

VII.—LEASE OF LANDS IN-CHARGE OF THE PUBLIC WORKS DEPARTMENT.

172 (i) Lands in-charge of the Public Works Department are of two kinds:—

(1) Lands acquired by the Public Works Department for the construction of buildings but not immediately used for the purpose; and

(2) Lands in-charge of Public Works Department for administrative purposes, e. g. lands in berms of canals, drains, channels, etc. and at wharfs.

(ii) The procedure of grant under Board's Standing Orders should be adopted for grants of these lands for temporary occupation for agricultural and non-agricultural purposes. Grants for such occupation may be made in favour of individuals, private bodies, companies, or associations and local bodies.

(iii) The grants will be made in consultation with the Revenue Department where necessary. Rents should be collected departmentally in the case of grants.

(iv) The period for which temporary occupation of the lands in-charge of the Public Works Department may be sanctioned must be determined carefully in each case with reference to the nature of the property and the consideration whether and when the property is likely to be required by Government for any other purpose.

(v) The grant in each case, after sanction by competent authority, should be embodied in an order in the form given in Appendix XIII-B in the case of grants for agricultural purposes and in Appendix XIII-C in the case of grants for non-agricultural purposes, with suitable modifications, where necessary, by the Executive Engineer concerned, as the assigning authority and delivered to the party. The items enumerated below by way of illustration will be cases for such grants for non-agricultural purposes:—

(a) Recreation purposes with or without a pavilion or club house.

(b) Bridges and culverts, whether permanent or temporary.

(c) Banks (for trade purposes).

(d) Timber and firewood depots.

(e) Laying pipe lines.

(f) Unobjectionable sub-soil encroachments on road margins and other Government porambokes.

(g) Temporary occupation of Government lands for performances by a touring cinema, circus or dramatic company.

The items enumerated below will be cases for grants for agricultural purposes.—

(a) Growing of grass or other fodder.

(b) Raising flower gardens

(c) Planting casuarina

(d) Cultivation of plantation products

(e) Cultivation of paddy, pulses and other foodgrains or commercial crops like tobacco, cashew, ground-nut, etc.

(vi) These grants need not be registered-*vide* section 90 (1) (d) of the Indian Registration Act. The orders embodying such grants are also not liable to stamp duty-*vide* item 4 of Notification No. 13, dated 17th December 1938.

(vii) The orders of Government must be obtained in every case of grant in which the value of the property exceeds Rs. 1,00,000. The Chief Engineer may sanction grants in all cases in which the value of the property exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 up to a period of five years. The Superintending Engineers may sanction grants in cases in which the value of property exceeds Rs. 10,000 but does not exceed Rs. 50,000 up to a period of five years, subject to any administrative instruction issued by the Chief Engineer. Similarly, the Executive Engineers may sanction grants in cases in which the value of the property is Rs. 10,000 or less up to a period of five years, subject to any administrative instructions issued by the Superintending Engineer or higher authority.

(viii) In all these grants, the period of notice to be given under condition 21 in Appendix XIII-B or condition 19 in Appendix XIII-C by the assigning authority or by the grantee should be fixed carefully with reference to all the relevant circumstances and specified in the order. This period should not exceed the period of grant and subject to this, may normally be one month for periods of grants up to three months, two months for periods of grants up to six months, three months for periods up to a year and six months for longer periods of grants.

(ix) When it is proposed to grant to a club land within the compound of a Government office or a residence, the site as well the plans and estimates relating to any buildings, structures, Badminton or tennis courts, etc., which the club proposes to erect should be approved by the Executive Engineer in order to ensure that such buildings, structures or courts etc. are in keeping with the layout of the Government buildings. Copies of the plans of the site, buildings, etc., as approved by the Executive Engineer should be submitted with the proposals for the grant. It should be made clear in the order of the grant that the grant will be revocable at 2 hours notice.

(x) Renewal of grants can be sanctioned only by the authority competent to sanction the grant in the first instance.

(xi) No attempt can be made to prescribe standard rates for the various purposes for which land may be granted. The determination of the charge is therefore left to the discretion of the

authorities who are competent to sanction the grant. The following general principles should, however, be observed in fixing the rates of charge as far as possible:—

(a) *Recreation purposes.*—In the case of clubs consisting entirely for non-gazetted officers and play-grounds required for educational institutions, nominal charges may be levied. In other cases except in Municipalities and in the City of Madras the terrain assessment or ground-rent on the site, or, if the land has not been assessed, the land revenue that is being levied on similar ryotwari land in the village or its neighbourhood should be charged. Special reasons should be given if any concessional treatment is recommended. Subject to the general concession indicated in favour of non-gazetted officers and educational institutions, a suitable charge should be levied in respect of each grant in municipalities and in the Madras City.

(b) *Trade purposes.*—The full competitive rent should be levied as the charge for the occupation. By full competitive rent is meant the rent which the site would fetch in the open market if offered subject to the conditions stipulated by Government.

(c) *Touring cinimas, circuses or dramatic companies.*—A reasonable fixed daily charge should be levied in accordance with the rates to be prescribed by the Collector. Collectors should fix for each village and town in their districts the rates of charge per square metre or ground or cent, that should be levied. The rates will depend upon the importance of the village or town and the situation of the land. There are, in each village or town particular sites in which entertainments are usually held. The Collector will fix the rates for each of these sites. When other sites are applied for, the Collector should be addressed for orders as to the rate to be levied.

(d) *Laying of pipe lines.*—A tract rent should be levied on the scale specified below.—

	Rate	Minimum Rs.
Major municipalities	Rs. 110 per mile or one anna per yard.	3
Minor municipalities	Rs. 82.50 p. per mile or 5 P. per yard.	2
Other towns	Rs. 55 per mile or 3 p. per yard.	1
Rural areas	Rs. 41.25 p. per mile or 2½ p. per yard.	1

In Madras City, however, tract rent should be levied at the rate of Rs. 500 per mile, except in cases of renewal of existing grants for which the old rates of Rs. 400 or Rs. 500 per mile as the case may be should be charged.

(c) *Occupation of lands for unremunerative public or private purposes.*—The annual charge should be fixed at an amount not lower than the assessment or ground-rent leviable on the land, subject to a minimum of Re. 1.

Municipal taxes.—In Madras City and in mufassal municipalities, the charge for occupation will consist of two parts: the first part will be specified sum fixed with reference to the instructions in sub-paragraph (i) above, while the second part will consist of another specified sum to be levied on account of the municipal taxes payable by the Government in respect of the property covered by the grant. In the event of the Corporation or the Municipality concerned varying its demand, the right to revise the second part of the charge and to collect any further sum due as a result of such revision should be reserved in the order of grant. The two parts of the charge will payable by the grantee simultaneously either in a lump sum or in instalments as may be specified in the order of grant.

Levy of assessment and water-cess.—The annual charge for the occupation shall be the assessment fixed already in the case of assessed land. If it is not an assessed land, it should bear the same assessment as is borne by similar land in the vicinity. Such assessment shall be liable to revision from time to time in accordance with the rules in force at the time of such provision. Water-cess will be leviable in addition in accordance with the Madras Irrigation Cess Act (Act VII of 1865) and the rules framed thereunder.

(xii) Any modifications in the form of grant should be made in consultation with the local Government pleaders.

(xiii) Immediately the grants are sanctioned the period of grant and the rent to be recovered should be noted in the Miscellaneous Property Register maintained by the Sub-Divisional Officers in all cases.

H.—EXECUTION OF WORKS

1.—STARTING WORKS

173. It is fundamental rule that no work shall begun unless a properly detailed design and estimate have been sanctioned allotment of funds made, and orders to begin issued by competent authority. Provisions in the budget conveys no authority for outlay. The exceptions are petty works (see paragraph 108) repairs of the nature described in paragraphs 110 (iii) and 147 and cases of real emergency which must be reported immediately to the authorities competent to accord administrative approval and technical sanction. Similarly, the sanction of a design and estimate by any authority, whatever, conveys no permission to start expenditure unless funds have been provided for the expenditure by a competent authority.

Further, no liability may be incurred and no officer may accept a contract for any work until an assurance has been received from the authority competent to provide funds that such funds will be allotted before the liability matures.

174. Ordinarily no work executed by method (ii) or method (iii) described in paragraph 150 should be started without formal agreement or contract sanctioned by a competent authority. The procedure to be followed in emergent works is described in paragraph 178.

175. No formal agreement is necessary in regard to petty works and repairs the estimated cost of which is Rs. 5,000 or less but even in these cases there should be some written understanding though not in any prescribed form specifying prices and rates.

NOTE 1.—No formal agreements are necessary in cases involving 'first and final' payments which do not exceed Rs. 1,000. But some written understanding specifying prices and rates will still be necessary, except in cases, when the 'first and final' payments do not exceed Rs. 500.

NOTE 2.—Rates and taxes and watchmen's wages provided for in annual maintenance estimates should be excluded from the total amount of estimates for the purpose of deciding whether an agreement should be taken in the case of repair estimates for buildings.

176. (a) When a contractor refuses to execute work at the rates provided in his piece-work agreement then the agreement should be terminated and the work measured up and paid for at the rates in the sanctioned agreement enforcing or not as the case may be the forfeiture of the security deposit. The work should not then be given out at higher rates, unless open tenders have been called for, and the most favourable rates obtained.

NOTE 1.—If, however, it is found necessary in any case to give the balance of work at higher rates to another contractor without calling for open tenders, whether on account of urgency or any other reasons, the previous approval of the next higher authority above that which accepted the original cancelled agreement should be obtained.

NOTE 2.—The procedure outlined in Note (1) would also apply to cases of termination of piece work agreement for any other reason to, with reference to the relevant clauses of the general conditions of contract to the Tamil Nadu Building Practice, applicable to piece-work agreement.

(b) Revision of rates in accepted agreements of any kind, during the currency of such agreements is normally prohibited. In cases however, where the Executive Engineer considers there are sufficient reasons to revise rates in current agreements, then the sanction of the authority above that which accepted the agreements should be obtained, placing on record with the agreement the reasons for such revision and the effect of the same on the total amount of work to be done under the agreement. Whenever revised rates in any agreement are sanctioned, the increased rates will have effect only from the date of sanction of such revised rates, unless it is specially stated by the sanctioning authority that they should have retrospective effect.

(c) In all cases, as in (a) and (b) it must be observed that the Code rules governing such estimate revisions as may be involved, are complied with.

(d) The corrections in agreements should be attested under dated initials by the accepting authority also, not only to indicate his acceptance of the altered rates but also to prevent any Tampering with agreements after approval.

(e) In all cases in which work not covered by the original agreement is ordered the rates for such items of work should be settled as laid down in clause 7 of the conditions printed in the form of piece-work agreement or clause 59 of the general conditions to contract of the Tamil Nadu Building Practice. Such extra items of work should not be ordered by the Executive Engineer on his own responsibility. If the revised estimate or deviation statement providing for them requires the sanction of a higher authority.

(f) In respect of fines or forfeiture of deposit ordered by an authority with reference to the relevant conditions in the forms of agreement or relevant clauses of the general conditions to contract to the Tamil Nadu Building Practice in an agreement in use in the Public Works Department, any authority higher than the one who has ordered the fine or forfeiture may in his absolute discretion waive or modify the fine or forfeiture imposed by a lower authority.

177. If in any case, whether on grounds of urgency or otherwise, an executive officer is required to carryout a work for which no estimates have been sanctioned or for which no financial provision exists (whether estimates have been sanctioned or not) the orders of the officer authorizing the work should be conveyed in writing. On receipt of such written orders the officer who is directed to carryout the work should immediately intimate to the Audit Officer concerned that he is incurring a liability for which there is no provision or inadequate provision of funds and should at the same time, state approximately the amount of the liability which it is likely he will incur by compliance with the written orders which he has received. The Audit Officer will then be responsible for bringing the facts instantly to the notice of the Chief Engineer concerned, except the irregularities committed by a Chief Engineer himself, which should be reported direct to Government. The Chief Engineer will report to Government any cases that call for disciplinary action or failure to comply with the code. The Accountant-General should also report to Government any cases in which he considers the action taken by the Chief Engineer inadequate. There will be no hesitation on the part of Government in forcing disciplinary action against any officer administrative or executive who may fail, or delay to comply with these orders.

Note.—The provisions of the above paragraph will be relaxed in the case of the famine relief works, but this does not relieve officers from the responsibility of obtaining the necessary sanction to a revised estimate as soon as they can foresee how far an estimate is likely to be exceeded.

178. If in the case of work executed on the contract or piecework system, the circumstances are so emergent that it is impossible to enter into a formal contract or agreement the officer on the spot who starts the work should enter into a piece work agreement at least in the first instance. This form of agreement is particularly suitable as it is terminable in case the higher authorities, who are competent to sanction the proper agreement in the standard form, disapprove. When the circumstances are so emergent that even a piece work agreement cannot be signed, it will be sufficient to have a written order for the work signed both by the piece worker or the contractor and the officer on the spot. There should however, be no avoidable delay in preparing a proper estimate and an agreement in the standard form and in obtaining the sanction of the competent authority. The detailed procedure to be followed in such cases is indicated in Appendix XI to this Code.

179. When any new building is about to be commenced or any alteration, addition or repairs executed to any building, due intimation of such intention must be given to the local head of the department, military or civil concerned.

180. Except in the case of emergency work such as repair of breaches, etc, no work should be started on land which has not been duly made over by the responsible civil officers.

181. The Rules in this section regarding the existence of a sanctioned estimate and the allotment of funds in the budget are applicable even in the case of civil works in charge of civil officers acting as public works disbursees. When an estimate has been sanctioned and funds have been allotted, a civil officer may arrange for the execution of the work.

Works executed by Civil Officers acting as public works disbursees are generally likely to be of a petty nature and constructed on standard designs, Civil officers may, however

apply to the Superintending Engineer of the Circle to depute an officer to examine any work when in progress or when completed and to make a general report as to whether the work is being satisfactorily carried out or has been completed in accordance with the estimate.

II—SCOPE OF SANCTION

182. The sanctions to an estimate must on all occasions be looked upon as strictly limited to the precise objects for which the estimate was intended to provide. Accordingly any anticipated or actual savings on a sanctioned estimate for a definite work should not, without special authority, be applied to carryout additional work not contemplated in the original project or fairly contingent on its actual execution.

Savings due to the abandonment of a substantial section of any project sanctioned by any authority are not to be considered as available for work on other sections without the further sanction of that authority.

A substantial section of a project shall be considered to have been abandoned, if the estimated cost of the works in such section is not less than 5 per cent of the total sanctioned cost of the project excluding in the case of irrigation projects, the estimated cost of the head works, as originally approved.

III—COMMENCEMENT OF WORKS IN ANTICIPATION OF DETAILED ESTIMATES OF THE COMPLETE PROJECT.

183. In exceptional cases where it is desirable to begin work on a project which has been administratively approved, before the detailed estimate for the whole project has been prepared it is permissible for the authority competent to sanction the final technical estimates as a whole to accord sanction to detailed estimates for component parts of the project, subject to the following conditions.—

(1) For each such work or component part there must be a fully prepared detailed estimate and, in the administrative approval as a whole, there must be a clear and specific amount corresponding to the work or component part in question.

(2) The amount of the detailed estimate must not exceed the amount included in the administrative approval by more than 10 per cent.

(3) The sanctioning authority must be satisfied, before according sanction, that the amount of the technical sanction for the whole project is not likely to exceed the amount of the administrative approval and that the work or component part in question can be appropriately commenced without affecting or being affected by any other part of the project financially or otherwise.

Note.—This rule does not apply to estimates for parts of individual buildings unless the preliminary estimates for administrative approval have been similarly prepared.

184. To obviate delay in commencing work on a detailed estimate for a complete sanction, but which requires minor amendments in the design or estimate, the sanctioning authority should adopt one or other of the following courses.—

(1) Amend the design or estimate in his own office and sanction it; or

(2) Sanction the parts of the estimate which are approved subject to conditions (2) and (3) specified in paragraph 183 and call for amended detailed estimates for the other portions of the project.

185. In communicating the sanctions to parts of projects accorded under the provisions of paragraphs 183 and 184 the sanctioning authority should also intimate to the Audit Officer the amount administratively approved for the whole project.

IV—LAPSE OF SANCTION

186. The approval or sanction to an estimate for any public work other than annual repairs will, unless, such work has been commenced, cease to operate after a period of five years from the date upon which it was accorded

V—ALTERATIONS IN DESIGN DURING CONSTRUCTION

187. Where important structural alterations are contemplated though not necessarily involving an increased outlay, orders of the original sanctioning authority should be obtained. A revised estimate should be submitted for technical sanction should the alterations involve any substantial change in the cost of the work.

188. eleted.

VI—MISCELLANEOUS RULES FOR THE EXECUTION OF WORKS.

189. In the execution of works, every care should be taken that the safety and convenience of the public are duly attended to and that all operations are carried on in such a manner as to interfere as little as possible with the traffic or ordinary pursuits of the people. Temporary roads, bridges, lights and barriers should, when necessary, be provided and the occupation of land, when practicable, be so timed as not to lead to the destruction of standing crops. Brick and lime kilns should not be erected so close to the inhabited part of any town or cantonment as to be a nuisance.

190. Any reasonable outlay for temporary accommodation for work people, and for entertaining temporary establishment for the purpose of security, sanitation, or temporary hospitals, may be authorized as part of the contingent outlay on works.

191. No religious edifice should be destroyed or injured in the execution of works without the full and free consent of the persons interested in it, nor without the concurrence of the principal, civil or political authority on the spot, unless under the orders of Government see also paragraph 248.

192. All interruptions of large works in progress should be immediately reported to the Superintending Engineer, the causes and probable duration of such interruptions being duly explained.

193. All unusual losses in the manufacture of materials must on their concurrence, be reported to the Superintending Engineer.

194. Executive Engineers and other officers or subordinate in charge of works should furnish immediately information to the proper civil authorities on the occasion of every serious accident, and in the case of death on the spot, they should not allow the body to be removed till an inquiry has been held see also paragraph 29 of this code and article 299 of the Tamil Nadu Financial Code, Volume I.

195. The employment of female labourers on works in the neighbourhood of soldier's barracks or a jail should be avoided as far as possible.

VII—WATER SUPPLY TO GOVERNMENT BUILDINGS.

196. (a) The connection to the water main in the street and the pipe leading therefrom to the building together with the stop cock, meter and a sufficient length of pipe to lead the water through the outer wall of the building to the interior thereof should be laid and constructed entirely by municipal agency at the cost of the Government. The point at which the supply is to be taken into the building and the place where the meter house box or cupboard should be constructed, should be determined by the local Public Works Department officers subject to the approval of the Municipal Chairman. All works within the house should be carried out by the Public Works Department.

Note.—In cases where the by-laws relating to water supply in Municipality stipulate provision of meters at the cost of that body and the payment by the owner or occupier of the house of meter-hire alone or of meter hire and the cost of fixing the meters, those provisions should be followed in respect of Government buildings also.

(b) The cost of the works which are executed by Municipal agencies in accordance with the above instructions shall not be generally payable in advance to the municipal agencies concerned, unless otherwise such advance payment are expressly required under the bye-laws as framed by the Municipal authority concerned and sanctioned by Government.

VIII—ADVANCES TO CONTRACTORS.

197. Advances to contractors are as a rule prohibited and every endeavour should be made to maintain a system under which no payments are made except for work actually done, exceptions are however, permitted in the following cases:—

(a) Cases in which, in the interest of work, it is absolutely necessary to make petty advances see paragraph 315 Tamil Nadu Public Works Account Code. In such cases, subordinates in charge of works, Sub divisional officers and Executive Engineers authorised to make advances upto a limit of Rs. 50, Rs. 100 and Rs. 250 respectively. They should, however take the necessary precautions to secure the Government against loss.

NOTE.—The limits referred to above apply to each work and not to each individual workman employed on a work.

(b) *Electrical works payable on contract.*—The Electrical Engineer may sanction an advance of eighty per cent on the value as certified by him, according to the terms of clause 20 of the general conditions of contract printed in Public Works Department Form No. II-20.

(c) In all other cases the State Government, may in exceptional circumstances authorise such advances as may be deemed indispensable, but the local officers must take the necessary precautions for securing Government against loss and for preventing the system from becoming general or continuing longer than is absolutely essential.

IX—SANITARY RULES ON EXTENSIVE WORKS.

198. A set of special rules framed by the Director of Medical Services is printed in Appendix XII. It is the duty of the Superintending Engineer to see that these rules are carried out. Any reasonable outlay connected with sheds for work people water-supply drainage, conservancy, hospital or police may be authorised as forming part of the contingent out-lay on a work under execution.

X—INFORMATION FOR THE SURVEY OF INDIA

199. To enable the Survey of India to keep the map of India upto date in respect of new canals, embankments, roads, etc., an index record map from original surveys, on a scale not less than 1 cm to 500 meters, should be sent to the Survey of India Office, Calcutta, on completion of the work. The topography adjoining the alignment, such as village sites, trijunction boundary pillars, other permanent objects and the crossing of roads and streams, should be accurately shown, and it should be stated on the maps supplied whether the information has been derived from actual survey or otherwise.

XI—CONSTRUCTION AND MAINTENANCE OF MORTUARIES IN SECTION-H OF THE CHAPTER.

200. The construction and maintenance of all mortuaries will be undertaken by the Public Works Department and charged to state revenues. The District Medical Officer/Dean Superintendent will be responsible for reporting to the Public Works Department whether the mortuaries in his jurisdiction require repairs.

I—DEPOSIT WORKS

I. GENERAL.

201. The department may occasionally execute work provided wholly or partly from.—

(a) Funds of a public nature such as local or municipal or similar funds.

(b) Public contributions

(c) Loans from Government to a local body.

NOTE.—Estate works under the Court of wards should be treated as deposit works.

202. Where a work is financed partly from the funds in paragraph 201 above and partly from Government grants in aid, the procedure prescribed in rule 1 under paragraph 470 of the Tamil Nadu Public Works Account Code for the payment of grants-in-aid should be observed.

203. Contributions should be realised before any liability is incurred on account of the work. No interest will be allowed on the contributions.