

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 4523

DATED

30 Aug.

[Despatch Abstract.]

Passing orders on letter from the
the ^{Executive} Supt. Engrs. & Billary Division in regard to the fining of coolies engaged
on famine ^{relief} works for insubordination or malingering

BACK PAPERS.

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

FURTHER PAPERS..

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

Revenue (1897) Department.

CURRENT No.



Endorsement

From

Order 1011 Dd/ 3rd August 1897 The Suptg Engineer,
III Service.

Transferred to the
Revenue Department with
reference to the order in that
Department No. 3525 dated
10th July 1897.

J. H. C. Smith Esq. Secy. to Govt.

No. 2604 W.

Dated 29th July 1897
Received 2nd August 1897
Enclosures

Spare copies

SUBJECT.

Administration of Famine
Relief. Forwarding copy of
letter from the Executive Engi-
neer, Bellary Division on the
— in connection with tasks
and fines.

G.O. min
revised

RD
5-8-97

BACK PAPERS.

[illegible]

FURTHER PAPERS.

[illegible]

Letter from H. C. Clerk Esq., Executive Engineer,
Bellary Division, No 6128 B dated 28 July
1897 to the Supt. Engineer, III Circle, Bellary.
With reference to your endorsement No 2060
dated 19 July 1897 on P. M. G. No 827 D. dated
16-7-97, I have the honor to report that as soon
as the rules regarding tasks and firing order in
G. O. No 1046 W. dated 14-4-97 came into force,
I pointed out to the Collector that the reductions
ordered would render tasks merely nominal ones,
and recommended that a return to the distance
reductions in force previous to that order should be
made, but this, the Collector did not see fit to
recommend to Government. After that, I have
brought other cases to his notice, eg, the case
of roadwork on the Adoni Seriyappa road referred
to in my narrative report was specially brought to
his notice by letter. It will be seen, therefore, that I did
bring to the Collector's notice the lightness of the tasks,
but I must, at the same time, respectfully
represent that Government by their action in

placing

placing the control of fixing and enforcement
of tasks in the hands of Divisional Officers
of the Revenue Department have while taking
away from Executive Engineers the power of controlling
the works, also abolished their responsibility
in the matter, and that even if I had accepted
the orders of Government in silence, I should
not have been to blame in the matter.

No. 2604 V. dated 29 July 1897

Forwarded to the Chief Engineer,
P.W. Department, with reference to ^{this} G.O. No. 827 D
dated 16 July 1897. A copy is, also, forwarded
of the Circular issued by the Collector of Bellary
on G.O. No. 216 Revenue dated 30 March 1897,
in which it will be seen that the Exr. Engineer
is entirely ignored. Nothing could have been
issued more calculated to paralyse all
action on the part of Mr. Clerk, and it is the
best possible evidence of his devotion to duty
and loyalty to Government that he has allowed
it to make no difference whatever in his admin-
istration of the relief works under his charge.

The

The undersigned's own opinion is that
nothing can relieve the Officers of this
Department from responsibility for the
proper conduct of the works placed under them,
but responsibility without power is enough to
dishearten any body of men.

W. H. B. B. B.

Sept. Engineer III Circle

28/7/97

सुभाष
रुद्रा

(from orders)

I beg to point out that para 4 of Co. No. 216, Revenue, dated 30th March 1897 does not say in whose hands the power of fining is vested. In the proposed Co., it is stated that the officer in charge of a work could have fined the coolies but I do not see how Mr. Clerk could possibly have known that he had that power, as in the Circular from the Collector of Bellary dated 21st April 1897 which is based on ^{the} order of Govt. No. 216 dated 30th March 1897 the Executive Engineer is entirely ignored. The overseer in charge of a work being the only P.W. official mentioned, I therefore ^{write} do not see how Mr. Clerk is to be blamed in the matter.

J. W. Carpenter Colonel R. B.

Secretary of Govt. N.W.D.

phen. lic. not. on
separate sheet.

To D.M. officers the power of firing means the power of firing for short work. Paras. 4 of EO 216 in saying that "30.3.97" firing should be resorted to only in clear cases of malgising or insubordination took away the power of firing for short work. It left a power of firing for malgising & insubordination, but the local officers may not have considered these technical matters, & in para 5 of the EO it was ordered that the D.M. should not interfere except in "technical" matters. I do not think therefore that Mr. Clerk should be told he ought to have known the power of firing had been left to the D.M.

29
19/8/97

The order of March 30 modified the extent to which fineing was permissible, but, so far as I can see or have ever understood, it made no alteration as to the persons by whom fines ^{are} to be imposed; & I cannot see how it can be interpreted to do so. - The

Submitted to E.M. for orders
with reference to the Chief Engineer's
note above.

2. Fining is deductions for short work regulated by the scale prescribed in para. 28 of appendix VI of the Marine Code; these deductions, however, are not imperative in all cases, but are to be enforced subject to the discretion vested in the officer in charge of the work by section 108 of the Code, so that prior to the issue of G.O. dated ^{no 216} 22-3-07, the power of fining was wholly in the hands of the P.M. officers in charge who were to act in accordance to the Regulations Engineer (section 110).

8. The P.E.D. apparently understood the G.O. of 30th March as cancelling the above system, and substituting another in its stead without however specifying the officer who was to impose the fines to the limited extent which it ~~it was~~ allowed. Para 4 of the G.O. may, however, be read as merely ruling that the power given by the Code of Fines for sport work should be exercised only in certain specified cases, and even then not beyond a certain limit without the sanction of the Revenue Divisional officers. If so, it would follow that the officers did have to

No.

From

Dated

189

FOR ORDERS.

where such fines are the imposed. I submit the D.P.W. is right in the view it takes of the order, which I regret did not suggest itself to me before, and that it will be within fair ^{and} ~~not~~ precedent to censure Mr. Clark.

G. J.
18/8/77.

Draft order seems to be correct. It is in such mild terms that I do not think it can be regarded as a censure on Mr. Clark.

W. J.
19/8/77

Agree with the Hon. Sir H. B. Ellis. The G.O. of the 30 March simply laid down limits for fining and the same principle being applied through malingering or insubordination. This was obviously a matter for the officer in charge and his D.P.W. superior to deal with. The D.P.W. may say that it was not a technical matter, and therefore did not concern them, but common sense would seem to show that the out-turn of work is technical, to the Dept. It must be remembered that the D.P.W. is the Dept. actually in charge of the works, - not the Rev. Dept. The function of the Rev. Dept. is to see that relief is being properly administered, and it is impossible for this.

I think the G.O. should issue.

21.8.97

Exercise these limited powers were, as before, the officers in charge; this is, however, only by implication and it is, therefore, as the case does not specify, the officer supposed to impose the fine accordingly.

RS
17-8-97 I do not agree with the main position taken up in the above letter. Under Appendix VI of the Code deductions were made as a matter of course proportioned as near as money will permit to the out-turn of work and within the D.P.W. office in the payment could remit them. No deduction was then made when the officer in charge i.e. the D.P.W. office in charge thought the short-cut was due to weakness. (See 106) and the G.O. had the power of suspending that is in charge of it. It must be the system of deductions altogether (See 106) when G.O. No 216 of the 30th March was passed this system was done away with and instead of it was put a system which added that fines and arbitrary deductions as punishment were the imposed, an unbusinesslike and uncharacteristic character. That is not I submit done by

0

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525

6632

Dated

FOR ORDERS.

~~with~~ as Christens-himself.

11/26/87

Seen
29
27/8/97

Issue the original and

ਅੰਤਰ

20/6/97

Just so
12

in this matter it is proposed
to discharge an officer who is not
to far as I can see to blame.
I will therefore venture respectfully
to ask for a reconsideration of the
order already noted. I will point
out that the question is not what
Genl. intended to convey or what
the position was understood the
Inst. what Genl. has conveyed
in the order in regard to firing
disturbance issued. With a view to
facilitate reference I have
had all the orders in regard to
firing issued since the commence-
ment of the war and I venture
to assert that it is no where
made clear who is to inflict
the fire. ~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

Now the jungle has come about in
 Main branch. The Code was brought
 by men of this Presidency who had
 the "distinction" idea clear enough in
 their heads but the Govt of India
 who naturally was not familiar with
 the details of the Code and who had
 acquaintance only with the Systems
 struck the provisions in to fines in the
 Section.

1/26/87.

Appendix VI Rule 28.-

Immediately on receiving the extract nominal roll with the work sheet duly filled up from the sub-maistry, the paying officer should fill up column 10 of Part II (work-sheet) and then columns 12 to 16 of Part I of the extract nominal roll. In filling up column 10 of Part II (work-sheet) no attempt should be made to calculate the deductions for each day. They should be calculated on the total outturn of the days for which payment is to be made. The deductions should be made in accordance with the following table:-

For full task full wages should be paid.

For 90 per cent. and less than full-- The deduction will be one-tenth

For 80 per cent. and less than 90 per cent.-- do one-fifth

For 70 per cent. and less than 80 per cent.-- do three-tenths

For 60 per cent. and less than 70 per cent.-- do two-fifths

For 50 per cent. and less than 60 per cent.-- do one-half

For 40 per cent. and less than 50 per cent.-- do three-fifths

For 30 per cent. and less than 40 per cent.-- do seven-tenths

For 20 per cent. and less than 30 per cent.-- do four-fifths

For 10 per cent. and less than 20 per cent.-- do nine-tenths

For less than 10 per cent.-- nothing.

To give an example of the use of the above table:-

Suppose the total of column 8 of the work sheet, viz., 'quantity of work actually done' is 600 cubic feet and that the quantity of work to be done' (column 7) is 725 cubic feet then, since $600 \times 100 / 725 = 82.8$ per cent., the rate of deduction will be one-fifth. The one-fifth deduction entered in column 10 should then be distributed against each man, woman and child in Part I (extract nominal roll) in column 14 'fines and stoppages.'

The total of column 14 of the extract nominal roll should except so far as the rounding or omission of fractions of paise is concerned, tally with the entry in column 10 of the work sheet.

Section 106. (original form).

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 on 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 Govt. in the fortnightly report.

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

Section 106 (amended form). *(with G.O. No. 216 dated 30th March 1897)* *Sluggish*

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 Govt. 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 2 lbs. of grain a day.

Para 4 of G.O. No. 216 d/30th March 1897.

Fining.— Fining should be ~~resorted to~~ resorted to only in clear cases of malingering or of insubordination, and even then not so as to reduce the wage below that of the D class nor for more than one week continuously without the special permission of the Divisional-officer.

Rule 8 in appendix VI should be modified so as to allow of half the wage being given for half a day's work as under the old Code. Late attendance not justified by the coolies having to come from a distance should be met by a small fine not exceeding a quarter of a day's wage to be imposed at the discretion of the officer in charge.

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189

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

QUI NT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTERS OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

B.F.-
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only