cause, directly attributable to the workers, which may be allowed to justify an alleviation of the rule now laid down by the Madras Government, the Board begs to point out that there are many causes, which cannot be classified as "weakness," which prevent relief workers from performing the task allotted in the standard table of the Code. It has necessarily followed, from the works at present open being test works, that the distance test, which was found so fatal in 1876-78, has again come into operation. This will be the case, more or less, in all works, except those very large ones in which the labourers are huddled on the site of the work. The Commissioner, during his inspection, has found workers who walked 12 miles to and from the works daily, whilst the women with young children had to walk an additional 8 miles, morning and evening included, to and from the kitchen where the latter were fed; making 32 miles in all. This may be taken as an extreme case, and yet there were over 60 coolies on the Owk work, who submitted to this cruel test for a wage, varying according to age from half an anna to one anna five pies. As a fact, owing to rain and other causes, the adult male wage was often only one anna. Marches of 12 to 16 miles daily were common, supported on a portion of the women's scanty wage, is unavoidable, for, as a fact, such children will not leave their mothers. Thus many relief workers, who show no signs of "weakness," have to do a full day's work at marching, and are yet expected to do another day's work at stone-breaking or the like. These unfortunate people do not qualify for being placed in "weakly gangs," and many of them fall under the classification of persons accustomed to labour, and must be placed in class B.

6. Though the mass of the relief workers are accustomed to labour, when they come to a relief work they are put to perform tasks which are, to them, entirely unfamiliar; which in their own way require a certain amount of skill and training; and at which, circumstanced as these workers are, their capacity deteriorates. The commonest work, to which relief workers can be set, is the breaking and stacking of road-metal. For this work suitable hammers, fitted with convenient handles, are necessary. On the works opened in Cuddapah and Kurnool neither were forthcoming. The supplies of hammers were insufficient, and no handles whatever were supplied with them. The hammers issued were in many cases far too light, and in others the woman had to use a block of stone to break her daily tale. The handles improvised at the work were not half the proper length, rough hewn and knobby. These soon blistered the hands of the workers and left them incompetent to perform the task, but neither from contumacy nor from weakness. The proper stone-breaker's hammer weighs 3 lb., and has a long tapering handle of polished ash.

7. Even if sufficient and really good tools be supplied, a stone-breaker needs some skill, and, as the Government is doubtless aware, in England a stone-breaker is always supplied with goggles. It is also customary, at least in some places, to supply the stone-breaker with a loop and handle of hoop-iron in which to hold the stone to be broken. None of these aids to efficiency are provided on relief works, and a worker wounded about the face and eyes cannot be called wilful, if he or she does not turn out the daily tale. Instead of an iron loop, the fingers have to be used to hold the stones. Owing to unfamiliarity at the work, the fingers are soon bruised and bleeding, and fear of further injury soon renders the worker incompetent to perform the full task.

8. These difficulties cannot be overcome by transferring the workers concerned to a "weakly gang" and modifying the task at will, even if it were desirable, or possible, to reconstitute the gangs by personal inspection from day to day. Government themselves observed (G.O., No. 839, Revenue, dated 11th August 1892) that "if

an experienced Public Works officer could be put on each work every morning, as the coolies flock in, it might be possible to carry out the task to individual capacities; but, with a limited number of supervisors, many of them destitute of experience, and recruited hastily for the occasion, fine distinctions are out of the question, and the idea of insisting on them must be abandoned." The Code lays down that families are not to be broken up, nor is this advisable. Thus people who are more weakly than the ordinary coolie get into the gangs and reduce the outturn. This of course occurs in cases such as those described above, and also there are many nursing mothers who are attracted to the works. Native children are suckled for many months, and nursing mothers are always sure of a wage equal to the value of 80 tolahs (2 lb.) of grain. These women, in addition to walking to and from the works, have to carry a child with them, and thus arrive at the works more or less exhausted. Their work is frequently interrupted, and the help they give to the gangs is small. The outturn of the gang is also reduced by time lost by mothers who have to take their children back and forwards between the work and the kitchen. Again, although, for the purpose of reckoning wages, boys and girls of 12 and 13 are counted as adults, they are not able to do the work of full-grown men and women, and their presence in the gangs reduces the output. Again two young children of from 7 to 12 years of age are not, as assumed in the Code, able to turn out the work of an adult woman on all classes of labour. Further, when the distance test, as must always, more or less, be the case, is present, coolies generally come late and go early, with perhaps a walk of two or three hours before them to reach their homes. The martinet who would exclude such coolies from the works is not fit to be in charge of relief operations; but unpunctuality must mean short outturn of work.

9. Further, the gangs are continually varying, and the power of a gang to turn out work, if its constitution differs much from that which is conducive to efficiency, varies accordingly. In gravel or earth digging, for instance, which are common forms of relief work, it is essential to the output of a full task that the proportion of diggers and carriers shall be such as the lead and lift demand. This cannot be secured without a continual and impracticable reconstitution of the gangs. The task also varies infinitely, such as when cutting side drains to a road, where the track passes from gravel to sand and from sand to rock, all in the distance of a day's work. In stone-breaking even, the task ought to vary greatly, according to the nature of the stone, and the facility with which it is found. In the Cuddapah and Kurnool districts the trap, limestone, and quartzite found in the affected tracts, are far harder to break than the granite or gneiss to which apparently the Code tasks refer. And even amongst these there are wide differences in hardness and facility for breaking. In one particular case a woman working her best, under the supervision of the Commissioner, had to strike a stone, with the hammer supplied, 41 times before it fractured.

10. Thus, everywhere, the tasks to be enforced are, or should be, continually varying, and, even if the Overseer of a work were competent to vary the task, which he is not under section 107, he could not, in many cases, do the work. Still less can the Engineer do it, and even he must secure the approval of the Collector to modifications of the task: the latter officer may be 100 miles away. Thus on this ground alone the standard tasks must not be too severely pressed.

11. Again, as the works are all to be placed under officers of the Public Works Department, the Board would point out that these officers seldom have had much experience of task work. They are accustomed to execute works by piece-work, with professional labourers, or through contractors. An earnest, energetic and sympathetic officer would doubtless soon make up for this want of experience, if he were able to stick continually to a particular work and watch the gangs closely; but even he, as the tasks require to be adjusted so frequently, could not effect much, and it practically comes to this, that the task would have to be fixed by some underling, as the Engineer cannot possibly see that the task of each gang is adjusted to its strength. There might again be officers, wanting in sympathy and harsh, wanting in tact and power of organisation, who would be disinclined to make concessions to coolies, and have no hesitation in grinding the faces of the poor. There are such officers, though their

number may be small, and to entrust the power of indiscriminate fining to such persons would be to drive the coolies from the works to starve in their villages. The general incomplete acquaintance which Engineer officers have with the native languages is a factor not to be overlooked. Officers may be able to supervise work carried out on contract, when the contractor, or his gumastah, talks English, or an interpreter is present; but, for relief work, an officer should be able to investigate and grasp the complaints of the workers himself on the spot.

12. Appendix VI of the Code lays it down that the task as well as the work done shall be entered in the work sheet by the head-cooly or sub-maistry (rules 11 and 15). That is to say that these illiterate men have to make a rather intricate calculation of the task, and a not easy measurement of the work done by the gang from day to day. These entries are supposed to be checked by the head-maistries and the Overseer before the extracts from the nominal roll are made over to the paymaster. The latter officer, on receiving the extracts, has to make the calculations specified in rules 28 and 29 of Appendix VI, and then, after determining the proportionate deduction to be made for short work, or the addition for good work—say, three-fifths—done by the gang, to deduct three-fifths from or to add three-fifths to the wage of each worker for 3 or 4 days, taking care that no deduction is made for the day of rest in the case of those workers who have been continuously on the work for six days and that the addition does not make the wage more than that for an A class worker. The problem will be, say— $3 \times 1 \text{ a. } 5 \text{ p.} - \frac{3}{5} (3 \times 1 \text{ a. } 5 \text{ p.}) + 1 \text{ a.}$, or, $3 \times 1 \text{ a. } 5 \text{ p.} + \frac{3}{5} (3 \times 1 \text{ a. } 5 \text{ p.}) + 1 \text{ a.}$, the latter being limited to $3 \times 1 \text{ a. } 7 \text{ p.} + 1 \text{ a.}$, or the A class wage for the working days and the minimum wage for the day of rest—for each man, and so on for women and children. The number of days on which each member of the gang has worked will often vary, and some may not be entitled to the wage for the day of rest. The several wages will therefore have to be calculated out differently. The Collector of Bellary remarks that “the paying officer found it difficult to calculate percentage deductions.” This is not extraordinary.

13. The Board, as at present constituted, considers that the elaborate system of addition and subtraction laid down in the appendix is not feasible in practice, and it believes that any attempt to carry out the system, with such staff as can be provided, is likely to involve a certain amount of fudging, and that the result will be peculation by the paymasters, and suffering by, or overpayment to, the coolies. The difficulty of obtaining paymasters of any kind is severely felt in the Deccan districts, the post being generally refused through fear of getting into trouble over the very intricate provisions of the Code. This was in Kurnool. The Collector of Bellary writes:—“The head coolies” are “a helpless lot. The task has very seldom been properly enforced. This is due to confusion in the beginning, inexperience of workers, want of proper classification, the old and decrepit seriously handicapping the more efficient, the late arrival of the coolies and the incompetence of head coolies and sub-maistries,” whose returns are the foundation on which the paymaster has to work.

14. Again, the Madras Code exceeds in severity the Punjab Code—section 131, and the North-West Provinces Code—section 91. The latter Code allows the Sunday wage to all coolies: the Madras Code—Appendix VI, rule 34 (5)—allows it only to those coolies who have worked for the six preceding days. Thus all new-comers, or persons who, for various causes, have absented themselves for a single day, are debarred from receiving the Sunday wage. These are additional reasons why the week-day wage should not, except—as the Code provides—in cases of wilfulness or contumaciousness, be reduced below the present minimum wage, which, the Government of Madras itself has held, is not sufficient to prevent relief workers from deteriorating in health and condition. Even in cases when wilfulness may entail fining, the elaborate provisions of sections 28 and 29 of Appendix VI might be simplified with advantage.

15. With reference to the above reasons, which are not exhaustive, the Board respectfully requests that Government will be pleased to modify the orders regarding fining contained in paragraph 2 of its Proceedings, No. 668, dated 25th November

1896, so as to bring the same into conformity with the Codes of the Government of India and other Provinces, and with the Provisions of the Madras Famine Code itself as sanctioned by the Supreme Government.

(True Copy and Extract.)

(Signed) R. V. SRINIVASAIYAR,
Secretary.

To the Secretary to Government, Revenue Department.

Copy to all Collectors.

„ to the Sanitary Commissioner.

ORDER—No. 43, Revenue, dated 26th January 1897.

The position taken up by the Board of Revenue in the Proceedings read above indicates that the Board has failed to apprehend the system of relief works as laid down in the Famine Code. Before noticing in detail the Board's assertions and arguments, the Government therefore proceeds to point out the nature of this misapprehension.

On relief works, a check which is simple and a system which is elastic are requisite. The calculation of wages, tasks and fines is more or less intricate, and though each item admits of check, that check is not of very easy application, and becomes impossible with much elasticity in the application of the rules. Rigidity is therefore aimed at in this part of the system, but that rigidity is safeguarded, in the case of tasks, for example, by the rule that they can be altered *with the consent of the Collector* (section 107 of the Famine Code). The rules in regard to wages, tasks and fines being thus rigid, the necessary elasticity in the system is obtained by section 97 of the code which empowers the officer in charge of a work to alter the class of the gang at his discretion. If he finds from the daily work sheet that a gang turns out short work for several days running, and that this is also the case with many other gangs engaged on the same kind of work, the inference would be that the task was too high and that application should be made to the Collector for sanction to modify it. If, on the other hand, the failure to turn out the full task were noticed in one gang only, the officer in charge would conclude that the failure was due on the part of the workers either to contumacy, that they would not, or weakness, that they could not, turn out as much work as others on the work. In the former case, it would be his duty to continue fining, and in the latter, to reduce the class of the gang; it is within his discretion to take such action and he alone is responsible for judgment in this matter.

The advantage of the system adopted in section 97 of the Code lies in the fact that while manipulation of tasks is difficult to check, an improper classification of the gangs must at once attract the attention of supervising officers. The Code, while thus practically giving the officer in charge absolute power to reduce the amount of labour to be exacted, compels him to exercise that power in such a manner that he cannot abuse it with impunity.

2. That the system described above is that laid down in the Famine Code will be made clear to the Board by a perusal of sections 97, 106 and 115, rules 28, 29, 38 and 44 of Appendix VI, and the Famine Commissioner's memorandum printed at page 22 of G.O., No. 839, dated 11th August 1892. In this connection it is, however, necessary to refer shortly to section 106. When this section was drawn up, it was intended that the rigidity of the rules in the matter of fining should be safeguarded by empowering the Collector to issue an order that fines should not reduce the wage below the minimum wage, but the exercise of this power was placed under control by requiring the Collector, when he thus suspended the system of fining, in every case to report his action to Government. This provision was, however, improperly eliminated

13. *Paragraph 14 of Board's Proceedings.*—The Board's arguments in this paragraph may afford excellent reasons for revising the rules in regard to the Sunday wage; but do not affect the question directly under consideration, a remark which applies to some extent also to the two preceding paragraphs.

(True Extract.)

(Signed)

G. H. Williams
Ag. Secretary to Government.

To the Board of Revenue (Revenue Settlement,
Land Records and Agriculture).

Public Works Department

Exd. C. M. Thumbarwamy.

50 Copies.