Revenue (1897) Department.

PRESS SERIES.

G.O., No. 257 & 258

DATED 21st April

[Despatch Abstract.]

Forwarding the suggestion of the Court of Judica-
ture in addition to Sec. 9 of the Boundary Code for
Sec. 106 of the Madras Famine Code in regard to
fines & deductions for short weight, &c. & the
Board of Rev. to issue the necessary instructions

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
2 C. & J.	80	97					

Revenue (1897) Department.

CURRENT No. 2

To the Board of Revenue Cft.
M. & P. Presidency

From The Government of India
Rev. & Agrl. Depart. (Famine)

For Orders

No. 926 F.

Dated 25th March 1897.
Received 29th
Registered 29th
Enclosures one.
Spare copies

SUBJECT.

the Govt of India suggests that the revised section 106 of the Madras Famine Code might be amended in the sense of the corresponding section 89 of the Bombay Code. (which is printed in the enclosure to the current).

Clauses (a), (b) & (d) of the Bombay Section are practically a copy of Section 131 of the old Madras Code and may be adopted as well as Clause (C). These clauses must also be supplemented by further instructions with reference to the order recently issued. "that fining should be resorted to only in clear cases of

Acknowledging with remarks, letter No. 97 d/16th Feby 1897, regarding the revision of Famine Code of the Madras Presidency

We cant supplement Rule 89 of the Code without consent of the Govt

25
2.4.97

C2/4/97

malingering or insubordination, and even then not to so as to reduce the wage below that of the D class nor for more than one week continuously, without the special sanction of the Divisional officer". the Board may be asked to submit a draft.

2. The statements in para 4 of G.O. No. 43 dt 26-1-97 regarding the conditions of relief in the N.W. P. & Punjab were based on what turn out to be old codes, the new codes of these provinces not being then available.

DS 1-4-97

BACK PAPERS.

G.O.	No	Department.	Date.
ord	276	43/97	
fo	277	16-2-97	ord
fo	96		ord.
fo	14		
Gpy	2 to 97		

We never with till we get the decision of India about this

FURTHER PAPERS.

before two fortnights are elapsed

G.O. Code No.	No.	Department.	Date.
	18 E	2.4.97	

I think the Bombay para. No. 87 may be accepted. The addition suggested at the end of para. 12 the office note, as to the fine not being continued for more than a week without permission, may be left as the Govt. N.W. Govt proposes, for a future order.

A.S.H. 4.4.97.

Draft 11/4/97.

11/4/97.

MADRAS FAMINE CODE—PRESENT ARTICLE 106.

106. The pay of each gang shall ordinarily, as prescribed in Section 97, bear such proportion to the full pay of the class as the work turned out bears to the sanctioned task, but no deduction of pay shall be made where the officer in charge of the work is satisfied that the failure to work was due to weakness or was not due to any neglect on the part of the labourers. Fines are meant to meet short work due to wilfulness and not to weakness. Contumacious characters, however, will be liable either to have their wages reduced below the minimum or to be sent to the poor-house. As a general rule, the effect of fines must not be to reduce the wages below the minimum wage prescribed in Section 120.

Any action taken under the preceding sentence of this section shall be reported to Government in the fortnightly report.

The wage of a nursing mother shall in no case be reduced below the value of two pounds of grain a day.

BENGAL CODE, SECTION 67 (*1*).

67. (*1*). No relief worker, whether employed individually or in a gang, shall be paid less than the minimum wage prescribed by Section 101, except temporarily in cases of contumacy provided for in Section 71.

(2) The payment to be made for task work to the gang on the performance in full of the task allotted shall be the total of the maximum wages to which the members of the gang are entitled under the rules laid down in Chapter 7. An individual employed on task work should receive the maximum wage prescribed for his class on performance of his task in full. When the task is not performed in full, a proportionate reduction in the payment may be made, or a gang or individual may be fined, as provided in Section 71.

NORTH-WESTERN PROVINCES AND OUDH CODE, SECTION 74.

74. Relief workers after being duly classified, should, as a rule, be formed into gangs under a headman or paymaster appointed by themselves. A task may then be prescribed for each gang, and on the performance of it in whole or in part, each member of the gang shall be entitled to the wage prescribed for his class, in whole or in part, in proportion to the amount of the task performed by the whole gang: provided that the amount paid to any individual shall not be less than the minimum wage of his class. When gangs are not formed, the foregoing instructions apply to individuals. The members of the family or residents of the same vicinity should be allowed to work together as far as possible.

BOMBAY CODE, SECTION 87.

87. (*a*) Fines may be inflicted for short work, when the officer in charge is satisfied that the deficiency is due to wilfulness and not weak-

MADRAS CODE—REVISED ARTICLE 106.

Erratum to the Famine Code.

For section 106 of the Famine Code *substitute* the following:—

106. The pay of each gang shall ordinarily, as prescribed in Section 97, bear such proportion to the full pay of the class as the work turned out bears to the sanctioned task, but no deduction of pay shall be made where the officer in charge of the work is satisfied that the failure to work was due to weakness or was not due to any neglect on the part of the labourers. Fines are meant to meet short work due to wilfulness and not to weakness. It shall be open to the Collector to direct, or to authorise any subordinate officer to direct, that the effect of the fine on any work should not be to reduce wages below the minimum wage prescribed in Section 120. Any action taken under the last preceding sentence of this section shall be reported to Government in the fortnightly report. As a general rule, the effect of fines must not be to reduce the wages below the minimum wage prescribed in Section 120. Contumacious characters, however, will be liable either to have their wages reduced below the minimum or to be sent to the poor-house.

The wage of a nursing mother shall in no case be reduced below the value of 2lbs. of grain a day.

ness; but he shall exercise patience and discretion, and warn the relief workers before putting the penalty in force.

(*b*) Ordinarily, no relief-worker shall be fined so as to reduce his wages below the minimum fixed by Section 114 below; if, however, in the hope of forcing the authorities to relax discipline, there is continued and deliberate refusal to do the allotted task, the fining may be carried more severely, down to the proportionate payment for work actually done, or the contumacious characters may be sent to the poor-house.

(*c*) The fining may be extended to the gangers and even to the writers when the officer in charge considers that they are to blame.

(*d*) In all cases the number of persons fined, with the amounts, shall be entered in the weekly report.

PUNJAB CODE, SECTION 138.

138. Fines are not meant to meet short work due to weakness rather than wilfulness. Fines may be imposed for short work when the officer in charge is satisfied that the deficiency is due to wilfulness and not weakness, or for wilful breach of sanitary regulations (see Appendix C), 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 for a time in proportion to the work done. Any labourer persisting in such conduct should either be fined below the minimum wage (see Section 135) or be sent to the poor-house (see Chapter 8).

G. I. C. P. O.—No. 1791 R. & A.—25-3-97—60.—P. M. M.

159

S

No. 926 J.

GOVERNMENT OF MADRAS
29 MAR 97

FROM

T. W. HOLDERNESS, Esq., C.S.,
Deputy Secretary to the Government of India,
Department of Revenue and Agriculture (Famine),

TO

The Secretary to the Government of Madras.

Calcutta, the 25th March *1897.*

Department of Revenue and Agriculture.
(*Famine.*)

SIR,

I am directed to acknowledge the receipt of your letter No.97 Rev., dated the 16th February 1897, submitting the Revised Famine Code of the Madras Presidency.

F&B

2. With reference to paragraph 3, I am to ask that with the permission of the Governor in Council it may be considered whether Art 106 of the Code in respect of the power of fining might not be brought somewhat moreclosely into accord with the Codes of other Provinces on this subject. A comparative Statement setting out the corresponding articles in question is attached for convenience of reference.

3. The Government of India have the fullest sympathy with the wish of the Madras Government to exact a proper labour test, and to prevent relief works from becoming demoralising and wasteful, but they doubt whether the imposition of fines in a general way and for a considerable period, so as to reduce the relief workers wages below the minimum wage is not dangerous, and whether this receives sufficient recognition in Article 106, as now worded. It is true that the general principle that wages should not be reduced below the minimum wage is expressed in the Article, and that power is given to the Collector to direct the enforcement of this principle on

any

any particular work. But it is possible that the officer in charge of a work may be disposed to assume that the principle, so long as it is not specifically declared to be operative on his work, is in abeyance; and that the Collector finding that he is required to report to the Government each case in which he puts the principle in force, may hesitate to do so until distinct harm to the condition of the relief workers has occurred. For these reasons the Government of India suggest for the consideration of His Excellency the Governor in Council that the Article might with advantage be ammended in the general sense of Article 87 of the Bombay Code so as to make it more clear that the principle stated in the Article is the general rule, and the suspension of it the exception. The officer in charge of the works must have discretion to fine for contumacy and idleness, but if his fines have to be so frequent as to reduce the wage below the minimum, the matter should receive immediate attention or examination from his superior officer.

4. I am to take the opportunity of mentioning with reference to paragraph 4 of the Madras Government's order No. 43 Rev., dated 26th January 1897 passed on the Proceedings of the Board of Revenue, that residence in a relief camp is not a fundamental condition* of relief in the North Western Provinces and Oudh, and that in the Punjab the task work system is habitually enforced on relief works.

I have the honour to be,

Sir,

your most obedient servant,

J. Molderness

Deputy Secretary.

* Section 86 of the new code and 42 of the old Code.

The statements in ¶ 2 & 3 were based on the old codes. The new codes do not seem objectionable

ms. first

pr 21/4/97

C. No 2739-

Read G.O. (Fins) No. 257 of 21st April 98

The Govt accepts the suggestion in para 3 of the letter read above & substitute for section 106 of the Madras Famine Code the terms of section 87 of the Bombay Code. The Board of Revenue will issue instructions to Collectors accordingly.

2. Ordered that the following letter be addressed to the Govt of India

BD (Sel.) 50/2 wd 23/4/97 21/4/97 No. 258

List from orders

To the Secy to the Govt of India R&A Dept.

wd 23/4/97

Sir

I am directed to acknowledge the receipt of Mr. Holdernesss letter No. 926 F dated 25th march 1897 in which this Govt is requested to consider whether section 106 of the Madras Famine Code might not be brought more closely into accord with the provisions of the codes of other provinces in respect of the regard to fines deductions for shortwork.

2 In reply I am to state that the instructions issued

f the Bombay Code are abridg-
identical with those contained in
section 131 of the old Madras Code
and that this Govt accepts the
suggestion to ~~amend~~ substitute section 106
~~as suggested~~.
of the present Code ~~in the terms~~
~~of those contained in~~ 87 of the Bombay Code -
Thence Mehta

Dl
15-4-97

50/N

1897.

REVENUE AND AGRICULTURAL DEPARTMENT.

From

The Government of Fort St. George.

Recd. } 1897. *Enclosures*

Regd. } *Spare copies*

Letter, No. 258, 21st April 1897.

APRIL.

Accepting the suggestion of the Government of India to substitute section 87 of the Bombay Code, in regard to fines and deductions for short work, for section 106 of the Madras Famine Code.

REVENUE DEPARTMENT.

From

The Honourable Mr. G. STOKES, I.C.S.,
Ag. Secretary to the Government of Madras,

To

The SECRETARY to the GOVERNMENT of INDIA,
Revenue and Agricultural Department,

Dated Ootacamund, 21st April 1897.

Sir,

Miscellaneous.

I am directed to acknowledge the receipt of Mr. Holderness's letter No. 926-F., dated 25th March 1897, in which this Government is requested to consider whether section 106 of the Madras Famine Code might not be brought more closely into accord with the provisions of the Codes of other provinces in regard to fines and deductions for short work.

2. In reply, I am to state that the instructions in section 87 of the Bombay Code are almost identical with those contained in section 131 of the old Madras Code and that this Government accepts the suggestion to substitute for section 106 of the present Code section 87 of the Bombay Code.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) G. STOKES,
Ag. Secretary to Government.

Exd. A. F. Eccleston.

50 Copies.

Government {1897} of Madras.

REVENUE.

Recd. } 1897. *Enclosures*

Regd. } *Spare copies*

G.O., No. 257, 21st April 1897.

APRIL.

Section 106 of the Madras Famine Code.

Accepting the suggestion of the Government of India to substitute section 87 of the Bombay Code for — in regard to fines and deductions for short work, and requesting the Board of Revenue to issue the necessary instructions.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following letter from T. W. HOLDERNESS, Esq., C.S., Deputy Secretary to the Government of India, Department of Revenue and Agriculture (Famine), to the Secretary to the Government of Madras, dated Calcutta, the 25th March 1897, No. 926-F.:—

I am directed to acknowledge the receipt of your letter No. 97, Revenue, dated the 16th February 1897, submitting the Revised Famine Code of the Madras Presidency.

2. With reference to paragraph 3, I am to ask that, with the permission of the Governor in Council, it may be considered whether article 106 of the Code in respect of the power of fining might not be brought somewhat more closely into accord with the Codes of other provinces on this subject. A comparative statement setting out the corresponding articles in question is attached for convenience of reference.

3. The Government of India have the fullest sympathy with the wish of the Madras Government to exact a proper labour test, and to prevent relief-works from becoming demoralising and wasteful, but they doubt whether the imposition of fines in a general way and for a considerable period, so as to reduce the relief-workers' wages below the minimum wage, is not dangerous, and whether this receives sufficient recognition in article 106, as now worded. It is true that the general principle that wages should not be reduced below the minimum wage is expressed in the article, and that power is given to the Collector to direct the enforcement of this principle on any particular work. But it is possible that the officer in charge of a work may be disposed to assume that the principle, so long as it is not specifically declared to be operative on his work, is in abeyance; and that the Collector finding that he is required to report to the Government each case in which he puts the principle in force, may hesitate to do so until distinct harm to the condition of the relief-workers has occurred. For these reasons the Government of India suggest, for the consideration of His Excellency the Governor in Council, that the article might with advantage be amended in the general sense of article 87 of the Bombay Code, so as to make it more clear that the principle stated in the article is the general rule, and the suspension of it the exception. The officer in charge of the works must have discretion to fine for contumacy and idleness, but if his fines have to be so frequent as to reduce the wage below the minimum, the matter should receive immediate attention or examination from his superior officer.

4. I am to take the opportunity of mentioning with reference to paragraph 4 of the Madras G.O., No. 43, Revenue, dated 26th January 1897, passed on the Proceedings of the Board of Revenue, that residence in a relief camp is not a fundamental condition of relief in the North-Western Provinces and Oudh, and that in the Punjab the task work system is habitually enforced on relief-works.

Enclosure.

MA

FAMINE CODE—PRESENT ARTICLE 106.

106. T of each gang shall ordinarily, as prescribed in section 97, bear such proportion to the full pay of the class as the work turned out bears to the sanctioned task, but no deduction of pay shall be made where the officer in charge of the work is satisfied that the failure to work was due to weakness or was not due to any neglect on the part of the labourers. Fines are meant to meet short work due to wilfulness and not to weakness. Contumacious characters, however, will be liable either to have their wages reduced below the minimum or to be sent to the poor-house. As a general rule, the effect of fines must not be to reduce the wages below the minimum wage prescribed in section 120.

Any action taken under the preceding sentence of this section shall be reported to Government in the fortnightly report.

The wage of a nursing mother shall in no case be reduced below the value of two pounds of grain a day.

BENGAL CODE, SECTION 67 (1).

67. (1) No relief worker, whether employed individually or in a gang, shall be paid less than the minimum wage prescribed by section 101, except temporarily in cases of contumacy provided for in section 71.

(2) The payment to be made for task work to the gang on the performance in full of the task allotted shall be the total of the maximum wages to which the members of the gang are entitled under the rules laid down in Chapter 7. An individual employed on task work should receive the maximum wage prescribed for his class on performance of his task in full. When the task is not performed in full, a proportionate reduction in the payment may be made, or a gang or individual may be fined as provided in section 71.

NORTH-WESTERN PROVINCES AND OUDH CODE, SECTION 74.

74. Relief workers, after being duly classified, should, as a rule, be formed into gangs under a headman or paymaster appointed by themselves. A task may then be prescribed for each gang, and on the performance of it in whole or in part, each member of the gang shall be entitled to the wage prescribed for his class, in whole or in part, in proportion to the amount of the task performed by the whole gang: provided that the amount paid to any individual shall not be less than the minimum wage of his class. When gangs are not formed, the foregoing instructions apply to individuals. The members of the family or residents of the same vicinity should be allowed to work together as far as possible.

MADRAS CODE—REVISED ARTICLE 106.

Erratum to the Famine Code.

For section 106 of the Famine Code *substitute* the following:—

106. The pay of each gang shall ordinarily, as prescribed in section 97, bear such proportion to the full pay of the class as the work turned out bears to the sanctioned task, but no deduction of pay shall be made where the officer in charge of the work is satisfied that the failure to work was due to weakness or was not due to any neglect on the part of the labourers. Fines are meant to meet short work due to wilfulness and not to weakness. It shall be open to the Collector to direct, or to authorise any subordinate officer to direct that the effect of the fine on any work should not be to reduce wages below the minimum wage prescribed in section 120. Any action taken under the last preceding sentence of this section shall be reported to Government in the fortnightly report. As a general rule, the effect of fines must not be to reduce the wages below the minimum wage prescribed in section 120. Contumacious characters, however, will be liable either to have their wages reduced below the minimum or to be sent to the poor-house.

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BOMBAY CODE, SECTION 87.

87. (*a*) Fines may be inflicted for short work when the officer in charge is satisfied that the deficiency is due to wilfulness and not weakness; but he shall exercise patience and discretion, and warn the relief workers before putting the penalty in force.

(*b*) Ordinarily no relief-worker shall be fined so as to reduce his wages below the minimum fixed by section 114 below; if, however, in the hope of forcing the authorities to relax discipline, there is continued and deliberate refusal to do the allotted task, the fining may be carried more severely, down to the proportionate payment for work actually done, or the contumacious characters may be sent to the poor-house.

(*c*) The fining may be extended to the gangers and even to the writers when the officer in charge considers that they are to blame.

(*d*) In all cases the number of persons fined, with the amounts, shall be entered in the weekly report.

PUNJAB CODE, SECTION 138.

138. Fines are not meant to meet short work due to weakness rather than wilfulness. Fines may be imposed for short work when the officer in charge is satisfied that the deficiency is due to wilfulness and not weakness, or for wilful breach of sanitary regulations (see appendix C), 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 for a time in proportion to the work done. Any labourer persisting in such conduct should either be fined below the minimum wage (see section 135) or be sent to the poor-house (see Chapter 8).

ORDER—No. 257, Revenue, dated 21st April 1897.

Miscellaneous.

The Government accepts the suggestion in paragraph 3 of the letter read above to substitute section 87 of the Bombay Code for section 106 of the present Madras Famine Code. The Board of Revenue will issue instructions to Collectors accordingly.

2. Ordered that the following letter be addressed to the Government of India.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

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

Ed. A. F. Eccleston.

50 Copies.

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Despatched in print.

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READ AGAIN G.O., No. DATED 189 ,

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER TO GOVERNMENT

STATEMENT WITH DITTO

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N.B.—

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Q = Print heading only.