Revenue Department

Arrears of Contributions

to 26th Jan 1858

Bank Inst 64 to 5

Case No 108 26th Jan 1858

(103)

பாதுகாப்பு பிரிவு-1

செப்பனிடுபவர் பெயர் த. மனி

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 3/10/07

செப்பனிட்டு முடித்த நாள் 6/10/07

சரிபார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்

சரிபார்க்கும் 2ம். நி.பா.எ. கையொப்பம்

ஆராய்ச்சி உதவியாளர் கையொப்பம்

No. 61. Read the following letter from the Hon'ble D. ELIOTT, Esq., to H. FORBES, Esq., Acting Secretary to the Government of Fort St. George; dated 19th Dec. 1857.

MY DEAR FORBES,

I send you a copy of the Compulsory Labor Bill as passed in a Committee of the whole Council to-day. You will see it has been tinkered. It was thought there should be power to cut down trees on emergency to be used for stopping breaches, but that in such cases the owners should have compensation beyond what would be the value of the wood lying ready to be used, for example a bearing Cocoanut tree or a toddy yielding Palm tree of any kind.

Perhaps the *wording* may be mended at the 3d reading which will be a fortnight hence, the Council being adjourned for that time.

A Bill to make lawful compulsory labor for the prevention of mischief by inundation, and to provide for the enforcement of customary labor on certain works of irrigation in the Presidency of Fort Saint George.

Preamble.

Whereas the safety of person and property is endangered by inundations caused by sudden breaches of the embankments of tanks, rivers, and canals, and of anicuts and other like works, and it is necessary for the common good to make it obligatory on persons of the laboring classes, when duly called upon, to unite their labor to prevent such breaches, or to repair them instantly; and whereas it is expedient to make legal provision for the enforcement of the duty which by local custom is incumbent on village communities to furnish the labor required for the execution of certain works for the purpose of irrigation and drainage; it is enacted as follows:—

Laborers may be called upon to assist in preventing or repairing breaches in the embankments of tanks, rivers, &c.

I. Whenever it shall appear to the officer in charge of any tank, river, or canal, or of any anicut or other like work, that there is imminent danger of the embankment of such tank, river, or canal being breached, or of a breach being made in such anicut or other work, and of a destructive inundation being caused thereby, which may be prevented by a large body of laborers immediately working together to strengthen the embankment or other work; or when such a breach has occurred, if it shall appear to such officer that it can be repaired and the inundation caused by it be stopped by the immediate employment of a large body of laborers for that purpose—it shall be lawful for such officer to require the head or heads of the village or villages in the vicinity to call upon all able-bodied male persons of the laboring classes in such village or villages to co-operate in the work necessary for preventing or repairing the breach as the case may be. In the absence of the said officer, it shall be lawful for the Tahsildar of the talook to make such requisition in his stead. And if neither the said officer nor the Tahsildar is on the spot, and the emergency is great and urgent, it shall be lawful for the head of the village in which the breach is expected to occur or has occurred, of his own motion to call upon the laborers as aforesaid of his own village, and, if needful, to make a requisition to the heads of the neighbouring villages to call likewise upon the laborers of their villages to co-operate in the work necessary for preventing or repairing the breach.

Punishment for refusing or neglecting to comply with such call.

II. Any male person of the laboring classes being duly called upon by the head of his village labor as aforesaid, who shall refuse or neglect to comply with such call without any lawful excuse, shall, *on conviction before a Magistrate or an officer exercising the ordinary powers of a Magistrate*, be punished with a fine which may extend to one hundred Rupees, or with simple imprisonment which may extend to one month, or with both.

Rate of remuneration for laborers so employed.

III. Every person who shall be employed on such work under such requisition shall be paid for his labor by day at the highest rate paid in the neighbourhood for similar work, and if he is required to work at night at double such rate.

Mode of payment.
Recovery of advances from private persons.

IV. Payment shall be made to the laborers from the Public Treasury; and if the laborers shall have been employed upon a work belonging to a private person, the amount advanced from the Treasury shall be recoverable from such person by the same means which may be lawfully used for the recovery of arrears of land Revenue.

Inhabitants of villages may be called upon for the supply of certain materials.

V. It shall be lawful for heads of villages, on the requisition of the officer in charge of such works as aforesaid, or in his absence on the requisition of the Tahsildar, or, in case of emergency when neither such officer nor the Tahsildar is on the spot, of their own motion, to make requisitions upon the inhabitants of their villages for the supply of materials, to wit, trees and leaves, bamboos, straw, and the like necessary for stopping breaches in the embankments of tanks, rivers, and canals, and to *seize* and if necessary to cut down such articles wherever they may be found, giving receipts for them in writing; such supplies shall be paid for from the public Treasury at the highest prices *for* which such articles *are sold* in the neighbourhood; and in case damage is sustained by any person in consequence of the cutting down of any such articles, compensation shall be made for such damage, the amount of which compensation shall in case of dispute be determined in the same manner as amounts payable under Section VI. When the work for which such articles are used belongs to a private person, the amount advanced from the Treasury shall be recoverable from him by the same means by which arrears of land Revenue are recoverable.

Supplies how to be paid for.
Recovery of advances from private persons.

Liability of person bound but refusing to contribute labor to a work of irrigation or drainage usually executed by the joint labor of a village community.

VI. Whenever by local custom any work for the purpose of irrigation or drainage or connected therewith is usually executed by the joint labor of a village community, any person bound *by such custom* to contribute labor to such work, who *neglects or* refuses without reasonable cause to comply with a requisition for such customary aid made to him by the head of the village under the orders of the Tahsildar or other superior Revenue officer, shall be liable to pay *a sum equal to twice the value of the labor which he is bound to contribute. The amount so payable* shall, in case of dispute, be determined summarily by a village or District punchayet assembled by order of the Collector through the village or District Moonsiff according to the rules for assembling such punchayets prescribed in Regulations V. and VII. of 1816. *Such amount* shall be payable on demand; and on non-payment the same may be recovered by the same means by which arrears of land Revenue are recoverable. *All sums paid or recovered under this Section shall be applicable to the expenses of any works for the purpose of irrigation or drainage executed for the benefit of the village communities to which the defaulters respectively belong.*

No. 65. ORDER THEREON, No. 108; dated 26th January 1858.

Ordered that the foregoing letter be recorded.

(Signed) H. FORBES,
Acting Secretary to Government.

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No 64 (A) (C)

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[~~The amendments in the Bill are printed in italics; the words in the margin are those proposed to be omitted.~~]

G

~~AMENDED BILL.~~

A

BILL

TO

Make lawful compulsory labor for the prevention of mischief by inundation, and to provide for the enforcement of customary labor on certain works of irrigation in the Presidency of Fort Saint George.

Preamble.

WHEREAS the safety of person and property is endangered by inundations caused by sudden breaches of the embankments of tanks, rivers, and canals, and of anicuts and other like works, and it is necessary for the common good to make it obligatory on persons of the laboring classes, when duly called upon, to unite their labor to prevent such breaches, or to repair them instantly; and whereas it is expedient to make legal provision for the enforcement of the duty which by local custom is incumbent on village communities to furnish the labor required for the execution of certain works for the purpose of irrigation and drainage; It is enacted as follows:—

Laborers may be called upon to assist in preventing or repairing breaches in the embankments of tanks, rivers, &c.

I. Whenever it shall appear to the Officer in charge of any tank, river, or canal, or of any anicut or other like work, that there is imminent danger of the

embankment of such tank, river, or canal being breached, or of a breach being made in such anicut or other work, and of a destructive inundation being caused thereby, which may be prevented by a large body of laborers immediately working together to strengthen the embankment or other work; or when such a breach has occurred, if it shall appear to such Officer that it can be repaired and the inundation caused by it be stopped by the immediate employment of a large body of laborers for that purpose—it shall be lawful for such Officer to require the head or heads of the village or villages in the vicinity to call upon all able-bodied male persons of the laboring classes in such village or villages to co-operate in the work necessary for preventing or repairing the breach as the case may be. In the absence of the said Officer, it shall be lawful for the Tehsildar of the taluk to make such requisition in his stead. And if neither the said Officer nor the Tehsildar is on the spot, and the emergency is great and urgent, it shall be lawful for the head of the village in which the breach is expected to occur or has occurred, of his own motion to call upon the laborers as aforesaid of his own village and, if needful, to make a requisition to the heads of the neighbouring villages to call likewise upon the laborers of their villages to co-operate in the work necessary for preventing or repairing the breach.

Punishment for refusing or neglecting to comply with such call.

II. Any male person of the laboring classes being duly called upon by the head of his village to labor as aforesaid, who shall refuse or neglect to comply with such call without any lawful excuse, shall, *on conviction before a Magistrate or an Officer exercising the ordinary powers of a Magistrate*, be punished with a fine which may extend to one hundred Rupees, or with simple imprisonment which may extend to one month, or with both.

Rate of remuneration for laborers so employed.

III. Every person who shall be employed on such work under such requisition shall be paid for his labor by day at the highest rate paid in the neighbourhood for similar work, and if he is required to work at night at double such rate.

Mode of payment.

IV. Payment shall be made to the laborers from the public Treasury; and if the laborers shall have been employed upon a work belonging to a private person, the amount advanced from the Treasury shall be recoverable from such person by the same means which may be lawfully used for the recovery of arrears of Land Revenue.

Recovery of advances from private persons.

Inhabitants of villages may be called upon for the supply of certain materials.

V. It shall be lawful for heads of villages, on the requisition of the Officer in charge of such works as aforesaid, or in his absence on the requisition of the Tehsildar, or, in case of emergency when neither such Officer nor the Tehsildar is on the spot, of their own motion, to make requisitions upon the inhabitants of their villages for the supply of materials, to wit,

cocoanut trees and leaves, bamboos, straw, and the like, necessary for stopping breaches in the embankments of tanks, rivers, and canals, and to[1] *seize* such articles wherever they may be found, giving receipts for them in writing; such supplies shall be paid for from the public Treasury at the highest prices *for* which[2] such articles *are sold* in the neighbourhood; and When the work for which they are used belongs to a private person, the amount advanced from the Treasury shall be recoverable from him by the same means by which arrears of Land Revenue are recoverable.

Supplies how to be paid for.

Recovery of advances from private persons.

VI. Whenever by local custom any work for the purpose of irrigation or drainage or connected therewith is usually executed by the joint labor of a village community, any person bound *by such custom* to contribute labor to such work, who *neglects or* refuses without reasonable cause to comply with a requisition for such customary aid made to him by the head of the village under the orders of the Tehsildar or other superior Revenue Officer, shall be liable to pay[3] *a sum equal to twice the value of the labor which he is bound to contribute. The amount so payable* shall, in case of dispute, be determined summarily by a village or District punchayet assembled by order of the Collector through the village or District Moonsiff according to the rules for assembling such punchayets prescribed in Regulations V and VII of 1816.[4] *Such amount*

Liability of person bound but refusing to contribute labor to a work of irrigation or drainage usually executed by the joint labor of a village community.

shall be payable on demand; and on non-payment the same may be[1] recovered by the same means by which arrears of Land Revenue are recoverable. *All sums paid or recovered under this Section shall be applicable to the expenses of any works for the purpose of irrigation or drainage executed for the benefit of the village communities to which the defaulters respectively belong.*

D. ELIOTT.

P. W. LeCEYT.

E. CURRIE.

Legislative Council of India.

Compulsory Labor for the maintenance of certain works of irrigation.

(Fort St. George.)

A

BILL

TO

Make lawful compulsory labor for the prevention of mischief by inundation, and to provide for the enforcement of customary labor on certain works of irrigation in the Presidency of Fort St. George.

~~As amended by the Select Committee, and presented with their Report to the Council on the 19th December 1857.~~

Price 3 Annas.

Revenue 1858 Dep.t
Cons: 26.th January.

No. 4

From Mr. D. Elliot

Dated 19.th Dec.r 1857.

Rec.d 4.th Jan.y

Forwarding Copy of the amended Bill, to make lawful Compulsory labor for the prevention of mischief by inundation, and to provide for the enforcement of Customary labor on certain works of irrigation in the Presidency of Fort St. George, as proposed in Committee on the 19.th Ultimo, in the Legislative Council of India.

No. 108.

Recorded

26.th January 1858.

No. 64 & 65.

Ind. Jan 26.th