

The M.P. Municipalities (Transfer of Roads, Buildings and other Government Works to Councils) Rules, 1962

MADHYA PRADESH

India

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Rule

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1. Short title.

- These rules may be called the Madhya Pradesh Municipalities (Transfer of Roads, Buildings and Other Government Works to Councils) Rules, 1962.

2. Definitions.

- In these rules unless the context otherwise requires :-(a)"Act" means the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);(b)"Section" means a section of the Act.

3. Conditions of transfer.

- Roads, buildings and other Government works transferred to a Council for construction and maintenance under clause (y) of Section 124 shall unless, otherwise directed, be deemed to be transferred subject to the following conditions(i)The Council shall construct the work strictly in accordance with the sanctioned plans and estimates, and shall make no material deviations

therefrom without the previous approval of the authority which granted professional sanction to them.(ii)The Council shall be wholly responsible for any excess expenditure incurred by it over the sanctioned estimates and shall make good such excess from its own funds unless the excess has been approved by the competent authority.(iii)The work may be given out by the Council on contract or executed departmentally. If the work be given to a contractor, the contract shall be between the Council and the contractor and the Council shall be responsible for any dispute or litigation which may arise between it and the contractor and also for any claim which the contractor may make against the State Government in regard to the contract.(iv)If, at any time, the State Government is dissatisfied with the work or with the progress made, it may give the Council a warning and if the defects are not removed or the progress improved, within a reasonable time thereafter, the State Government may take back the work summarily.(v)If a work is taken back under condition (iv), the Council shall be liable to pay for the work already done and the State Government shall not be liable to it or to any contractor for any loss that may have been or may be sustained by it or him. But the State Government may, at its discretion, take over any contract that has been entered into or materials that have been collected in connection with the work and may compensate the Council if the State Government is satisfied that the failure to comply with the notice was due to reasons beyond the control of the Council. Such compensation shall be determined by the State Government whose decision shall be final, and shall not be liable to be questioned in any manner whatsoever.(vi)The work shall be open to inspection at any time by the Superintending Engineer or Executive Engineer or any other officer of Public Works Department authorised by the Collector.(vii)The Council shall supply to such officer who inspects the work under condition (vi), all measurement books, accounts and documents in connection with the work which such officer may call for at any time.(viii)The Council shall safeguard the financial interests of the Government in every way possible, and shall not give out contracts above the sanctioned rates or pay any rate in excess of the rate for the corresponding item of the work in the Public Works Department Schedule of rates in force in the Municipal area concerned without the previous sanction of the Superintending Engineer.(ix)The Council shall carry out promptly all orders issued by the Superintending Engineer or Executive Engineer.(x)The Council shall be paid for construction and maintenance of any work the actual expenditure as accepted by the Chief Engineer (B and R) together with such additional percentage by way of supervision charges towards the cost of its establishment and tools and plant, as may be fixed by the State Government, from time to time.(xi)If, at any time, during the progress of the work, the State Government finds itself unable to provide funds necessary for the completion of the works or otherwise decides to hold the work in abeyance, it shall give to the Council not less than three months, notice of its inability to continue the work. The Council shall be entitled to receive reasonable compensation from the Government for the loss it may have to sustain on account of the stoppage of the work. This compensation shall be determined by the Government whose decision shall be final and shall not be questioned in any manner whatsoever.(xii)The Council shall not abandon the work except by giving three months previous notice in writing to the Superintending Engineer and the Collector. Any liabilities incurred by the Council in respect of the abandoned work may be accepted by the State Government to such extent and subject to such conditions as the State Government may think fit.(xiii)The Council shall follow the Public Works Department Specifications, Codes and Manuals in so far as they may be applicable and also the procedure laid down in the Public Works Department for measurement of work, preparation of bills, etc.(xiv)Confiscated deposit and fines recovered from contractors in

respect of roads, buildings, or other Government works transferred to the Council for construction and maintenance shall form part of the revenue of the State, and shall be credited to the State Government.(xv)The Superintending Engineer or the Executive Engineer shall not issue orders removing or transferring any staff employed by the Council. If, in his opinion, any change is necessary in the staff, he shall report the matter to the Collector who shall take necessary action in the matter.

4. Giving technical staff to Council.

- When the Council, to whom works are transferred, has no qualified technical staff, the State Government may, at their option, place at the disposal of the Council such Government staff subject to the terms and conditions to be laid down by it or as may be admissible to the individual Government servants concerned.

5. Resumption by Government of transferred works.

- The State Government reserves to itself the right to take back any transferred works at any time without assigning any reasons subject to three months' notice. In the event of the State Government resuming all transferred works, it may take over such qualified staff as it may consider suitable and necessary.

6. Payments of grants for transferred works.

- (i) For annual repairs to buildings, the full grant available for the year shall be paid partly in April and partly in November. For other works (both original and special works) grant shall be paid as soon as the work is sanctioned.(ii)Unspent balance shall be refunded to the Government as soon as the accounts of a work are closed or before the end of the financial year whichever is earlier, and also in the following cases, namely :-(a)balances or grants allotted for maintenance and repairs of roads and buildings remaining unspent at the end of the financial year;(b)savings on original works and special repairs which are stopped before completion;(c)unspent balances of grants allotted for original works and special repairs which are not carried out by the Council;(d)the amounts to be refunded shall include the supervision charges fixed by the State Government at the prescribed rates on the unspent balances.(iii)Savings on annual repairs to any particular road or building may be utilised by the Council on another road or building but not vice-versa with the previous approval of the Superintending Engineer.(iv)A list of amounts to be refunded under sub-rule (ii) shall be forwarded by the Chief Municipal Officer to the Superintending Engineer and the Collector by the 15th April each year.

7. Payment of amount due to the State Government.

- If the Council makes default in paying any amount due by it to the State Government under the provisions of these rules, the State Government may, subject to the provisions of the Act, direct the person in custody of the Municipal Funds to make such payment and such person shall immediately

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comply with such orders.

8. Rules to be general.

- These rules shall be general for all Municipalities.