

The Orissa Compulsory Labour Act, 1948

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Rule THE-ORISSA-COMPULSORY-LABOUR-ACT-1948 of 1948

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The Orissa Compulsory Labour Act, 1948 For Statement of Objects and Reasons, See Orissa Gazette Extraordinary 20.3.1948 and for Proceedings In the Assembly see Proceedings of the Orissa Legislative Assembly, 1948, Volume VII, pages, 836-845; first published in the Orissa Gazette Extraordinary; No. 53/5.5.1948. An Act to make compulsory labour lawful for the prevention of danger or damage to person and property by flood or inundation and to provide for the enforcement of customary labour on certain works of irrigation in the State of Orissa Whereas the safety of person and property is endangered by flood or inundation caused by sudden breaches of embankments; And whereas it is necessary to make it obligatory on all able bodied persons in the neighbourhood of embankments to unite their labour for protection of embankments against the danger or damage, for breaches therein and for making prompt repairs to them ; And whereas it is expedient to provide for the enforcement of the duty which is by local custom, incumbent on village communities or Panchayats to furnish the labour required for the execution of certain works for the purpose of irrigation and drainage. It is hereby enacted as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Orissa Compulsory Labour Act, 1948. (2) It shall extend to the whole of the State of Orissa. (3) It shall come into force at once. (4) [It shall come into force on such date as the State Government may, by notification, direct.] [This sub-section is in force in this form in the merged areas of the State of Orissa, vide Orissa Merged States (Laws) Act, 1950 (Orissa Act IV of 1950).]

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a) "able-bodied persons" means healthy adults of both the sexes in case of labouring classes and healthy male adults only in the case of any class other than the labouring classes : Explanation -The expression "adult" means a person who has completed his seventeenth year. (b) "embankment" includes a bank, dam, dyke, wall,

groyne, anicut of spur made, erected or maintained either by officers of Government or bound to be maintained by any local authority or private individuals for the protection of any such embankment or of any land from erosion or overflow by or of rivers, canals, tides, waves or waters ;(c)"labouring classes" includes not only persons who let their labour for hire but also persons who habitually engage in manual labour although they may at the same time be employers of labour ;(d)"Panchayat" means the Panchayat established under any law for the time being in force in any local area but shall not include a Panchayat exercising solely judicial functions;(e)"prescribed" means prescribed by rules made under this Act.

3. Appointment of an officer-in charge of embankment.

(1)The Collector or any officer authorised by him in this behalf may, subject to such conditions as may be prescribed by notification, appoint for any local area, an officer to be designated as the officer-in-charge of embankment for the purposes of this Act ;Provided that an officer of the Public Works Department not being below the rank of an Overseer, a revenue officer not being below the rank of a Kanungo or a Revenue Inspector and a police officer not being below the rank of an Assistant Sub-Inspector, shall, subject to the provisions of Subsection (2), exercise the same powers as are conferred on an officer-in-charge of embankment appointed under this section.(2)If in any local area it becomes necessary or expedient to take action under this Act, and the services of more than an officer exercising the powers of an officer-in charge of embankment are available-(a)an officer of the Public Works Department shall exercise such powers or the exclusion of officers of all other Departments; and(b)a revenue officer shall exercise such powers to the exclusion of a police officer.

4. Requisition of labour by the officer-in-charge of embankment.

- Whenever it shall appear to the officer-in-charge of embankment, that -(a)there is apprehension of danger or damage to an embankment within his jurisdiction, by flood or inundation and such danger or damage can be prevented; or(b)that a breach has occurred and that such breach can, in his opinion, be repaired and inundation caused by it can be stopped by immediate employment of a large number of persons;then, in either of such cases, it shall be lawful for such officer to require the headman, makaddam or president of the Panchayat of a village or such headman, makaddams or presidents of a number of villages in the neighbourhood of the embankment to call upon all able-bodied persons of such village or villages to co-operate in the work necessary for preventing-the danger or damage or repairing the breach, as the case may be :Provided that when there is grave emergency and the officer-in-charge of embankment is absent, it shall be lawful for such headman, makaddam or president, on his own motion, to call upon such able bodied persons for the purposes hereinbefore specified.

5. Duties of persons whose labour or services are requisitioned.

- Every able-bodied person whose labour or services are requisitioned under Section 4 shall, subject to the prescribed conditions, be required to perform such services of watch and ward and such other works in connection with the prevention of or repair of the same and for such period as the

officer-in-charge of embankment may, from time to time, direct him to do so.

6. Rate of remuneration.

- Every person whose labour or services are requisitioned under Section 5 shall be paid for his labour or services performed during day time at the approved rates of the Public Works Department and at double such rate for any labour or services performed during night time.

7. Mode of payment and recovery in certain cases.

(1) The expenditure in connection with the payment of the remuneration under Section 6 shall, in the first instance, be met from the State revenues and such payment shall be made from the Government treasury. (2) The amount paid under Sub-section (1) shall be recoverable as an arrear of land revenue—(a) from the local authority or private person who is bound to maintain the embankment or to repair the breach; or (b) where none is found to maintain the embankment or to repair the breach, from the persons who are benefited from such maintenance or repair. (3) (a) The Collector shall decide any dispute as regards the persons who are bound to maintain the embankment or to repair the breach and also as regards the apportionment of the amount paid under Sub-section (1) amongst those persons. (b) If two or more persons are benefited from such maintenance or repair and there is a dispute as regards the amount payable by each of them under Clause (b) of Sub-section (2), the Collector shall apportion the amount amongst those persons. (c) Every decision of the Collector under Clauses (a) and (b) shall be appealable—(i) to the Revenue Commissioner, if passed by the Collector of the district; (ii) to the Collector of the district if passed by a Deputy Collector or any officer exercising the powers of a Collector : Provided that no appeal shall lie unless it is presented within thirty days from the date of the decision.

8. Payment in lieu of service of labour.

- If a healthy male adult of any class other than the labouring class fails to render services or labour under Section 5 he shall be liable to pay for such services or labour at four times the rates provided in Section 6.

9. Penalty for refusing or neglecting to comply with duties.

- Every able-bodied person who refuses or neglects to comply with the provisions of Section 5 without lawful excuse or who contravenes the provisions of Section 8 shall be punishable with fine which may extend to one hundred rupees.

10. Requisition for the supply of materials and recovery of advances.

(1) It shall be lawful for the headman, mukaddam or the president of the Panchayat of a village or such headman, mukaddams or presidents of a number of villages in the neighbourhood of the embankment either on the application of an officer-in-charge of embankment or wherever there is

grave emergency and the officer-in-charge of embankment is absent, on his own motion, to requisition from the inhabitants of such village or villages, materials, such as, earth, stone, trees and leaves, bamboos, straw, gunny bags and such other things necessary for preventing danger or damage or for repairing breaches in an embankment and to remove or seize and, if necessary, to cut down such materials wherever they may be found, giving receipts for them in writing.(2)Payment for such materials shall be made at the approved rates of the Public Works Department and shall be payable and recoverable in the manner provided in Section 7.(3)If in consequence of the removal, seizure or cutting down of any such materials, damage is sustained by any person, compensation shall be paid and it shall be payable and recoverable in the manner provided in Section 7 and at such rates as may be approved by the Public Works Department.

11.

[x x x] [Deleted vide Orissa Act No. 26 of 1981.].

12. Power of the State Government to make rules.

(1)The State Government may, subject to the condition of previous publication by notification, make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power such rules may provide for-(a)appointment of an officer-in-charge of embankment, his duties and conditions of service;(b)the conditions under which the labour and services under Section 5 should be performed;(c)[x x x] [Deleted vide Orissa Act No. 26 of 1981.].

13. Repeal.

- The Madras Compulsory Labour Act, 1858 (Madras Act 1 of 1858) is hereby repealed.