

ACT No. I OF 1858.

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PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 20th January 1858.)

AN ACT 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.

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:—

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

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

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absence of the said Officer, it shall be lawful for the Tehsildar of the talook 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 neighboring villages to call likewise upon the laborers of their villages to co-operate in the work necessary for preventing or repairing the breach.

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.

Punishment for refusing or neglecting to comply with such call.

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 neighborhood for similar work, and, if he is required to work at night, at double such rate.

Rate of remuneration for laborers so employed.

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.

Mode of payment.

Recovery of advances from private persons.

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 trees and leaves, bamboos, straw, and the like, necessary for stopping breaches in the embankments of tanks, rivers,

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

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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 sup-

Supplies how to be paid for. plies shall be paid for from the public Treasury at the

highest prices for which such articles are sold in the neighborhood; 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

Recovery of advances from private persons. 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.

VI. Whenever by local custom any work for the purpose of irrigation

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.

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 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 Panchayet assembled by order of the Collector through the Village or District Moonsiff according to the rules for assembling such Panchayets 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.

