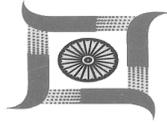


GOVERNMENT OF JHARKHAND

JHARKHAND PUBLIC WORKS DEPARTMENT CODE

First Edition

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JHARKHAND PUBLIC WORKS DEPARTMENT CODE

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JHARKHAND PUBLIC WORKS DEPARTMENT CODE

In exercise of the powers conferred by Article 162 read with Article 309 of the Constitution of India the Governor of Jharkhand is pleased to make the following Jharkhand Public Works Department Code. The provisions made in this code shall prevail upon existing provisions mentioned in Public Works Account Code and State Financial Rules.

CHAPTER-1

1. Short Title: - This may be called the Jharkhand Public Works Department Code, 2012.

1A. It shall be deemed to have come into force on such date as the State Government may, by notification in the official Gazette, appoint in this behalf.

1B. Definition:- In these rules unless there is anything repugnant in the subject or context:

- a) "Accountant General" means Accountant General, Jharkhand.
- b) "Branch" of the Public Works Department means any of the Works Department in the state of Jharkhand viz. Road Construction Department, Building Construction Department, Rural Development Department, Rural Works Department, Drinking Water and Sanitation Department, Water Resources Department and Energy Department.
- c) "Consultant" means an expert, agency or an institution including government undertaking outside department which has been duly selected as per the guidelines issued by the department to provide professional advice or professional services.
- d) "Department" means Public Works Department.
- e) "Divisional Officer" means the Executive Engineer in charge of a Division in the concerned branch of Public Works Department.
- f) "Public Works Department" means Road Construction Department, Building Construction Department, Rural Development Department, Rural Works Department, Drinking Water and Sanitation Department, Water Resources Department and Energy Department.
- g) "Prescribed" means as prescribed by the respective branch of the Public Works Department
- h) "Wing" means that part of branch of the Public Works Department under charge of a Chief Engineer.

ESTABLISHMENT AND CLASSIFICATION OF THE DEPARTMENT.

A – Introductory

1C. This Code is intended to define the scope of the administrative and executive functions of the officers of the Public Works Department. It does not deal with question of pension or leave or allowances, except where the rules governing the same are peculiar to the Public Works Department, nor with detailed procedure, to be followed in connection with the Public works Department accounts. The rules relating to pay, allowances, leave, pension, etc. as contained in the Jharkhand Service Code, the Jharkhand Traveling Allowance Rules and the Jharkhand Pension Rules are applicable to

members of the State and subordinate services under the administrative control of the Public works Department. Rules in the Jharkhand Financial Rules and Jharkhand Treasury Code relating to classes of transaction which occur in the Public works Department as well as in the Civil Departments are binding upon the Public works Department except in so far as they are supplemented by express provision in this Code or in the Bihar/Jharkhand Public Works Account Code. The detailed procedure to be adopted in accounting for transactions authorized by this Code is laid down in the Bihar/Jharkhand Public Works Account Code.

Note 1. – The term “Public works Department” wherever used in this Code should, unless the contrary is indicated by the context, be construed to include all its works Branches, namely Road Construction Department, Building Construction Department, Rural Development Department, Rural Works Department, Drinking Water and Sanitation Department, Water Resources Department and Energy Department (see also paragraph 5 of the Bihar/Jharkhand Public Works Account Code).

B – Classification of The Public Works Department.

2. The classification of subjects allocated to the Public works Department has been specified in the Rules of Executive Business.

3. Besides the functions described above the Public works Department may, as the agent of the Government of India, execute Public Works on behalf of the Union Government, the cost of which is wholly debitable to the Consolidated Fund of India [see paragraph 4 (4) of the Bihar/Jharkhand Public Works Account Code.]

4. The establishment of the Public works Department is divided as follows :-

1. The Jharkhand Engineering Service, Class I
2. The Jharkhand Engineering Service, Class II
3. The Jharkhand Subordinate Engineering Service.
4. Revenue establishment.
5. Office Establishment.
6. Petty Establishment.

C – Recruitment of Officers for the Public Works Department.

(I) The Jharkhand Engineering Service, Class I & II

5. Existing Rules will regulate the recruitment of officers to The Jharkhand Engineering Service, Class I & II as also the conditions of service

6. The following are the Name and designation of posts of The Jharkhand Engineering Service, Class I & II:-

(a) Class I

Name and designation of posts-
Engineer-in-Chief,
Chief Engineer,
Superintending Engineer
Executive Engineer,

(b) Class II
Name and designation of post-
Assistant Engineer.

(II) The Jharkhand Subordinate Engineering Service.

7. The Class forming the Jharkhand Subordinate Engineering Service in the Public Works Department is given below:-

'Junior Engineer'

8. The existing Rules shall regulate the appointment, promotion, etc. applicable to the Jharkhand Subordinate Engineering Service.

(III) Revenue Establishment.

9. The details of Revenue Establishment are incorporated in the Irrigation Manual.

(IV) Office and Petty Establishment

10. Office establishment will include all persons engaged in clerical duties, and grade IV Government servants employed in offices (except sweepers), while petty establishment will include store-keepers, artificers, guards, watchmen and other grade IV Government servants, not attached to offices, employed on general duties, and whose salaries are not provided for in the estimate for any work.

D – Annual Reports.

(a) Engineering Establishment

11. Instructions for the preparation and submission of annual and special confidential reports on Gazetted Officers and communication of unfavourable remarks to them should be maintained in the manner and form as per guidelines laid down for this purpose.

(b) Subordinate Engineering Service.

12. Annual reports on the work of every member of the Subordinate Engineering Service should be maintained in the manner and form as per guidelines laid down for this purpose.

13. The report shall be prepared by the Assistant Engineer in five copies and submitted to the Executive Engineer concerned in quadruplicate, retaining the fifth copy as his office copy. The Executive Engineer shall enter his remarks in all the four copies of the report and submit three copies of it to the Superintending Engineer concerned retaining the fourth copy as his office copy. The Superintending Engineer, in turn, shall enter his remarks in all the three copies and submit two copy of it to the Chief Engineer retaining the third copy as his office copy. The Chief Engineer shall enter his remarks in both copies of the report and submit one copy of it to the Engineer -in -Chief retaining the second copy as his office copy.

These reports should be submitted so as to reach the Engineer-in-Chief on the date prescribed by him for the purpose.

Note - In cases of Junior Engineers working as estimators in divisional and circle offices, the Executive and Superintending Engineers concerned shall prepare the report in quadruplicate and triplicate respectively, and transmit the same to the Engineer-in-Chief according to the rules mentioned above.

E – Punishment, Removal, Dismissal, etc.

14. Rules regarding the discipline and right of appeal of members of the Subordinate Services are set out in the Bihar and Orissa Subordinate Services Discipline and Appeal Rules, 1935 and those in respect of the State and All India Service Officers are contained in the Civil Services (Classification, Control and Appeal) Rules. These rules may, to such extent as necessary, be supplemented by instructions to be issued by Government from time to time.

F – Duties of Officers of the Public Works Department.

I - Engineer –in-Chief

15. The Engineer–in-Chief is the administrative and professional head of that branch of the Public Works Department of which he is in charge, and is responsible for the proper and efficient working of that branch. Engineer–in-Chief is adviser of Government in all matters relating to his branch.

15A. It is the duty of the Engineer –in-Chief to recommend to Government all matters relating to provision of, transfers, postings, punitive action, award etc. of Chief Engineer , Superintending, Executive , and Assistant Engineers. He has full powers of transfer of Junior Engineer, non-gazetted staff, ministerial and menial, from one wing to another.

15B. It will be the duty of Engineer-in-Chief to see that the budget allotment for the year are fully spent, in so far as is consistent with general economy and prevent large expenditure in the last month of the year for the sole purpose of avoiding lapses. He will be responsible for ensuring that any money which is not likely to be needed during the year is promptly surrendered, so as to allow its re-appropriation for other purposes by the department.

Note- Powers and Duties of Engineer-in-Chief will be vested In the Chief Engineer where he is the administrative and professional head of a branch of Public Works Department

II – Chief Engineer

15C.The Chief Engineer is the administrative and professional head of the wing of the Public Works Department of which he is in charge, and is responsible to the Government for the proper and efficient working of that wing.

16. It is the duty of the Chief Engineer to recommend to Engineer-in-Chief all matters relating to transfers, postings, punitive actions, awards etc of Superintending Engineers, Executive Engineers, Assistant Engineers and junior Engineer. He has full powers of transfer of Junior Engineers, non-gazetted staff, ministerial and menial, from one circle of superintendence to another.

17. The Chief Engineer will exercise a concurrent control with the

Accountant-General, over the duties of the officers of the department in maintaining accounts, and give legitimate support to the Accountant-General in enforcing strict attention to the rules concerning the disbursement of money, custody of stores, and submission of accounts.

18. The Chief Engineer will prepare, annually, the portion of the budget estimates relating to the works under his control, and, as soon as possible after the close of each year, prepare a report of the progress made during that period on the Public Works under his charge, giving a brief but clear account of the operation of his wing. The general supervision and control of the assessment of revenue from irrigation and navigation works within the limits of his charge will also rest with the Chief Engineer, who will frame the necessary estimates and watch carefully the progress of realizations during the course of the year.

19. It will be the duty of the Chief Engineer to see that the budget allotments of his wing for the year are fully expended, in so far as is consistent with general economy and the prevention of large expenditure in that last month of the year for the sole purpose of avoiding lapses. He will be responsible for ensuring that any money which is not likely to be needed during the year is promptly surrendered, so as to allow its appropriation for other purposes by the proper authority.

20. The Chief Engineer will inspect each circle office under his charge once in a year and each divisional office once in every two years and submit a report to Engineer-in-Chief soon after the inspection has been made.

Note – Whenever, inspection, as prescribed above could not be made, a report stating reasons thereof should be submitted to Engineer –in-Chief by 7th January of the year following the year in which the inspection was due.

21. When any Military Works are placed under the administration of the Public Works Department, questions relating to military details will be referred by the Chief Engineer to the General Officer Commanding Divisions or Brigades. A Chief Engineer may correspond direct with the Heads of Departments on all matters relating to details of buildings or works appertaining of those Departments.

22. The Chief Engineer/Chief Engineer (Design) is responsible for all structural designs. He is the professional head of that wing in respect of approval of designs, drawings, and specification of all structures.

III – Superintending Engineer.

23. The administrative unit of the department is the circle, in charge of a Superintending Engineer, who is responsible to the Chief Engineer for the administration and general professional control of Public Works in charge of officers of the department within his circle.

24. It will be the duty of the Superintending Engineer to inspect the state of various works within his circle and to satisfy himself that the system of

management prevailing is efficient and economical. He is required to ascertain and report on the efficiency of the subordinate offices and petty establishments and see that staff employed in each division is actually necessary and adequate for its management. He should see that Divisional Officers submit their accounts to the Accountant-General punctually. He should examine the register of works, so as to keep a vigilant watch over the rate of work, and if he considers it necessary, he may require the Executive Engineer to report to him monthly or at longer intervals, on a workslip, the total expenditure to date under each sub-head of work in contrast with the sanctioned estimate and ensure that the revised estimate for any work, if required, is submitted in due time to the sanctioning authority. He should also -

- i) see that different articles in stock are duly verified according to the rules laid down and that there is no accumulation of stock in any division beyond its requirements;
- ii) see that no delay is allowed to occur in the submission of completion reports;
- iii) inspect each divisional office once every six months, each sub-divisional office once every year, and each sectional office once every two years, and forward for information of the Chief Engineer reports of his inspection detailing therein the result of examination of initial accounts, accounts of stock, tools and plant, registers of works and other divisional books, mode of preparation of estimates, contract agreements, contractors accounts, system of recording plans and papers and office work generally;

Note - When ever inspection prescribed above could not be completed, a report stating reasons thereof should be submitted to the Chief Engineer by the 7th January of the year following the year in which the inspection was due.

- iv) see that the authorized system of accounts is maintained throughout his circle;
- v) examine the condition of surveying and mathematical instruments at the headquarters of divisions;
- vi) ensure that for every work in progress there is a proper administrative approval and an estimate sanctioned by the competent authority and allotment of fund; and
- vii) examine the books of Divisional Officers and their sub-ordinates and see that matters relating to primary accounts are attended to personally by the Divisional and Sub divisional Officers, and that the accounts fairly represent the progress of each work.

25. The Superintending Engineer may recommend to the Chief Engineer transfer of Executive Engineer, Assistant Engineers, Junior Engineers from his Circle.

26. It will be the duty of the Superintending Engineer to recommend to the Chief Engineer all matters relating to transfer, disciplinary action, award etc. of Subordinate Engineers of his Circle.

27. The Superintending Engineer has full power to transfer non-gazetted

staff, executive, ministerial and menial within his Circle.

28. The supervision and control of the assessment of revenue from irrigation and navigation works within his circle will rest with the Superintending Engineer

29. The Superintending Engineer is authorized to correspond with any of local authorities, Civil or Military, within his Circle. He will address General Officer Commanding Divisions or Brigades through their Staff Officers, and all other Officers direct.

IV – Executive Engineer.

30. The Executive unit of the department is the division, in charge of an Executive Engineer (Divisional Officer), who is responsible to the Superintending Engineer for execution and management of all works in his division.

31. An Executive Engineer can receive orders only from his own departmental superiors, the heads of departments or other civil officers if specially and duly authorized.

32. Executive Engineers are responsible to see that proper measures are taken to preserve all the structures and works in their divisions, and to prevent encroachment on Government lands in their charge. They should keep accurate plans of all Government lands, take care that their subordinates make themselves acquainted with the boundaries and see that they are respected.

33. Every Executive Engineer is required to report immediately to the Superintending Engineer any important accident or unusual occurrence connected with his division and to state how he has acted in consequence.(see also paragraph 143)

34. Executive Engineers may, recommend to the Superintending Engineers concerned, transfer of Assistant Engineers and Subordinate Engineers from his division.

35. Executive Engineers are empowered to transfer non-gazetted staff, ministerial and menial, within their respective divisions without reference to the superior authority. The transfers will be reported in the ordinary course to the Superintending Engineers only for information.

36. Executive Engineers are strictly prohibited from commencing the construction of any work or expending Consolidated Fund of the State, without the sanction of the competent authority, also from making or permitting any, except trifling, deviations from any sanctioned design in the course of execution, except under specific authority, or in case of emergency, when the change should be forthwith reported to the

Superintending Engineer.

37. Immediately on a work being finished, it will be the duty of the Executive Engineer to close the accounts of it and to prepare the completion report required by the paragraph 186.

38. The Executive Engineer is required to take necessary steps for obtaining cash for the works under his control, to keep accounts, and to submit them punctually to the Accountant General under the rules for the time being in force. He is responsible for the arrangements for account keeping in which matter he will be assisted by his Divisional Accountant, and he must see that his accounts are posted from day to day and that the Divisional Accountant carries out his duties regularly and punctually. The responsibility for the correctness, in all respects, of the original records of cash and stores, receipts and expenditure, as also for seeing that complete vouchers are obtained rests with the Executive Engineer, who will, before submitting the monthly accounts, carefully examine the books, returns and papers from which the same are compiled.

39. The Divisional Accountant is responsible to the Divisional Officer for the correct compilation of the accounts of the division from the data supplied to him. The relative position of a Divisional Accountant to the Executive Engineer in respect of accounts is analogous to that of a Assistant Engineer to an Executive Engineer in respect of works, and the responsibilities of the latter for the work of the Divisional Accountant are similar to those which attach to him in respect of the execution of works in charge of other subordinates.

The Divisional Accountant is further required to inspect periodically under the orders of the Divisional Officer, the accounts records of sub divisional offices and to check a percentage of the initial accounts. The defects noticed should be reported to the Divisional Officer for orders, but the Divisional Accountant will be responsible, as far as possible, for personally explaining the defects of procedure and imparting necessary instructions thereon to the Sub-divisional Officers and their staff.

The results of these inspections should be placed on record for the inspection of the Accountant-General, but serious financial irregularities should be reported at once for the information of that officer even though set right under the orders of competent authority. With the exception noted below, any defalcation or loss of Public money, stores or other property should be reported immediately to the Accountant-General and other authorities concerned even when such loss has been made good by the person or persons responsible for the same. On receipt of a report of embezzlement of public money involving amounts exceeding Rs. 500, the Public Works Department will examine the matter and submit the same to the Chief Minister through the Chief Secretary after consideration by the Minister-in-charge but before the issue of orders.

Exception – Petty cases, that is, cases involving losses not exceeding Rs. 200 each, need not be reported to the Accountant-General unless there are in any case important features which merit detailed investigation and consideration.

Note – The accounts of interest bearing securities maintained by Assistant Engineer should be examined to see that the rules relating to them are observed and that the register in Form 85 (Schedule XLV, Form no. 198) is correctly maintained and with this object a few transactions of the register should be compared with the entries in the Cash Book or other accounts and vice versa. The securities certified in the last annual account of interest bearing securities Form 86 (Schedule XLV, Form no. 199) as being on hand, should be verified by inspection as far as possible and it should be seen in respect of such of them as are not produced for inspection that there are in existence either the original acknowledgement, of the depositors bearing dates subsequent to the dates of the last account, or the acknowledgments of the authorized custodians, as the case may be (see also paragraphs 21-27 of the Bihar /Jharkhand Public Works Account Code).

40. The Divisional Officer is responsible that the accounts of his division are not allowed to fall into arrears; but if arrear or confusion arises which in his opinion cannot be cleared without the assistance of the Accountant-General, he should at once apply for such assistance

41. The Divisional Officer is responsible for the detailed assessment of such revenue as is collected through the Public Works Department within his division and will maintain such records and accounts for the purpose as may be prescribed, vide Chapter IX of the Bihar/Jharkhand Public Works Account Code.

42. The Divisional Officer is primarily responsible for affording information in cases of probability of excess of actual over estimated cost of work, and should report any such probability to the Superintending Engineer at once, describing the nature and cause of the excess and asking for orders. The report should be made '*Work Slips*', with such explanation as will enable the Superintending Engineer to pass orders on the case, on the occurrence, or the probability of occurrence, of any irregularity in the rate or cost of a sub-head. All important liabilities not brought to account should also be noted on the Work Slips.

Note – It is unnecessary for the Divisional Officers to submit Work Slips in cases in which he can finally pass excess over estimate under paragraph 294.

43. The Divisional Officer is responsible that surveying and mathematical instruments in his division are properly cared for, and will report on their condition to the Superintending Engineer at the end of each working season. Any injury to the instruments due to neglect or carelessness should be made good at the expense of the officer or subordinate responsible for the damage.

44. It will be the duty of the Executive Engineer to furnish to Treasury and Sub-Treasury Officers, after due inspection, with the certificate prescribed in rule 121 of the Jharkhand Treasury Code, Volume 1, as to the security of strong rooms, used or proposed to be used for the storage of coin.

45. The Executive Engineer should inspect each Sub divisional Office within the limit of his charge once every six months and each Sectional Office once in a year and submit report of his inspection in the prescribed form to the Superintending Engineer.

46. The Executive Engineer will be required to inspect report on and suggest measures for the protection of historical monuments or buildings of architectural interest, which appear likely to fall into decay.

47. The Executive Engineer will in addition to his other duties, consider himself to be ex-officio professional adviser of all departments of Government within the limit of his charge.

48. Executive Engineer will address Officers Commanding Divisions, Brigades or Stations through their Staff Officers.

V- Assistant Engineer

49. The division is divided into subdivisions in charge of Assistant Engineers who are responsible to the Executive Engineer for the management and execution of works within their subdivisions.

50. The Assistant Engineer should inspect each Sectional Office within the limit of his charge four times every year and submit report of his inspection in prescribed form, to the Executive Engineer.

Note – Whenever inspection as prescribed above could not be completed, a report stating reasons thereof should be submitted to the Executive Engineer by the date to be prescribed for this purpose by the latter.

51. The Assistant Engineer may recommend to the Executive Engineer transfer of Junior Engineer from his subdivision.

VI- Junior Engineer

51A. Section is the lowest executing unit of the respective branch of the Public Works department, headed by a Junior engineer.

51B. The Junior Engineer shall work under the guidance and superintendence of the concerned Assistant Engineer and other head of the offices as the case may be.

51C. He is responsible to the Assistant Engineer or head of the office as the case may be for the execution of works within the section including collection of data, preparation of estimate , site plans, maintaining of site order book, submission of monthly progress reports, preparation of timely submission of bills and accounts, maintenance of Measurement Books, site accounts etc.

G – Advance and Compensation

I – General.

52. Rules regulating the grant of several classes of advances to Government servants and others as laid down in Chapter 14 of the Jharkhand Financial Rules, Volume I, are applicable to the Public Works Department.

II- Advance for purchase of tents

53. Deleted

III – Compensation for loss of Property.

54. i) All cases in which it is proposed to grant compensation to any Public Works Department Officer for accidental loss of his property should be referred to Government for orders.

ii) Compensation will not ordinarily be granted to a Government servant for any loss to his property, which is caused by an act of God, as earthquake, floods, etc., or which is due to an ordinary accident, which may occur to any citizen, e.g. loss by theft or as the result of railway accident, fire, etc. The mere fact that, at the time of the accident, the Government servant is technically on duty or is living in Government quarters in which he is forced to reside or the performance of his duties, will not be considered as a sufficient ground for the grant of compensation. These points should be borne in mind while submitting proposals of Government. (See also rule 434 of the Jharkhand Treasury Code. Volume I).

H – Examination.

55. Rules regarding the Departmental and Professional examinations are contained in **Appendix D**.

I – Inter-State and Inter-Department Transfer.

56. Transfer of services of officers and subordinates of the Public Works Department to a post in another office or Department of Government of Jharkhand or under another State Government or the Government of India is regulated by the Government Servant's Application for Post Rules, 1951.

J-Temporary Establishment

57. Deleted

58. Deleted

K- Works Charged Establishment

59. Deleted

60. Deleted

61. Deleted

62. Deleted

62A. Outsourcing: In order to meet the demand for various services, equipment etc. e.g. transport, security, office support arising from time to time, outsourcing of such services, equipment etc. may be resorted to as per guidelines issued by the Government.

L – Police and other Guards

63. Armed Police guards are allowed for guarding and escorting water rate collection money. Such guards are supplied by the Home Department with the approval of Government at the cost of the Public Work Department, and application for them should be made to the Director General / Inspector-General of Police by the Engineer-in-Chief/ Chief Engineer, Public Works Department.

64. In all cases where due to the inability of the Home Department to supply a guard or guards from the regular Police force, special guards have to be entertained, the sanction of department will be necessary. Officers may, however, in urgent cases, entertain the guard in anticipation of sanction, reporting their action at once to higher authority. The service of such extra guard should be dispensed with directly if they are no longer required.

M- Medical Establishment

65. Deleted

66. Deleted

67. Deleted

68. Deleted

69. Deleted

70. Deleted

N – Miscellaneous Rules.

I – Personnel.

71. Officers of the Jharkhand Engineering Service and Jharkhand Subordinate Engineering Service are liable to serve anywhere, under the administrative control of the Government of Jharkhand.

72. Persons employed in the department shall have no personal pecuniary interest, directly or indirectly, in the construction of any public work, or in the manufacture, supply or sale of building materials. They are further subject to the rules laid down in “the Government Servant's Conduct Rules.”

73. Every member of the department must consider that his pay, for the time being or as defined in any agreement, is his sole legal remuneration, and that the receipt of commission, or any consideration, directly or indirectly, on account of any business or transaction in which he may be concerned on behalf of Government, is prohibited. Every officer of Government is bound to report to his departmental superior any infringement of this rule which may come to his knowledge.

Note 1 – An exception is, however, allowed in case of arbitration as follows :-

1) An officer shall not act as an arbitrator in any case without the sanction of

his immediate superior or unless he be directed so to act by a Court having authority to appointment an arbitrator.

2) No Public officer shall act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive office which he may be holding. (See also Rule 144 of the Jharkhand Service Code.)

3) If an officer acts as arbitrator at the private request of disputants, he shall accept no fee except as provided in rules 138 and 142 of the Jharkhand Service Code.

4) If he acts by appointment of a Court of Law, he may accept such fees as the Court may fix.

Note 2 – There is also no objection to any officer of the department to receive without special permission –

a) the premium awarded for an essay or plan, in public competition, or
(b) any remuneration or reward payable under any special or local law or in accordance with provision of any Act or regulation or rules framed hereunder, or

(c) any reward sanctioned for services in connection with the administration of customs and excise laws. (See also rule 146 of the Jharkhand Service Code.)

Note 3 – An officer of the department, called upon by the Court to Act as a Commission to give reliable information on certain technical points of engineering may comply with the request unless debarred by the operation of clause (2) of Note 1 above. If he accepts the Commission, he may retain such fees as are fixed by the Court.

II – Anonymous Communications.

74. No action shall be taken on anonymous or pseudonymous petitions and complaints unless accompanied by necessary affidavit as per guidelines laid down to substantiate the allegations. But if some specific allegations have been made therein confidential enquiries may be made under orders of the competent authority to whom the petition is addressed.

III – Procedure in regard to law suits.

75. When any officer or subordinate in the department is personally sued in any Civil Court, by parties claiming from him wages or money arising out of transactions in which he is concerned only in his official capacity and *bona fide* on behalf of Government, it will be necessary that he defends the suit by pleading that Government should be made the defendant as the party really interested. But when the suit is for damages in respect of an alleged wrongful act of a Government officer, the party aggrieved may as a general rule, bring the suit against such officer, and it would be no defense for the officer usually to contend that Government ought to be the defendant. The plaintiff may legally contend that he has a right to look to the party by whose act he has been aggrieved, whether he could or could not have sued that party's principal. The distinction is between suits on contracts and suits for wrongs. In cases of the latter kind, it will remain with Government to determine whether it would be just and proper that defense should be carried on at the

expense of Government. This course should ordinarily be adopted only in cases where there is no reasonable doubt of the innocence of the accused. When on the other hand, there is *prima facie* evidence that he has acted improperly, he should be left to conduct his own defense, the question of Government contributing towards the cost of the defense being subsequently considered. Whatever be the nature of the case, failure to defend the suit, or to reply to the plaint in person or by Counsel as the case may require, will render the officer or subordinate personally responsible (See also paragraphs 106, 161 and 162 of the Practice and Procedure Manual, and rule 24 of the Government Servant's Conduct Rules).

76. An officer, receiving a subpoena to produce official documents in a Court of Law, should, provided the documents are specified, produce them to the Court unless they are unpublished official records relating to any affairs of State, when he must refer to the officer or the head of his department.

IV – Security Deposits.

77. Cashiers, store-keepers, sub-store-keepers and subordinates entrusted with the custody of cash or stores, may be required to furnish security as per guidelines issued by the department.

V – Supply and distribution of Stationery.

(a) General.

78. Stationery is supplied under rules contained in the Stationery Manual by the in-charge, Government Stationery Stores. A list of Public Works Development officers who are authorized to indent on the State Stationery Stores is contained in Appendix II of the Manual. The appendix also shows the officers by whom these indents shall be countersigned and transmitted to Stationery Office.

(b) Receipt of Supplies.

79. Upon receipt of supplies, the boxes shall be opened and checked by a responsible Government servant who shall be nominated for the purpose and placed in a locked almirah, the key of which shall remain with him. No, articles shall be taken out of the almirah except in his presence and after entry in the stock account.

(c) Stock Book.

80. Two stock books shall be maintained in every office, one for articles issued very frequently and the other for articles which are issued only periodically or occasionally. The books shall be kept in Stationery Form 7 prescribed in the Jharkhand Stationery Manual.

(d) Verification of Stocks.

81. Every supply stationery shall, immediately on receipt, be entered in the proper stock book and issues there from regularly posted at the time a requisition is complied with or a fresh supply is received, an entry of the issue or receipt shall be made in the stock book concerned. The balance in hand should be struck at the end of each month and the stock book shall be examined and initialed by the head of the office or other responsible Government servant nominated for this purpose at the beginning of every

following month.

(e) Requisition for supplies.

82. Articles will be supplied monthly upon the signed requisition of the head of the office or other responsible Government servant nominated by him for this purpose. Requisitions for officers' own use whether at office or at home should be signed by the officers concerned

(f) Verification of Stock Account.

83. A responsible Government servant, independent of and unconnected with the staff responsible for custody of articles of stationery, should be entrusted with the verification of stock account once in each quarter. He shall at the end of each quarter submit the result of verification to the head of the office together with any remarks as to the defects which may have been disclosed.

The written requisitions for supplies shall be kept until the quarterly verification of stock account, after which they shall be destroyed. The Government servant in charge of verification shall check all issues with such requisitions.

VI – Supply and custody of Printed Forms.

(a) General

84. All printed forms prescribed by competent authority for use in any Government office in Jharkhand will be printed at the Government Press. The printing of any form on behalf of Government in any other press without the previous sanction of Government is prohibited.

Note – For local printing of forms see paragraph 87.

85. All standard Public Works forms are supplied under rules contained in the Rules for the Supply and Custody of Forms, by the in-charge Press and Forms on indents countersigned by officers entitled to indent upon him direct.

Note - Appendix IIA of the said rules contains the list of Public Works Department Officers who are authorized to indent direct upon the in charge Press and Form.

86. Standard forms cannot be altered without the previous sanction of Government. In the case of accounts forms, consultation with the Accountant-General is necessary before important changes or modifications are made in such forms. Local forms should not be introduced by any officer without the permission of Government.

(b) Local Printing of Forms.

87. Departmental sanction will only be given to the local printing of forms when these are required for a purely local use and can be printed locally more conveniently, and not less economically, than at the presses controlled by Government. The officer who requires the form will in the first instant

report the local rates, to the in-charge Government Press, sending at the same time samples of the forms to be printed. The in charge will after a comparison of the local estimate with the actual cost of printing of forms at the press, and having regard to the state of works at the Press, advises the officer whether the forms can be printed by him advantageously and within a reasonable time. On receipt of the superintendent's report, application in the usual form should be made to Government in the Finance Department for printing the forms either locally or at Government Press, a full explanation being given of the necessity for printing the forms at all. Whenever the cost of printing locally is estimated to exceed Rs. 25000, a formal contract should be made with the private press concerned. If in any case of genuine emergency, it is necessary to print before sanction can be obtained, an application should be made immediately for the retrospective sanction of Department in order that any mistakes may be pointed out, and for purpose of record.

Every such application should be accompanied by a clear statement of the reasons why it was imperative to anticipate sanction.

(c) Custody of Forms.

88. All officers entrusted with forms for their official use will take proper precautions to keep them in custody of a responsible and trustworthy Government servant and to maintain a proper record of receipts, issues and balances. Stock should be verified annually and the certificate of verification recorded in the register of forms over the signature of a gazetted or other responsible Government servant. (See also rules 21 to 30 of the Rules for the Supply and Custody of Printed Forms)

(d) Form of Deeds, etc.

89. Forms of deeds and other documents ordinarily required by the department will be settled by the Law Officer of the Government, and furnished through the Engineer-in-chief to whom all applications on such matters should be addressed.

VII – Destruction of Official Records.

90. The list of records in the divisional and sub divisional offices of the Public Works Department included in **Appendix A** may be destroyed after the period prescribed therein unless, in any case, a record has been specially ordered to be kept for a longer period. As regards records not included in **Appendix A**, the sanction of the Superintending Engineer, or the Accountant-General in case of account records, should be applied for annually in the month of January.

In ordering the destruction of such records, great care should be exercised that it is confined to such as are valueless (see also paragraph 582 of the Bihar/Jharkhand Public Works Account Code) but the following should, on no account, be destroyed :-

- 1) Records connected with expenditure which is within the statute of limitation.
- 2) Records in connection with expenditure on works not completed although beyond the period of limitation.

3) Records of experiments and observations.

4) Records in connection with claim to service and personal matters connected with persons in the service.

VIII – Disposal of waste paper.

91. The disposal of records and spare copies of printed letters shall be effected by tearing. These papers as well as those thrown into the waste paper baskets including daily sweepings will be taken away by sweepers and stores in the waste paper storage room under the supervision of a responsible officer. When the papers have accumulated in sufficient quantity, arrangements shall be made to sell them by auction to the highest bidder. Receipts in the prescribed form should be granted for all money received as soon as payments are made. The sale-proceeds of all waste papers shall be credited into the treasury under the appropriate head.

Note – Surplus gazettes, newspapers, journals and other papers, which can, without risk, be sold intact, shall, when accumulated in sufficient quantity, be sold along with other waste papers.

IX –Maintenance of Records

92. An Executive engineer must keep on record in his office the following plans, or such of them as are required in his division :-

Copies of all standard plans of buildings.

Complete plans, sections and elevations of every building under his charge, whether military or civil, as actually constructed, any departure from sanctioned design being carefully noted. The boundaries of the ground attached to any buildings should be distinctly shown.

Plans of roads under his charge showing the quarries from where materials are obtained.

Detailed drawings including foundations, where practicable, of all bridges and other works in the division as actually constructed, any departure from sanctioned design carefully noted. The boundaries of the ground attached to any buildings should be distinctly shown.

X – General rules of office procedure.

93. No officer should correspond direct with an authority superior to the officer under whom he is immediately serving, or with the Government or the Government of India out of the regular course, except in a case of extreme emergency, in which case he must send copies of his communications to his immediate superior.

94. When a complaint or representation is addressed to several authorities at the same time, action should not, normally, be taken by any of the authority except the lowest authority competent to deal with the matter. Petitions filed before any local officer should be immediately acknowledged and looked into with promptness and care, and where action is likely to be delayed, an

interim reply should be sent.

95. Official information acquired by the staff in their capacity as employees of Government offices must be considered and treated as strictly confidential. No member of the staff except in so far as may be necessary in discharge of his office duties, can take a spare copy of any writing in any official document which comes before him in his official capacity to which he is allowed to have access.

Note – No member of the staff may make use of any unpublished record or letter for communication to the Public press, or unauthorized persons, whether official or not.

XI – Periodical Returns.

96. A list of the periodical returns prescribed by Government and by the Accountant-General should be kept by heads of offices and their ministerial subordinates for ready reference. Steps should be taken to prepare the returns in good time beforehand to ensure their punctual submission.

97. With regard to periodical returns not prescribed by Government or the Accountant-General, officers to whom such returns are submitted should institute, at convenient intervals of time an examination into the necessity for each return, with a view to the discontinuance of any that may be found to be no longer necessary.

CHAPTER II

WORKS.

A – Classification of Operation of the Public Works Department.

98. The operations of the Public Works Department fall primarily under two categories “Original Works” and “Repairs” or “Maintenance”. The first includes new works alterations, additions and purchases; the second, repairs and maintenance. All works necessary to bring into use newly purchased or previously abandoned buildings fall in the first category. The principles of classification of works under categories are detailed in Footnote (35) of Appendix 2 to the Bihar/Jharkhand Public Works Account Code.

99. Original Works are divided into three classes
(i) **Major Works** – Works costing above Rs. 25 lakh
(ii) **Minor Works** – Works costing above Rs. 25000 and upto Rs. 25 lakh
(iii) **Petty Works** – Works costing up to Rs. 25000

B – Requisition by Civil Officers.

I- General

100. Applications for new structures, and for addition or alteration to existing structures, should be made by the requisitioning officers of the department concerned, in communication with the Executive Engineer through the respective department. The Executive Engineer must in each case exercise

his judgment on the demand made, giving all proper weight to the opinions of the department concerned; but it is his duty to oppose any application of the funds at his disposal to works, of the real necessity for which he is not satisfied, and in every case in which he thinks that he cannot recommend the execution of a work called for by a duly constituted authority, he should, explain his objection to the officer concerned, and if he fails to convince him, should refer the matter for the orders of the Superintending Engineer. The actual execution of works asked for by civil officers, must in every case be dependent on the necessary funds being available.

Note – By requisitioning officers is meant those civil officers who have been delegated the power of according administrative approval to works estimates

101. The requisitioning officer of a civil department may call upon the Executive Engineer through the respective department to report on proposals for new structures or for additions or alterations to structures required for the use of his department and to state probable cost.

C – Preparation of Projects.

I – General.

102. The papers to be submitted with the project for a work will consist of a report, a specification and a detailed statement of measurements, quantities and rates, with an abstract showing the total estimated cost (in rupees only) of each item. These documents form what is called 'the estimate' in the sense of this Code. The form of the abstract will depend on the method proposed for the execution of the work. If it is intended to purchase or supply materials and to employ labour for construction separately (whether by contract or departmental agency), the abstract of the estimate should be so framed as to show separately for each distinct item of artificer's work, (1) the cost and quantity of 'labour' and (2) the cost of materials. But if this is not the case, e.g. when item of work is to be executed by contract and it is proposed to contract for the completed items of work, the abstract of the estimate may show merely the quantity and cost of each item of work. In the case of a project consisting of several works, the report may be a single document for all the work and likewise the specification; but details of measurements and abstract may conveniently be prepared for each work, supplemented by a general abstract bringing the whole together. In the case of estimates for 'Repairs' or 'Maintenance' only the specification and the detailed statement of measurements and quantities with the abstract will ordinarily be required. The report should state clearly the purpose of the work estimated for, and explain any peculiarities which require elucidation, including where necessary, the reasons for the adoption of the estimated project or design in reference to others.

Note – Miscellaneous petty works may be entered in the abstract of the estimate without measurements the estimated cost being alone given.

102A. Services of consultants may be taken as per guidelines issued by the Government.

103. To facilitate the preparation of estimates a schedule of rates of each kind of work commonly executed should be prepared. A State level Committee for Schedule of Rates under the convenership of Road

Construction Department with members from Technical Examination Cell (Cabinet Vigilance), and other Works department of rank of Engineer-in-Chief/Chief Engineer will finalize the Schedule of Rates along with analysis of rates and material rates. The quorum shall not be deemed to be complete without participation of member from Technical Examination Cell (Cabinet Vigilance). In case of Road /Bridge works. Standard data Book of MORT & H of Government of India shall be adopted and like wise in case of Building, Rural Roads, Water Resources, Drinking Water and Sanitation department or Electrical Works the Specification/ Analysis of Rate as followed by relevant/related Works department of Government of India shall be applicable unless there are good enough reasons to do otherwise .SOR shall be revised every 6 months effective 1st April & 1st October. In case of any difficulty in getting rates the committee may use relevant indexes issued by RBI or the Economic Advisor, Ministry of Commerce, Government of India or any relevant competent Authority.

The rates of Non Scheduled items required in a work can be adopted from DGS & D rates. In case, DGS & D rates are not available, the relevant Government of India SOR applicable to the concerned Zone may be adopted.

Note 1- The Rates of Non Scheduled item required for work, in case is not available on DGS&D rate nor in relevant Government of India SOR applicable to concerned Zone, the same shall be arrived at by inviting quotation from the market

Note 2 - To facilitate the carriage of construction materials, the source of such materials should be identified and located for each works division by the superintending engineer concerned. This information should be updated every six months.

104. In addition to the provision for all expenditure that can be foreseen, including incidental expenditure such as, compensation for the cost of land, sheds for workmen and stores, etc., the cost of which is not provided for in the rates for other items or work, 1 per cent should be added to the estimate to cover the cost of unforeseen contingencies. The provision for contingencies may not be diverted to any new work or repair which is not provided for in the estimate and of which the cost exceeds Rs.20000 without the sanction of the Superintending Engineer. See also paragraph 294.

Note 1 – If the amount provided under the head ‘contingencies’ in an estimate is either expended or earmarked, no further new works or repairs should be sanctioned till funds for such works or repairs are allotted.

Note 2 – No works or repairs which are not fairly contingent should be undertaken without proper sanction to a supplementary estimate which should be submitted for sanction as soon as the necessity is foreseen.

105. The rules regulating the inclusion in estimates of the approximate cost of establishment and tools and plant in respect of works other than irrigation project will be found in Appendix 4, of the Bihar/Jharkhand Public Works Account Code.

Note 1 – For Irrigation projects detailed rules are incorporated in the Bihar /Jharkhand Irrigation Manual.

Note 2 - Provision for price contingencies in case of projects of duration more than 3 years

Due provision for resulting price escalation on account of inflation and other reasons shall be made in Detailed Project Reports / Estimates of large projects of Irrigation & other Works Department for such projects whose implementation due to technical reasons is contemplated to take more than 3 years.

An adjustment factor of 10% per annum shall be made in Detailed Project Reports / Estimates so as to obviate the likely need for revision which is a time consuming process.

106. Deleted

107. When type plans have been prescribed they should be followed by Public Works Department officers in preparing projects.

108. Deleted

II – Original Works.

(a) Civil Buildings

109. The site of every building should, if possible, be definitely settled before the detailed designs and estimates are prepared. Local authorities must be consulted in all cases as to the site. In the case of works or buildings which are intended to be erected in the neighborhood of any fort or cantonment, the matter should, in the first instance, be referred to the local Military Works officer for an expression of his opinion from a military point of view, and then submitted to the Government of India in the Ministry of Defence for concurrence, and when such concurrence has been obtained, no deviation is permissible without previous reference to that Ministry.

Note – Rules regarding selection of sites are contained in **Appendix B.**

110. Rules regarding Zones of Defense Works will be found in Army Regulations, India. Special attention is drawn to the restrictions on the construction of buildings, alteration of ground level and collection of materials in such zones; and to the prohibition of the transfer of state land in zones without the sanction of the Government of India.

111. Magazines and all Government buildings which from their height or exposed situation are likely to be struck by lightning should be provided with lightning conductors as per the provisions in National Building Code of India as amended from time to time.

All conductors and earth connections should be inspected and tested periodically, according to instructions issued from time to time, a report of each such inspection being submitted to the Superintending Engineer.

(b) Communications.

112. A Road Project estimate should contain matters listed under the following main headings :-

- (1)The report;
- (2)Specification;
- (3)Estimates (with calculations, where necessary);
- (4)Analysis of rates.
- (5)Drawings.

113. Estimate of new lines of road should include the cost of all dwelling and inspection houses to be built along them thereon for the accommodation of inspecting officers, subordinates and others, and the reports prefacing the estimates for such works, must be full and informative, clearly showing the necessity for the road, its termini, the class of road proposed, facilities for future maintenance, and type and volume of traffic anticipated.

114. No road, bridge, ferry, tunnel, ropeway, causeway declared by the Government of India to be of military importance may be abandoned, or allowed to fall out of repair without the prior sanction of the Government of India.

115. Estimates for bridges must be accompanied by adequate calculations and the report should show how the stream has been crossed hitherto, why it is proposed to bridge it, the kind and volume of traffic expected, whether the stream has ever been bridged before, if so a description of it should be given and if it failed, the reasons, the kind of bridge now proposed, the reasons for the amount of water-way allowed, the height of road-way above the high flood level and head-way allowed for boats, if any, the nature and size of snags, if any, the drainage of the stream, whether flat or hilly, the velocity of current in rainy and dry weather, liability to sudden floods, whether the stream used for floating out timber, and if so, how, the nature of bed and banks, whether the banks are liable to erosion, whether the steam is navigated and if so, by what type of vessel, the highest flood level, maximum, and normal, and the nature of materials available within reasonable distance.

116. Estimates for National Highway projects should be submitted in all details specified in paragraphs 112- 115 to the Government of India for scrutiny, technical approval and financial sanction. Similarly, detailed estimate for projects for roads, financed from the Road Fund Central (Ordinary) Reserve, and Road Fund Central (Special) Reserve should also be submitted to the Government of India for scrutiny, technical approval and financial sanction.

(c) Embankments.

117. In the case of new lines (alignment) of river embankments it is necessary that the report should show clearly the financial responsibilities of Government in connection therewith, and the manner in which it is proposed that the outlay shall be recovered.

(d) Water Supply Projects.

118. For pipe water supply projects, the nature and quantity of the existing water supply should be given and the reasons necessitating an improved supply the possible source of an additional supply and the reasons for

preferring the scheme submitted; the area and population to be served as well as the estimated daily allowance in litres per head of population, the quality of the water and whether it requires treatment or not. It should conform to the Central Public Health Environmental Engineering Organisation (CPHEEO) Manual of Government of India.

119. The Report should be accompanied by the index map showing the lines of main and distributary piping, and plans of all works, including filters, service reservoirs, settling tanks, etc. if pumping is contemplated, the annual cost of working the pumps should be estimated; the mode of calculating dimensions of pipes, etc., and the formula used should form one of the appendices.

D – Basic Rules applicable to all Works executed by the Public Works Department.

(a) General

120. There are four main stages in the project for a work, namely, Technical Approval, Administrative Approval, Technical Sanction and the appropriation or re-appropriation of funds. These stages are described in the following rules.

(b) Administrative approval.

121. For every work (excluding repairs and petty works) initiated or connected with the requirements of another department, it is necessary to obtain the concurrence of the department concerned to the proposals. The formal acceptance by the department concerned is termed “administrative approval” of the work, and is in effect, an order to the Public Works Department to execute certain specified works at a stated sum to meet the administrative needs of the department requiring the work. Such approval should not, however, be granted until budgetary provision exists for such works and Technical Sanction has been granted on the basis of detailed proposal. In some cases of urgency or complexity, Technical Approval may be obtained. Such approval will be accorded by the officers competent to give Technical Sanction. Technical Approval is granted on the basis of preliminary estimates and verification of structural soundness. It serves as basis of consideration of the scheme for Administrative Approval. In such cases, after getting Administrative Approval, Technical Sanction would be required on the basis of the detailed estimates before inviting tender or commencement of work in case of the work to be executed departmentally as the case may be.

Note-In case technical approval is to be granted, the approval thereof must be obtained from the officer immediate superior to that competent to accord such approval before granting the same.

A similar procedure should be followed in the case of works required to meet the administrative needs of the Public Works Department.

- (i) For repairs, allotment of funds against budgetary provision/ availability of fund shall be the basis for according Technical Sanction.
- (ii) For deposit works, availability of fund shall be the basis for according Technical Sanction.

122. An application for administrative approval should be submitted to the authority competent to accord it, accompanied by a report and estimate and by such plans, information as to the site and other details as may be necessary fully to elucidate the proposals and the reasons therefore. The estimate and plans should be obtained from the Public Works Department.

123. This procedure will also apply to modification of the proposals originally approved, if likely to necessitate the eventual submission of a revised estimate due to material deviation from the original proposals, even though the cost of the same may possibly be covered by saving on other items and to cases where the detailed estimates, when prepared, exceed the amount administratively approved by more than 20% involving excess over the admissible outlay. In these cases, as also in cases in which it becomes apparent during the execution of the work that the amount administratively approved will be exceeded by more than 20% owing to increase of rates or other causes, the revised administrative approval of competent authority must be obtained to the increased expenditure without delay, and in the case of modification during construction, without awaiting the preparation of a detailed supplementary or revised estimate.

124. The rules in paragraphs 121 to 123 will also apply to all works under the administrative control of the Government of Jharkhand.

(c) Expenditure Sanction

125. Deleted

(d) Technical Sanction

126. For every work which is proposed to be carried out except petty works and repairs, the cost of which is not likely to exceed Rs. 25000 and annual repairs for which a lump sum provision has been sanctioned by the Superintending Engineer under paragraph 204, a properly detailed estimate must be prepared for the sanction of the competent authority. This sanction is known as the technical sanction of the estimate and except in cases such as are referred to in paragraphs 128 and 130 must be obtained before inviting Tender or commencement of work in case of the work to be executed departmentally as the case may be. As its name indicates, it amounts to no more than a guarantee that the proposals, are structurally sound, and that the estimates are accurately calculated and based on adequate data. Such sanction will be accorded by the officer of the Public Works Department authorized to do so. In the case of an original work, the countersignature of the local head of the department on behalf of which its execution is proposed, or of such other officer of lower status as may have been empowered to accord administrative approval to it, should be obtained to the plans and estimates in token of his acceptance of them.

If, subsequent to the grant of technical sanction, material structural alterations are contemplated, the orders of the original sanctioning authority should be obtained even though no additional expenditure may be involved by alterations. (See also paragraph 127.)

Note 1 – It is essential that Administrative Approval should invariably be obtained before tender is invited.

Note 2 – For powers delegated to Public Works Department officers to

accord technical sanction to works estimates (see Chapter V).

Note 3 – Part wise Technical Sanction may be granted subject to such condition that such part wise grant of Technical Sanction is accorded by officer competent to grant Technical Sanction to the entire work as a whole.

127. In cases where a substantial section of a project sanctioned by a higher authority than himself has been abandoned, or where material deviations from the original proposals are expected to result in substantial savings, the Superintending Engineers must revise the amount of the estimate and intimate both to the Accountant-General and to the Executive Engineer that the amount of the expenditure sanction should be reduced accordingly. In cases where the saving is due to material deviation of a structural nature from the design originally approved, and the amount of the revised estimate is greater than that up to which the Superintending Engineer is empowered to sanction estimates technically, a revised technical sanction must be obtained from the competent authority.

128. In exceptional cases, where it is desirable to commence work on a project to which Administrative Approval has been accorded by competent authority before the detailed estimated for the whole project has been sanctioned, it is permissible for the authority competent to accord final technical sanction of the estimate as a whole, to accord sanction to detailed estimate for component parts of the project, subject to the following conditions :-

- i) For each such works 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.
- ii) The amount of the detailed estimate must not exceed the amount included in the administrative approval.
- iii) The sanctioning authority must be satisfied, before according sanction, that no material deviation from the whole project as prepared for the purpose of administrative approval are to be anticipated, and that the amount of the technical sanction for the whole project is not likely to exceed the amount of administrative approval.

Note – This rule does not apply to estimates for parts of individual buildings.

e) Appropriation and re-appropriation

129. An appropriation is the allotment of a particular sum of money to meet expenditure on a specified object out of funds placed at the disposal of the assigning authority and it is a fundamental rule that no expenditure should be incurred without such appropriation.

Re-appropriation means the transfer of funds from one unit of appropriation to another such unit. Both appropriation and re-appropriation are operative only for financial year for which they are made.

Note- Before allotment of fund for any original work the department should ensure that administrative approval has been accorded by a competent authority and the same is within the permissible limit of administrative approval or is as per the written order of the state government to exceed the expenditure beyond such permissible limit.

E – Execution of Works.

I – Commencement of works.

130 (a) It follows from the provisions of paragraphs 121- 129 that, except in case, where the omission of one or more of the stages therein referred to, is permissible under other rules, it is fundamental rule that no work shall be commenced or liability incurred in connection with it, until, Administrative Approval has been obtained, a properly detailed design and estimate have been Technically sanctioned, appropriation of funds made and orders for the commencement issued by the competent authority. Mere provision in the budget estimate for expenditure on a work conveys no authority for commencement of the work.

b)If on grounds of urgency, an Executive Engineer is required by superior authority to carry out a work or incur a liability which involves an infringement of these fundamental rules the orders of such authority should be conveyed in writing. For 'Urgent works' the authority to commence work in anticipation of Administrative Approval shall vest in the Public Works Department and in anticipation of technical sanction to estimate, with the Chief Engineer . On receipt of such written orders of the competent authority, the Executive Engineer may proceed to carry out the necessary work and state approximately the amount of the liability which he is likely to incur. It is the duty of the Executive Engineer, incurring the expenditure to take immediate steps to regularize the execution of the work. The appropriate authority will take such necessary steps to regularize the expenditure. In cases of emergency, such as breach by a flood or a calamity such as earthquake, cyclones, fires and imminent collapse of building and so on, an Engineer not below the rank of the Executive Engineer may, on his own responsibility, proceed to carry out the necessary work subject to the same condition as laid down above for execution of urgent works.

Note – In all cases where works are taken up under orders of the superior authority or by the Executive Engineer on his own responsibility in anticipation of administrative approval or on the basis of rough estimates and plans or without detailed estimates and plans, the detailed plans and estimates and complete specifications, should be prepared by the Public Works Department officers and sanctioned by the competent authority within one month from the date of commencement of the work.

Administrative approval should also be obtained where necessary within the period specified above.

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

132. Except in the case of emergent 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.

II – Scope of Sanction to an estimate.

133. The sanction to an estimate must on all occasions be looked upon 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 carry out 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 section without further sanction of that authority.

Note – 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 projects excluding, in the case of irrigation projects, the estimated cost of the head works as originally approved.

III – Lapse of sanction.

134. The sanction to an estimate for a public work will ordinarily cease to operate after a period of five years from the date upon which it was accorded, but the acceptance by competent authority of a budget estimate which included specific provision for expenditure upon work which is in progress may be regarded as reviving, for the year in which the provision is made, the sanction to the estimate.

IV – Alterations in design during construction.

135. No material alteration in sanctioned, still less in standard designs, may be made by an Executive Engineer in carrying out any work, without the approval of the Superintending Engineer. Should any alteration of importance, involving additional expense, be considered necessary, a revised or supplementary estimate should be submitted for sanction. In urgent cases, where the delay thus caused would be inconvenient, an immediate report of the circumstances must be made to superior authority and dealt with as the ease may require.

Note – Revised administrative approval is necessary in the cases indicated in paragraph 123.

136. In works, the estimates for which have been sanctioned by a competent

authority, no additions or alterations likely to cause an excess which will not fall within the power of sanction of that authority should be permitted without the previous approval of a higher authority.

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

V – Miscellaneous rules for the execution of works.

138. 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 is 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 parts of any town or cantonment as to be nuisance.

139. 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 a part of the contingent outlay on works.

140. 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 authority on the spot, unless under orders of Government. (See also paragraph 228.)

141. 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.

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

143. Serious accidents should be reported to the Superintending Engineer (see paragraph 33) and also at the discretion of the Executive Engineer to the State Government direct. Executive Engineers and other officers or subordinates in charge of work should furnish immediate 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 enquiry has been held. (See also Rule 33 of the Jharkhand Financial Rules, Vol. 1)

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

145. The Superintending Engineer may, if he deems it necessary, direct the Executive Engineer to suspend the commencement or progress of any work

pending the orders of the State Government.

145A. The department may issue such instructions as deemed necessary for speedy, timely and proper execution and supervision of works. Accordingly the Detailed Project Report should also depict scientifically calculated stage wise completion time, work programme, required machinery, equipment ,materials required for the project , photographs of the site depicting important topographical details etc. as per guidelines issued by the department from time to time.

F – Acquisition of Land

(a) General

146. When land which is not already in the possession of Government is required for public purposes, it should be acquired through the agency of the Land Acquisition Act (Act 1 of 1894) as amended by Act XXXVIII of 1923, as amended from time to time, or under the National Highways Act 1956, or the Jharkhand Highways Act 2005, as amended from time to time, which alone can confer the indefensible title. For this the Executive Engineer should consult the Collector of the district and obtain from him the fullest possible information as to the probable cost of the land together with the value of building, etc., situated on the property for which compensation will have to be paid. On the information thus, obtained he should make provisions in the estimate for the work accordingly.

Only preliminary information about probable cost of acquisition of lands, buildings, etc., will not bind him to prepare award at this rate as the award is to be prepared after due enquiry.

Note – ‘Collector’ means the Collector of district, and includes a Deputy Commissioner and any officer specially appointed by the State Government to perform the functions of a Collector under the Land Acquisition Act.

147. (a) When the estimate has been sanctioned and fund allotted, the Executive Engineer should apply to the Collector of the district concerned giving the following particulars :-

- i) The name or names of the village or villages with connected details of thana, thana number, parganas and district through which the alignment of each scheme will pass.
- ii) The dimension of the proposed alignment width (permanent and temporary as actually required).
- iii) The approximate area of land required.
- iv) Land plan in duplicate.

b) Certificates to effect that –

1) No cheaper appropriate land for the purpose for which it is proposed to acquire the land is available and that the area for the acquisition of which requisition is made is the minimum necessary for the purpose.

2)the project for which the land is sought to be acquired has been administratively approved and showing the amount provided in the budget

estimate for acquisition of land, both permanent and temporary together with the budget head from which the cost of acquisition is to be met.

- b) As a preliminary to the formal acquisition there is no objection to conducting private negotiations for settlement of the compensation where such course is deemed advisable. The term of settlement should be in the form of an agreement that the owner is willing to sell for a specified amount plus 15 per cent for compensation, the sum of the two being the actual price agreed upon Acquisition under the Land Acquisition Act should then be completed.
- c) Should however, if subsequently be found impossible to obtain the land required without materially exceeding the estimate, or to obtain some other plot of land in lieu of that originally proposed, the Executive Engineer will submit a revised estimate for sanction. In cases where the amount claimed by the owner is largely in excess of the amount awarded by the Collector, the possession should not be taken except under specific orders of the authority sanctioning the work until the time has elapsed within which an appeal may be preferred.

148. In cases of urgency, acquisition should be made under section 17 of the Land Acquisition Act. Possession is then obtainable fifteen days after the publication of declaration under Section 6 of the act in the official Gazette.

149. When, in special case, it is desirable to acquire land before the estimate of the whole work is sanctioned, a separate estimate may be sanctioned for the acquisition. The estimated or actual cost of the land should subsequently be incorporated in the final estimate.

150. The arrangements between the officers of the department and the Collector to determine what land to take up should, where practicable, be made without divulging the intentions of the Government, so as to admit of a private bargain being, if possible, made before any enhancement of prices has occurred.

151. After the Preliminary arrangements described in the preceding rules have been duly carried out, the land will be taken up under the Act either by the Collector or by a special officer placed at the disposal of the Public Works Department and invested with powers of a Collector under the Act. The procedure in two cases is described in the Jharkhand Treasury Code Volume II, Appendix 18.

152. Detailed executive instructions issued under the Land Acquisition Act are contained in the Bihar and Orissa Land Acquisition Manual, 1928 which should invariably be referred to while resorting to land acquisition.

(b) Land held for military purpose.

153. All proposals for occupation of land within cantonment limits, forming part of an encamping ground otherwise held for military purposes, should be submitted, in the case of land within cantonment limits, to the cantonment authority and, in other cases, to the General Officer Commanding the

Division or Independent Brigade. These officers will take necessary steps to obtain the sanction of Government of India in the Ministry of Defence to the proposals.

G – Transfer of Government Land and Buildings.

154. Except as expressly provided otherwise in any rule or order made by Government no land belonging to Government may be sold or made over to a local authority, private party or institution for public, religious, educational or any other purposes, except, with the previous sanction of Government.

155. When any immoveable public property is made over to a local authority for public, religious, educational or any other purposes, the grant should be made expressly on the conditions in addition to any other that may be settled, that the property shall be liable to be resumed by Government if used for other than the specific purposes for which it is granted and that, should the property be at any time resumed by Government, the compensation payable therefore shall in no case exceed that amount, if any paid to Government for the grant together with the cost or their present value, whichever may be less, of any buildings erected or other works executed on the land by the local authority.

Note - The orders regarding the alienation of land and assignment of land revenue, which is to be distinguished always from the alienation of the land itself, are contained in Chapter VIII, rules 167–173 of the Government estates Manual, 1941.

156. All land, the property of Government should ordinarily be sold through the Revenue Department.

157. (a) The transfer of Government land or buildings from one department of State Government to another is regulated by rule 327 of the Jharkhand Treasury Code. Vol. 1.

b) The transfer of lands and buildings between the Union and the State Government is regulated by provision of Articles 256, 257 and 298 of the Constitution of India and subsidiary instructions issued by the Central Government which are reproduced in Appendix 15 of the Jharkhand Financial Rules, Vol. II. Transfer of lands and buildings between the Central and State Government.

H-Tenders

158. a) Tenders must be obtained for all works which are proposed to be given on contract unless the amount of contract is Rs. 250000 or less or wherever the competent authority specifically directs this to be taken up departmentally or by nomination in case of exigencies.

Note-1 -Purchase of materials should be through quotation & muster roll shall be prepared for work done by daily labour in case work is to be executed departmentally.

b) In order to avoid participation of unqualified tenders and later rejection on

the capability grounds, a two envelop system as per guidelines issued / prescribed by the department shall be followed.

c) In order to bring in more transparency, objectivity etc. in the tender process the department may adopt such practices and procedures as per guidelines issued by the department from time to time like e-procurement, e-tender etc.

d) If the amount of the tender is likely to be beyond the Executive Engineer's power of acceptance, or to be of an unusual character, he should before publicly inviting tenders, submit the contract documents to the Superintending Engineer for his approval or remarks, together with a copy of the proposed advertisement for tenders and the form in which tenders are to be submitted. If the amount of tender is likely to be of a very special nature, the Superintending Engineers should in like manner, submit the contract documents to Chief Engineer for approval.

e) Disposal of tender/quotations for part works would be taken by only such officer who is competent to dispose the tender/quotations as whole.

f) At the time of according sanction to Bill of Quantity (BOQ), it should be ensured that such Bill of Quantity is based upon the latest approved Schedule of Rates.

g) Clubbing of different projects together for the purpose of inviting tender is not permissible unless approval is given by the Engineer-in-Chief.

159 a. Tenders, which should always be sealed, shall invariably be invited in the most open and public manner possible by advertisement on the internet through web-sites, in the newspapers and by notice in English or in Hindi posted in public places. For any work of more than Rs. 250000, publication of tender/Quotation notice in newspapers and internet is mandatory which shall be in following manner:-

Sl No	Tender/Quotation Amount	Duration of Sale of BOQ	receipt of Tender(in days) after the last date of sale of BOQ
1	Above Rs. 2.50 lakh & upto Rs. 250 lakh	7	14
2	More than Rs. 250 lakh but upto Rs. 20 crore	10	21
3	More than Rs. 20 crore but upto Rs. 50 crore	14	21
4	More than Rs. 50 crores	14	28

Note1:- with reference to the above rule limit of Rs. 250000 is maximum limit for a single work or sum of all works in a week beyond which publication in the manner described above is mandatory.

Note 2- In case of emergency the time period mentioned above can be reduced as per the requirement with the prior approval of Superintending Engineer.

Note 3- It should be ensured that tender notices should reach the Information and Public Relations Department at least 3 days before the date of its publication. Such tender notices must also be sent in soft copy. Time extension, corrigendum etc. should also be widely publicized.

Note 4- The department should prescribe standard Notice Inviting Tenders (NIT's) for different nature/category of works so as to minimize the publication expenses. Details of such tenders should be available on internet, notice boards etc. which must be mentioned in such published tender notices.

b) The intending participants should in all cases have prior knowledge about :

- i) The form in which the tender should be presented.
- ii) When and where the sanctioned estimate, specifications, drawing or plans, conditions and clauses of contract and other contract documents can be seen, and the blank form of tender obtained.
- iii) Whether any material will be supplied departmentally and if so the rate at which and the place where it should be supplied. It should be clearly mentioned that excess rate shall not be admissible in case of departmentally supplied materials as per the guidelines issued by the department.
- iv) The place where, the date on which and the time when tenders are to be submitted and are to be opened.
- v) The amount and form of earnest money to accompany the tender and the amount and nature of the security deposit required in the case of accepted tender.
- vi) The tender notice should also stipulate that contractors or its successors submitting tenders should furnish VAT Registration along with it.
- vii) The designation of the authority who that will accept the tender.
- viii) The time of completion of the work.
- ix) Detailed criteria for short listing the participants.
- x) During deciding the tenders the cost of departmentally supplied materials etc. as prescribed by the department should be reduced from the amount of Bill of Quantity while deciding the tender.
- xi) The cost of Bill of Quantity would be available for sale at the rates as prescribed by the department.

Authority should always be reserved to reject any or all of the tenders so received without the assignment of a reason and this should be expressly stated in the notice. All this information can be given in the short notice and/or detailed information to be supplied from the office and /or the internet.

160. The tender papers except in the case of e-tender should be issued from at least three offices at the level of concerned Executive Engineer/Superintending Engineer/Chief Engineer where tender should also be received till the prescribed date and time. Tender thus received should be

opened at the level of the officer competent to decide the same for which tender(s) received at other levels must be sent in such a manner so as to reach such office within 3 days of receipt.

All tenders should be opened in the presence of such intending contractors or their agents as may choose to attend at the specified and advertised time and place. No tender should be accepted from any person directly or indirectly connected with Government service.

161(i) No tender for the execution of works of any description of work branches of Public Works Department should be considered for evaluation unless accompanied by earnest money to the extent notified by the Executive Engineer or other officer.

(ii) The earnest money could be in the form of current issues of National Savings Certificates, Fixed Deposits of a Scheduled Bank(all the above mentioned form of earnest money issued within the State of Jharkhand), Bank Draft and Bank Guarantee issued by any Scheduled Bank anywhere in India.

(iii) All the aforementioned instruments should be duly endorsed to the authorized departmental representative.

162. The amount of earnest money to be deposited should be as per the guidelines issued by the department and large enough to be a security against loss in case of the contractor failing to furnish the required security within the appointed time after the acceptance of his tender, or until sums due to him form a sufficient guarantee, as the case may be.

163. a) Tenders quoted below 10 (ten) % of the amount mentioned in Bill of Quantity shall be rejected ab initio.

b) Usually, the lowest tender should be accepted unless there is some objection to the capability of the contractor, the security offered by him or his execution of former work. Whenever the lowest tender for projects costing Rs. 50000 and above is not accepted by the authority accepting the tender, he should immediately communicate the reasons for not accepting the same to his immediate superior authority confidentially for approval. At the same time, the acceptance or rejection of tenders is left entirely to the discretion of the officer to whom the duty is entrusted, and no explanation can be demanded of the cause of rejection of his offer by any person making a tender.

Note 1– Reasons for not accepting the lowest tender and the orders of the superior authority thereon shall be made available to the audit staff during inspection.

Note 2- The validity of tender should be decided prior to the opening of financial bids by inviting bids for the projects costing more than Rs. 50 lacs through two envelop system or in a likewise manner.

Note 3- In double envelope bidding process if the rate quoted by more than one tenderer is lowest, then the work shall be awarded on the basis

of marks obtained in technical evaluation as per the guidelines issued by the department.

Note 4- In case of single tender, the tender process should be cancelled and re-tendered. If in retender, again a single bid is received, the approval of the next higher authority will be taken

- c) Tenders should be decided within the time limit prescribed by the Government.
- d) In case of Externally Aided Projects (EAP) guidelines of the Government of India/Donor Agency as applicable will be followed.

164. Negotiation of rates should be done with the lowest tenderer if his tender is considered to be too high.

I – Contracts

(a) General

165. The recognized system for carrying out works otherwise than by the employment of daily labour, are “Piece-Work” and “Contract work”. Piece work is that for which only a rate is agreed upon without reference to the total quantity of work to be done or the quantity to be done within a given period. The term “contract”, as used in this Chapter, does not include agreements for the execution of work by piece-work nor does it include mere ordinary purchase of materials or stores. All other work done under agreement is termed “Contract work”, and in agreements for such work, which should invariably be in writing there should generally be a stipulation as to the quantity of work to be done and the time within which it is to be completed.

166. The following rules regulate the acceptance of piece work agreement :-

- a) Except as provided in clause (c) below, piece-work agreements should not be accepted for any work, being the whole or part of any sanctioned project, the sanctioned estimate for which exceeds Rs. 2.5 lakh.
- b) If the sanctioned estimate of the work exceeds Rs. 60000 the previous approval of the Superintending or Chief Engineer should be obtained before the piece-work system is adopted.
- c) With the approval of the Superintending Engineer, piece-work system may be adopted for earth work, dressing and turfing in road and Irrigation project etc. up to a limit of Rs. 12.5 lakh. It may also be adopted for work on the collection and consolidation of road metal even when the estimate for such work exceeds Rs. 2.5 lakh provided that the cost of the work given out to an individual contractor does not exceed Rs. 1.25 lakh.
- d) The provision of paragraphs 130 and 161 should be strictly observed and no tender for piece-work should be accepted by an Executive Engineer if in similar circumstances it would not be within his power to accept a tender for contract.

167. a) “Contracts” may be of the four kinds, viz. Lump Sum, Percentage Rate, item rate and turnkey as elaborated below.

- i) Lump Sum Contracts: In a lump sum contract, the contractor agrees to

execute the work, with all its contingencies in accordance with the drawings and specifications for a fixed sum.

ii) Percentage Rate Contracts- are those contracts in which contractors are required to execute the work at specified percentage above or below the total estimated cost of work shown in the schedule of quantities attached to the tender

iii) Item rate contract- is that in which the rates are quoted for individual item of work on the basis of schedule of quantities furnished by the department.

iv) In turnkey projects, the design and engineering, supply and installation of equipment and construction of complete works are all provided under one contract.

b) Public works under Public Private Partnership (PPP) : Whatever may be the form of Public Works under Public Private Partnership , e.g. Build, Operate and Transfer (BOT), Build, Operate, Lease and Transfer(BOLT), Build , Operate, Own and Transfer(BOOT) , Annuity ,Special Purpose Vehicle (SPV) etc, arrangement shall be made for:

- i) proper records of assets created
- ii) proper supervision of engineering construction and cost proper operation and maintenance of works at prescribed standards
- iv) prescribed tariffs and tolls
- v) proper account of outlays and recoveries set off against them
- vi) proper handing over the infrastructure facilities on termination of the contract
- vii) strict compliance of the Terms and Conditions of contract entered into with private agencies.

With prior specific approval of the Government, the department may choose to award any work /project, through Public Private Partnership. While inviting bids for such work/projects, separate tender document, agreement form and other terms and conditions will be laid down by the Department in consultation with the Finance and Law Departments.

(c) All payments to be collected by the contractor may be credited to the Escrow account to be opened in a bank to be decided on mutual agreement between the contractor and the Department. The Escrow agent shall release payment in favour of the contractor from the said account on terms & conditions mentioned in the schedule of events.

All the receivables from the Jharkhand Government shall be deposited in the Escrow Account maintained with the Escrow agent.

168. Deleted

169. The following general principles have been laid down for the guidance of authorities who have to enter into contracts or agreements involving expenditure from public funds :-

- i) The terms of a contract must be precise and definite and there must be no room for ambiguity or misconstruction therein.
- ii) As far as possible, legal and financial advice should be taken in the

drafting of contracts and before they are finally entered into.

iii) Standard forms of contracts should be adopted wherever possible, the terms to be subject to adequate prior scrutiny.

iv) Such standard forms of contract will be prescribed by the Department in consultation with the Law and Finance Departments. When prescribing such standard form, the draft may also be shown for advice to the Audit whose function is to examine contracts or agreements for works or supplies entered into by Government servants on behalf of Government. (See Article 124 of the Audit Code).

v) Certified copies of important contracts value at Rs. 50,00,000 and above entered into by the Officers of the Department shall be furnished to the Audit Office.

vi) The terms of a contract once entered into should not be materially varied without the previous consent of the authority competent to enter into the contract as so varied. No payments to contractors by way of compensation or otherwise, outside the strict terms of the contract or in excess of the contract rates may be authorized without the previous approval of the Finance Department.

vii) No contract involving an uncertain or indefinite liability or any condition of an unusual character should be entered into without the previous consent of the Finance Department.

viii) Whenever practicable and advantageous, Contracts should be placed only after tenders have been openly invited. In cases, where the lowest tender is not accepted, reasons should be recorded. (See also paragraph 163)

ix) In selecting the tender to be accepted, the Technical and financial status of the individuals and firms tendering must be taken into consideration in addition to all other relevant factors.

x) Even in cases where a formal written contract is not made, no order for supplies, etc., should be placed without at least a written agreement as to the price.

xi) Provision must be made in contracts for safeguarding Government property entrusted to a contractor.

xii) Where a contract is likely to endure for a period of more than five years, it should, wherever possible, include a provision for an unconditional power of revocation or cancellation by Government at any time on the expiry of at the most six months' notice to that effect.

xiii) The contractor shall at his own expense and risk provide all plants, equipments & materials required for the works other than those which are stipulated to be supplied by the Government.

(b) Contract Documents.

170. Before a work is given out on contract, the Executive Engineer must prepare "Contract" documents to include :-

1st - A complete set of drawing showing the general dimensions of the proposed work, and so far as necessary, details of the various parts.

2nd - A complete specification of the work to be done and of the materials to be used, unless reference can be made to some standard specification.

3rd - A schedule of the quantities of the various descriptions of work.

4th - A set of “conditions” of contract to be complied with by the person whose tender may be accepted.

171. Deleted

(c) Security for performance of Contract.

172. Security should in all cases be taken for the due fulfillment of a contract. This security should be for total amount of 10(ten) % of the contract value which may comprise of -

- i) Amount deposited as earnest money under paragraph 162 duly endorsed to the Executive Engineer.
- ii) Certificates and papers mentioned in paragraph 161 duly endorsed to the Executive Engineer. Such certificates and paper or bank guarantee should be valid upto the defect liability period after completion of the work.
- iii) A deductions of rest amount from the monthly/ periodic payments to be made on account of work done.
- iv) All security furnished by the successful agency be verified within shortest possible time. The same expediency should be observed in case of renewal of the security or recovery of money. Under no circumstances without renewal any payment should be made to any agency.

Note 1 - Parties concerned may be permitted to make either a suitable deposit or guarantee arrangements with any Bank which lodges with the Reserve Bank of India requisite securities in respect of the guarantee to be executed or fixed deposit receipts to be tendered by it on terms and conditions laid down by Government in this behalf from time to time.

Note 2- Due precautions should be observed while refunding the security deposit of the concerned agency after the completion of the work.

173. In the case of piece work agreement, the Divisional Officer may, if he deems it necessary, make deductions from the bill of a sum not exceeding 10 per cent of the value of the work done, as security for the rectification of such defects in the work as may be noticed within three months after the completion of the work.

(d) Provision in Contracts for Imported Stores

174. Deleted

(e) Enforcement of terms of Contract.

175. Engineers and their subordinates are responsible that the terms of contracts are strictly enforced, and that no act is done tending to nullify or vitiate a contract. All contract deeds must be executed on one or other of the standard forms, but they may be modified to suit local requirements after consultation with the legal advisers of the State Government. All agreements or security bonds entered into with the Department by contractors for the

execution of work or securing the due performance of contracts are exempted from stamp duty.

176. Deleted

(f) Officers empowered to execute Contracts.

177. No authorities lower than the officer, in charge of a subdivision can accept any tender or make a contract for Public Works. No contract may be entered into by any authority which has not been empowered to do so by or under orders of the State Government.

Note 1- Supplementary agreement may be entered into as per the requirement only after approval by the competent authority, having competence to decide the original tender.

Note 2 - For delegation of power to Public Works Officers under this paragraph (See Chapter V.)

178. It is permissible to give out to different contractors a number of contract relating to one work, even though such work may be estimated to cost more than the amount up to which officers are empowered to accept tenders. But no individual contractor may receive a contract for a sum exceeding the power of acceptance of the authority concerned. No individual contractor may also receive a second contract in connection with the same work or estimate while the first is still in force, if the sum of the contracts exceeds the power of acceptance of the authority concerned.

179. Departure from the rules for contract specified above may be permitted or condoned by the State Government subject to any restrictions that may be imposed in each case.

J – Disposals of Estimates.

(a) Office of record for estimates.

180. Estimates after being sanctioned by competent authority should be returned to the Executive Engineer for record in his office.

(b) Communication to the Accountant-General of approval and sanction.

181. A return of all estimates sanctioned by the Executive Engineer, should be sent by him to the Superintending Engineer and these sanctions together with those accorded by the Superintending Engineer, should be communicated monthly through the Chief Engineers to the Accountant-General not later than the 15th of the month following that to which it relates.

Advice regarding all detailed estimates sanctioned by the authority higher than the Superintending engineer should be communicated to the Accountant-General, monthly at least, in such form as may be prescribed for the purpose.

Note – The Superintending Engineer is responsible that in cases where a substantial section of a project sanctioned by higher authority has been

abandoned even though provisionally the aggregate assumed cost (including contingencies) of the work included in that section is intimated to the Accountant-General for exclusion from the total sanctioned estimate of the project. (See also paragraph 133.)

K – Supplementary and Revised Estimate

(a) Supplementary estimate.

- 182.** a) Any development of a project thought necessary while a work is in progress, which is not fairly contingent on the proper execution of the work as first sanctioned, must be covered by a supplementary estimate, accompanied by a full report of the circumstance which renders it necessary, the total amount being limited to the permissible limit of Administrative approval. The abstract must show the amount of the original estimate and the total of the sanction required including the supplementary amount.
- b) The item of work not included in the Bill of Quantity (BOQ) shall be termed as extra item. For extra item, there should always be a supplementary agreement and the rates for such work item shall be on the basis of rate entered in the concerned Schedule of Rate prevalent during the period when the work was carried out / is being carried on ,provided always, that if, the rate for a particular item is not in the Schedule of Rates, the rate for such item will be determined by the Engineer-in-Charge on the basis of the prevailing market rates when the work was done.

(b) Revised estimate.

- 183.** a) A revised estimate must be submitted when an administratively approved estimate is likely to be exceeded by more than 20 per cent, for any cause whatever or when material developments or deviations have necessitated revised administrative approval, except as mentioned in the foregoing rule.

It must be accompanied by a comparative statement (P. W. D. Form No. 119) and by a report showing the progress made to date and explaining fully the cause of the revision.

The revised estimate need contain no details of items which are not altered, but merely a note to this effect. The sanctioned estimate must accompany a revised estimate.

It is the duty alike of the Executive and the Superintending Engineer to watch carefully the progress of expenditure and to see that a revised estimate is submitted immediately when the necessity arises.

Note - If there is likely to be unavoidable delay in the preparation of a revised estimate, an immediate report of the circumstances should be made to the authority whose sanction will ultimately be required.

b) while preparing the revised estimate the following points should be kept into consideration:-

i) Quantities should be exhibited separately for completed and balance work.

ii) The estimate for completed work should be based on actual

expenditure and for balance work on prevailing rates.

iii) Comparative Statement must accompany the revised estimate in which item wise variation should be mentioned against original estimate with reasons there of.

iv) For Irrigation Projects the revised calculated Cost Benefit ratio should be attached with the revised estimate.

184. When the submission of a revised estimate under the above rules is found necessary, it is essential that the revised estimate should be compared with the latest existing sanction of competent authority. When by reason of intermediate modifications such existing sanction differs from that accorded by the highest authority concerned, a statement should be prepared showing how the sanction with which the revised estimate is compared has been arrived at.

(c) Utilization of completion reports as revised estimate.

185. When excesses occur at such an advanced period in the construction of a work as to render the submission of a revised estimate purposeless, the excesses, if beyond the power of the Executive Engineer to pass, may be explained in a Completion Report or completion report as explained in paragraph 186.

L – Completion Reports, Certificates and Plans.

(a) General.

186. a) A consolidated completion statement should be prepared monthly of all completed works other than those referred to in clause (b) the actual expenditure on which is in excess of the sanctioned estimate by an amount greater than that which the Executive Engineer is empowered to pass. This statement should show for each work or group of works the estimated amount, the outlay and the excess. In cases in which the completion statement is utilized instead of a revised estimate, sufficient details must be given, if the excess is more than 5 per cent, to satisfy the authority whose sanction is necessary.

b) A detailed completion report in F.R. Form 10 needs only prepared in respect of works on which the outlay has been recorded by subheads : -

i) When, if the work was sanctioned by higher authority, the total estimate has been exceeded by more than 5 per cent, and

ii) When, if the work was sanctioned by the Executive Engineer, the total estimate has been exceeded by an amount greater than that which he is empowered to pass.

The report should give a comparison and explanation of differences between the quantity, rate and cost of the work executed and those entered in the estimate, and should mention the names of the Engineers and subordinates by whom the work was supervised.

The Superintending Engineer may, if he so desires, require a detailed completion report to be prepared on the completion of any other work.

(b) Works executed on behalf of other Departments.

187. On the completion of a work in accordance with the sanction and approval, executed on behalf of another department, the local head of that department will be informed in writing by the Executive Engineer under intimation to the administrative department to that effect. Such formal notification will constitute handing over of the work to the department for whom it was carried out. Reasonable warning of the imminence of such notification must of course be given.

188. Civil Officers are required to fill up and sign all authorized forms and requisition concerning the execution of any original work affecting their department.

(c) Record drawings.

189. Record of as built drawing showing the work as actually constructed should be completed as soon as possible by the officer in immediate charge of every new work or alternation of an existing work, for approval and record by the Executive Engineer (vide paragraphs 92 and 233). Completion plans consisting of copies of the record plans of the more important works and alterations should if required to elucidate the report or if otherwise so directed by the Superintending Engineer, be prepared in the Executive Engineer's office to accompany the Completion Report.

(d) Office of Records.

190. On the completion of any work in respect of which a Completion Report or Statement is required under rules, such report or statement should be forwarded by the Executive Engineer to the Accountant-General who should after verification of the figures, transmit it to the Superintending Engineer. That officer should forward it to the Chief Engineer if he is not himself empowered to deal with the excess. After disposal by the authority concerned, it should be returned to the divisional office.

Completion plans, if any should not be sent to the Accountant-General but should be forwarded direct to the Superintending Engineer who should attach them to the completion report on its receipt. Completion certificate which should not be submitted to the Accountant General should be retained in the divisional office.

M – Rules for petty work costing Rs. 25000 or under and works costing above Rs. 25000 but not more than Rs. 25 lakh

(a) Project estimated to cost over Rs. 25000 but not more than Rs. 25 lakh

191. If the head of a Civil Department who has been given power to accord administrative approval to works estimates up to Rs. 25 lakh has reason to suppose that he will be able to finance the works from the funds placed at his disposal in the financial year or likely to be placed at his disposal in the succeeding financial year, he will ask the Executive Engineer through the respective department to prepare detailed plans, and estimates and on being satisfied that they fully meet his requirements, he will himself accord

administrative approval to it and place necessary funds at the disposal of the Public Works Department for execution of the work.

(b) Petty works costing Rs. 25000 or under.

192. The local head of a Civil Department may ask the Executive Engineer to prepare a detailed requisition or estimate with the necessary plans for such works, and on obtaining; it will forward it to the head of his department with a request to place funds at the disposal of the Public Works Department to carry out the work. No formal administrative approval is necessary. Before asking the Executive Engineer to prepare a detailed requisition, the local civil officer should, however, first ascertain from the head of his department if he is in a position to provide the necessary funds.

Note - The above rule will not apply to projects involving residential buildings, sanitation, water supply and electrical installation and also acquisition of land.

N – Repairs.

(a) General.

193. 'Repairs' may be divided into two classes, 'Ordinary' and 'Special'. Ordinary repairs includes :-

i) those which are carried out as a matter of routine either (a) year by year (annual) or (b) at longer intervals (periodical).

Items such as internal white and colour washing oiling, easing of doors and windows, monsoon repairs to roofs, attention to drains, new coating of bitumen on road, etc., are ordinary repairs.

External white or colour washing, external or internal painting, internal distemping, renewal of approach road, etc., are periodical repairs.

ii) Other occasional petty repairs which may become necessary from time to time and may have to be carried out between the times of annual or periodical repairs.

194. Special repairs are those of a more extensive nature, which are required at longer intervals, such as the re-roofing of a building, renewal of flooring or repairs which have been necessitated by longer wear or unusual circumstances. Whenever a work, special or ordinary repairs, is accompanied by improvements or by extensions, the rule in Footnote 35 of Appendix 2 of the Bihar/Jharkhand Public Works Account Code for classifying the work should be observed.

195. Except in cases contemplated in paragraph 204, a separate estimate should be prepared annually for all the anticipated ordinary maintenance and repairs of each building or work or group of buildings or group of works or of a portion of work or group of works during the working year, as detailed in the budget for each circle of superintendence. Attention to this point is necessary, for in principal accounts, the total outlay against each estimate being alone posted, it is only by recording the outlay year after year on the maintenance.

196. The working year for estimate for repairs commences from first of July

and ends on the 30th June. Each ordinary repair estimate should include the whole expenditure which, it is anticipated, will be incurred during the working year on the maintenance of the work concerned. The expenditure however be controlled by the financial year.

197. Repairs estimates should, like those for original works provide for the removal of all rubbish which may have accumulated, filling in unsightly pits, etc., round the building; all works establishment employed specially on the works; and under separate sub-heads, all watchmen sanctioned by competent authority for the care of vacant buildings, guarding works, working sluices, etc.

198. The sanction to an ordinary repair estimate lapses on the last day of the year. If, however, inconvenience would arise in any exceptional case from the stoppage of the work on the fixed date, the repairs may be carried on to completion, the expenditure after that date being treated as expenditure against a fresh repair estimate for the next working year.

199. Estimates for special repairs remain current till the completion of the repairs in the same manner as estimates for original works.

200. In cases of urgency, the Superintending Engineer may authorize the commencement of periodical repairs in anticipation of the formal sanction to estimate; but in such cases, an approximate sum must be fixed, to the expenditure of which sanction is provisionally given, and the Executive Engineer will be responsible that the regular estimate is submitted at the earliest possible date.

201. In the case of all descriptions of work, for the renewal of which any specific period of time has been fixed, the estimate for its repair should show the date when such item of work was last executed.

(b) Special Rules.

(i) Buildings.

202. To facilitate the preparation of estimate for periodical repairs a standard measurement book should be kept in office of the each Executive engineer, showing the detailed measurements of each kind of works which is usually subject to renewal in each work under his charge, vide paragraph 232 of the Bihar/Jharkhand Public Works Account Code.

203. Where municipal or other taxes on public buildings are payable by Government, provision for such taxes should be made in the annual repair estimate.

204. If the cost of ordinary annual repairs, excluding municipal taxes, to a building (residential or non-residential) is less than Rs. 25000 the Superintending Engineer may prescribe, subject to revision from time to time, a lump sum limited to Rs. 25000 (plus the amount of municipal taxes, if any, payable by Government under paragraph 224) for any one building to cover the cost of ordinary annual maintenance and repairs and within this amount, expenditure will be permissible year after year without any detailed

estimate being prepared. Such lump sum should be framed after consideration of the cost of maintenance in the past and, in the case of residential buildings, should further be limited to the amount included for the purpose of the rent assessment. If in any working year the estimated cost of maintenance and repairs is more than the permissible limit given above or if the lump sum sanctioned by the Superintending Engineer is exceeded a detailed estimate must be prepared in accordance with the ordinary rules and be sanctioned by the competent authority. On sanction being accorded to such an estimate the sanction of the Superintending Engineer to the lump sum provision will automatically be superseded for the working year in question.

(ii) Roads

205. Unless material is to be obtained by purchase or contract, delivered on the road, the estimate should show the proposed cost, divided under 'Cost of Collection' and 'carriage', and if the material is to be manufactured, the probable outlay on each sub-head of the operation should be shown distinct from carriage.

(iii) Requisition by Civil Officers.

206. Local Public Works Department officers are directly responsible for annual repair of Government buildings which are borne on the books of the Public Works Department and all reference in this connection should be addressed to them direct and to the Superintending Engineer concerned or the Chief Engineer in the case of neglect or delay.

O – Advance to Contractors.

207. Advance to contractors should be provided as per the conditions of contract only. Such advances could be mobilization advance for plant and machinery and non perishable material against unconditional bank guarantee for the full amount of advance from any Scheduled bank anywhere in India.

Such advance should be deducted /recovered as per contract. The principal and the interest at specified rate mentioned in the contract on the mobilization for plant and machinery and non perishable materials shall be recovered as per the contract. Advances can also be provided in the following case :-

Government may, in exceptional circumstances, authorize such advances as may be deemed indispensable.

P – Information for the Survey of India.

208. To enable the Survey of India to keep the maps of India up to date in respect of new canals, embankments, roads, etc., an index road map from original surveys on a scale not less than one inch to one mile, should be sent to the Survey of India Office, Calcutta, on completion of the work. The topography adjoining the alignment, such as village sites, tri junctions, 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's have been derived from actual survey or

otherwise.

Q – Works under the Administrative Control of other Civil Department.

209. Save where any particular department (e.g. the Forest Department) has been authorized by Government to execute all or specified classes of departmental works without reference to the Public Works Department and subject to any special rule or order issued by Government to apply to special classes of works, all original works, and special repairs costing more than Rs. 2500 relating to building and other works, the administrative control of which vests in other departments, should be executed through the agency of Public Works Department. In exceptional cases in which the Public Works Department is not employed for the execution of such works or repairs, the Accountant-General, should invariably be consulted at the initial stage, i.e. prior to an agreement being entered into with an architect or contractor so that suitable provision may be made as far as possible for normal audit and financial control.

R – Deposit and Local Loan Works.

210. The department may, at the discretion of Government, be called upon to execute works for which the outlay is provided wholly or in part from –

- a) Funds of a public nature, but not included in the financial estimate and accounts of Government
- b) Contribution from the public.
- c) Loan from Government to a local body
- d) Works of any other Government department / Undertaking

211. Where the work is financed partly from the funds in paragraph 210 above and partly from Government grants-in-aid, the procedure prescribed in paragraph 433 of the Bihar/Jharkhand Works Account Code for the payments of grants-in-aid should be observed.

212. Provision must be made to cover the cost of establishment tools and plant at percentage rates prescribed in rule 5 of Appendix 4 of the Bihar/Jharkhand Public Works Account Code.

No reduction of these charges may be made in the case of works costing Rs. 25000 or more but when the cost of the work is less than Rs. 25000, these may be remitted with the sanction of Government (See also 6 of Appendix 4 of the Bihar/Jharkhand Public Works Account Code).

213. Deposits on account of one work cannot in any circumstances be utilized for another.

S – Special Rules for Work wholly Financed From Non-Government Funds.

214. Besides the paragraphs 210 to 213 the following are specially applicable for works financed wholly from non-Government funds :-

- a) The design and estimate must be drawn up in consultation with the

authorities administering the funds, and must also be approved by the Public Works Department authorities like any ordinary public works.

b) A written approval to the estimate and design as well as an understanding that the P.W.D. does not accept any responsibility for unavoidable and reasonable excesses caused by any rise in prices, authorized deviations, losses and fire or theft or other unforeseen factors should be obtained from the administrators of the funds before starting work. Alternation in design should be similarly dealt with.

c) The officer in-charge of the work should report at once to his superiors and to the contributors, any anticipated excesses and give full information regarding the progress of expenditure so that there shall be no responsibility of Government if the work has to be stopped later on for want of funds.

d) The authorities undertaking such works should see that both parties understand clearly their mutual responsibilities.

e) Where the work is of such magnitude or there are special circumstances justifying it, an agreement should be drawn up under legal advice.

CHAPTER III

PUBLIC BUILDINGS.

A – General

(i) General Rules.

215. The term “Public Buildings” as used in these rules applies to buildings borne on the books of the Public Works Department and maintained from the appropriation for Public Works in charge of Public Works Officers.

216. The officer in charge of each building should make some person of his establishment answerable for its general conditions.

217. As a theatre is particularly liable to fire, no Government building in which stores or other Government property is kept should be used for theatrical purposes.

218. Insurance of Government buildings is not to be effected, except, in the case of especially valuable property liable to special risks. In the latter case, prior consent of the Finance Department should be obtained. (See also rule 442 of the Jharkhand Financial Rules, Volume I.)

219. Heads of offices are responsible for taking suitable precautionary measure against accidents by fire in Public buildings (non-residential) entrusted to their charge.

(ii) Fixture and Furniture

220. Every public building should be provided with all necessary fixtures, the periodical repair of these fixtures should be carried out by the Public Works Department and charged to the repair estimate of the building. All petty repairs of fixtures and replacement of broken glass in doors and windows required in the interval between the periodical repairs should be carried out

by the Government servant in occupation of the building (see Appendix 7 of the Jharkhand Financial Rules, Volume II, and note 4 to rule 400 of the Jharkhand Treasury Code, Volume I), and charged to his contingent accounts. The Executive Engineer will not supply nor repair furniture, screens, purdahs or tatties nor will he perform any duties specified above as devolving on the departmental officer in charge. Furniture for new offices may, however, be supplied by the Executive Engineer, and provided the cost of such furniture is included in the estimates of the offices concerned. This rule does not apply to furniture of travelers' rest houses, staging bungalows, or circuit houses, the outlay on the supply and repair of which will be treated as charge on the Civil Department. For Public Works inspection bungalows, the furniture should be supplied and repaired at the cost of the Public Works Department.

(iii) Furniture in residences of high officials.

221. The administration of the furniture funds of the official residences of the Governor including the upkeep of stock list and the purchase, repair and maintenance of furniture, will be conducted by the Government servant charged with these duties under rules issued by Government. The Executive Engineer's duty will be to satisfy himself that the furniture is being maintained properly in good and serviceable order. It is important that the furniture should not be allowed to deteriorate to an extent that will give rise to large demands for renewals on change of incumbents. The detailed rules issued by Government for the administration of the furniture funds of the official residences of the Governor will be found in Appendix 10 of the Jharkhand Financial Rules, Volume II.

(iv) Purchase and sale of Government Buildings.

(a) Purchase of Buildings.

222. No building may be purchased for public purposes without the orders of the State Government, to whom a survey and valuation report by the Executive Engineer of the division should, in all cases, be submitted.

(b) Sale and dismantlement of Buildings.

223. Permanent public buildings, whatever be their book value, constructed from the State Funds may be sold or dismantled under the orders of the State Government. The limit and conditions on which sale and dismantlement may be conducted by officers of the Public Works Department are regulated by special orders of delegation in this behalf.

Temporary buildings erected during the construction of work may, under the sanction, previously obtained of the Superintending Engineer, be sold or dismantled on the completion of the work or when the purpose for which they were erected has been served. (For delegation of power under this paragraph see chapter V.)

(v) Hire of office accommodation.

224. a) When no suitable Government building is available, private building

may be hired for public purposes, the rent being paid by the public office or department occupying it. When the building is entirely used for office accommodation the rent is wholly chargeable to Government while when it is partly used for office purposes and partly for residential purposes by Government servants for whom residential accommodation is not provided elsewhere the share of the rent payable by Government will be proportionate to the floor area of the main building set aside solely for office use on the following conditions :-

- i) Government share will be sanctioned in respect of buildings not owned by Government, on a certificate from the Executive Engineer to the effect that no Government building is available for office purposes and that no other suitable building can be hired for the office at a lower rate of rent.
- ii) The Executive Engineer shall certify that the building hired for office purposes, does not provide more accommodation than what is necessary on the basis of staff and other requirements of the office, and that the accommodation set apart from residential purpose in the building does not exceed the scale of accommodation to which the Government servant concerned is entitled by virtue of his pay and status.
- iii) The State Government will pay their share of the rent after they have fully satisfied themselves of the genuineness of the claim in each case.
- iv) Where the building is used for office-cum-residential purposes Government have an absolute right to decide the appropriate amount of space to be utilized for office purpose.
- v) After the sanction of the apportionment of rent, the Government servant concerned shall not keep in his private possession any portion of hired building set apart for office purpose.

Powers of various authorities to sanction hire of office accommodation are given in the special power of delegation in this behalf. (See item 33 of Annexure A to Appendix 5 of the Jharkhand Financial Rules, Volume II.)

(b)The municipal tax assessed on the annual value of buildings in which office accommodation is provided, or on the land appertaining to them, should be treated as separate from the rent. If it is the local rule or custom for tax to be chargeable to the owner, the tax for the entire building will be paid by Government, otherwise, the Government servant concerned should pay the share of such tax corresponding with the share of the rent payable by him and Government should be debited with the difference.

Heads of Department, Commissioners of Divisions and Deputy Inspectors-General of Police may sanction the first payment of municipal or cantonment taxes or any subsequent alteration in the taxes on Government buildings whatever be their amount, provided that the assessment is attested by the Executive Engineer or departmental officer concerned. The rules regulating the payment of such taxes are contained in **Appendix C**.

Note – Before any claim for taxes on any property of the Government is paid for, officers sanctioning the payment should satisfy themselves that the claim has been legitimately preferred.

(vi) Renting of Buildings.

225. It is the duty of the Executive Engineer to endeavor to get tenants for public buildings not immediately required for Government use. They should generally be let from month to month, but a lease may be given with the Chief Engineer's sanction. A clause in the agreement should be added, when necessary to enable the Executive Engineer to terminate the lease at short notice in case the building is required by Government.

226. Public buildings let to private individuals should not be altered or enlarged at Government expense to suit the tenant and persons occupying public buildings on rent are prohibited from making any alterations even at their own expense, except with the express concurrence of the Executive Engineer. The fact of any additions or alterations being made by the tenant confers no right of ownership on him, nor can the fact of the occupant having made additions or alterations at his own expense be considered as giving him any claim to a set-off or diminution of rent. These conditions should be entered in the agreement or lease.

227. No public building in the charge of the Executive Engineer may be occupied as a private residence without his consent, except under the orders of his departmental superiors or of the State Government

228. On no account is any church, chapel, mosque, temple, tomb or other building devoted to religious use, to be occupied as a dwelling house or for any other purpose, without the consent of the persons interested and the sanction of the principal Civil authority on the spot. (See also paragraph 140)

(vii) Sanitary, Water Supply and Electrical Installation.

229. All works and repairs in connection with sanitary, water supply and electrical installations in government building should be carried out by or through the agency of the Drinking Water and Sanitation and Energy branches of the Public Works Department respectively, except in special cases under the orders of the State Government. (See also rule 211 of the Jharkhand Financial Rules, Volume I.)

(viii) Use of Government Building by Auxiliary force

230. Deleted

(ix) Inspection of Public Buildings.

231. Every public building should be carefully examined at least once in each year by the Executive Engineer of the division and also, if possible by the Superintending Engineer. If circumstances require it, their reports should be brought to the notice of the State Government.

(x) Register and Plans of Buildings

(a) Register of Building

232. Each Superintending Engineer will keep a register of all buildings in charge of the department within his Circle and each Executive Engineer, a similar register of all the buildings within his division. In these registers, the

value of all land comprised in a property will be shown separately from the value of building or buildings thereon, the value of each separate structure being also shown separately. For a purchased property the price paid will be apportioned between the various items comprising the property, e.g., land, main building, servants' quarters, compound wall, well, etc.

The capital value of any portion of the building which is abandoned or dismantled without replacement should be written off the total capital value of the building.

(b) Plans of Buildings.

233. In case of building and works borne on the books of the Public Works Department, the Executive Engineer will be held responsible that plans of such buildings are corrected on completion of any alterations.

B – Residence for Government Servants.

(i) General

234. Residences for public servants may be built or purchased by Government :-

- i) When it is the recognized duty or established custom of Government to do so;
- ii) When it is necessary on public grounds for the Government servant to reside in or close to the locality in which his duties are performed;
- iii) When it is necessary to provide residences in parts of country where no civil station or cantonment exists, and where a lengthened term of residence would render camp accommodation unsuitable, e.g. building along lines of roads or canals, for the housing of officials employed on their construction or maintenance;
- iv) When it is shown to the satisfaction of the State Government that suitable house accommodation for Government servants whose appointments are permanent in respect of locality is not available in the vicinity or is available only in circumstances which will be likely to place such Government servants in an undesirable position in relation to house proprietors.

(ii) Leasing

235. a) Before recommending the construction or purchase of a residence for a Government official, local and departmental Government servants should always consider whether the requisite accommodation cannot more conveniently and economically be provided by taking an existing building on lease for such a term and on such condition as may be appropriate. No such lease can, however, be entered into without the express sanction of the State Government. The present and future incumbents for whom accommodation is leased shall pay rent and taxes according to the rules prescribed in the relevant codes.

- b) Leases should ordinarily provide that the lessor will execute all structural repairs before the building is occupied and will carry out such additions, alterations, and repairs as are necessary to render the building habitable and suitable for the purpose for which it is required. In the event of any addition or alteration to the building being made subsequent to the signing of the lease at the request of the occupant

and on Government expense, the consent of the owner must first be obtained in writing unless the work is considered by the State Government to be essential for sanitary reasons. The rent payable by the occupant in such cases will be increased according to the prescribed rules.

- c) Capital expenditure under clause (b) should only be incurred when absolutely necessary and should not ordinarily be incurred when such expenditure is likely to increase the accommodation beyond the scale considered appropriate to the status of the occupant. (See rule 131 of the Jharkhand Service Code.)

(iii) Rent Rules for Government Buildings.

(a) General

236. Rules regulating the provision of residences, owned or taken on lease by Government, to Government servants and assessment of rent thereof are embodied in the Fundamental-cum-Supplementary Rules and the Jharkhand Service Code.

(b) Rent recoverable from private person occupying Government residences.

237. When any Government residential buildings is, under proper authority, let to a private individual, rent should be regularly recovered for the same at the rate prevailing in the locality for similar accommodation belonging to private persons, but without the special permission of Government the rent charged should not be less than the standard rent calculated in the manner prescribed in the Jharkhand Service Code for non-Gazetted Government servants who pay rent at a rate lower than 10 per cent of his monthly emoluments.

(iv) Classification of residential buildings.

238. Subject to the provision of paragraph 2 of Appendix 2 to the Account Code, Volume IV, the buildings for which Capital and Revenue Accounts are required to be maintained should be grouped into two classes :-

Class I. – Buildings which will ordinarily be occupied by Government servants liable to pay the full standard rent subject to the limit of 10 per cent of their emoluments. [See Fundamental-cum-Supplementary Rules 45-A-IV-(b) and 131 (b) of the Jharkhand Service Code.]

Class II. – Buildings from which recovery of the full standard rent is not expected, i.e. buildings which will ordinarily be occupied by Government servant who are entitled to accommodation rent free or at rents reduced under the Fundamental-cum-Supplementary Rule 45-A-V and the Jharkhand Service Code Rules 131(b) and 134.

Note – The fact that a building of class I is occasionally occupied by a Government servant who is entitled to accommodation rent free, or at a reduced rent, will not justify its removal from class I to class II and a building in class II should not be transferred to class I just because it is

occupied by a Government servant who may be required to pay rent in accordance with the rules. Buildings should be transferred from one class to the other only when there is a permanent change in the conditions under which they will ordinarily be rented. Transfers should be made only under the orders of Government and should have effect in all cases from the commencement of the financial year.

(v) Remission of rent of residential buildings, rendered uninhabitable due to extensive repairs or otherwise.

239. When a building is rendered uninhabitable by reason of extensive repairs being in progress, or from any other cause, partial or total remission of rent may be sanctioned by the State Government provided that the occupant at once reports the circumstance to the Executive Engineer. The Executive Engineer will at once inspect the building or when this is impossible, will depute a responsible officer to do so and will submit a full report of the inspection to the Superintending Engineer who will take any action considered necessary and will then submit the case with his recommendations to Government. Special responsibility for avoiding delay attaches to cases in which an incoming tenant refuses to enter into occupation on the plea that white washing or repairs are necessary before he can do so.

Inconvenience caused by petty or ordinary annual repairs is insufficient to warrant remission of rent, which should be granted only when extensive structural repairs, justifying, in the opinion of the State Government, the vacation of the Building, are carried out.

Note – Superintending Engineers have been authorized to sanction remission of rent in respect of residential buildings allotted to officers who are classed as second class or below for the purpose of traveling allowance rules subject to the condition that the amount of rent remitted in each case does not exceed Rs. 1000.

(vi) Inspection Bungalows.

240. Rules for occupation of the Public Works Department inspection bungalows shall be as per terms and conditions laid down by the respective branch of Public Works Department

CHAPTER IV.

**MISCELLANEOUS RULES REGARDING OFFICE WORK
EXCLUDING ACCOUNTS PROCEDURE**

A – Initial Records of Accounts.

241. The initial records upon which accounts of works are based are :-

- a) The Muster Roll.
- b) The Measurement Book.

For the work done by daily labour, the subordinate in charge of the work will prepare a muster roll which will show the work done by this means and the amount payable on this account. For piece-work and for contract work generally, the measurement book will form the basis of account. From the muster rolls, the subordinate will prepare the labour reports (see rule 256 of the Jharkhand Financial Rules, Volume I), and from the measurement

book, he will check (or, if so arranged, prepare) the bills and accounts of contractors and suppliers.

(I) Muster Rolls

242. Nominal Muster Roll. – The nominal Muster Roll, T.C. Form 49 (Schedule XLV – 132), is the initial record of the labour employed each day on a work and must be written up daily by the subordinate deputed for the purpose (see also paragraphs 226 and 227 of the Bihar/Jharkhand Public Works Account Code.)

243. Labour Reports. – For all large works or groups of works, labour reports, in the prescribed form, will be submitted either daily or periodically as may be directed by the Executive Engineer. They show the number of each class of labourers employed on each work or sub-head. Discrepancies between labour reports and muster rolls (T.C. Form 29, schedule XLV – 132) should be investigated as soon as the later are received after the close of the month.

(II) Measurement Books.

244. The Measurement Book must be looked upon as a most important record since it is the basis of all accounts of quantities, whether of work done by daily labour, or by the piece or by contract, or of materials received which have to be counted or measured. The description of the work must be lucid so as to admit of easy identification and check. Detailed measurements may be dispensed with in the case of periodical repairs when the quantities are measured in properly maintained standard measurement books. Detailed measurements may also be dispensed with in cases in which payments on account for work actually executed are made on the certificate of a responsible officer (not below the rank of Assistant Engineer) to the effect that not less than the quantity of work paid for has actually been done, and the officer granting such a certificate will be held personally responsible for any over payment which may occur on the work in consequence. Final payments may, however, in no case be made without detailed measurements.

Similarly detailed measurements may be dispensed with in connection with works done in lump sum and Turnkey contracts :-

- i) In the case of an intermediate payment, if a certificate is given in the bill by the Assistant Engineer when the payment does not exceed Rs. 1.25 lakh and by the Divisional Officer when it exceeds Rs. 1.25 lakh, to the effect that by a rough measurement he has satisfied himself that the value of work done is not less than specified amount in conformity with the contract agreement, and that, with the exception of authorized additions and alterations, the work has been done according to the prescribed specification; and
- ii) In the case of final payments, if a certificate of completion of the work according to the prescribed specification is signed by the Divisional Officer in the bill.

Detailed measurements must invariably be taken in respect of additions and alterations.

Note – Rules regarding the maintenance of measurement books and the

manner of making entries therein are found in paragraphs 230 and 231 of the Bihar/Jharkhand_Public Works Account Code.

245. The Superintending Engineer is required to see that measurement books are carefully kept and measurements properly recorded, and that they are complete records of the actual measurements of each kind of work done for which certificates have been granted.

246. Assistant Engineer should be required to submit the measurement books in use to the divisional office from time to time so that at least once a year the entries recorded in each book may be subjected to a percentage check by the Divisional Accountant under the supervision of the Divisional Officer.

Note – Detailed rules for the check of measurement books are contained in Appendix 6 of the Bihar/Jharkhand Public Works Account Code.

(III) Progress report of works.

247. Assistant Engineer and subordinates will furnish to the Executive Engineer such progress reports of works and at such intervals as may be defined by the department. It is the duty of the officer in charge of any work to bring to notice any dilatoriness, bad works or anything militating against the interests of Government on the part of any contractor or piece-worker and he will be responsible for any neglect in this respect.

B – Custody of Cash.

(I) General.

248. Government money in custody of the department should be kept in strong treasure chest secured by two locks of different patterns. All the keys of the same lock must, except where the procedure in the Note below this paragraph is adopted, be kept in the same person's custody, and as a General rule, the keys of one lock should be kept apart from keys of the other lock, and in a different person's custody whenever practicable. The chest should never be opened unless both the custodians of the keys are present. Where there is a guard, the daffadar or other petty officer of the guard should usually be the custodian of one set of keys and he must always be present when the chest is opened and until it is again locked. Whenever a cashier is attached to a division or a subdivision, the keys of one of the locks of the treasure chest will necessarily remain in his possession.

Note – The duplicate keys of the divisional and sub divisional chests may, at the discretion of the Divisional Officer, be placed under his seal in the custody of the Treasury Officer concerned. In the event of this practice being adopted, a duplicate key register should be maintained and once a year in each April, the keys should be sent for, examined and returned under fresh seal to the Treasury Officer a note being made in the register that they have been found correct.

(II) Responsibility of Government.

249. Gazetted Government servants, who are stationed at places where there are no treasuries or sub-treasuries, may utilize the services of barkandaz guards, if any, attached to their offices for the encashment of bills relating to their personal claims, and Government will accept liability for any loss caused by the act of the guard, if the gazetted Government servant is not at the station where the money is drawn.

Note – Each case should be referred to the State Government for orders with the full statement of the circumstances in which the loss occurred.

(III) Precautions to be observed for cashing or remitting of Government Money from one office to another.

250. The employment of peons to fetch or carry money should be discouraged. When it is absolutely necessary to employ an inferior Government servant for this purpose, a man of some length of service and proven trustworthiness should only be selected, and in all cases, when the amount to be handled is large, appropriate security ensured for the safety of the same.

Note 1– Money should invariably be sent in sealed bags, and as far as possible, in iron chests. The guard should, under no circumstances, be permitted to touch the money until delivered at its destination. Any necessary expenses incurred by the guard should be from other funds advanced by the head or Assistant Engineer as the case may be.

Note 2. – If the amount to be sent is Rs. 5 lakh or more, it must be sent at different times, the second being forwarded after the arrival of the first installment at its destination.

C- Cashier

251. Cashier may be appointed with the sanction of Government whenever the cash transactions of a division or a subdivision are sufficiently extensive to require it.

252. One cashier may make the cash payments of two or more subdivisions, or throughout the whole division, wherever such an arrangement is found to be practicable.

253. The Divisional Officer should count the cash in the hands of each cashier at least once a month; or in the case of out-stations, he or the Assistant Engineer should count it whenever he may visit them. The result of such counting should be recorded in the form of a note in the Cash Book showing the date of examination and the amount (in words) found.

D - Stores

(I) General.

254. The stores of the Public Works Department are divided into the following classes, viz. –

i) Stock, or General stores, ii) Tools and plant, iii) Road metal and iv) materials charged direct to works.

Unless there are orders to the contrary the officer in charge of a subdivision will be responsible for all the stores belonging to it.

255. The Divisional Officer is responsible that proper arrangements are made throughout his division for the custody of public property. He must be careful to keep all tools and implements in efficient order, must protect surplus stock from deterioration and must take proper precautions to prevent the loss of public stores by fire.

256. Every officer is bound to take charge of departmental stores, which, from the death or departure of the person lately in charge, or from any other cause, may be left at, or near station without adequate protection.

(II) Acquisition of Store.

257. Purchase of stores. – Stores other than tools and plant. – Stock, road metal and other materials required in ordinary course for the execution of sanctioned works, may be procured on the responsibility of the Divisional Officer without special authority, though the Superintending Engineer's approval should be obtained to the measure proposed for the purchase of the stock in large quantities. If the stores are to be manufactured, a separate estimate for their preparation may be required, as laid down in paragraph 261.

Note – Purchase of materials far in advance or far in excess of requirements results in both direct and indirect losses to Government and should be avoided.

257A. Procurement of store can also be made through e-procurement process.

258. Tools and Plant. – The articles and accessories under the head "Tools and Plant" can only be purchased or manufactured on estimates sanctioned by competent authority with the exception of purchases or manufactures not exceeding Rs. 25000 for which estimates are not required.

259. Indents. - Supply of articles required for the public service may be made in prescribed Indent form.

260. Deleted

261. Manufacture. – The manufacture or collection of materials involving an outlay of Rs. 2.5 lakh or upwards must in all cases, be covered by an estimate showing the proposed outlay and the material to be received.

262. If the material for a work already duly sanctioned, or for reserve stock within the sanctioned limit for the division, the estimate will merely require the approval of the Superintending Engineer. In all other cases, the estimate must be duly sanctioned by competent authority as though for an original work.

(III) Reserve of stock.

263. Reserve of stock will be maintained only when necessitated by the remoteness of the division or works from the market or source of supply, or for use in emergency. When it is considered necessary that reserve should be maintained the maximum limit will be fixed by the Chief Engineer. Divisional Officers are empowered to purchase or manufacture stores to maintain the reserve subject to the approval or sanction of estimates, vide paragraphs 261 and 262.

264. The fixed maximum should be kept at the lowest point compatible with efficiency, and the stock returns of divisions should be scrutinized carefully by Superintending Engineers from time to time with reference to this point.

(IV) Stock-taking.

265. Divisional Officers should have stock-taking throughout their divisions at least once a year. Important stores should, as a rule, be counted by a member of the engineering establishment, but this duty may be entrusted to a subordinate holding charge of a subdivision. The Superintending Engineer, when he thinks proper, may depute an officer from one division to aid in the stock-taking of another. Whenever it is possible, verification should be entrusted to a Government servant independent of, and unconnected with the staff responsible for the custody of the stores; it should also include a certain amount of surprise check.

266. It is not necessary that all the stores of a division, or even of a subdivision, should be checked and counted at the same time; and the stock-taking may be arranged so as to go on gradually in the manner most convenient. When the stocks of an article are scattered in a subdivision, it may not be possible to test the aggregate book balance of any article for a subdivision by an actual verification of all the stocks of it at the same time. In such cases, the various stocks of each article in charge of a Junior Engineer should, as far as possible, be verified at or about the same time.

267. The procedure of verification outlined in the foregoing rules is suitable primarily for divisions executing ordinary works. In the cases of special stores, depots or divisions, or of construction divisions where there may be a large concentration of stores, a continuous and periodical verification of stores by an officer of the Audit Department should be arranged for whenever possible in consultation with the Accountant-General.

268. The result of all verifications of stock should be reported to the Divisional Officer for orders, but as soon as discrepancy is noticed, the book balance must be set right by the verifying officer with a suitable remark.

269. All articles of stock (not including tools and plant) which are not likely to be required during the following twelve months, should be reported to the Divisional Officer, who will, if necessary, take the Superintending Engineer's orders as to their disposal.

(V) Disposal of stores.

270. Loss of stores. – Unless specially authorized to write off finally the irrecoverable value of stores, etc. Executive Engineers should, in case of any robbery, loss or destruction by fire or otherwise of public stores, submit a report to the Superintending Engineer who will, if necessary, report the matter to the Chief Engineer for orders.

271. An immediate report of the loss of stores must also be made to the police, and all proper steps taken for the recovery of the property. When an enquiry is held either by the police authorities or others, the Executive Engineer must, in cases where he is not himself authorized to write off the value of the property, obtained and forward, as soon as possible, to the Superintending Engineer a copy of the proceedings.

272. Sale of stores. – When the stock materials are sold to the public or other departments (including State Railways) or are issued on account of any work executed for them in workshops at their full value an addition of 10 per cent must be made to cover charges on account of supervision, over an above the rate fixed under paragraphs 131 and 134 of the Bihar /Jharkhand Public Works Account Code. This addition may, however, be waived by the officer competent to sanction the sale in the case of surplus stock, which in his opinion, would otherwise be unsaleable. (See paragraph 262 of the Bihar /Jharkhand Public Works Account Code.)

273. Prevention of unnecessary accumulation of Stock, Tools and Plant-Original Works. – (1) No materials shall be obtained, for original works except to the extent necessary for each particular work. A strict observance of this principle should not render any material surplus after the completion of work. Should, however, for exceptional reasons, materials be found surplus on the completion of a work, a statement of serviceable and unserviceable materials should be prepared by the Executive Engineer and submitted with a full explanation of the causes leading to the surplus to the Superintending Engineer.

2) If the whole or any part of the serviceable materials is considered likely to be of any use within one year for any work, whether original or repairs, it should, with the approval of the Superintending Engineer, be brought on to stock.

3) The rest of the materials which are not likely to be of any use within one year shall, if they can be disposed of at not less than their full value, be disposed of forthwith by the Executive Engineer, if however, they cannot be disposed of at full value enquires shall be made from other Executive Engineers in the same circle and from the Superintending Engineers of other Circles as to whether any of the materials are likely to be required by the Executive Engineers under them within one year. If they are not so required, the materials may be sold at less than their full value by calling for sealed tenders or by Public auction, with the previous sanction of the Superintending Engineer. The gain or loss, as the case may be, shall be credited or charged to work.

4) In order to see that serviceable materials taken to stock are utilized on works at the earliest possible dates, provision should be made in future contracts for the supply of all available materials from stock in accordance

with paragraph 261 of the Bihar /Jharkhand Works Account Code.

Note – The expression “full value” occurring in the above rule shall be taken to include railway freight, storing charges, etc.

274. Dismantled materials. – When any Public Works Department building is dismantled or partially dismantled, serviceable materials which it may be possible to utilize within one year shall, with the approval of the Superintending Engineer, be brought on to stock and utilized in the manner indicated in paragraph 273. Unserviceable materials shall not be brought to stock. If the value of such unserviceable materials as estimated by the Executive Engineer after dismantlement be not more than Rs. 25000 they should be disposed of immediately by the Executive Engineer, by selling them by public auction. Otherwise the Superintending Engineer’s prior sanction to their disposal must be obtained.

275. Repairs. – Materials required for maintenance and repairs to works shall be indented for by the Assistant Engineer to the extent that can be consumed within a year. Executive Engineers will be held personally responsible for the strict observance of this rule. Unless such materials can be straightway made over for specific repair works, they should be brought on to stock.

276. Unused stock. – When submitting his second half-yearly return of stock, the Assistant Engineer shall submit a list of items for which there have been no transactions for the last two years. The Executive Engineer shall obtain the orders of the Superintending Engineer as to the disposal of such materials. The Superintending Engineer should make every attempt to obtain the utilization of this stock by other Executive Engineers in his own or other circles and if they cannot be so-disposed of, order them to be sold.

277. Tools and Plant. – When submitting their annual return of tools and plant the Assistant Engineer shall submit a list of all tools that have not been used for two years and of plant that has not been used for three years, and the Executive Engineer shall obtain the orders of the Superintending Engineer regarding their disposal. The Superintending Engineer shall ascertain whether these tools and plant are required in any other circle, and if not, sanction their sale by calling for sealed tenders or by public auction (with reserve price) whichever is more likely to obtain the better price. Where neither method is likely to fetch a good price, a private sale may be accepted with previous permission of the Superintending Engineer, who will satisfy himself as to the adequacy of the offer before according his permission.

Before any new tools and plant are indented for by any Executive engineer, he must ascertain from the Superintending Engineer whether they can be made available from other circles.

278. Surplus and unserviceable stores. – When stores (including tools and plant) of any kind become unserviceable a report thereof must be made in the Survey Report Form; this should be done at once on discovery of the fact as it is desirable to avoid keeping worthless materials on stock. In the report all proper explanation must be given, and the period during which the articles have been in store or in use, and the cause of deterioration, stated.

279. Except as provided in paragraph 294III (iv) no public stores may be sold otherwise than by public auction without the permission of the Superintending Engineer. Commission, which should ordinarily not exceed 5 per cent, may be allowed to the auctioneer, not being a departmental subordinate, but not commission can be allowed on private sale.

Note. – The Divisional Officer can, however, dispose of by public auction without the prior sanction of the Superintending Engineer, unserviceable dismantled materials up to a value of Rs 25000 vide paragraph 274.

280. a) Hire of tools and plant. –Provisions regarding hire and other charges in respect of tools and plant lent to local bodies, contractors or others shall be as per guidelines issued by the respective branch of the Public Works Department.

b) To facilitate easy availability of tools, plants, equipments, machineries and materials, the department may make such arrangements as per guidelines laid down from time to time.

(VI) Mathematical Instruments.

281. All new instruments required for the Department which have been provided in the sanctioned estimate, should be duly procured as per guidelines laid down by the department.

282. Deleted

283. Deleted

284. Divisional officers should see that instruments are not stocked in excess of requirements and that old obsolete stock is disposed of to the best advantage of Government vide also paragraphs 278 and 279.

E- Store Keeper.

285. When the stores are sufficiently extensive to require it, a store-keeper will be appointed to take charge of them. The store-keeper will have nothing to do with the disbursement of cash, the supply of materials or the preparation of bills. His duties will primarily include custody, preservation and issue of the stores under his charge, and to keeping the required returns relating to them.

F – Rules for Divisional Workshops.

286. Large workshops with special plant or machinery should be treated as separate subdivisions or divisions.

287. No work is to be undertaken in workshops of the department other than work required for the various branches of the department, except under the order of Government.

288. No work should be undertaken for municipalities or corporation or private parties before the whole estimated cost, including all charges for supervision, profit, etc., that may be leviable under rules for the time being in force, has been paid, to the Divisional Officer, or into the treasury to be credited to the Consolidated Fund of the State under the head of account concerned.

This rule may be relaxed at the discretion of the Divisional Officer or Superintendent of Workshop in the case of Government servant in whose case the full recovery is not open to doubt. In such cases, a rough estimate of the probable cost must be prepared in advance and the Government servant concerned is required to give an undertaking that he agrees to pay the actual charges in full on completion of the work. The full expenditure incurred should be realized in cash from the Government servant in the following month. In the event of non-payment, it must be deducted from his pay and allowance for the next following month. In all cases, prior to work being put in hand an undertaking should be procured from the party concerned that it will not hold the department responsible for loss by fire or theft or any other factor which could not be foreseen when the estimate was prepared. In cases where it is found that the original estimate is likely to be exceeded appreciably, a revised estimate should be prepared and the procedure outlined above adopted.

Note. – For the purpose of the rule in this paragraph, the amount due on account of expenditure, incurred by Government on behalf of the Government servant may be recovered in accordance with rule 299 of the Jharkhand Treasury Code, Volume I.

G – Transfer of Charges.

289. Rules regarding transfer of charge by Divisional and Assistant Engineer and by Divisional Accountants are given in Chapter XXIII of the Bihar /Jharkhand Public Works Accounts Code.

CHAPTER V.

POWERS OF SANCTION OF STATE GOVERNMENT AND OF OFFICERS OF THE PUBLIC WORKS DEPARTMENT

A – General.

Fundamental Conditions.

290. The powers of Public Works Officers in respect of Public Works expenditure other than on establishment are detailed in this Chapter.

Subject to provision of article 166 (3) of the Constitution of India, the Governor has full power to delegate such powers, upon such conditions as he may think fit, to any officer subordinate to him. The powers delegated to various subordinate authorities to sanction expenditure upon works are laid down in the Jharkhand Financial Rules, the Compendium

of Financial Delegations and other specific orders of delegations issued by Government from time to time.

- 291.** The essential conditions which must be fulfilled before the commencement of the execution of any Public Works are stated in paragraph 130.
- (i) The departmental tender committee under the chairmanship of Engineer-in-chief with the Chief Engineer of the concerned zone and Internal Financial Advisor as the members shall be vested with the powers to decide all tenders above Rs. 2.5 crores.
 - (ii) The departmental tender committee shall be vested with the powers to decide all tenders for which power has not been given to any other authority in this code.
 - (iii) No excess expenditure shall be admissible for any repair & maintenance work above the estimated cost
 - (iv) Award of work on nomination basis- In situations of emergency such as earthquake, fire, disruption in communication/trunk routes/ Urban Water Supply/ Power Transmission etc and visit of Dignitaries, works may be awarded on nomination with the approval of the Department up to a total of Rs. 50 (fifty) lacs in a year.

B-Powers of Engineer-in-chief

291A. The following powers have been delegated to the Engineer-in-Chief :-

Nature of power	Limits of Power
1. Technical	Full Power to take decision in any technical matter
2. (i) Contracts and Tenders	Tender Committee headed by Engineer-in-Chief has full powers for the works above Rs. 2.50 crores
3. Establishment (i) Appointment of Junior Engineer (ii) Transfer and Posting of Junior Engineers. (iii) Transfer and Posting of class III and IV staffs	Full powers within the conditions laid down in Appointment Rules Full Powers Full Powers
4. Engagement of Consultants	Full powers
5. To alter the time limit and to remit or reduce the penalty provided in all agreements or contract.	In contracts approved by the Departmental Tender Committee- Full powers in Contracts where extension required is up to 50% of the time period defined in the Contract. Matters where Extension of Time (EoT)

	Required is more than 50% of the time period defined in the Contract shall be referred to a Committee headed by Departmental Secretary whose other members would be Engineer-in-Chief, Internal Financial Advisor & the concerned Chief Engineer
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C- POWERS OF CHIEF ENGINEERS.

292. The following powers have been delegated to the Chief Engineers :-

Nature of powers.	Limit of Powers.	Remarks.
1	2	3
1. Sanction to estimates. Administrative Approval	Original works other than individual projects of water supply and sanitary and electric installations.	
To accord Administrative Approval to estimates for projects or work.	<p>A – Non-residential buildings.</p> <p>(i) Rs. 70000 for such non-residential buildings belonging to the Department the cost of which is debitable to the public works Grant.</p> <p>(ii) Rs. 35000 for such miscellaneous works belonging to this Department the cost of which is inclusive of Water-Supply, Works Grant, electrical installations.</p> <p>(iii) Rs.70000 for communication works.</p> <p>Note (i) Power delegated is inclusive of Water Supply, Sanitary and Electrical installations where such works form part of the main buildings project.</p> <p>ii) Communication Works includes works on roadside Inspection Bungalows, Rent Houses, etc.</p> <p>iii) Power delegated will not apply to works on the following non-residential buildings :-</p>	Chief Engineer concerned
	<p>a) Secretariat building of the state government.</p> <p>b) Legislature building</p> <p>c) Buildings used for residential purpose but are classified as non-residential, e.g., police barracks, etc.</p> <p>(iv) Government in the Public Works Department will accord administrative approval to all works relating to buildings mentioned at (iii) (a) and (b). As regards works relating to the buildings mentioned at (iii) (c) administrative approval will be accorded by the Government in the Administrative</p>	

	<p>Department concerned.</p> <p>i) 4701-Works for which Capital and Revenue accounts are kept – Works chargeable to Capital Account – Rs. 70000</p> <p>ii) 0702-Works for which Capital and Revenue Accounts are kept – Extensions & Improvements – Rs. 70000.</p> <p>iii) 4701 – Works for which Capital and Revenue Accounts are not kept.</p> <p>a) Original Works – Extensions and Improvements – Rs. 70000.</p> <p>b) Miscellaneous expenditure – Rs.35000 in each case.</p> <p>Subject to the conditions that these powers should not be exercised unless there is budget provision specifically made for the purpose and the expenditure is non-recurring.</p> <p>(Limits fixed are exclusive of percentage charges for Establishment, Tools and Plant.)</p>	<p>Chief Engineer, concerned</p>
	<p>B – Residential buildings.</p> <p>Rs. 50000 for residential buildings, occupied by officers of his own Department the cost of which is debitable to the Public works Grant, subject to the proviso that the standard rent of the buildings calculated under Fundamental Rules or Jharkhand Service Code Rules as the case may be, shall not exceed 10 per cent of the average emoluments of the class of tenants for whom it is intended and subject to the further proviso that the projects conform to the type plants duly approved by Government.</p> <p>Note 1. – Power delegated is</p>	<p>Chief Engineer, concerned</p>

	<p>inclusive of Water Supply, Sanitary and Electrical installations where such works are parts of the main building projects.</p> <p>Note 2. – Power delegated will not apply to any new work and also of works of addition or alteration to existing residential buildings and quarters occupied free of rent.</p> <p>Note 3. – Government in the Public Works Department will accord Administrative Approval to the projects relating to –</p> <p>a) residences at Ranchi</p> <p>b) Chambers, quarters, flats (including legislatures' (Club), etc., meant for the members of Legislature, Ranchi.</p> <p>c) Residences at Ranchi intended for occupation by Ministers, the gazetted officers of the Secretariat, and the Heads of Departments and the gazetted officers attached to their offices.</p> <p>d) Clerks' quarters at Ranchi intended for occupation by the ministerial staff accompanying Government and Heads of Department to Ranchi.</p> <p>Individual projects of water-supply, sanitary and electric installations.</p>	
	<p>C – Non-residential Buildings.</p> <p>For additions, improvements and alteration to existing Water-Supply, sanitary & Electrical installations :-</p> <p>a) Rs. 35000 for Water-Supply or Sanitary installation.</p> <p>b) Rs. 15000 for Electrical installation.</p> <p>Subject to the proviso that such additions or alterations are in accordance with the scale and type fixed by the Government, for a particular class of buildings and where no such scale and type have been fixed it should be certified by the estimating officers concerned</p>	

	<p>that the proposed works of addition, improvement and alteration are not in excess of the need for the class of buildings to which work relates.</p> <p>Note 1. – Outlay on the first installation of Water-Supply, Sanitary and Electrical Works in a building will require the sanction of Government.</p> <p>Note 2. – Power delegated will apply to those non-residential buildings only the cost of which is debitable to the Public Works Grant.</p> <p>Note 3. – Power delegated will not apply to non-residential buildings mentioned in Note iii)(c) under item no. I-A.</p>	
	<p>D – Residential Buildings.</p> <p>For additions, improvements and alterations to the existing water-supply, sanitary and electrical installations including outhouses :-</p> <p>a) Rs. 25000 for Water-Supply or Sanitary installation.</p> <p>b) Rs. 10000 for Electric installation.</p> <p>Subject to the condition (a) that the standard rent of the buildings calculated under Fundamental Rules or Jharkhand Service Code Rules, as the case may be, shall not exceed 10 per cent of the average emoluments of the class of tenants for whom it is intended; (b) that such additions, improvements and alterations are in accordance with the scale and type fixed by Government for a particular class of buildings, and (c) where no such scale and type have been fixed, it should be certified by the estimating officers that the proposed work is not in excess of the need for the class of buildings to which the work relates.</p> <p>Note 1. – Outlay on the first installation of Water-Supply, Sanitary and Electrical works will require the sanction of Government.</p> <p>Note 2. – Powers delegated</p>	

	<p>will apply to works on those residential buildings only, the cost of which is debitible to the Public Works Grant.</p> <p>Note 3. – Powers delegated will not apply to residential buildings mentioned in Notes 2 and 3 under item no. I-B.</p>	
II. Alteration in Design	To sanction necessary alteration in the constructive details of works during their execution provided such alterations do not cause an increase of charge beyond the limit of his powers to deal finally with excess over estimates.	
<p>III. Allotment of funds.</p> <p>i) To allot funds from the reserve placed at his disposal for losses on stock.</p> <p>ii) Transfer of saving :-</p> <p>a) To transfer savings from any one portion of the project to another within the sanctioned estimate in the case of projects of Civil Works sanctioned by Government</p> <p>b) To transfer savings from any one portion of the project to another which is not provided in the sanctioned estimate but is necessary for that particular project</p>	<p>Up to Rs. 20,000 subject to the condition that the reasons should be reported in writing to the Public Works Department, Finance Department and the Accountant-General, Jharkhand.</p> <p>Full power subject to the condition that the order of the department should be obtained in case of a material departure from the approved estimate.</p> <p>Full power subject to the condition that the order of the department is obtained prior to the sanction</p>	
IV. Technical Approval, Technical sanction and approval of BOQ.		
i) To accord Technical Sanction /Technical Approval to estimates for works including Electric Works (original and supplementary), survey, Investigation and Testing) & Approval of BOQ.	Full powers. In case of irrigation projects, however, the Chief Engineer can accord technical sanction to detailed working estimates against the sanctioned provision under each head, after Administrative Approval to it has been accorded by the competent authority provided that whenever any modification is	Amount of the Administrative Approval will be the guiding factor for limitation of financial Power.

<p>ii) To sanction estimates technically for land required for construction of buildings.</p> <p>iii) To sanction estimates for ordinary repairs.</p> <p>iv) To sanction estimates for special repairs.</p>	<p>proposed in the details of the scheme involving a departure from the approved design or the alteration of the other parts of the scheme or affecting the standard of efficiency or stability of the whole work, he should move the State Government to accord or obtain fresh administrative approval.</p> <p>Note – These powers apply to Deposit Works also.</p> <p>Full powers</p> <p>Ditto.</p> <p>Ditto.</p>	
<p>(v) To prescribe lump sum provision for annual repairs to electric installation in civil buildings.</p>	<p>Up to a limit of Rs. 25000 in each case where cost of such annual ordinary repairs is less than Rs. 25000, subject to revision from time to time. Within this amount the expenditure will be permissible year after year without any detailed estimate being prepared and when the above limit is exceeded in any working year, detailed estimates will have to be prepared according to ordinary rules and got sanctioned by the competent authority.</p>	<p>Chief Engineer concerned</p>
<p>(vi) To sanction (a) estimates for losses due to depreciation of stock or due to rejection in the rates of prices of stock, or (b) due to disposal of all unserviceable stores, etc.</p>	<p>a) Up to Rs. 150000</p> <p>b) Up to Rs. 150000</p>	<p>Subject to the condition that the reasons should be recorded in writing to the Public Works Department, Finance Department, and the Accountant-General, Jharkhand</p>
<p>V. Disposal of stores.</p> <p>i) To declare any stores (including stock, tools and plant materials received from works dismantled or undergoing repairs) as surplus and</p>	<p>i) Full powers subject to the condition that reasons should be recorded and communicated to the Public Works Department, Finance Department and the Accountant-General, Jharkhand</p>	

<p>unserviceable and to issue order for the disposal by public auction or otherwise of these stores.</p> <p>ii) To sanction the write off of the irrecoverable loss due to the disposal of the surplus, stores by public auction or otherwise.</p> <p>iii) To remit the supervision charge of 10 p.c. in the case of sale of surplus stores when considered to be unsaleable.</p>	<p>ii) Full powers – subject to the condition that the reasons should be reported in writing to the Public Works Department, Finance Department and the Accountant-General, Jharkhand</p> <p>iii) Full powers.</p>	
<p>VI. Excess over estimates.</p> <p>i) To pass excess over estimates sanctioned by themselves or higher authority.</p> <p>ii) To pass excess expenditure on all other works.</p> <p>iii) To pass excess over annual repair estimates.</p>	<p>To pass all excess of not more than 20 per cent of the amounts of original estimates sanctioned by him or by a higher authority.</p> <p>Up to a limit of Rs. 10000 in respect of the total of the sanctioned estimates.</p> <p>Full powers – subject to the provision that total expenditure under the primary unit repairs including the excess is within the available grant.</p>	<p>subject to permissible limit of Administrative Approval</p>
<p>VII. Contingencies in the estimate for a work.</p> <p>To divert provision for contingencies in an estimate to new works or repair and provided there in but fairly contingent on the proper completion of work.</p>	<p>Up to Rs. 75000</p>	
<p>VIII. Tools and Plants.</p> <p>i) to sanction the purchase, manufacture and repair of Tools, Plant and accessories other than office furniture, live stock and tents.</p> <p>ii) To sanction the</p>	<p>Full powers within the limits assigned in the budget estimates.</p> <p>Full powers within the limits</p>	

<p>purchase, manufacture and repair of office furniture.</p> <p>iii) Tents. To sanction the purchase, manufacture or repair of tents.</p> <p>iv) Stock limit. To sanction the stock limit for each division and for its reduction.</p>	<p>assigned in the budget estimates.</p> <p>Full powers within the limits assigned in the budget estimates.</p> <p>Full powers</p>	<p>The stock limit shall not exceed the requirement for 6 months</p>
<p>IX. Compensation. To sanction estimate for compensation for crops destroyed by breaches of canals.</p>	<p>Up to Rs. 10000</p>	<p>Chief Engineer, concerned</p>
<p>X. Law suits. To sanction law suits.</p>	<p>May sanction expenditure on account of law charges as prescribed by the finance department from time to time</p>	
<p>XI. Rent of Buildings. To sanction rent of buildings used as office.</p>	<p>May sanction within the limit of budget provision as prescribed by the finance department from time to time.</p>	
<p>XII. Sale or Dismantlement of Buildings. To sanction disposal or demolition of public buildings (other than residential buildings) and inspection bungalows constructed from public funds.</p>	<p>Up to book value of Rs.75000 subject to the following restrictions :-</p> <ol style="list-style-type: none"> 1) Whenever he sanctions the sale of a building he should communicate the order to the Collector, take necessary action to sell lands and buildings together. 2) No buildings should be sold unless it has been previously ascertained that it is not required by any Department of Government and approval of Collector should be obtained before any building is ordered to be sold. 3) No building should be demolished unless it is in a dangerous condition or 	

	<p>beyond repairs.</p> <p>i) Power should not extend to the sale or dismantlement of several individual buildings situated in a compound the total cost of which exceeds Rs. 75000</p> <p>ii) When it is proposed to sell or dismantle a portion of the building, the value of entire building and not of the portion should be taken into consideration.</p>	
<p>XIII. Write off of Losses.</p> <p>i) To sanction the write off of lost measurement books including the standard measurement books.</p> <p>ii) To sanction the write off of the lost receipt books.</p> <p>iii) To write off irrecoverable sum of public money lost through fraud or negligence of individuals or by other causes.</p> <p>iv) To sanction the write off of irrecoverable value of all classes of stores lost, destroyed or damaged through fraud or negligence of individuals or by other causes.</p>	<p>Full powers.</p> <p>Full powers.</p> <p>Up to Rs. 3500 in each case subject to the condition.</p> <p>i) To declare any stores disclosing a defect of system, the amendment of which requires the orders of Government, and (ii) that there has not been any serious negligence on the part of some individual officer or officers which might possibly call for disciplinary action requiring the orders of higher authority (see rule 63 of the Jharkhand Financial Rules).</p> <p>Up to Rs. 3500 in each case subject to the condition (i) that the loss does not disclose a defect of system, the amendment of which requires the orders of Government and (ii) that there has not been any serious negligence on the part of some individual officer or officers which might possibly call for disciplinary action requiring the orders of higher authority (see rule 63 of Jharkhand Financial Rules).</p>	
<p>XIV. Contribution Works.</p> <p>To authorize</p>		

undertaking of contribution works or deposit works.	Up to Rs. 75000 excluding Departmental charges.	
XV. Statement of objections To dispose of half-yearly statement of items held under objection.	Full powers to dispose of statement of objections in the case of accounts of the Division, provided no financial rules are infringed.	
XVI. Contracts and Tenders. i) Power to accept tenders. ii) To alter the time limit and to remit or reduce the penalty provided in all agreements or contract.	up to 2.5 crores beyond which power vests in a committee chaired by the Engineer-in-chief Full powers except in case of those entered into by higher authority	Extension of Time (EOT)- In contracts approved by the Chief Engineer- Full powers where extension of time (EoT) required is up to 25% of the time period defined in the contract. Engineer-in-Chief shall be competent for grant of EoT for period beyond 25 % & up to 50%. Matters beyond 50% shall be referred to a Committee headed by departmental Secretary whose other members would be EIC , Internal Financial Advisor & the concerned Chief Engineer.
XVII Classes of deeds, etc. i) All instruments relating to purchase, supply and conveyance or carriage of materials, stores, machinery, etc. ii) All instruments relating to the execution of works of all kinds, connected with buildings, tanks,		

<p>reservoirs, docks and harbours, and embankments and also instruments relating to the construction of waterworks, sewage works, the erection of machinery, and the working of coal mines.</p> <p>iii) Security bonds for the due performance and completion of works.</p> <p>iv) Security bonds for the due performance of their duties by Government servants whom the officers specified have power to appoint.</p> <p>v) Leases for grazing cattle on canal banks or roadsides, for fishing in canals, for the cultivation of land under the Irrigation Department, lease of water for irrigation and other purposes and leases of water power and instruments, relating to the sale of grass, trees or other produce on road side or in plantations.</p> <p>vi) Leases of houses, lands or other immovable property provided the rent reserved shall not exceed Rs. 5,000 a month.</p> <p>vii) All instruments connected with the recovery of property given as security.</p> <p>viii) Instruments connected with the collection or framing of tolls at bridges or ferries or other means of communication</p>	<p>Full powers.</p>	<p>Chief Engineer concerned.</p>
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provided by the State Government. ix) Agreements for the recovery of fines on account of drift wood or other timber passing into a canal.		
XVIII Purchase of Books, Periodicals, maps and other Publications, quality control laboratory equipments and other field instruments	Full Powers	
XIX Printing of Forms and Stationary in Private Press	Upto Rs 25000	
XX Approval of Excess beyond Agreement Amount	Maximum up to 25% beyond agreement amount which will be inclusive of claim or due to supplementary agreement	subject to permissible limit of Administrative Approval
XXI To sanction execution of work departmentally	up to Rs. 10 lakhs for each works circle/year within his jurisdiction.	Subject to the condition that the reason should be reported in writing to the department within 15 days of such order

D – POWERS OF SUPERINTENDING ENGINEERS

293. The following powers have been delegated to the Superintending Engineers

Nature of powers.	Limit of Powers.	Remarks.
1	2	3
I. Sanction to estimates, Administrative Approval. To accord Administrative Approval to estimate for projects or works.	Original works other than individual project of water supply and sanitary and electrical installations. A. Non-residential buildings. i) Rs. 35000 for non-residential buildings belonging to his Department the cost of which is debitable to the Public Works Grant. ii) Rs. 20000 for miscellaneous works belonging to his Department the cost of which is debitable to the Public Works Grant. iii) Rs. 35000 for	Superintending Engineers concerned

	<p>communication works.</p> <p>Note – i) Power delegated is inclusive of Water Supply, Sanitary and Electrical installations where such works form part of the main buildings project.</p> <p>(ii) Communication works include works on roadside. Inspection Bungalows, Rest Houses, etc.</p> <p>(iii) Power delegated will not apply to works on the followings non-residential buildings :-</p> <p>a) Secretariat building of the state government</p> <p>b) Legislature building</p> <p>c) Buildings used for residential purpose but are classified as non-residential, e.g., police barracks, hospitals, peons' barracks, etc.</p> <p>(iv) Government in Public Works Department will accord Administrative Approval to all works relating to buildings mentioned at (iii) (a) and (b). As regards works relating to the buildings mentioned at (iii) (c) Administrative Approval will be accorded by Government in the administrative department concerned.</p>	
	<p>B - Residential Buildings.</p> <p>Rs. 35000 for residential buildings, occupied by officers of his own department the cost of which is debitable to the Public Works Grant, subject to the proviso that the standard rent of the buildings calculated under Fundamental Rules, or Jharkhand Service Code Rules, as the case may be shall not exceed 10 per cent of the average emoluments of the class of tenants for whom it is intended and subject to the further proviso that the projects conform to the type plans duly approved by Government.</p> <p>Note 1 – Power delegated is inclusive of water-supply,</p>	

	<p>Sanitary and Electrical installation where such works are parts of the main buildings projects.</p> <p>Note 2 – Power delegated will not apply to any new work and also of works of additions or alteration to existing residential buildings and quarters occupied free of rent.</p> <p>Note 3 – Government in the Public Works Department, will accord administrative Approval to the projects relating to : -</p> <p>a) Residences at Ranchi</p> <p>b) Chambers, quarters, flats (including Legislature's club), etc., meant for the members of Legislature at Ranchi</p> <p>c) Residences at Ranchi intended for occupation by Ministers, the gazetted officers of the Secretariat, and the Heads of Departments and the gazetted officers attached to their officers.</p> <p>d) Clerks' quarters at Ranchi intended for occupation by the ministerial staff accompanying Government and Heads of Departments to Ranchi.</p> <p>Individual projects of water supply, sanitary and electric Installations.</p>	
	<p>C – Non – residential buildings.</p> <p>For additions, improvements and alterations to existing Water Supply, Sanitary and Electric Installations –</p> <p>a) Rs. 20000 for Water Supply or Sanitary installation;</p> <p>b) Rs. 10000 for Electric installation.</p> <p>Subject to the proviso that such addition or alteration is in accordance with the scale and type fixed by the Government, for a particular class of buildings and where no such scale and type have been fixed it should be certified by</p>	

	<p>the estimating officers concerned that the proposed works of addition, improvement and alteration are not in excess of the need for the class of building to which the work relates.</p> <p>Note 1 – Outlay on the first installation of Water supply, Sanitary and Electrical works in a building will require the sanction of government.</p> <p>Note 2 – Power delegated will apply to those non-residential buildings only the cost of which is debitable to the Public Works Grant.</p> <p>Note 3 – Power degated will not apply to non-residential buildings mentioned in Note (iii) (c) under item no. 1-A.</p>	
	<p>D – Residential buildings.</p> <p>For additions, improvements and alterations to the existing Water Supply, Sanitary and Electrical Installations in residential buildings including out-houses –</p> <p>a) Rs. 10000 for Water Supply or Sanitary installation;</p> <p>b) Rs. 5000 for Electrical installation.</p> <p>Subject to the condition (a) that the standard rent of the buildings calculated under Fundamental Rules or Jharkhand Service Code Rules, as the case may be, shall not exceed 10 per cent of the average emoluments of the class of tenants for whom it is intended; (b) that such additions, improvements and alterations are in accordance with the scale and type fixed by Government for a particular class of buildings; and (c) where no such scale and type have been fixed, it should be certified by the estimating officers that the proposed work is not in excess of the need for the class or Buildings to which the work relates.</p> <p>Note 1 – Outlay on the first installation of Water Supply, Sanitary and Electrical Works</p>	

	<p>will require the sanction of government.</p> <p>Note 2 – Powers delegated will apply to Works in those residential buildings only, the cost of which is debitable to the Public Works Grant.</p> <p>Note 3 – Powers delegated will not apply to residential buildings mentioned in Note 2 under item no. I-B.</p>	
II – Alteration in design.	The sanction necessary alteration in the constructive details of works during their execution provided such alterations do not cause an increase of charge beyond the limit of his powers to deal finally with excess over estimates.	
<p>III – Technical Approval, Technical Sanction and approval of BOQ</p> <p>i) To accord technical sanction / Technical Approval to estimates for works including Electrical Works (original and supplementary) & Approval of BOQ</p> <p>ii) To sanction estimates for ordinary repairs.</p> <p>iii) To sanction estimates for special repairs.</p> <p>iv) To prescribe lump sum provision for annual repairs.</p> <p>v) To prescribe lump sum provision for annual repairs to Electrical Installation in Civil buildings.</p>	<p>Rs. 50 Lakhs for each work, provided that Administrative Approval or sanction has been accorded by the competent authority.</p> <p>Note 1 – The above limit excludes departmental charges.</p> <p>Note 2 – The above limit apply to Deposit Works also.</p> <p>Within the limits assigned to his circle in the budget estimate.</p> <p>Ditto.</p> <p>Up to Rs. 15000 for each case (excluding municipal tax).</p> <p>Up to a limit of Rs 15000 in each case where cost of such annual ordinary repairs is less than Rs 15000 subject to revision from time to time. Within this amount the expenditure will be permissible year after year without any</p>	<p>Amount of Administrative Approval will be the guiding factor for limitations of financial power``</p>

<p>vi)Periodical repairs : - To authorize commencement of urgent periodical repairs in anticipation of formal sanction of estimates.</p> <p>vii)Emergent repairs :- To sanction emergent repairs to work to any reasonable and necessary amount in case of imminent danger to the structure.</p> <p>viii)To sanction estimate for (a) losses due to depreciation of stock or due to reduction in the rates of prices of stock or (b) due to disposal of unserviceable stores, etc.</p> <p>ix) To sanction estimate for survey ,investigation and Testing including approval of Alignment.</p>	<p>detailed estimate being prepared and when the above limit is exceeded in any working year, detailed estimates will have to be prepared according to ordinary rules and got sanctioned by the competent authority.</p> <p>Full Powers.</p> <p>Full Powers.</p> <p>Up to Rs. 70000 subject to the condition that the reasons should be reported in writing to the Chief Engineer and the Accountant-General, Jharkhand</p> <p>Full power</p>	
<p>IV– Disposal of stores.</p> <p>i) To issue orders for the disposal of all unserviceable stores including stock and Tools and Plant materials at site or work, materials received from works dismantled or undergoing repairs and to sanction their write off where necessary.</p> <p>ii) To sanction the write off of the irrecoverable value of unserviceable stores mentioned in item (i) above.</p> <p>iii) To issue orders for the disposal of surplus</p>	<p>Full Powers.</p> <p>Full Powers.</p> <p>Rs. 75000 in each case, subject to the condition that</p>	

<p>stores including stock and Tools and Plant materials at site of works and to sanction their write off where necessary.</p> <p>iv) To sanction the write off of the loss from the book value of surplus stores mentioned in item (iii) above, that is, the difference between, the book value of articles and the amount realized by their disposal.</p> <p>v) To sanction the write off of the irrecoverable loss of the surplus materials exceeding the book or estimated value of Rs. 75000</p> <p>vi) To sanction the issue or sale of any materials from store yards to private persons or other Departments (including State Railways) for full value including supervision charge of 10 per cent when this can be done without inconvenience to the Public service.</p> <p>vii) To remit the supervision charges of 10 per cent in the case of sale of surplus stores when the sale is sanctioned by himself and when in his opinion, the sale would otherwise be un-saleable.</p>	<p>reasons should be recorded and communicated to the Chief Engineer and the Accountant-General, Jharkhand.</p> <p>[Note – In the case of Tools and Plant, where the book value cannot be ascertained, the estimated value should be taken into account.]</p> <p>Rs. 7000 in each case.</p> <p>Limited to 20 percent of the book or estimated value, subject to the condition that the reasons should be reported in writing to the Chief Engineer and the Accountant-General, Jharkhand</p> <p>Full Powers.</p> <p>Full Powers.</p>	
<p>V– Excess over Estimate.</p> <p>i) To pass excess over estimates sanctioned by themselves or higher</p>	<p>To pass all excesses of not more than 20 per cent of the amount on original estimates</p>	<p>subject to permissible limit of Administrative Approval</p>

<p>authority.</p> <p>ii) To pass excess expenditure on all other works.</p>	<p>sanctioned by himself or higher authority provided that the total amount of the excess is within the limit of his powers to sanction estimates technically.</p> <p>To pass all excess expenditure within a limit of Rs. 5000 on sanctioned original works and repairs irrespective of the total amount of the sanctioned estimate.</p> <p>[Note – Superintending Engineer has no power to sanction any excess over a revised estimate sanctioned by higher authority]</p>	
<p>VI – Contingencies in the estimate for a work.</p> <p>To divert provision for contingencies in an estimate to new works or repairs not provided therein but fairly contingent on the proper completion of works.</p>	<p>Up to Rs. 35000 subject to the condition laid down as follows :-</p> <p>1) If the amount provided under the head “Contingencies” in an estimate is either expended or earmarked, no further new works or repairs should be sanctioned till fund for such works or repairs are allotted.</p> <p>2) No works or repairs which are not fairly contingent should be undertaken without proper sanction to a supplementary estimate which should be submitted for sanction as soon as the necessity is foreseen.</p>	
<p>VII– Tools and Plant.</p> <p>i) To sanction the purchases, manufacture and repair Tools, Plant and accessories other than officer furniture, live-stock and tents.</p> <p>ii) Office furniture :-</p> <p>To sanction the purchase, manufacture and repair of office furniture.</p> <p>iii) Tents :-</p> <p>To sanction the purchase, manufacture or repair of tents.</p>	<p>Up to Rs. 150000 for each estimate for new supplies and for repairs within the limits assigned to his circle in the budget estimate.</p> <p>Up to Rs. 75000 each estimate.</p> <p>Up to Rs. 35000 for each estimate.</p>	
<p>VIII– Compensation.</p> <p>To sanction estimate for compensation for crops destroyed by breaches of canals.</p>	<p>Up to Rs. 5000</p>	<p>Superintending Engineer concerned</p>

<p>IX – Rent of Buildings. To sanction rent of buildings used as offices.</p>	<p>May sanction within the limit of budget provision as prescribed by the finance department from time to time</p>	
<p>X– Sale or Dismantlement of Buildings. To sanction disposal or demolition of public buildings (other than residential buildings) and Inspection Bungalows constructed from Public Funds.</p>	<p>Up to book value of Rs. 35000 subject to the following restrictions :-</p> <ol style="list-style-type: none"> 1) Whenever he sanctions the sale of a building he should communicate the order to the Collector to take necessary action to sell lands and buildings together. 2) No buildings should be sold unless it has been previously ascertained that it is not required by any Department of Government and approval of Collector should be obtained before any building is ordered to be sold. 3) No building should be demolished unless it is in a dangerous condition or past repairs. 4) Power should not extend to the sale or dismantlement of several individual buildings situated in a compound the total cost of which exceeds Rs. 35000 5) When it is proposed to sell or dismantle, the value of entire building and not of the portion should be taken into consideration. 	
<p>XI – Write off of Losses. i) To write off irrecoverable sum of public money lost by fraud or the negligence of individuals or any other causes. ii) To sanction the write off of irrecoverable</p>	<p>Up to Rs. 3500 in each case subject to the condition i) that the loss does not disclose a defect of system the amendment of which requires the order of Government, and (ii) that there has not been any serious negligence on the part of some individual officer or officers which might possibly call for disciplinary action requiring the orders of higher authority (see Rule 63 of the Jharkhand Financial Rules Volume I). Up to Rs. 4000 in each case subject to the condition (i) that the loss does not disclose a</p>	

<p>canals; for the cultivation of land under the Irrigation and other purposes, and lease of water power; and instruments relating to the sale of grass, trees or other produce on roadsides or in plantations.</p> <p>vi) Leases of houses, lands or other immovable property, provided that the rent reserved shall not exceed Rs. 5,000 a month.</p> <p>vii) All instruments connected with the re-conveyance of property given as security.</p> <p>viii) Instruments connected with the collection or farming of tolls at bridges or ferries or other means of communication provided by the State Government.</p> <p>ix) Agreement for recovery of fines on account of drift wood or other timber passing into a canal.</p>	<p>Full powers.</p>	<p>Superintending Engineer concerned.</p>
<p>XV Purchase of books , Periodicals, Maps</p>	<p>Upto Rs. 10000 in a year for his office</p>	
<p>XVI Purchase of Quality control, laboratory instruments and other field instruments.</p>	<p>Maximum Rs. 50000 per year</p>	
<p>XVII Approval of Excess beyond Agreement Amount</p>	<p>Maximum up to 15% beyond agreement amount which will be inclusive of claim or due to supplementary agreement</p>	<p>Subject to permissible limit of Administrative Approval</p>
<p>XVIII To sanction execution of work departmentally</p>	<p>up to Rs.5 lakhs for each works division/year within his jurisdiction.</p>	<p>Subject to the condition that the reason should be reported in writing to the department within 15 days of such order.</p>

E – POWERS OF EXECUTIVE ENGINEERS.

294. The following is a summary of powers delegated to the Executive Engineer in charge of a division :-

Nature of powers.	Limit of Powers.	Remarks.
1	2	3
I – Alteration in Design.	To sanction trifling alteration in constructional details of works during their execution in cases of necessity reporting as a general rule his action to the Superintending Engineer.	Such alteration should be reported as a general rule to the superintending engineer within 15 days.
<p>II – Technical Approval, Technical Sanction and approval of BOQ.</p> <p>To accord sanction to estimates/ Technical Approval for works including Electrical Works, original and supplementary & approval of BOQ</p> <p>i) To sanction estimates for ordinary repairs.</p> <p>ii) To sanction estimates for special repairs.</p> <p>iii) To prescribe lump sum provision for annual repairs to electrical installations in civil buildings.</p> <p>iv) Emergent repairs :- To sanction emergent repairs to works to any reasonable and necessary amount in case of imminent danger to the structure.</p>	<p>Rs. 25 lakh for each work provided that administrative approval or sanction has been accorded by the competent authority.</p> <p>Note 1 – The above limit excludes departmental charges.</p> <p>Note 2 - These powers apply to deposit works also.</p> <p>Within the limit of budget allotments for each work plus such amount as can provided by re-appropriation.</p> <p>Up to Rs. 1 lakh</p> <p>Up to a limit of Rs. 15000 only.</p> <p>Full Powers.</p>	<p>Amount of Administrative Approval will be the guiding factor for limitations of financial power</p> <p>Executive Engineer, concerned</p> <p>Should be reported as a general rule to the superintending engineer within 15 days.</p>
<p>III – Disposal of Stores.</p> <p>i) To sanction the writing off from the returns of tools and plant of all tools and plant the full value of which has been</p>	Full Powers.	

<p>recovered.</p> <p>ii) To issue orders for disposal by sale or otherwise of surplus stores at their full value and of materials received from works dismantled or under going repairs at their estimated value.</p> <p>iii) To issue orders for the disposal by public auction of unserviceable materials after dismantlement of Public works buildings at their estimated value.</p> <p>iv) To sanction sale of articles on the stock accounts to private persons at full value plus the supervision charge of 10 per cent when this can be done without inconvenience to the public service.</p>	<p>Up to Rs. 5000</p> <p>Up to Rs. 10000</p> <p>Up to Rs. 5000</p>	
<p>IV – Excess over estimate :</p> <p>To pass excess estimates sanctioned by themselves or higher authority.</p>	<p>To pass all excess of not more than 20 per cent of the amount of original estimates sanctioned by himself or higher authority provided that the total amount of excess is within the limit of his powers to sanction estimates technically.</p> <p>Note – An Executive Engineer has no power to sanction any excess over a revised estimate sanctioned by higher authority.</p>	<p>subject to permissible limit of Administrative Approval</p>
<p>V – Contingencies in the estimate for work.</p> <p>To divert provision for contingencies in an estimate to new works or repairs not provided therein but fairly contingent on the proper completion of works.</p>	<p>Up to Rs. 20000 subject to the condition laid down as follows :-</p> <p>i) If the amount provided under the head “Contingencies” in an estimate is either expended or earmarked no further new works or repairs should be sanctioned till funds for such works or repairs are allotted.</p> <p>ii) No works or repairs which are not fairly contingent should be undertaken without proper sanction to a supplementary estimate which should be submitted for sanction as soon as the necessity is foreseen.</p>	

<p>VI – Tools and Plant. Purchase, manufacture and repair of Tools, Plants and accessories. To sanction the purchase, manufacture and repair of Tools and Plant (excluding live-stock, office furniture and tent).</p>	<p>Up to Rs. 15000</p>	
<p>VII – Contribution or deposit works. To authorize undertaking of contribution or deposit works.</p>	<p>Up to Rs. 10000 excluding departmental charges.</p>	
<p>VIII – Contracts and Tenders. Power to accept tenders.</p>	<p>Up to Rs. 10 lakh</p>	
<p>IX – Execution of Classes of deeds, contracts and other Instruments. i) All instruments relating to purchase, supply and conveyance or carriage of materials, stores machinery, etc. ii) All instruments relating to the execution of works of all kinds connected with buildings, bridges, roads, canals, tanks, reservoirs, docks and harbour and embankments and also instruments relating to the construction of water-works, sewerage works, the erection of machinery and the working of coal-mines. iii) Security bonds for the due performance and completion of works. iv) Security bonds for the due performance of their duties by Government servants whom the officers specified have power to appoint. v) Lease for grazing cattle on canal banks or roadside; for fishing in</p>	<p>Full Powers.</p>	<p>Executive Engineer concerned.</p>

<p>canals; for the cultivation of land under the Irrigation Department, leases of water for irrigation and other purposes, and leases of water, power and instruments relating to the sale of grass, trees or other produce on roadside or in plantation.</p> <p>vi) Leases of houses, lands or other immovable property, provided that the rent reserved shall not exceed Rs. 5,000 a month.</p> <p>vii) All instruments connected with the re-conveyance of property given as security.</p> <p>viii) Instruments connected with the collection or farming of tolls at bridges or ferries or other means of communication provided by the State Government.</p> <p>ix) Agreements for the recovery of fines on account of drift wood or the timber passing into a canal.</p>	Full powers.	Executive Engineer concerned.
X Purchase of books , Periodicals, Maps	Upto 5000 in a year for his office	
XI Purchase of Quality control, laboratory instruments and other field instruments.	Maximum 30000 per year	
XII Approval of Excess beyond Agreement Amount	Maximum up to 10% beyond agreement amount which will be inclusive of claim or due to supplementary agreement	Subject to permissible limit of Administrative Approval
XIII To purchase item directly and pass its Vouchers	Rs 25000	
XIV To sanction estimate for crop compensation	Upto Rs. 3000	
XV To sanction execution of work departmentally	Rs 100000 upto a maximum of Rs. 500000 in a year	Subject to the condition that the reason should be reported in writing to the department within

<p>b) To sanction purchase, manufacture , repair of office furniture , live stocks, tents etc</p> <p>c) To purchase items directly and pass its Vouchers</p>	<p>upto 1000 in a year</p> <p>Rs. 2500</p>	
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296. The departments other than Public Works Department may constitute a Technical Cell appropriate to the quantum of works to be executed out of their funds. The size of such technical cell may be kept flexible depending on size/quantum of works. Such technical cell shall comprise of competent Engineers of various levels engaged temporarily preferably on deputation or contractual basis for a pre determined period. Such technical cell shall execute works as per the provisions of the Public Works Department Code.

297. Repeal and Savings- (1) The Bihar Public Works Department Code is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any sanction accorded or consent given under the Code referred to in sub-rule (1) shall be deemed to have been done or taken or accorded or consent given under the corresponding provisions of the Jharkhand Public Works Department Code as if the provisions of this Code were in force at all material times.

APPENDIX – A

(See paragraph 90.)

List of records in the Divisional and Subdivisional offices of the Public Works Department, Jharkhand showing the period of preservation.

Serial no.	Description of records.	Period up to which to be maintained.
Accounts.		
1.	Register of Note Books	Permanent
2.	Register of Cheque Books	Ditto.
3.	Register of Service Books	Ditto.
4.	Register of Securities	Ditto.
5.	Register of Building	Ditto.
6.	Register of Buildings in Cantonments	Ditto.
7.	Register of Churches belonging to Government	Ditto.
8.	Register of Sanctions to Estimates	Ditto.
9.	Register of Works, Parts I and II	10 years
10.	Register of manufacture	Permanent
11.	Roads metal rate Book	Ditto.
12.	Post Office Savings Bank Pass Book	Permanent till returned to depositor.
13.	Standard Measurement Books	Permanent
14.	Hand Receipt	Copies to be destroyed after 5 years but originals to be retained for 10 years.
15.	Petty Contract Bill	Ditto.
16.	Contract Certificates	Ditto.
17.	Acquaintance Roll	85 years.
18.	Acquaintance Roll for temporary and works establishment.	To be retained for 10 years as original vouchers.
19.	Annual Roll of Engineer Officers	To be destroyed after retirement or death of an officer.
20.	Non-gazetted officer's salary bills	25 years.
21.	Statement of proposition for establishment.	Permanent
22.	Detailed list of permanent establishment in Civil Account Code Form No.	Ditto.
23.	Divisional and Subdivisional Cash Book	20 years.
24.	Application for leave.	Permanent
25.	Inspection Report of Accountant-General	Ditto.
26.	Inspection Report of Superintending	10 years.

Engineer.

27. Report after one year's probationary service of Overseers. Permanent. To be destroyed after retirement or death of an officer.

Correspondence.

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| 1. | Register of receipts and issues | Permanent |
| 2. | Register of lands | Ditto. |
| 3. | Register of lands available for rent | Ditto. |
| 4. | Register and accounts of endowed monuments. | Ditto. |
| 5. | Personal Register | Ditto. |
| 6. | Register of measurement and note books. | Ditto. |
| 7. | Register of expenditure on residential buildings. | Permanent |
| 8. | Register of Bench-marks | Ditto. |
| 9. | Register of plans | Ditto. |
| 10. | Register of land acquisition cases | Ditto. |
| 11. | Register of cases for lands | Ditto. |
| 12. | Register of railways, roads, etc. | Ditto. |
| 13. | Register showing account of sale of forms. | 3 years after book is completed. |
| 14. | Office attendance book | 3 years. |
| 15. | Guard book of samples forms | Ditto. |
| 16. | Measurement Books | 10 years after the date of completion of works the measurements of any part of which are recorded therein. |
| 17. | Note Book | 10 years after expiry of lease. |
| 18. | Cover for plans | Permanent. |
| 19. | Descriptive roll | 3 years after expiry of lease. |
| 20. | Miscellaneous payment vouchers | Copies to be retained for 5 years and originals for 10 years. |
| 21. | Record of experiments | Permanent. |
| 22. | Capital and Revenue Accounts | Ditto. |
| 23. | Statement showing assessment of rent calculated under Public Works Department rules and sanctioned by Government | Ditto. |
| 24. | Note in explanation of proposal for residential buildings. | 12 years. |
| 25. | Revised estimate with comparative statement. | Permanent |

26.	Memorandum forwarding security deposit to contractors.	10 years.
27.	Memorandum returning security deposit to contractors.	Ditto.
28.	Agreement (when security deposit is paid in full)	To be destroyed one year after termination of service and security.
29.	Agreement (when security deposit is paid by installments).	Ditto.
30.	Agreement of security deposit intended for the use of temporary employees.	Ditto.
31.	Statement of landed property owned by officers and subordinates.	Permanent.
32.	Correspondence regarding leases and rents.	Ditto.
33.	Correspondence regarding requisition of lands and properties.	Ditto.
34.	Records relating to serves, appointments, promotions and reversions.	Ditto.
35.	Papers regarding sanction to pension.	Ditto.
36.	Reports of disasters owing to heavy floods, etc.	Ditto.
37.	Weather reports and monthly rainfall statements received from the meteorological Department.	Ditto.
38.	Notes of an Inspection made by the Executive Engineer.	5 years.
39.	Abstract estimate in which several works are included.	Permanent.
40.	Correspondence regarding preparation of projects (original).	Permanent. Refers to original works as distinct from repairs.
41.	Estimate for original works.	Permanent. Refers to estimated and not to correspondence.
42.	Circulars by the State Government, Accountant-General or Superintending Engineers.	Permanent.
43.	Report on the conduct and qualifications of Assistant Engineers	25 years.
44.	Subdivisional Progress Report	After completion of Works.
45.	Divisional monthly progress report.	Ditto.
46.	Progress Report for works of subdivisions.	Ditto.
47.	Schedule of tenders.	1 year after contract is completed.

48.	Schedule of rates.	Latest edition.
	Irrigation Correspondence.	
1.	Irrigation Group Register.	Permanent.
2.	Abstract register of assessments	Ditto.
3.	Gauge Register	Ditto.
4.	Register of continuation crop experiment.	Ditto.
5.	Register of owners of village channels.	Ditto.
6.	Daily register of experiment on Kharif Irrigation.	Ditto.
7.	Outlet Register	Permanent.
8.	Rainfall Register	Ditto.
9.	Parwana Register	Ditto.
10.	Register no. 57 of all registers to be preserved permanently.	Ditto.
11.	Register no. 57-A, of all Register not to be preserved permanently.	Ditto.
12.	Register of applications for copies	3 years after register is completed.
13.	Register of vernacular reports and petitions.	Ditto.
14.	Register of seven years' lease permits.	3 years after expiry of lease.
15.	Register of seven years' leases.	Ditto.
16.	Register of assessment of side cutting lands.	Permanent.
17.	Register of gauge reading for Regulation section.	Ditto.
18.	Jharkhand Irrigation Survey Khasras, Maps and Tables.	Ditto.
19.	Register of Cadastral Survey Khasras and Maps	Ditto.
20.	Village channel tracing maps	Ditto.
21.	Map showing the existing long leases in different colours.	Ditto.
22.	Group maps.	Ditto.
23.	Tatil Table Map.	Ditto.
24.	1" a mile map	Ditto.
25.	4" a mile map	Ditto.
26.	Notes of an inspection of Sectional officers.	Ditto.
27.	Subdivisional inspection notes.	Ditto.
28.	Instructions of Amins.	Ditto.
29.	Instructions of Patrols	Ditto.
30.	Abstract of land available for rent.	Ditto.
31.	Lease for letting out land for building	3 years after expiry of

	purposes.	lease.
32.	Form of lease for agricultural holdings.	Ditto.
33.	Working statistics of distributaries of canals and branches.	Permanent.
34.	Notice of irrigation to owners of village channels.	Ditto.
35.	Public notice of intention to register a particular person as owner of village channel.	Permanent.
36.	Record of irrigation of distributaries.	Ditto.
37.	Statement of well observations.	Ditto.
38.	Silt statement on the main Western and Arrah Canals.	Ditto.
39.	Statement of determination of village channel rent under section 68 of the Irrigation Act.	Ditto.
40.	Statement showing result of experiment on Kharif Irrigation.	Ditto.
41.	Record of discharge observations.	Ditto.
42.	Record of experiments showing loss of water in distributary.	Ditto.
43.	Records of important matters connected with each distributary.	Ditto.
44.	Detailed weir discharge report.	Ditto.
45.	List of trees along canal or distributary.	Ditto.
46.	Abstract of crop experiments, Tables II and III.	Ditto.
47.	Annual return of result of crop experiment.	Ditto.
48.	Application for registration of village channels.	Ditto.
49.	Application under sections 50 and 51 of Act III (B.C.) of 1876 and for village channels.	Ditto.
50.	Application for a long term lease.	To be retained until 3 years after expiry of contract.
51.	Application for appointment as a contractor.	Ditto.
52.	Application for appointment under rule 50.	Ditto.
52.A	Application by proprietor of Bhauli lands.	To be retained until 3 years after expiry of lease.
53.	Voucher for payment into Treasury for deposit of amount awarded as compensation.	Permanent
54.	Voucher for payment into Treasury	Ditto.

	for deposit of amount awarded as compensation.	
55.	Consolidate voucher for payment of Land Acquisition cases.	Ditto.
56.	Declaration under section 6, Act I of 1894.	Permanent.
57.	Requisition under section 10 of Act I of 1894.	Ditto.
58.	Proceedings under section 11.	Ditto.
59.	Reference to Court under section 18.	Ditto.
60.	Reference to Court under section 30.	Ditto.
61.	Final report of the proceedings taken for land acquisition.	Ditto.
62.	Abstract statement showing the amount of water rates assessed, realized and outstanding in English	Ditto.
63.	Statement showing the amount of canal revenue assessed, realized and outstanding in English.	Ditto.
64.	Statement showing area and expenditure in the acquisition of land required.	Ditto.
65.	Statement showing the amount of land revenue to be abated.	Ditto.
66.	Circular files kept in Circle and Tahsil offices.	Ditto.
67.	Gauge reading books.	Ditto.
68.	Sub-schedule of village channels	12 years.
69.	Certificate of realization of Government dues.	Ditto.
70.	Notice to judgment-debtor.	Ditto.
71.	Warrant attachment of property.	Ditto.
72.	Attachment of salary of Government officers.	Ditto.
73.	Visitor's complaint book	3 year after book is completed.
74.	Junior Engineer's inspection book	Ditto.
75.	Long lease certificate regarding inspection of village channels.	3 years after expiry of lease.
76.	Demand and remission statement received from the Assistant Engineer	Ditto.
77.	Preliminary report on unauthorized irrigation or wastage of water.	5 years after expiry of lease.
78.	Permit for a seven year's lease (long term, yellow form).	Ditto.
79.	Patrol's register of long leases in force.	Ditto.
80.	Supplementary ticket for	To be destroyed after inspection of the accounts

	undercharge.	by the Accountant-General.
81.	Toll Accounts.	Ditto.
82.	Toll Bills	Ditto.
83.	Toll Tickets.	Ditto.
84.	Measurement chits, counterfoils of passes (Cargo and passages).	Ditto.

List of records in the divisional and Subdivisional offices of the Public Works Department, Jharkhand which should be preserved for 5 years.

Correspondece.

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| 1. | Receipt of payment to Government | |
| 2. | Completion Report of original works and special repairs. | |
| 3. | Tender files. | |
| 4. | Counterfoils and cheques | |
| 5. | Abstract Statement of Dredgers' working | |
| 6. | Correspondence regarding acceptance of piece work agreement. | 3 years after work is completed. |
| 7. | Register of workshop orders. | Ditto. |
| 8. | Temporary service declaration form | 3 years after new declaration is signed. |

List of records in the Divisional and Subdivisional offices of the Public Works Department, Jharkhand which should be preserved for one year only.

Correspondence.

Serial no.	Description	Remarks.
1.	Indent for service labels.	
2.	Files regarding sanction to local purchases.	
3.	Dak and Peon Books	
4.	Half margin files	
5.	Ordinary newspapers.	
6.	Monthly progress report of works and repairs.	
7.	Diary to accompany traveling allowances bill	
8.	Notice calling for tenders	
9.	Forward Diary	
10.	Daily gauge report	
11.	Weekly gauge report	
12.	Daily gauge reading telegram files	
13.	Daily gauge reading of canals and weirs	
14.	Register of summons made over to peons	

APPENDIX – B

(See paragraph 109.)

Rules for the selection of site for buildings

1. The selection of a site for a proposed building must be dealt with as soon as a demand is received for an estimate from an officer authorized for it.

When a rough estimate is called for, a general report regarding the proposed site will be given which will accompany the estimate when it is sent up for administrative approval.

2. As soon as a demand for an estimate as in paragraph 1 or administrative approval to an estimate sent under 1 is received, the Executive Engineer, Building division concerned (Member-Secretary of the Site Selection Committee) shall in consultation with the District Magistrate (Deputy Commissioner) who shall be the President of the Site Selection Committee and the local head of the Department concerned, select a site for the proposed building and make out the usual plans. Others who may be consulted for the selection of site -, Superintendent of Police, Civil Surgeon, Executive Engineer, Electrical (supply) and Executive Engineer, Drinking water and Sanitation Department.

If the building is in the compound of the existing Government building a block plan only will be required. This must show the whole compound and all the building existing or proposed within it.

In a case where land has to be acquired, the Executive engineer will at once apply to the District Magistrate (Deputy Commissioner) for an estimate and draft declaration for the land.

In outlying stations, the District Magistrate (Deputy Commissioner), Executive Engineer and the local head of the Department concerned may delegate their subordinates to represent them.

3. For selection of sites where Improvement Trusts have been created, the person nominated by the Chairman of the Improvement Trust shall also be ex-officio member of the Site Selection Committee for selection of sites of Government buildings in the town for which the Improvement Trust exists.
4. Executive Engineer concerned should obtain the signature of the President and other members of the Site Selection Committee on the approved site plan at the time of the meeting. A copy of proceedings as approved by the President may then be sent by the Executive Engineer to all other members in due course for information and record in their office.
5. The Executive engineer will be responsible that the site selected is suitable for building to be constructed there on.

In case the Executive Engineer has any doubt as to the suitability of the proposed site on sanitary grounds, he should consult the Civil Surgeon on this point.

Note 1 – The Site Selection Committees should meet on the first Monday of every month, or, if the first Monday be public holiday, on the first working day thereafter, whenever there is business to be transacted. In urgent cases the Committee should meet oftener and the meeting should be held within ten days of a requisition being received from Executive Engineer.

Note 2. – The Public Works Department (Buildings) representative on site committee is there to advise the committee on the engineering aspect of the site just as the Civil Surgeon is there to advise on the hygienic aspects. Generally speaking in this Stage, the more important Engineering points are :-

- a) Is the site swampy, low or liable to flood
- b) Is the soil suitable for foundations or will special treatment be necessary in the case of -

- (1) soil liable to expansion and contraction, or soil of an abnormal nature;
- (2) made ground
- c) Is the building oriented in the right direction with reference to –
 - (1) the view,
 - (2) ventilation,
 - (3) verandah protection,
 - (4) orientation of rooms required for specific purposes
- d) Is the site suitable for excavation of a well

Sufficient attention has not been paid to these points resulting in some cases in (1) building having been faced the wrong way rendering unsightly and expenses additions necessary, (2) heavy unforeseen expenditure in expensive foundations and (3) buildings having been built on soil which expands and contracts without precautions having been taken to counteract this, resulting in some cases, in the building having had to be condemned.

Steps should be taken to ensure that the Public Works Department representative examines the site and advises the Site Committee from an engineering point of view completely and thoroughly. Trial pits should invariably be dug at several points and the soil examined by a responsible officer and the section shown on the site plan with a correct description of the soil .

- e) He will be responsible for any action required under paragraph 106 and 107 of the Jharkhand Public Works Department Code and will place before the site committee an expression of opinion received from the Military Department.
6. If the site selected is on land already in charge of the Public Works Department, the site plan will be signed by the Superintending Engineer before the estimate is sent up for technical sanction.

When the land is in charge of the Department concerned, the signature of the Head of that Department on the plan will be necessary.

7. In cases where there is difference of opinion regarding the suitability for a site among the officers referred to in rule 2 the matter will be referred by the Superintending Engineer to the Commissioner of the Division, whose decision shall be final.

For selection of sites where Regional Development Authority has been created, person nominated by the Vice-chairman of the Regional Development Authority shall also be ex-officio member of the Site Selection Committee for the selection of sites of Government Buildings in the town for which Regional Development Authority has been created.

8. The following plans are required –
- a) a block plan on suitable scale showing the relative position of all buildings, wells, etc., including in the project as well as all existing buildings, wells, etc., in the same compound;
 - b) an index plan on suitable scale showing the site and its surroundings on north, south, east and west.

APPENDIX - C
(See paragraph 224)

Rules for the payment of municipal rates and taxes on buildings- as amended or subject to amendment by the Government from time to time

The following rules govern the payment of municipal taxes on buildings occupied by Government Departments or by Government servants of the State Government.

1. Municipal taxes on Government buildings, other than residences, are payable by the department occupying them and are debit to that department. In the case of residences, the general principle is that owner's taxes are paid by Government, but adjusted as part of the cost of maintenance and recovered with the rent. The occupant's taxes, subject to the restrictions explained below, are paid by the occupants of the residences even though they occupy them rent free. Charges which are levied as payment for services rendered, e.g., quantity of water or electric current supplied, are also paid by the occupant.
2. By the provisions of section 100 of the Bihar and Orissa Municipal Act 1922, the latrine tax is an occupant's tax : the water tax by the provisions of sections 100 and 134 of the Act is an owner's tax, but three quarters of it can be recovered from the occupying tenant. The rules regulating the payment of these taxes are as follows :-
 - (a) In the case of residences for which rent is paid, the Public Works Department will pay the water tax : three quarters of it will be recovered from the occupant in addition to the rent and the other quarter will be charged off to the maintenance of the building. The occupant will pay the latrine tax.
 - (b) Residences occupied rent-free fall into two classes :-
 - i) those occupied rent-free, by officers solely for the better performance of their duties; and
 - ii) those occupied rent-free, but not solely for the better performance of their duties.

In the former case both water and latrine taxes will be paid by the department concerned from its contingent grant; but if the occupant's emoluments exceed Rs. 3750 per month, three quarters of the water tax and the whole of the latrine tax, both of which are based on the rental value of the house, will be recovered from him, subject to the limitation that the amount recovered shall not exceed the amount payable on a rental equal to 10 per cent of his emoluments,

In the later case the department concerned will pay the water tax from its contingent grant, but recover three quarters of it from the occupant. The latrine tax will be paid by the occupant direct to the municipality.

Note 1. – The above rules do not apply to Government servants of Ex-Secretary of State services and Government servants under the rule-making control of the Government of India who are liable to pay the full water tax, nor does it apply to those Government servants under the rule – making control of the State Government who occupy buildings the rent of which has been revised, and now are, therefore, liable to pay the full water tax.

Note 2. – The limitation of rent to 10 per cent or any other sanctioned percentage of an officer's emoluments shall apply in every case to the sum of rent plus owner's taxes, but excluding the three quarters of the water tax which is recoverable from the tenant irrespective of the percentage limit.

Note 3. - Government servants whose pay is less than Rs. 750 a month are required to pay the occupier's share of the municipal taxes unless it is established that any such Government servant is compelled to reside in Government quarters solely for the better performance of his duties.

Powers have been delegated to all Heads of Departments and to the Military Secretary to His Excellency the Governor of Jharkhand to decide if any such Government

servant serving under them is compelled to reside in Government quarters solely for the better performance of his duties.

Note 5. - In the case of Government buildings for which rent is paid the Public Works Department will pay the water tax and debit three-fourths of it to Miscellaneous, Public Works Advances, pending recovery from the tenant along with the rent of the building and charge the remaining one-fourth to its maintenance. A separate demand statement in T. C. Form no. 19 in respect of the portion of the water recoverable from the occupant will be presented by the Executive Engineer and its recovery will be intimated to him by the Accountant-General.

3. Municipal rates and taxes leviable on residences of his Excellency the Governor will be paid by Government and debited to "Maintenance and Repairs".
4. No taxes are leviable on Public Buildings in cantonments. The case of Military buildings in municipal areas is covered by Army Regulations, India, Volume XII (1914 edition), paragraph 121.
5. The responsibility for the acceptance of the assessment of a Government building rests with the Executive Engineer in charge of the building. If the building is not borne on the books of the Public Works Department, the responsibility rests with the departmental officer concerned. If the assessment appears unduly high, proceedings should be taken to obtain redress under the ordinary municipal law, and recourse should only be had to the special provisions of Act XI of 1881 when an amicable (possibly arbitrary) settlement with the local authority has failed, in cases where the property to be assessed is from its nature such as not to admit of the application of the ordinary principles in assessing the payment thereon of any particular tax, e.g., when the assessment is on the letting value, and the property is of such a nature that it is difficult to conceive of its being let and impossible to form any estimate of the rent that would be obtained for it if the Government offered to let it.
6. In any case in which a lump sum is paid for a number of buildings in a municipality, the taxes in respect of buildings occupied by a civil commercial department, should be debited to that department while those which pertain to buildings occupied by more than one non-commercial civil department should be charged to "57 Miscellaneous".
7. Payment of taxes by Government departments to local funds may be made in cash or by book transfer as may be decided by the Accountant General in consultation with the State Government.
8. In cases in which the amount of tax payable to the municipality in respect of a building has to be borne partly by the Government officers occupying the building and partly by Government, the tax will be paid in full by Government in the first instance and the amount payable by the officer will be recovered from him by Government.

APPENDIX – D

(See paragraph 55)

PART-1

RULES FOR THE DEPARTMENTAL EXAMINATION OF OFFICERS AND SUBORDINATES OF
THE PUBLIC WORKS DEPARTMENT

1. Assistant Engineers of the Public works Departments must pass the prescribed Departmental Examination in language and law which will be conducted under the direction and control of the Central Examination Committee and will take place at the same time as the half-yearly departmental Examination of Assistant magistrates.

Officers of the Electrical Department must pass in Hindi by the Lower Standard within two years of joining their appointment.

An officer who fails to pass the examination within this period will receive no further increments of pay until the examination is passed.

2. Junior Engineer of the Subordinate Engineering Service may appear in the examination in law part A, after having received permission from their Superintending Engineers. Junior Engineer of the Subordinate Engineering Service who have passed the examination, if placed in charge of an irrigation subdivision, will be vested with the powers of a Canal Officer.
3. An officer who fails to pass his Departmental Examination within the prescribed times, viz., for languages within the periods prescribed in rule 5 below and for law (Part A, B and C) within two years of joining his appointment will receive no further increments of pay until the examination is passed.

The penalty for delay in passing will ordinarily cease to operate when the officer passes the examination; on passing he will be placed in the same position with regard to future increments as if he had passed in the ordinary course but he will receive no arrear in respect of the increments withheld before he passed.

If an officer fails to pass within a reasonable time after his appointment, the State Government may in addition punish him with loss of position on the incremental scale.

4. In exceptional cases when, owing the exigencies of the public service, or to illness, or to other circumstances beyond his control, an officer is unable to pass the Departmental Examination within the prescribed period, the State Government may grant an extension of time for such period as they may consider necessary. If the officer passes within this further period no penalty will be enforced.

EXAMINATION IN LANGUAGES.

5. The examination in the Hindi and Regional languages will be conducted under the following rules :-

Hindi

LOWER STANDARD

- a) Transliteration and translation from the Hindi–
 - (i) part of a khasra and document connected with the work of an Irrigation Officer, such as a petition of complaint about supply of water, shall be transliterated into the Roman character and shall also be translated into English.
 - (ii) A contractor's bill and a document connected with the work of an officer employed on roads and buildings shall be similarly transliterated and translated.

The time allowed for each of these papers will be two hours and the papers will be fixed for different times. The maximum marks for each paper will be 30 marks for transliteration and 30 marks for translation. The marks awarded for transliteration and the marks awarded for translation will be separately added together and a candidate who secures

on the two papers 15 marks for transliteration and 15 marks for translation will be held to have passed in these subjects.

b) Translation from English into the Hindi –

Three short and simple passages will be set for translation from English into the Hindi. One passage will deal with subjects connected with irrigation, one with subjects connected with roads and buildings, and the third with a short document of account such as a khasra or contractor's bill.

The time allowed for this paper will be two hours and the maximum marks for each passage will be 30 and pass marks 45 for the three passages.

c) Viva voce examination in the Hindi –

(i) the examinee will be tested in conversation with Indians of various classes in such a manner as to satisfy the officers who will conduct the viva voce examination that he can make himself easily understood by them.

(ii) An ordinary piece of English narrative prose will be handed to him and after being allowed to read it through, he will be required forthwith to give a fluent oral translation of it. The piece should deal with matters with which the examinee is likely to be familiar.

The time to be occupied in this portion of the examination should be about 15 minutes, and the maximum marks for (i) and (ii) will be 20 each and pass marks 10 for each part.

Note – For the examination in Hindi , the script will be Devnagiri.

Regional & Tribal Languages

6. An officer must compulsorily pass one of the regional tribal languages noted below :-

1. Santhali
2. Mundari
3. Oraon
4. Ho

7. The tests which a candidate must undergo at the compulsory examination are as follows :-

- a) he must be able to converse freely in the tribal language opted by him.
- b) he must write down sentences spoken in the opted tribal language in English or Hindi and
- c) he must translate from English or Hindi into the opted tribal language sentences, not of more difficult nature than those described in clause (b) and the translation must be substantially correct and intelligible.

8. (a) The standard prescribed for the compulsory examination is the lower standard. In order to pass by this standard, the examinee must obtain not less than 50 per cent of the marks allotted to each branch of examination and $66\frac{2}{3}$ per cent of the aggregate.

(b) The examinee shall be declared to have passed by the higher standard, if he obtains not less than 60 percent of the marks allotted to each branch of the examination and 75 percent of the aggregate. Passing by the higher standard shall be optional for all officers .

An officer who passes by the lower standard shall be eligible to re-appear at the examination for the higher standard , while an officer who passed by the higher standard shall be declared to have passed by the standard even though he has not previously passed by the lower standard .

9. Notwithstanding any-thing contained in paragraphs 7 and 8 above the compulsory examination in the case of officers who have put in 15 years or more of service, shall consist only of an oral test, in which the examinee must be able to converse freely in the

opted language to make himself understood. In this test the examinee shall be declared to have passed, if he secures not less than 50 per cent of the marks.

10. Examination in Tribal languages will be conducted by the Central Examination Committee.
11. The prescribed text books in the different tribal languages are the following :-

Sl. No.	Name of Language	Name of prescribed text book.
1.	Santhali	Santhali Praveshika, Parts I and II by Shri Doman Sah Samir, Editor of the "Horsambad" published by Santhal Paharia Seva Manda, Deoghar.
2.	Mundari	A Mundari Grammar with Exercises by Rev. J. Hoffmann, S.J. Catholic Mission, Ranchi
3.	Oraon	Kath Ara Kath Billin Id-u by Dr. Christ Michael Tiga, K.B. Kadru, Ranchi
4.	Ho	Ho Klaji By Sri Bhim Ram Sulanki, Chaibassa.

The prescribed text books will be scrutinised from time to time by Jharkhand Tribal Research Institute & amendments in list of books as above will be made as per recommendations of JTRI.

12. Rewards will be given as mentioned below to candidates who pass the examination mentioned in paragraph 6, within the stipulated time, subject to the condition that rewards will be granted only for one language.

Higher Standard.

Rs.

Officers of Class I	(5,000/-)
Officers of Class II	(3,000/-)
Officers of Class III	(2,000/-)

Note : An Officer, who appears only at the oral test, as provided in paragraph 9 above, shall not be entitled to any reward.

EXAMINATION IN LAW.

13. The examination in Law will consist of two papers (parts A and B) and an examination in criminal case work (Part C). Officers will be allowed to pass separately in either part A, B or C. The irrigation Manual and the text of the laws referred to may be used for reference; copies will be provided by the Examination Committee.
14. The following table shows the particulars of marks assigned to each subject and the time allowed :-

Subject of examination	Maximum marks	Pass marks	Time allowed
Law part 'A'	120	60	3 hours.
.....			
Law part 'B'	120	60	3 hours.
....			
Examinations in case, part 'C'	120	60	To be determined by the examination Committee.

15. Part A will comprise the following Acts and Regulations :-
- i. Cattle Trespass Act I of 1871, as amended by Act I of 1891.
 - ii. Bengal irrigation Act III (B.C) of 1876, as amended by Act VII of 1880 and Act I of 1903 and the rules thereunder.
 - iii. Indian Penal Code (Act XLV of 1860) –
 - Chapter II, Section 6,21,38,51 and 52.
 - Chapter III, sections 53,60 and 64 to 70.
 - Chapter IV, sections 76 to 85
 - Chapter V, sections 107 to 109
 - Chapter X, sections 172 to 175, 178 to 181 and 186 to 188.
 - Chapter XI, sections 191 to 193,224 and 228.
 - Chapter XVI, sections 125 to 440.
 - iv. Evidence Act (1 of 1872 as amended by XVIII of 1872) –
 - Chapter I, sections 1, 3, and 4.
 - Chapter II. sections 5 to 11, 13 to 16, 24 to 30, 32 to 39, 43, 47 to 49, 53 and 54.
 - Chapter IV, sections 59 and 60.
 - Chapter V, sections 61 to 66, 67, 73, 79, 83, 87 and 90.
 - Chapter VI, sections 91 to 93 and 98.
 - Chapter VII, sections 101 to 106.
 - Chapter IX, sections 118 to 127, 129 132 and 133.
 - Chapter X, sections 137 to 155, 159, 161 and 165.
 - v. Criminal Procedure Code (Act V of 1898)*
 - Chapter I, the whole.
 - Chapter II, sections 6, 10, 11, 12 and 17.
 - Chapter III, sections 28, 29, 32, 39, 35, 37 and 40.
 - Chapter IV, sections 42, 43 and 45.
 - Chapter V, sections 46 to 53, 57, 60, 61, 64 and 65
 - Chapter VI, the whole.
 - Chapter VII, section 94, 96 and 104.
 - Chapter IX. section 127.
 - Chapter XLV, the whole.
 - Chapter XV, sections 177, 179, 180, 182, 183, 186, 187, 190, 191, 192 and 195.
 - Chapter XVI, the whole.
 - Chapter XVII, the whole.
 - Chapter XIX, the whole.
 - Chapter XX, the whole.
 - Chapter XXI, the whole.
 - Chapter XXIV, sections 340 to 347 and 349 to 352.
 - Chapter XXV, the whole.
 - Chapter XXVI, sections 336, 367, 371 and 372.
 - Chapter XXVIII, sections 384 to 389, 397 and 400.
 - Chapter XXXI, sections 407, 418 to 423 and 430.

Chapter XXXII, sections 435.
Chapter XXXIII, sections 443, 445 and 453.
Chapter XXXV, sections 476, 480, 481, 482, 484, 485 and 487.
Chapter XXXVIII, sections 495.
Chapter XXXIX, the whole.

* See now the corresponding sections of Criminal Procedure Code, 1973 which has repealed the Criminal Procedure Code of 1898.

Chapter XL, sections 503, 505 and 506.
Chapter XLI, sections 511 and 512.
Chapter XLIII, sections 517 and 518.
Chapter XLIV, sections 528.
Chapter XLV, sections 529 to 531, 535 and 537.
Chapter XLVI, sections 540, 543 to 545, 547, 548, 556 and 558.

- vi. Circular Order of the High Court (Criminal) no. 6, dated the 18th November, 1901, sections I and II.
16. Part B will comprise the following Acts and Regulations :-
- i. Canals Navigation Act V (B.C.) of 1864.
 - ii. Land Acquisition Act I of 1894, Parts I to VI.
 - iii. Drainage Act VI (B.C.) of 1880.
 - iv. Embankment Acts XXXII of 1855, VII (B.C.) of 1886 and II (B.C.) of 1882.
 - v. The Bihar Public Irrigation Works Act XI of 1930.
 - vi. The Bihar and Orissa Private Irrigation Works Act V of 1922 as modified to the 16th October, 1939.
 - vii. The National Highways Act, 1956, The control of National Highways (Land and Traffic) Act, 2002, Jharkhand Highways Act, 2005, The Indian Toll (Jharkhand Amendment) Act, 2002, Bihar Public Land Encroachment Act, 1956.
 - viii. Rules made under these Acts.
17. Part C (examination in cases) will be conducted as follows :-
- A case not being of a special difficulty confined to Roads and buildings/Irrigation subject should be selected by the Secretary to the Central Examination Committee for Roads and buildings/ Irrigation/officers. In selecting a case it should be remembered that officers will only exercises magisterial powers under Act III (B.C.) of 1876 (Bengal Irrigation Act)/Jharkhand Highways Act, 2005. The case selected shall ordinarily be in the court Hindi in which the officer is to be examined.
- The case will be read out by an Indian Official. Where possible the case will be read either to each candidate separately, or to small batches. The candidate must write his notes of evidence as the reading proceeds just as he would do were he actually trying the case. At the conclusion of the case the candidate, who may refer to his books, must write a judgment on the question or questions at issue, with a statement of reasons.
18. The officers who will be selected by the Central Examination Committee to examine the papers in cases under rule 10 give their opinions on the merits of each candidate's judgment and decide whether he should be considered to have passed. The papers should not be submitted to the Central Examination Committ

PART – II
RULES DEALING WITH THE PROFESSIONAL EXAMINATION OF
ASSISTANT ENGINEERS AND ASSISTANT ELECTRICAL ENGINEERS.

1. All Assistant Engineers of the P. W. D. must pass the professional examination prescribed in Jharkhand Public Works Department Code, paragraph 55 within three years of joining their appointments in the State.
2. On first appointment these officers will be employed in such a manner as will afford them the experience of work necessary to enable them to pass the examination laid down in these rules and will personally compile for one month the accounts of a subdivision including the checking of measurement books, preparation of bills and posting of day books, contractor's ledgers and other subdivisional registers. They will subsequently spend a period of at least fifteen days in a divisional office where, with the Accountant's assistance, they will compile the divisional accounts of the month.
3. No officer will be permitted to appear for the examination until he has undergone the training prescribed in rule 2 and in addition has been satisfactorily reported on by the Executive Engineer and Superintending Engineer as regards his physical energy any efficiency in practical work and his capacity to manage those under his authority. A special report regarding these qualifications will be submitted to the Chief Engineer when an officer applies for permission to appear for examination.
4. Examinations will ordinarily be held at half-year intervals in December and June and will be conducted by a committee constituted by the Engineer-in-chief comprised of the Chief Engineer as president and two officers of the engineering establishment as members. The President will submit the report of the Committee with his observations and recommendation to the Government, who will decide which officers are deemed to have passed the test and will publish their names in the Jharkhand Gazette.
5. The examination will be such as to test –
 - (a) The knowledge of an officer regarding the localities where he has been employed as to –
 - i) their resources for the raw materials of engineering construction,
 - ii) the processes for procuring materials for engineering constructions,
 - iii) the methods and costs of engineering constructions,
 - iv) the dealing with contractors and management of work people.
 - (b) His acquaintance with the rules of the Public Works Department Code as far as they concern an Assistant Engineer and his knowledge of the accounts of a subdivision. The officer will be expected to show that he is sufficiently acquainted with those portions of the Government publications mentioned below :-

Public Works Department Code, Bihar/Jharkhand Public Works Account Code, Jharkhand Service Code, Chapters II, VI excepting rules 191-192, 200-206, 208-210, 213-217, 222-224, and 239-246, Chapter VII excepting rules 304-305, 310, 312-313 and 333-334, Chapter VII and Appendix 15.
 - (c) His ability to design and estimate works.
6. The examination will be mainly oral but the examining committee will prepare three separate papers for testing an officer's knowledge of the matters mentioned in sections (a), (b) and (c) of rule 5 and assign marks to each question of which the examinee will be expected to obtain an aggregate for each paper of at least 50 per cent to qualify for a pass.

For the test under section (b) of rule 5 reference to Government publications will be permitted. The test under section (c) of rule 5 will be such as does not require resorting to books of reference.

Copies of papers set and statements of marks earned for each question will be submitted to the State Government.

7. In the event of an officer failing to pass the examination within the period specified in rule 1 his increment will be withheld and arrears of increments so withheld will not be granted to him on his passing the examination except in special cases where his failure to pass has been due to the circumstances beyond his own control. Failure to pass the examination within the prescribed period will not however affect the amount of an officer's salary when he has subsequently passed the examination and he will then be entitled to the rate of pay corresponding to the length of his service. In exceptional cases, when, owing to the exigencies of the public service or illness, an officer is unable to pass the Professional Examination within the prescribed period the State Government may grant such extension of time as they may consider necessary, and if the officer passes within this further period, no penalty will be enforced.