

## **CHAPTER IX. – MISCELLANEOUS**

### **Section 1. – Care and Maintenance of Steam Plant Registration and Certificates**

9.001. DELETED.

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### **Section 2 – Repairs and up keep of Machine Estimate and Approval of Repair Works**

9.011 As soon as a repair work is proposed to be taken up, an inspection report and estimate will be prepared in the form given in Appendix 9.20 and submitted to competent authority for approval. The E.E., E/M or the S.D.O., E/ M while approving the repairs estimate, will allot the job number of the repair work. For this purpose, a job register in the form given in Appendix 9.21 will be maintained by the E.E. , E./M and S.D.O. , E./M.

For all repair works costing up to Rs. 2,000 the job number and approval will be given by the S.D.O., E/M. For repair works more than Rs. 2,000 the estimate will be sent to the E.E.,E/M or other competent authority for approval.

### **Receipt and Issue Register for Section**

9.012. Each S.O., E/M shall maintain a register of receipt and issue of spare parts issued to the various repair works under his charge. The receipt and issue register will be maintained in the form given in Appendix 9.22. All spare parts, other materials received by the S.O., whether from stores, supplies/other source shall be entered in this register. The issue side will indicate the job number, serial number and registration number of the plant. It is also desirable to give the job number on each voucher/ indent when the material is purchased/indented for a particular job.

### **Job Cards**

- 9.013. for each repair work, a job card will be maintained by the S.D.O., E/M under whom the work is being done. The form given in Appendix 9.23 Section A and B of the job cards should give approximate amount spent on labour for the job. Further they should give details of voucher number with dates. Section 'D' should give details of jobs carried out in the departmental workshop. It should be noted that there should not be any overlapping in section A, B and D. For each completed job, a photocopy of the job card will be sent to E.E., E/ M concerned for reference and record in his office.

### **History Sheet**

- 9.014. A History Sheet (Appendix 9.24) for each plant will be maintained in the E/M Division Office. Details for job cards/ abstract copy of log book and other information (transfer of plant/details of operator etc.) will be entered in the plant history sheet. This history sheet will be brought up to date each month. A half yearly abstract will be sent to the S.E., E/M.

### **Section 3.- Hiring of Plant and Machinery to Contractors**

- 9.015. Departmental tools and plant and machinery may be issued to the contractors, as required, if the issue is in the interest of Government, subject to the following conditions: -

- (a) The plant and machinery may be lent only when it is not required for any other work and will not be detrimental to the programme of the department.
- (b) The plant and machinery will be maintained in good working order by or at the expense of the contractor to whom it is issued and will be returned in good order to the E.E., E/M, when it is no longer required for the work. In the event of any repairs being found necessary after the plant and machinery has been returned, the cost of repairs or such portion of the cost as the E.E., E/M may determine will be recovered from the contractor.
- (c) Security deposit shall be taken for the plant and machinery loaned to the contractor at the following rates: -

Plant and machinery both rated and non-rated at one per cent of the book value; of this half per cent shall be recovered immediately in cash and half per cent by deduction from running bills.

- (d) The loaned machinery will continue to be in the charge of E/M formation or project authorities as the case may be and shall be operated by the departmental crew. Diesel, fuel and Lubricants shall be supplied by the Department. Repairs and maintenance will be carried out only by the department. If any exception is to be made for casual repairs by the contractors in special circumstances (to be stated in writing) specific approval of the E.E., E/M shall be taken.

- (e) The hire charges for rated plant and machinery shall be as per standard hourly use rates of the Department plus the element of the interest and to safeguard against under-utilisation and thus blocking up the capital of the Government, extra idle charges equal to half the normal depreciation shall be levied for the short utilisation compared to 6 working hours per day for each working day or 150 hours per month or 1000 hours per season or as specified by the S.E., E/M unless the plant and machinery is certified to be non-operative due to break down.
- (f) All charges for which a contractor is liable under the above rules will be deducted from the bills for payments due to the contractor for the works on which the plant is used or from bills for any other work.
- (g) The hire charges and idle charges shall be fixed from time to time by the S.Es., E/M/P.W.D and P.H.E.D. In W.R.D. this power shall be exercised by the S.E.(E./M.) only unless it is delegated. The hirer will not be entitled to dispute the charges.
- (h) The plant and machinery may also be issued to the piece-workers in accordance with the above rules. The sub-clause (c) shall however not be applicable to such issues. The hire charges of the plant and machinery shall be recoverable, as soon as they become due, promptly from the following bills payable to the piece-workers for the work executed by them. No hire charges should be allowed to fall in arrears. The plant and machinery shall always be kept in the custody of the department.

9.016. Before machinery is actually loaned to the contractors and piece-workers, agreement in the form prescribed vide Appendix 5.08 shall be executed.

#### **Section 4.- Hiring of Plant and Machinery to other Government Departments, Semi-Government Organisation/Local Bodies**

9.017. The above rules except clause (c) will apply in this case also. Hire charges for one month shall be recovered in advance prior to giving delivery of the machine and subsequently one month's hire charges shall be recovered in advance every month.

#### **Authority Competent to Issue Machines on Hire**

9.018. Subject to the provisions in the paragraphs 9.015 to 9.017 the E.Es., E/M, P.W.D. P.H.E.D. will hire out the equipment. In W.R.D. this power shall be exercised by the S.E. (E./M.) only unless they are delegated

#### **Section 5.- Levy of Royalty on Construction Materials**

9.019. Extraction of materials and levy of royalties on construction materials are governed by the Chhattisgarh Minor Mineral Rules, 1996 as amended from time to time.

## **Section 6.- Sale of Natural Miscellaneous Produce Obtained from Road or Canal Land in-charge of**

### **The Works Department Produce on Government Land Pertaining to Irrigation Works**

- 9.020. Instructions regarding the sale of miscellaneous produce obtained from Government land pertaining to Irrigation Works are contained in the executive instructions under Section 64 of the CHHATTISGARH Irrigation Act, 1931 (No.III of 1931), as amended from time to time.

#### **Produce on Road Lands/Lands in charge of W.D.**

- 9.021. The E.E., S.D.O. should dispose of the fruit, dead tree, etc., coming within the boundaries of W.D. roads/other lands, but care should be taken to see that the rights of private persons are not interfered with. The sale proceeds should be credited to the appropriate head of account.

#### **Grass and Weed Clearance**

- 9.022. Grass and weed clearance on road within limits of local bodies should be done by the authority responsible for the maintenance of the road, the cost being debited to the funds from which the road is maintained.

#### **Grazing and Grass Cutting**

- 9.023. Free grazing may be permitted on road side lands, except on those parts which lie within limits of local bodies and in Government forests, but on no account is grass to be cut and taken away. For the parts that lie within limits of local bodies the disposal of grass or sale of grazing rights should be in accordance with the rules of the concerned body as sanctioned by Government.

#### **Procedure in Regard to Sales**

- 9.024. The whole amount for which fruit, dead wood and other kinds of roads-produce are auctioned should be realized in full as soon as the bid has been approved by competent authority. When, however, the amount is in excess of Rs. 5000 recovery may, at the discretion of the E.E., be made in two equal installments, the first on the acceptance of the bid and the other before the produce is taken away by the purchaser. This will render any written lease or agreement with the purchaser unnecessary. A warrant in the following form should, however, be given to him, signed by the officer who issues it :-

In return for Rs..... (Rupees ..... ) received on (date)  
 .....(Name of purchaser) .....Village .....  
 tahsil and District ..... is permitted to collect all the .....in  
 km..... of the ..... road from (date) .....to (date) .....

.....  
 (Signature of Officer )

A copy of the warrant must be retained by the S.D.O. and he must see that the purchaser adheres strictly to the terms of the sale.

**Note.**— Bid-sheet form in Appendix 9.06 will be used for recording the bid made at the made at the auction.

## **Section 7.- Military Encamping –grounds**

### **General Instructions**

9.025. Instructions regarding the maintenance of military encamping-grounds, provisions of funds and classification of expenditure incurred thereon are contained in G.B.C. VII-5.

### **Maintenance of Boundaries**

9.026. The boundaries of all encamping-grounds that are the property of Government must be demarcated and the boundary pillars erected. A watch should be kept on encroachments.

### **Annual Report**

9.027. By the 5<sup>th</sup> October each year, the E.E. will send to the Collector a report (in the form given in the Appendix to G.B.C.VII-5) showing the conditions of the encamping grounds and the wells situated therein that are maintained by the W.D. in the district. In the same report, private encamping-grounds on roads under the W.D. should be shown separately, although, they may not be maintained by the W.D.

### **Leasing of Encamping Grounds**

9.028. A form of lease of encamping grounds is printed as Appendix 9.07. The Collector should be consulted before an encamping-ground is leased out or orders to vacate an encamping-ground are issued to the tenant. If, in an exceptional case, a lessee has to vacate that portion of an encamping ground which is under cultivation, the Collector should be informed at once, and asked to assess compensation, as quickly as possible.

9.029. Receipts from encamping-grounds which are the property of Government should be credited to the appropriate head of account.

9.030. The W.D. is neither responsible for the maintenance of private encamping-grounds on roads under its charge nor Government/private encamping-grounds which are not situated on the roads under the W.D.

## **Section 8.- Transportation of Heavy Machinery on W.D. Roads**

9.031. Heavy machinery and plant, which cannot be carried in the ordinary modes of transport in trucks registered for permissible loads on roads within the state, shall not be transported along roads maintained by the W.D unless the permission of the E.E. has been obtained and an agreement in the prescribed form executed in accordance with the rules printed as annexure to appendix 9.08.

## **Section 9.- Miscellaneous Instructions**

### **Publication of Rules and Notices**

- 9.032. Drafts of rules, regulations and notification which affect the public, whether they have the force of law or are merely executive instructions, should be published before issue in order to elicit any objections to them.

### **Repairing cuts across roads**

- 9.033. Except in emergencies affecting public service, on cuts shall be made across the road of the Works Departments without prior permission of the E.E. of the concerned Works Department who will lay down the procedure to be followed by the agency cutting the roads, during the operation of the cutting. The estimated charges for the repair and restoration of the cut portion to the original condition shall be paid by the agency cutting the road to the concerned work department in advance prior to the grant of permission for such road cutting. The cuts shall be filled up immediately by the agency cutting the road and only final surfacing will be done by the concerned Works Department.

### **Incidence of expenditure on construction of crossing for private irrigation purposes on state roads**

- 9.034. (i) If, when a road is constructed, the catchments area of a tank or part of it, is intercepted, either a drainage crossing will be provided or the owner of the tank will be compensated for the loss of supply. If irrigation rights are interfered with an irrigation crossing will be provided or compensation will be paid. In all such cases the cheaper alternative should ordinarily be adopted.
- (ii) If, after the construction of road, an irrigation crossing is required, the cost of providing it will ordinarily be borne by the person who requires it.

### **Care of trees on the Govt. Land**

- 9.035. (i) The officers of the Posts and Telegraphs Department are primarily responsible for ensuring that the telegraph or telephone wires do not come into contact with trees. They may, without reference to the W.D. keep boughs upto 5 cm diameter clear for a distance of one meter from the wire, and cut away smaller boughs and twigs to a distance of two meters.
- (ii) No tree which interferes with a telegraph or telephone wire should be planted.

### **Foundation laying ceremonies and inauguration of works**

- 9.036. Expenditure of ceremonies connected with the foundation laying/inauguration of important public work is chargeable to the contingencies of the sanctioned estimate with the sanction of the state Government.

## **Section 10 -. Law suits and law charges**

- 9.037. (1) On receipt of the suit against Government E.E. should immediately apply for the Government sanction to defend the suit and for the appointment of officer in charge of the suit who will sign all papers and affidavit in the suit. Simultaneously, orders of Government to appoint Government Pleader/Advocate to defend may also be applied for.

As soon as the judgment in the case is delivered action should be taken to obtain copy of judgment and decree should be sent to C.E. with the judgment . If no appeal is to be filed and it is proposed to pay the decretal amount, sanction for the payment thereof should be obtained. C.E. is empowered to sanction payment of decretal amount up to Rs. 1,000. If the decretal amount is more than Rs. 1,000, sanction of Government to the payment is necessary.

Allotment for the payment of decretal amount should be demanded separately along with the head of account to which it is debited.

- (2) On receiving a notice of suit against himself in respect of any act purporting to have been done by him in his official capacity, the officer should take action immediately in accordance with the relevant rules of the Law Department Manual as amended from time to time .
- (3) The C.Es. and S.Es. are authorized to incur expenditure in connection with law charges to the extent of Rs. 1,000 in each case subject to budget provision exclusive of the fees payable to Public Prosecutors and Private Legal Practitioners.
- (4) Chapters II and III of the Law Department Manual deal with fees payable to Public Prosecutors and Private Legal Practitioners. Where fees higher than those fixed in those chapters are proposed to be paid, Government orders should be obtained. W.D. Officers should consult Collectors about the engagement of counsel and fees.
- (5) Relevant Extracts of the Law Department Manual are at Appendix 9.09 for guidance.

#### **Section 11.- Destruction of accounts and other records**

- 9.038. The period after which records may be destroyed is prescribed in Appendix 9.11. E.Es. may, order the destruction of such records in their own and subordinate offices.
- 9.039. S. Es. Are competent to sanction the destruction of other useless records in their own and subordinate offices but a list of accounts records should be forwarded to the A.G. for his prior approval.
- 9.040. The following records must, in no circumstances, be destroyed :-
  - (a) records connected with expenditure which is within the statute of limitation ;
  - (b) records connected with expenditure, on projects, schemes or works not completed, all though beyond the period of limitation;
  - (c) Records connected with claims to service and personal matters affecting persons in the service;
  - (d) Orders and sanctions of a permanent character, until revised and ;

- (e) Records of experiments and observations.

9.041. Full details of all records destroyed should be maintained permanently in each office.

## **Section 12.-Tolls on bridges and ferries**

### **Collection of tolls on bridges**

9.042. Tolls levied on a bridge under section 2 of the Indian Tolls Act, 1851 (VIII of 1851) may either be leased to a contractor or with the sanction of the S.E., be collected departmentally.

9.043. The detailed instructions laid down for regulating the collection of tolls on bridges departmentally are given below: -

- (1) A toll house will be established in the immediate vicinity of the bridge with sufficient toll muharrirs and chowkidars for day and night works. A gate will be fixed near the toll house to intercept the traffic and facilitate the collection of tolls. The chowkidar on duty will demand the toll prescribed by the Government. The table of tolls and the list of exemptions will be exhibited in a conspicuous place near the toll house, legibly written or printed in English and Hindi. To the table of tolls shall be annexed, written or printed in like manner, a paragraph setting forth the penalty for refusal to pay the toll and for demanding or taking any unlawful toll. The toll prescribed by the state Government and the list of exemptions is at Appendix 9.25 and 9.26 respectively.
- (2) Books containing tickets of required denominations with counterfoils will be kept in the toll house. The tickets will be printed in different colours. The books and tickets will be serially machine- numbered. When the muharrir on duty has realized the prescribed toll he shall handover a ticket or tickets to the person paying the toll and will at the same time enter the amount received in the counterfoil.
- (3) Persons exempted, in accordance with the orders in force for the time being, from payment of toll, shall be allowed the free use of the bridge on production of a permanent pass which will be granted by the E.E. of the division in the form printed as Appendix 9.12. A register in manuscript should be maintained in the Division Office showing the names or designation of all persons to whom such passes are issued. In the event of loss of the original permanent pass, a duplicate will only be issued on payment of one rupee.
- (4) No person in charge of any vehicle or animal shall refuse to pay the prescribed toll or alternatively to produce the permanent pass when demanded at the toll house. The S.D.O. or any other person authorized by the E.E. in charge may on meeting any person in charge of a vehicle or animal within the precincts of the bridge, that is to say, within a distance of 400 meters from either end thereof, when he has reasonable ground for considering that such person has recently passed over the bridge, call upon him to show the ticket he has

received or if he is an exemptee the permit of exemption, to enable the entries there on to be examined and checked.

- (5) Each muharrir employed for the collection of tolls shall be supplied with books of tickets of different denomination.
- (6) The toll muharrir shall enter the number of tickets sold by him in a day in register in prescribed form. When one muharrir is relieved by another at the end of his period of duty the number of the tickets left in each book and the amount realized by the issue of tickets shall be checked and the register initialed by the relieving muharrir in token of the correctness of the tickets and the cash received.
- (7) The amount realized each day shall be kept in a safe embedded in masonry in the toll house and remitted to the S.O. or S.D.O. on the following day with a chalan in duplicate in the form given as Appendix 9.13. One copy will be retained by the officer receiving the amount and the other returned to the toll muharrir. When the bridge is situated away from the headquarters of the Sub-Division the amount realized by the sale of tickets shall be remitted on the following day to the S.O. who shall remit it to the S.D.O. or credit it in the nearest treasury as may be directed by the S.D.O.
- (8) The cash in chest and the toll register should be checked by the S.O. or S.D.O. whenever he visits the toll house and he should certify the result of his check in the register.
- (9) The S.D.O. shall maintain the following registers :-
  - (i) A register showing the number of ticket books received by him and issued to the toll muharrirs from time to time.

**Note.-** An acknowledgement should be taken by the S.D.O. from the toll muharrirs for the ticket books issued to them.

- (ii) A register showing the amount of toll realized daily and the toll for each month.
- (10) Each toll muharrir shall ordinarily furnish a security deposit of Rs. 200 in cash and a personal security for the same amount. Any loss to Government on account of short realization on the total value of tickets issued to a muharrir shall be recovered from his security deposit. If in any case the S.E. considers that the prescribed security should be reduced or need not for any particular reason be taken, he may alter or suspend this condition, stating his reasons in writing.

9.044. The following instructions should be observed when the right to collect tolls is given out on lease :-

- (1) The date on which the right to collect tolls at a bridge should be put to auction will be fixed by the E.E. Such date shall ordinarily be fixed in

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September or three months before termination of a current lease, if any. The date of auction shall be published before hand by proclamation which shall be distributed widely in the district in which the bridge is situated and, if necessary, in the neighboring districts. Where upset bid is over Rs. 25,000 the notice of auction shall be published in newspaper.

- (2) The auction shall be held at Divisional or Sub-Divisional headquarters and in the presence of such officer as the S.E. may direct.
- (3) The upset bid for the auction of right to collect toll will be the amount of net income of previous year or the average of last 3 years net income whichever is more plus 10 per cent thereon.
- (4) Every bidder who wants to enter in the auction and give bid shall, before he is allowed to bid, produce/deposit following :-
  - (a) Earnest money in the form of FDR/Interest bearing security deposit to the tune of 10% of upset bid.
  - (b) Valid bank guarantee/Interest Bearing security deposit to the tune of 25% of the upset bid.
  - (c) Solvency certificate issued by the Collector to the tune of 75% of the upset bid. The contractor may deposit additional Bank Guarantee/Interest Bearing Security Deposit of equivalent amount as an alternative to solvency certificate.
- (5) The period for which the right to levy tolls at a bridge is auctioned shall ordinarily be from 1<sup>st</sup> April to 31<sup>st</sup> March. Contracts may be given for any number of years not exceeding three years upon terms and conditions laid down in the form of lease (Appendix 9.14). A copy of bid sheet, the form of lease, the schedule of rates fixed by the State Government and a list of the exemptions shall be made available for inspection at the place of auction, and before the auction commences, the period for which the lease is to be given shall be announced and the substance of paragraphs (6) to (10) of these instructions shall be explained publicly by the presiding officer. The act of bidding shall be deemed to be a complete and unreserved acceptance of the conditions contained in those paragraphs.

**Note—** Leases relating to the collection of tolls on bridges for a period not in excess of one year need not be registered.

- (6) The auction of every bridge shall be reported within a week by the presiding officer to the E.E. with a list of the offers received from the bidders. In case of bids more than upset bid the E.E. shall have the powers to sanction a lease where the consideration does not exceed Rs. 2,50,000 while a lease exceeding that amount shall be sanctioned by the S.E. In case of bids less than upset bid the lease shall be approved by the next higher authority i.e. for bids up to Rs. 2,50,000 the S.E. and for bids more than Rs. 2,50,000 C.E. shall be competent authority to approve the lease. After sanction is accorded by the competent authority, a lease in the form in Appendix 9.14 shall be granted over the signature of the Divisional Officer.

- (7) The Officer having powers to sanction the lease shall not be bound to accept the highest or any bid and may refuse any bid without assigning any reason.
- (8) When the right to collect tolls at a bridge is leased (a) for one year, (b) for two years, or (c) for three years, the rent for the lease shall be payable as follows: -

In case (a).– The total amount of the bid shall be payable in seven installments. The first installment shall be 10 percent of the bid, payable within fourteen days of the date of acceptance of the bid by competent authority, and the remaining six installments shall be 15 percent each of the bid payable at equal intervals.

In case (b).– The total amount of the bid shall be payable in thirteen instalments. The first installment shall be 10 percent of the bid payable within fourteen days of the date of acceptance of the bid by competent authority. The remaining twelve installments shall be 7.5 percent each of the bid payable at equal intervals.

In case (c). – The total amount of the bid shall be payable in nineteen installments. The first installment shall be 10 percent of the bid payable within fourteen days of the date of acceptance of the bid by competent authority. The remaining eighteen installments shall be 5 percent each of the bid payable at equal intervals.

- (9) The contractor whose bid is highest shall pay at once a sum equivalent to 10 percent of the bid as security for the due performance of the contract in the approved form of security deposit as in the case of tenders. If he fails to do so he shall forfeit the amount deposited by him at the time of bidding and shall not be allowed to bid again for the same bridge for the period specified in the initial auction notice. The security shall be repaid to the contractor at the termination of the lease and after all claims of Government, in respect thereof shall have been finally settled.
- (10) For overdue installments of lease amount, action should be taken under clause (16) of the form of lease (Appendix 9.14). The E.E. should forward to the Collector a defaulters list giving the full name and address of the lease and surety, the amount of the installment, the date on which it fell due, allowing for the days of grace, and the rate of interest to be charged. The Collector shall recover the amount of installments, plus interest, calculated from the date on which the period of grace expired to the actual date of recovery and inform the E.E. of the details of each recovery.
- (11) The S.D.O. shall, on or before the date on which the right to collect the toll commences, make over to the lessee in good condition -
  - (i) A toll house and all its attachments constructed to intercept the traffic and to facilitate collection of the toll, and

- (ii) Materials required for the erection of a temporary railing, if any is considered necessary by the S.D. O. The S.D.O. shall inspect from time to time, the toll house, the railing and its materials.

#### **Collection of Tolls on Ferries**

9.045. Following rules are prescribed for the collection of tolls:-

- (1) The right to collect tolls at each public ferry shall be put to auction in good time before the termination of the current lease, so that the new lease may be sanctioned by the competent authority before the expiry of the current lease. A list of the exemptions approved by the State Government is at Appendix 9.19.
- (2) Ferries ordinarily required for use throughout the year shall be called 'A' Class ferries. Ferries used only during rains or for part of a year shall be called 'B' Class ferries.
- (3) The period for which the right to collect toll at a ferry is auctioned shall ordinarily be from the 1<sup>st</sup> of June to the 15<sup>th</sup> October, except in the case of a river or stream on which there is need of a ferry boat or a temporary bridge or of a specially constructed temporary roadways in the bed of the river during other months of the year, in which case the right to collect tolls may be leased for the whole year or for such portion of it as may seem to be desirable. Leases may be drawn up at a time for not more than three successive years or seasons as may be decided in each case by the authority granting the lease.
- (4) A notice, specifying the time, place and condition of auction shall be distributed widely in the district in which the ferry is situated and, if necessary, in the neighboring districts. The E.E. may in the case of ferries which he considers to be important, publish such notice in the newspapers.
- (5) A copy of the form of bid sheet (Appendix 9.15), the form of lease (appendix 9.18), the schedule of tolls fixed by the State Government and a list of exemptions (Appendix 9.19) from payment of tolls allowed by the State Government shall be made available for inspection at the place and before the commencement of auction. If 'B' class ferries are used after the 15<sup>th</sup> October the E.E. may extend the period during which tolls may be collected, and in such a case the amount payable by the lessee shall be enhanced in such proportion as the period of extension bears to the term of the lease.
- (6) (a) When an 'A' Class ferry is leased for one year only, the rent shall be payable in seven installments. The first installment shall be 10 percent of the total bid, payable within fourteen days of the date of acceptance of the bid by competent authority and the remaining six installments at equal intervals shall be 15 percent each of the bid.  
(b) When an 'A' class ferry is leased for two years the total rent shall be payable in thirteen installments. The first installment shall be 10 percent of the total bid, payable within fourteen days of the date of acceptance of

the bid by competent authority. The remaining twelve installments shall be 7.5 per cent each of the bid at equal intervals.

- (c) The installment of rents payable on ferries leased for periods longer than two years shall be calculated in a manner similar to the above.
- (d) When a 'B' Class ferry is leased for one year the total rent shall be payable in four installments. The first installment shall be 25 percent of bid, payable within fourteen days of the date of acceptance of the bid by competent authority and the remaining three installments shall be 25 percent each of the bid.
- (e) When a 'B' Class ferry is leased for more than one year, the total bid shall be divided by the number of years of the period of the lease. The rent thus determined for each year shall be payable in installments calculated as above.
- (7) The lessee shall ordinarily have the right to demand payment only for the use of the ferry boat or temporary bridge. No charge shall, in any case, be made for the use of an ordinary road leading in the direction of the river. It is only where a special road has been made or is maintained by the lessee for descent into, or ascent from the river bed or within the bed of the river, that the road way is to be deemed part of the ferry, and charges may be made for the use of it as such. The E.E. shall decide at which ferries, if any, such special roads have been made or are maintained by the lessee.
- (8) (a) The E.E., shall, at least one week prior to the commencement of the period for which the right to collect tolls has been auctioned, or in the case of ferries on which tolls are collected throughout the year on the date on which the right accrues, make over to the lessees, in a safe and trustworthy condition, the boat or boats and, where there is a temporary bridge, all materials, other than earth, moorum, sand and brush wood normally required for the construction of the temporary bridge and temporary road up to the bridge for the working of the ferry. If the lessee desires to use, in addition to the boat or boats made over to him, a boat or boats belonging to him, he shall obtain previous permission of the E.E. before bringing them into use.

Note— A receipt shall be obtained from the lessee showing the description and quantity of the materials supplied to him. He shall be required to return these materials to the lesser on the expiry of his lease. This receipt shall be recorded carefully in the sub- division office and may be returned to the lessee after he has returned the materials.

- (b) The lessee shall at his own cost :-
  - (i) Construct the temporary bridge and such temporary roadway up to the bridge as may be necessary before such date as may be fixed by the E.E. ;

- (ii) Maintain in good condition, the bridge, the roadway and the boats made over to him;
  - (iii) Remove all silt which is deposited in the approaches and;
  - (iv) Dismantle the temporary bridge and store Government materials thereof at a safe place above high flood level in good time before the commencement of the monsoon.
- (c) The opinion of the E.E. regarding the satisfactory nature or otherwise of such construction or maintenance shall be final. Should the lessee fail to construct or maintain such works or at any time fail to remedy within a reasonable period any defect brought to his notice in writing by the E.E., the latter shall be entitled to construct or maintain such works or to remedy any defects in them. As the case may be, and the cost incurred in so doing shall be recovered from the lessee.
- (d) In the event of any damage to a boat or bridge or of the loss of a part or the whole of either, the lessee shall report the fact to the authority from whom he held the lease and to the Officer-in-Charge of the nearest police station. He shall make good such loss or damage for which he is responsible but not such loss or damage as is caused by unusual or abnormal floods, provided that he has taken all reasonable precautions to prevent such loss or damage, and to save and salvage damaged materials, during and after the floods within such period as may be decided by the E.E. in the event of there being a difference of opinion as to the fact or extent of liability of the lessee to make good the loss or damage, the decision of the E.E. shall be final.
- (e) On the expiry of the lease, the lessee shall return in good condition the boat a boats, the materials issued to him for the construction of bridge, and the metal plate or plates referred to in rule 18.
- (9) The E.E. shall, before the date on which the right to collect tolls accrues, select and demarcate a suitable plot of land, ordinarily not more than one hundred meters away from the ferry, and permit the lessee to use it free of rent for the construction, at his own cost, of temporary structures for the management of the ferry and to shelter the ferry men employed by him. On the termination of the lease, the lessee shall dismantle the structures and remove the materials.
- (10) The E.E. may permit the lessee to provide on his own account a boat or boats. If this is allowed the lessee shall throughout the term of the lease, maintain the boat or boats in a safe and trustworthy condition, and shall immediately, on receipt of a notice to that effect from the E.E., discontinue the use of any boat pronounced unfit for use, and shall substitute for it a boat which is fit for use.
- (11) On the broadside of every ferry boat, there shall be marked by the authority in direct control of the ferry, a thick line of red paint, the top of which shall represent the line of safe immersion. The position of the line shall be determined after trial and before the boat is used for ferry purposes. The

lessee shall not allow any boat, when plying, to be immersed beyond the limit so marked as safe.

- (12) As long as the stream, over which the ferry plies, is more than one meter deep at any point the lessee shall keep present, within one hundred meters of the ferry and at all hours of the day, such number of ferrymen as may be required to work one ferry boat, but the ferry shall not be worked when the crossing is dangerous owing to floods or between sunset and sunrise.
- (13) The lessee shall report at once to the officer-in-charge of the nearest police station any accident, occurring within the limits of the ferry, by which death or injury amounting to grievous hurt is caused.
- (14) The lessee shall not permit any person, who is known or reasonably suspected to be an escaped convict or proclaimed offender to cross the ferry, and he shall report at once to the officer-in-charge of the nearest police station the arrival at the ferry of any such person.
- (15) The lessee shall, for effecting each crossing, employ such minimum number of ferrymen for the safe and proper working of the ferry as may be fixed by the E.E.
- (16) The lessee shall not permit any person of less than 18 years of age or any person who is not a competent ferryman to take any part in the management of a ferry and shall on receipt of an intimation from the E.E., at once remove any boatmen or servant employed in working the ferry whom the E.E. may declare to be unfit to act as such.
- (17) The lessee shall cause carts carrying the mails and the drivers of such carts and darkeners to be conveyed across the ferry with the least possible delay.
- (18) The table of tolls written or printed in Hindi shall be on a metal plate which shall be supplied by the E.E. at the cost of the Government and shall be kept in some conspicuous place near the ferry. Where the ferry is sufficiently important to carry vehicles, one such table shall be affixed at each end of the ferry.
- (19) Printed receipt books shall be supplied by the E.E. on payment to the lessee. Such lessees shall give, or cause to be given, receipts from the printed receipt books, on demand, to persons using the ferry, for all sums received from them in payment of tolls.
- (20) No ferryman or a servant of the lessee, rendering assistance in conveying goods or vehicles on to or off, a ferry boat or in loading or unloading goods, shall demand any fee for such services. Any person, contravening this rule, shall be liable to be declared unfit for employment, without prejudice to any punishment to which he may be liable. If, however, owing to shallow water the ferry boat lies at a distance from the bank and carts have to be assisted on to, or from the boat for want of a suitable platform, the ferryman or the

servant of the lessee may charge for the assistance so rendered, at the rates fixed by the S.E.

- (21) Except as otherwise provided in the Act, no remission of the contract price of the ferry rights shall be claimable under any circumstances whatsoever. It shall be the duty of the lessee to keep the ferry open for traffic under all reasonable conditions except as provided in rule 12.
- (22) An agreement purporting to transfer or sub-lease the rights conferred by a ferry lease, shall not be valid, unless made with the previous approval of the S.E.

### **Section 13.—Executive Instruction for the Management of Public Ferries**

9.046 (1) New ferries on state roads in Chhattisgarh shall be sanctioned by the State Government.

- (2) For 'A' Class ferries the auction should be held three months before the termination of the current lease, while the rights in the case of 'B' class ferries should be auctioned on a date in the first fortnight of April to be fixed by the E.E.
- (3) The auctions shall be held at suitable centers to be determined by the E.E. with a view to the convenience of bidders and the likelihood of attracting competition. They should ordinarily be conducted by an officer not below the rank of S.D.O.
- (4) The E.E. is competent to enter into leases of a value not exceeding Rs.15,000. Leases above this value shall be granted by the S.E.
- (5) A list of public ferries in respect of which no bids have been accepted or no bids have been offered at an auction shall be submitted by the E.E. to S.E. for his orders with a report containing his proposals for their management. In special circumstances the S.E. may sanction a ferry being worked departmentally.
- (6) E.E. should send to the A.G. direct under intimation to S.E. by the 5<sup>th</sup> of every month a statement giving the following particulars regarding leases for public ferries accepted by him in the preceding month :-
  - (i) number and date of sanction,
  - (ii) Name of lessee,
  - (iii) Name of ferry,
  - (iv) Total amount of rent payable by the lessee,
  - (v) Number of installments in which recovery is to be effected.
  - (vi) Amount of each installment and
  - (vii) Due dates for payment of installments.
- (7) For overdue installment of rent, action should be taken under clauses 5 and 8 of the form of lease (Appendix 9.18). The E.E. should forward to the Collector

a defaulter's list giving the full name and address of the lessee and surety, the amount of the installment, the date on which it fell due allowing for the days of grace and the rate of interest to be charged. The Collector should recover the amount of installment plus interest calculated from the date on which the period of grace expired to the actual date of recovery and inform the E.E. of the details of each recovery.

- (8) The probable dates on which temporary bridges or the various public ferries will be opened and closed for traffic shall be notified by the S.E. concerned in the newspapers not later than the 25<sup>th</sup> October and 25<sup>th</sup> May, respectively and a list showing the dates shall, at the same time, be posted on the notice-boards at the district and tehsil offices.

#### **Section 14.—Registration and Stamping of Leases**

- 9.047. All leases of immovable property from (year to year) or for any period exceeding one year are liable to compulsory registration under section 17 (1) (d) of the Indian Registration Act, 1908 but in exercise of the powers conferred by the proviso thereunder, the State Government has exempted from the operation of the said section (i.e. compulsory registration) all leases of immovable property such as military encamping grounds, ferries and toll bridges, provided the period of the lease does not exceed five years.

The lessee will pay the registration fee in all cases. It is not necessary for the E.E. to appear in person at the registration office in any proceeding connected with the registration of a document, vide section 88 of the Act. This duty may be delegated to the D.A.

Contract agreement may be registered under section 18 of the Indian Registration Act, if considered desirable.

#### **Liability to Stamp Duty**

- 9.048. All leases, except ferry leases, are liable to stamp duty which is payable by the lessee. Ordinary contract agreements and W.D. leases granting right to collect tolls on ferries are exempted from the payment of stamp duty.
- 9.049. The instrument should be written on paper, on which a stamp of proper value has been engraved or embossed. Only one side of the paper on which the stamp appears should be used. If a single sheet of paper is insufficient, sufficient plain paper should be subjoined but a substantial part of the instrument should be written on the stamped paper.
- 9.050. Alternatively instead of issuing an embossed stamp, labels of the proper value may be fixed on plain paper on the first page, the affixation being done by the Superintendent of Stamps.

#### **Section 15.—Encroachments on Government Land**

##### **in charge of the Works Departments**

- 9.051. (1) (a) It is the duty of all officers of the W.D. and R.D. to see that encroachments are not made on public land belonging to Government.

- (b) Following procedure shall be applicable in case of land incharge of the I.D. and P.H.E.D.:-

When an encroachment is detected the E.E. or the S.D.O. shall at once cause a plan to be prepared showing the Government land and the actual extent of the encroachment and submit it to the Collector together with a statement giving full particulars of the case and asking that the encroachment be removed. If the Collector considers that the encroachment need not be removed, he should give his reasons therefore and suggest the rent to be charged and the conditions to be imposed on which the encroachment should be allowed to continue. He should give a brief statement of the basis adopted for the ground rent proposed by him either for temporary or permanent encroachment. His opinion and proposal should be forward to the S.E. with any remarks that the E.E. may wish to make. The S.E. should then submit the case with his remarks through the C.E. to the state government in the W.D. for order. If the state government sanction the permitting of the encroachment on the terms recommended or on any other terms, a lease in the form printed in appendix 9.16 should be issued and the encroacher should be required to execute the agreement at the foot thereof. Intimation of the issue of the lease and of the terms should also be given to the collector. A register of all the lease will be maintained by the E.E. in the form printed as Appendix 9.17.

- (c) In case of encroachment on land in charge of the P.W.D., the S.D.O. shall exercise the powers conferred on a Tahsildar under section 248 of the Land Revenue Code, 1959 (20 of 1959).

- (2) In the case of state roads passing through town and village areas, Nazul and other revenue officers should immediately bring encroachments to the notice of the E.E.

**Note-** (i) The portion of an approach road constructed within the boundaries of Government road should not be treated as an encroachment and may be permitted, provided the following conditions are fulfilled :-

- (a) The approach road is put to no use other than a means of access to and from the main thoroughfare and
- (b) Satisfactory arrangements approved by the E.E. are provided for the passage of the roadside drainage under or across the approach road.

- (ii) Steps and culverts constructed on Government land in front of a house should not be treated as encroachments and may be permitted, provided condition (a) and (b) of Note (i) above are fulfilled, mutatis mutandis.

- (3) The E.E. in consultation with Collector may allow the temporary occupation of road land in his charge for purposes such as the stacking of building materials, the erection of marriage pandals etc. for a period not exceeding one

month and recover ground rent therefore. S.Es. and C.Es. may permit similar encroachments for periods not exceeding three and six months respectively, the rent in each case being as suggested by the Collector. If the land is required for more than the six months or is S.E. of C.E. does not accept the figure for rent proposed by the Collector the case should be submitted for the orders of the State Government.

- (4) In the case of encroachments on, or of temporary occupation of land forming part of, any road belonging to Government within municipal or notified area limits which is not vested in the committee, the written permission of that body to the permitting of the encroachment or of the temporary occupation must be obtained.
- (5) The rents for encroachments and all sums paid for the temporary occupation of land should be recovered by the W.D. and credited as miscellaneous receipts.
- (6) Leases giving permission to occupy Government land amount to agreements and should, therefore, be stamped as per rules in force and excepting those for a period not in excess of one year, should be registered, as required by section 17(d) of the Indian Registration Act 1908.
- (7) All public roads which are maintained by the W.D. and are within the limits of local bodies are especially reserved as property of the State Government and do not vest in concerned local bodies.

- 9.052. (1) Except where large scale authoritative plans already exist, plans of all roads or portions of roads must be prepared showing (a) the actual or assumed width or widths of the road (b) the position of dimensions of all existing encroachments and (c) the position of certain fixed objects from which any point of the plan can be accurately identified on the ground. No plans need be prepared for lengths of roads on which there are no encroachments. Where large scale authoritative plans already exist, all existing encroachments must be marked on them.
- (2) From the plans, lists of all encroachments will be prepared for roads, kilometre wise and submitted to the E.E. Particulars of encroachments which have been condoned should be entered in the register of encroachments and deleted from the lists. Against each item remaining on the lists, a reference must be given to the report made to the Collector and, until the encroachments is removed or condoned, the item must not be deleted from the list.
  - (3) Each S.D.O. must prepare a programme and submit it to the E.E. for approval, specifying the particular lengths of each road to be checked by each S.O. each month.
  - (4) At the beginning of each month each S.O. will submit to the S.D.O. (a) the plans of the lengths in which there are encroachments. The plans shall bear his signature and date and (b) a certificate that there are no other encroachments, either in the lengths for which plans are submitted or in the other lengths

checked by him during the previous months. The S.D.O. should check the plans when on tour.

- (5) S.Es. must give personal attention to this matter. They must satisfy themselves that the programmes are prepared, that work is started and that satisfactory progress is maintained.
- (6) Many of the existing land plans are unsatisfactory for the purpose of proving encroachments as they are either on too small a scale or else sufficient dimensions are not given. Plans prepared in accordance with paragraph (1) above may not be entirely correct as regards W.D. land boundaries but they will be of great use in establishing the date of subsequent encroachments.
- (7) Very special attention should be paid to new encroachments made after the first check of any length of road has been completed and the plan relating thereto submitted under paragraph (4). It is clear that the procedure prescribed should prove of the greatest value, provided that the certificate referred to in paragraph 4 has been regularly submitted and prepared, not a single month should pass before the detection and report of any new encroachment. Such reports should be treated as very urgent.
- (8) In order that S.O. may, at all times, be able to check the side widths they should keep the plans of their sections rolled on rollers and contained in stout tin cylinders. These cylinders should be of a convenient size and not more than 45 cm in length. A cylinder of this size should be capable of containing a sheet of tracing cloth on which three parallel lines of straight line plan have been plotted.
- (9) (i) S.Os./S.D.Os must distinctly understand that they are primarily responsible for checking encroachments which are easily stopped if they are detected at once. Immediate action should be taken for the removal of any new encroachment, whether temporary or permanent, and whether the road has been demarcated or not.
- (ii) During the course of the year S.Os. will check the boundaries of all Government land in their charge and will report immediately to the S.D.O. any encroachment that they may notice. Each check made must be entered in the S.O's. note-book on the date on which it is made. The complete check must be finished by the 30<sup>th</sup> June on which date the S.O. will submit a certificate as follows to the S.D.O.—
 

"Certified that I have, during the year ending the 30<sup>th</sup> June 20..... checked the boundaries of all Government land in my charge, that all boundaries shown are fixed correctly and that all encroachments have been reported."
- (iii) S.D.Os. when touring, will satisfy themselves by reference to the note-book of S.O. that satisfactory progress is being made with the check of land widths and will themselves check a number of entries sufficient to ensure that the work of S.O. is accurate.

- (iv) On the 25<sup>th</sup> July, every year the S.D.O. will submit to the E.E. a certificate in the following form:-

“Certified that I have, during the year ending the 30<sup>th</sup> June, 20.....examined the record of check of the boundaries of Government land of all S.O's. in my Sub-Division and have satisfied myself that their checks been made accurately. I have received certificates from all S.Os., that they have checked completely the boundaries of all Government land in their charge and that they have reported all encroachments.”

- 9.053. S.D.Os. are responsible that no encroachments are permitted on roads/lands in their charge. They will maintain accurate land plans of all government lands in their charge and will see that certified copies of these are maintained in the Sub-Division. They will see that their subordinates make themselves acquainted with the boundaries and see that they are respected.

#### **Section 16.—Expenditure on Hutting during Outbreak of Epidemic**

- 9.054. If an epidemic disease such as cholera, etc. breaks out or is threatened on a work, any expenditure on hutting or sanitary measures for the benefit of labour employed departmentally should be charged to the contingencies of the sanctioned estimate of the work. On the disappearance of the epidemic, such portion of the hutting materials as the C.S. advises to be free from infection may be sold and the receipts credited to government.

#### **Section 17.—Famine Tools and Plants**

- 9.055. A stock of famine tools and plants of a nonperishable nature must be kept in all divisions for immediate use on relief works. Detailed instructions as per the scarcity Manual should be followed.

#### **Section 18.—Custody of Explosives**

- 9.056. Rules for the custody and issue of explosives are contained in Appendix 9.10.

#### **Section 19.—Chief Technical Examiner**

- 9.057. The Chief Technical Examiner, under the control of the G.A.D.(Administrative Vigilance Cell) shall examine/ inspect all construction works under taken by the State Government or by any agency on behalf of Government and ensure an effective, independent, uninterrupted, concurrent and continuous technical and administrative audit of the works with a view to ensure better technical, financial and quality control.

The functions and duties of this organisation are mentioned in Appendix 9.27.

#### **Amendments**

Amendments must be posted immediately on receipt, and entry made in the list.

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**Notes of Posting of Amendment**

| S.No. | Date of amendment | Paragraph affected | Date of posting | Initials of person posting |
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