

ACT No. XIII OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th June 1877.)

An Act to provide for the execution of works urgently required in connection with embankments in British Burma.

WHEREAS it is expedient to provide for the execution of works urgently required in connection with embankments in British Burma; It is hereby enacted as follows:—

1. This Act may be called "The Burma Embankment Act, 1877:—

It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma;

And it shall come into force on the passing thereof.

2. In this Act—

"Embankment" means any embankment constructed for the purpose of excluding, regulating or retaining water, and includes all earthen walls, dams, canals, drains, piers, groins, sluices, buildings, water-gauges, bench-marks and other works subsidiary to any such embankment; and

"Embankment-officer," used with reference to an embankment, means the officer appointed by the Chief Commissioner, by notification in the British Burma Gazette, to carry out this Act in respect of such embankment.

3. Whenever the embankment-officer has reason to believe that, unless some work is quickly executed in

put in operation.

in connection with an embankment, loss of life or extensive damage to property will ensue, and that the labourers or materials required for the execution of such work cannot be obtained in the ordinary course in time to enable him to execute such work with the expedition necessary in order to avert such loss or damage, he may, by order under his hand, direct that the provisions of this Act shall be put into operation for the execution of such work; and thereupon

Power to impress labour.

(a) every able-bodied person who resides in the neighbourhood of such embankment, and whose name appears in the list hereinafter mentioned, shall, if required to do so by such officer or by any person authorized by him in this behalf, be bound to assist in the execution of such work by labouring thereon as such officer or any person authorized by him in this behalf may direct; and

Power to take materials.

(b) such officer or any person authorized by him in this behalf may enter into and upon any immovable property in the said neighbourhood and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, rope or other materials found in or upon such property, and use the same for the purposes of such work.

List of labourers.

4. Subject to such rules as the Local Government may from time to time, with the previous sanction of the Governor General in Council, prescribe in this behalf, the Deputy Commissioner shall prepare a list of the persons liable to be required under section three, clause (a), to assist as aforesaid, and may from time to time add to or alter such list or any part thereof.

Payment for labour impressed and materials taken.

5. All persons labouring, or detained for the purpose of labouring, in compliance with a requisition made under section three, or whose materials may be taken under that section, shall, as soon as may be reasonably practicable, be paid by the embankment-officer for their labour and detention, or for such materials (as the case may be), at such rates, not being

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being less than the highest market rates for similar labour or materials for the time being prevailing in the said neighbourhood, as the Chief Commissioner may, from time to time, by written order direct.

6. When from the removal of any trees, bamboos or other materials under section three, any damage, over and above the price payable for such materials under section five, results directly to any person, the embankment-officer shall pay to such person such sum as may be agreed upon as compensation for such damage, or, in case of dispute as to the amount so to be paid, as the Deputy Commissioner of the district may award, subject to such rules, as to appeal or otherwise, as the Chief Commissioner may from time to time prescribe in this behalf.

Compensation for damage done in taking materials.

7. Where an embankment-officer has been appointed for any embankment, any person who, without the permission of such officer—

Penalties for trespass on embankments, &c.

- (a) grazes any cattle or allows any cattle under his charge to trespass on such embankment, or
- (b) cuts or roots out any trees, shrubs or grass growing on such embankment, or
- (c) obstructs any drain or sluice connected with such embankment,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

*Explanation.*—In this section, clause (a), "cattle" includes also elephants, buffalos, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids.

8. Every embankment-officer and every person authorized by an embankment-officer to act under section three, shall be deemed to be a "public servant" within the meaning of the Indian Penal Code; and nothing in the British Burma Labour Law, 1876, section 71, shall apply to any such officer or person acting under section three of this Act.

Certain persons to be deemed public servants.