

The Orissa Compulsory Labour Rules, 1948

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The Orissa Compulsory Labour Rules, 1948Published vide Notification No. 9025-RIIV-F-1/49, dated 2nd August, 1949, Orissa Gazette, Part 3 of 1949Notification No. 9025-RIIV-F-1/49, dated the 2nd August, 1949. - In exercise of the powers conferred by Section 12 of the Orissa Compulsory Labour Act, 1948 (Orissa Act X of 1948), the Governor of Orissa is pleased to make the following rules, the same having been previously published as required by Sub-section (1) of the said section of the said Act.

1.

These rules may be called the Orissa Compulsory Labour Rules, 1948.

2.

In these rules "the Act" means the Orissa Compulsory Labour Act, 1948 (Orissa Act X of 1948).

3.

An officer appointed under Sub-section (1) of Section 3 of the Act shall be an officer not being below the rank of the officer specified in the proviso to the said sub-section and he shall exercise his powers and discharge his functions in the area in which the embankment is situated.

4.

(i)The periods of work of all able-bodied persons whose services may be requisitioned under Section 4 of the Act during each day shall be such that they shall not ordinarily exceed eight hours and there shall be an interval for rest and refreshment of at least half an hour with the said periods. Adequate supply of drinking water shall be provided during the periods of duty.(ii)Payment of wages of such persons shall be made in cash for the work done during each day whether during day time or night

time at the end of the said day or on the day next following, as the case may be :Provided that when there is grave emergency the said period of work may be extended if considered necessary by the officer-in-charge of the embankment or when the officer-in-charge is absent by the officer immediately in charge of the work.

5.

(1)The officer-in-charge of embankment shall prepare a list of all able-bodied persons living in the neighbourhood of the embankment of which he is in charge. He shall arrange regular patrolling of the embankment in his charge for the entire period during which there is apprehension of danger or damage to the said embankment by flood or inundation. For the purpose of this work he shall select persons by rotation from among the persons Included in the list prepared by him.(2)He shall cause notices of requisitions to be affixed on a conspicuous place of the village from which requisition is made in addition to the publication of the said notices by beat of drum in the said village.(3)The officer-in-charge shall inspect all the embankments in the police-station of which he is in charge sufficiently in time before the advent of the rains and ascertain the weak points which need repair for preventing any breach or damage to the embankment. He may also take action on reports received from the Village Officers, villagers or other sources after verifying the correctness of the reports received.(4)It will be his duty to contact the headman, makaddam or president of the Panchayat of the village or villages concerned and arrange for necessary repairs to the embankment in time unless repairs are taken up by the agencies which are bound or responsible for maintenance of the embankments in question.(5)He shall maintain regular accounts of persons engaged by him, work done and payments made as their remuneration. Where necessary he may be permitted to appoint a clerk to assist him in maintaining regular accounts.(6)He shall also keep a regular account of the materials requisitioned by him for preventing danger or damage or repairing breaches in the embankments he is in charge of and any payments made for them.

6. Customary labour.

- It shall be the duty of the Collector to see that the customary labour on litigation works is performed in each village of his district as provided in Section 11 of the Act. This customary labour is invariably to be performed by the raiyats themselves, or at their expense, except in cases where the villagers have agreed to the payment of a cost in lieu of it-(a)In the case of an absentee raiyat it is desirable that he or his local agent shall be advised of a requisition for customary labour in some unmistakable way, especially where the holding is a large one. Notice of such requisitions shall always be posted at the village chavadi in addition to publishing by tom-tom. Only such labour as is customary, can be exacted. It will include the following :(1)to fill up gullies or other inequalities caused by rain or the treading of cattle, etc., upon the bunds of tanks and channels;(2)to check the growth on bunds of prickly-pear or other similar rank and pernicious weed ;(3)to clear away such under-wood from the bunds of tanks as may be considered by the Executive Engineer to be injurious(4)to clear out the deposits from tank sluices and from river and spiring channels so as to afford a sufficient opening for the supply of water to flow to the fields ;(5)to clear and repair the earthwork of petty and branch channels, and clear away the accumulations in all channels issuing from tanks which obstruct the flow of water to the fields;(6)to keep in order the supply of channels

of tanks to such extent as is sanctioned by local custom;(7)to watch the bunds of all tanks during rainy weather to turf the parts, acted on by the waves, which appear leaky; to open and close the calingulas : and generally to perform minor duties of this nature in order to prevent breaches and other accidents;(8)to construct ring dams at breaches, and where necessary to temporarily strengthen the bunds of tanks during the season of cultivation; and in general, by that constant care and attention which residents on the spot can alone exercise to preserve the works of irrigation, in which they and the Government have a common interest, from those small injuries which, if unchecked, may lead to serious loss and expense.(b)Detailed instructions are laid down separately to ensure that kudimaramat is regularly done by the raiyats by the year. It is the duty of the Collector and Revenue Divisional Officer, as the case may be, to see that these instructions are followed.(c)In case where there has been long continued neglect and the revenue officers have omitted to enforce the execution of repairs by customary labour with the result that the repairs essential for an irrigation work involve considerable labour and expense, a contribution may be made from the Public Works Department or Minor Irrigation funds, but such cases should be submitted for the orders of the Government.(d)When a co-operative society has been framed for the execution of kudimaramat works under any source in any locality, it will be its duty to see that the work is regularly and systematically done. The fact that a Co-operative Society has been formed for the execution of kudimaramat works does not however absolve the revenue officers from their responsibilities tot seeing that the kudimaramat works are done systematically. When it is found that any item of kudirmaramat work has not been executed, the Tahsildar shall give intimation of the fact to the Co-operative Society concerned and at the same time, the raiyats who are not members of the society but who are by custom obliged to contribute to such work shall, before the work commences, be given under the orders of the Tahsildar or other superior revenue officer the option by a notice under Section 11 of the Act contributing their aid in conjunction with the other raiyats who are members of the society, and if they neglect to do so, their contribution shall be levied from them under the said section and the sum so recovered shall be paid to the co-operative society, if it has attended to the execution of the work in accordance with the Tahsildar's intimation. If within a reasonable time to be allowed by the Tahsildar, the co-operative society fails or neglects to undertake the execution of the work, it is the duty of the Tahsildar to cause those raiyats who are members of the society and who are by custom obliged to contribute to the work to be given under his orders or the orders of other superior revenue officer, the opinion by a notice under Section 11 of the Act of contributing their aid in conjunction with those raiyats who are not members of the society and to whom a similar option has already been given. If they neglect to do so, their contribution shall be levied from them under the said section and the sum so recovered together with the sum recovered from raiyats who are not members of the society, shall be credited in the ordinary way towards the expenses incurred in the execution of the kudirmaramat work through Government agency.(e)All penalties imposed under Section 11 shall, under Sub-section (4) of the said section, be applied to the expenses of any works for the purpose of irrigation or drainage executed to the benefit of the village community to which the defaulters belong. It is not, however necessary, under that provision, to maintain an account of the penalties in respect of each work. A register in the form in the Appendix shall be maintained and shall contain entries of all sums paid or recovered under Section 11. The entries shall be by villages and not by works. These amounts may be spent on any work of irrigation or drainage which benefits the village to which the defaulters belong. The register shall not be destroyed but retained permanently in the taluk office.

7.

Where clearance of prickly-pear from irrigation works is necessary, the Public Works authorities in the case of works in their charge and the revenue authorities in the case of works in their charge, shall decide in the first instance whether the whole cost shall fall upon the raiyats, or whether, in view of the amount of clearance to be done, the whole or a portion of the work shall be done at the cost of Government, if clearance or partial clearance is to be done by the raiyats, the Tahsildar or other superior revenue officer shall call on them to do the work and if they fail to do it, the work shall be done at the cost of Government, which cost, together with any additional penalty not exceeding the amount thereof, shall be recovered by the Revenue Department from the raiyats concerned. Clearance to be done at the cost of Government or in view of the failure of raiyats to do it on requisition initially at the cost of Government shall be done by the Public Works Department or by the Revenue Department as may be most convenient and in the case of works in the charge of the Public Works Department, that department shall provide the Revenue Department with funds in the event of the clearance being effected by revenue officers. In cases where it is considered convenient to carry out clearance by departmental agency, there is no objection to the raiyats being given the option of contributing money in lieu of personal labour. When once the initial removal has been effected at the cost of Government, all subsequent clearance shall be carried out by the raiyats themselves at their own cost; and ordinarily they may reasonably be required to clear tank bunds and distribution channels overgrown with prickly-pear before any expenditure is incurred by Government in repairing or deepening them.

8.

A revenue officer not below the rank of a Tahsildar shall be appointed under Sub-section (2) of Section 11 of the Act to determine disputes as to the amount payable under Sub-section (1) of the said section. Statement showing the amount recovered under Section 11 of the Orissa Compulsory Labour Act V of 1948 and its disposal in the taluk or district Name of Village.....

Name of work in respect of which recovery is made under Section 11 of the Act.		No. and date of the order sanctioning the recovery	Amount recovered	Payment made for the work		
Date of credit in the Treasury accounts		Date	Amount	No. and date of the taluk disposal file		
1	2	3	4	5	6	7
			Rs.as.P.		Rs.as.P.	
Particulars of utilisation of balance	Reference to taluk disposal file	No. and date of the order sanctioning the expenditure		Amount	Date of payment	
Balance, if any, available	Name of work					

8	9	10	11	12	13
			Rs.as.P.		

N.B.: A sufficient number of pages should be allotted to each village.