



The Tamil Nadu Compulsory Labour Act, 1858

Act 1 of 1858

Keyword(s):

Mischief by Inundation, Enforcement of Customary Labour, Common Good, Prevent Breaches of the embankment of Tanks, Rivers and Canals

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ACT No. I OF 1858¹.[THE ²(TAMIL NADU) COMPULSORY
LABOUR ACT, 1858.]

[Received the assent of the Governor-General
on the 20th January 1858].

An Act to make lawful compulsory labour for the prevention of mischief by inundation, and to provide for the enforcement of customary labour on certain works of irrigation in the ³[State of Tamil Nadu].

Preamble.

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, ⁴[] when duly called upon, to unite their labour to prevent such breaches, or

¹ The short title, "The Madras Compulsory Labour Act, 1858" was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

This Act was declared by the Laws Local Extent Act, 1874 (Central Act XV of 1874), section 4 and the Second Schedule, to be in force in the whole of the State of Tamil Nadu except the territories mentioned in the Sixth Schedule to that Act.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), which came into force on the 1st April 1961, repealing the corresponding law in that territory.

² These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

³ This expression was substituted for the expression "Presidency of Fort St. George" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

⁴ The words "of the labouring classes" were omitted by the Adaptation (Amendment) Order of 1950.

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 labour required for the execution of certain works for the purpose of irrigation and drainage; It is enacted as follows:—

1. 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 ² [persons] 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 ² [persons] 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 ³ [all adult able bodied male persons of an apparent age of not less than eighteen years and not more than forty-five years in such village] or villages to co-operate in the work necessary for preventing or repairing the breach, as the case may be.

[Adult able-bodied male persons] may, in certain cases, be called upon to assist in preventing or repairing breaches in embankments and anicuts.

In the absence of the said officer, it shall be lawful for the Tahsildar of the taluk to make such requisition in his stead.

And if neither the said officer nor the Tahsildar 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

¹ These words were substituted for the words "Able-bodied male persons" by the Tamil Nadu Compulsory Labour (Amendment) Act, 1964 (Tamil Nadu Act 19 of 1964).

² This word was substituted for the word "labourers" by the Adaptation (Amendment) Order of 1950.

³ These words were substituted for the words "all able-bodied male persons in such village" by the Tamil Nadu Compulsory Labour (Amendment) Act, 1964 (Tamil Nadu Act 19 of 1964).

his own motion, to call upon ¹ [all such able-bodied male persons] of his own village, and, if needful, to make a requisition to the heads of the neighbouring villages to call likewise upon ² [such able-bodied male persons] of their villages, to co-operate in the work necessary for preventing or repairing the breach.

Punishment for refusing or neglecting to comply with such call.

2. ³[Any such able-bodied male person] ⁴[] being duly called upon by the head of his village to labour 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.

Rate of remuneration.

3. Every person who shall be employed on such work, under such requisition shall be paid for his labour by day at the highest rate paid in the neighbourhood for similar work and, if he is required to work at night, at double such rate.

Mode of payment.

4. Payment shall be made to ⁵ [such persons] from the public treasury ; and, if ⁶ [they] 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.

¹ These words were substituted for the words "all able-bodied male persons" by the Tamil Nadu Compulsory Labour (Amendment) Act, 1964 (Tamil Nadu Act 19 of 1964).

² These words were substituted for the words "the able-bodied male person" by *ibid.*

³ These words were substituted for the words "Any male person" by *ibid.*

⁴ The words "of the labouring classes" were omitted by the Adaptation (Amendment) Order of 1950.

⁵ These words were substituted for the words "the labourers" by the Adaptation (Amendment) Order of 1950.

⁶ This word was substituted for the words "the labourers" by *ibid.*

¹[5. 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 Tahsildar or in case of emergency when neither such officer nor the Tahsildar is on the spot, of their own motion, to make requisitions upon the inhabitants of their villages for the supply of materials, to wit, earth, stone, trees and leaves, bamboos, straw, gunny bags and the like, necessary for preventing or repairing breaches in the embankments of tanks, rivers and canals, and to remove or seize, and, if necessary, to cut down such materials wherever they may be found, giving receipts for them in writing; such materials shall be paid for from the public treasury at the highest prices for which they are sold in the neighbourhood and in case damage is sustained by any person in consequence of the removal, seizure or cutting down of any such materials, 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 6. When the work for which such materials 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.]

²[6. (1) Every person owning lands served by any irrigation or drainage work or any work connected therewith shall, whenever required by public notice by the head of the village under the orders of the Tahsildar or other superior Revenue officer contribute labour for repairing or properly maintaining such irrigation or drainage work or for repairing or properly maintaining any work connected with such irrigation or drainage work.]

¹ This section was substituted for the original section by section 2 of the Madras Compulsory Labour (Amendment) Act, 1935 (Madras Act IX of 1935).

² This section was substituted for the original section by section 2 of the Tamil Nadu Compulsory Labour (Amendment) Act, 1956 (Tamil Nadu Act VIII of 1956). This section as substituted by the said Act in so far as it related to the rest of this State was extended to the added territories by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).

Recovery of advances from private persons. Requisition for the supply of materials, etc., from villagers.

Liability of persons refusing to contribute labour to the maintenance of irrigation and drainage works.

(2) Every public notice given under sub-section (1) shall be in writing over the signature of the head of the village, shall contain the names of the persons bound to contribute the labour together with such other particulars as may be necessary to identify them, and the period or periods during which the labour should be contributed, and shall be widely made known in the village by affixing copies thereof in conspicuous public places within the village, or by publishing the same by beat of drum and by any other means that the head of the village may think fit. Every such notice shall also be published by affixture in the notice board of the offices of the Tahsildar or other Revenue officer under whose orders the notice was given.

(3) Any person required to contribute labour in pursuance of a notice given under sub-section (1) may, in lieu of such labour, pay such sum and within such time as may be specified in that behalf by a general or special order of the Tahsildar or other Revenue officer referred to in sub-section (1). The amount so payable shall, in case of dispute, be determined summarily by the Collector.

(4) If any person who is bound to contribute labour in pursuance of a notice given under sub-section (1) neglects or refuses to contribute labour during the period specified in that notice or fails to pay the value of the labour under sub-section (3), it shall be lawful for the head of the village under the orders of the Tahsildar or other Revenue officer referred to in sub-section (1) to proceed at once to execute the work by employing some other person and all the expenses incurred in respect thereof together with a sum equal to the value of the labour not contributed shall be borne by the person so neglecting or refusing to contribute or failing to pay.

(5) Where there are a number of persons liable to pay under the preceding sub-section, the Tahsildar or other Revenue officer under whose orders the notice was given under sub-section (1) shall, after such enquiry as he may deem necessary, apportion such expenses among the persons who are, as aforesaid, liable

to bear the same and also determine the value of the labour not contributed. Such liability shall, as far as practicable, be apportioned among such persons in proportion to the extent of the lands actually served by the irrigation or drainage work or other work in connection with which the contribution of labour was required.

(6) All sums due under this section 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.]