

## **Kerala Panchayat Raj (Execution Of Public Works) Rules, 1997**

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## **Kerala Panchayat Raj (Execution Of Public Works) Rules, 1997**

### **1. Short title and commencement :-**

1. These rules may be called the Kerala Panchayat Raj (Execution of Public Works) Rules, 1997.
2. They shall come into force at once.

### **2. Definitions :-**

In these rules unless the context otherwise requires,-

- (a) Act means the Kerala Panchayat Raj Act, 1994 (13 of 1994);
- (b) Panchayat Engineer means an Engineer appointed under section 130 or transferred to a Panchayat by Government under section 181 or authorised by Government for this purpose by general or

special order to execute or supervise the public works of a Panchayat.

Explanation-1..-In the case of a Village Panchayat, if an Engineer is not appointed in the Village Panchayat or an Engineer is not transferred or authorised to that Village Panchayat by the Government, an Engineer appointed in the Block Panchayat or in the District Panchayat which includes that Village Panchayat area or an Engineer transferred or authorised by the Government to that Panchayat shall perform the duties of an Engineer with respect to that Village Panchayat,

Explanation-2. If more than one Engineer of the same grade is appointed, transferred or authorised to a Panchayat, the senior most Engineer shall perform the duties of the Panchayat Engineer.

(c) Public Work means a public work liable to be executed under the Act;

(d) Section means a section of the Act;

(e) Beneficiary Committee, means a committee, elected under sub-rule (2) of rule 13 by the people of the area who get the benefit due to the implementation of a public work.

(2) Words and expressions used but not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

### **3. Procedure and execution of public works :-**

(1) The Panchayat shall prepare a priority list of the public works intended to be executed in a Panchayat by including in the schema or otherwise; at the beginning of a financial year.

(2) The rough cost estimate of each public work intended to be executed shall be prepared accordingly.

(3) Subject to sub-rule (1) of rule 6, the Panchayat shall decide how to execute each public work, whether on contract basis, «r directly by the Panchayat or through the beneficiary committee and that shall be made clear while administrative sanction is given.

(4) The Panchayat may decide whether a public work may be executed through contractors if such public work in-volves technicality, machinery to be used and requires the supervision of experts or directly by the Panchayat if it can be executed urgently and profitably be using local materials or through beneficiary committee if it can be executed by the participation of beneficiary committees :

Provided that when a method of public work is decided accordingly, the possibility to execute the work through the beneficiary committee is to be considered and priority shall be given to such method and if the priority cannot be given the reason for the same shall be specified in the decision of Panchayat :

Provided further that the execution of public works according to the scheme formulated by the Central or State shall be subject to the guidelines issued by the Central Government or the State Government in this regard.

(5) If the Panchayat is convinced that a contract that may be fixed for any public work is having inordinate rate or the contract period is longer and if such work can be executed at a lower cost, directly by the Panchayat or through the beneficiary committee, the Panchayat may so decide.

(6) The manner in which a public work is decided to be executed, the reason for such a decision shall be specified in the decision of Panchayat.

Explanation, -If a patasekhara committee or a parent-teacher association or any other similar committee is functioning in a Panchayat and in the case of a public work connected with it, such Committee may be considered as a beneficiary committee.

#### **4. Power of various authorities to give administrative sanction :-**

Subject to the availability of resource and budgetary provision, the authority competent to give administrative sanction to the estimates of public works and to what extent the sanction can be given is as follows., namely:-

##### **A. VILLAGE PANCHAYAT**

(1) Standing Committee : Not exceeding rupees twenty five thousand

(2) Village Panchayat, : Exceeding rupees twenty five thousand

##### **B. BLOCK PANCHAYAT**

(1) Standing Committee : Not exceeding rupees fifty having the control thousand of public works

(2) Block Panchayat : Exceeding rupees fifty thousand

##### **C. DISTRICT PANCHAYAT**

(1) Standing Committee : Not-exceeding rupees one. having the control lakh of public works

(2) District Panchayat : Exceeding rupees one lakh

#### **5. Fixing of rate in District level for preparation of estimate**

:-

(1) The Government shall constitute a technical committee in each District consisting of District Collector as Chairman, a Superintending Engineer appointed by Government, an officer not below the rank of Deputy Secretary in Finance Department, District Statistical Officer, District Labour Officer, an expert having a degree in Civil Engineering from a technical institution owned or recognised by the Government as members, for fixing the rates at District level as a basis for preparing estimate to the public works of Panchayats. The said committee shall fix and publish in advance such district level annual works rate, as to come into force in that district from the 1st day of April each year.

(2) The annual work rates generally to be in force in the District shall be fixed by the technical committee after considering the market rate and area works rate prevailing in various parts of a District-

Provided that if it deems just and proper the technical committee may fix and publish a different annual work rate applicable only to a particular area in a District by mentioning specific reason and in the case of fixing such rates the limit fixed by the Government from time to time shall be observed.

(3) Fixing of annual rate by the technical committee shall be subject to the general directions issued by the Government from time to time.

## **6. Preparation of plan and estimate :-**

(1) No Panchayat shall commence a work unless allotment of funds therefore has been made in the budget and administrative sanction is accorded by the competent authority under rule 4 and a detailed plan and estimate is prepared and technical sanction is accorded under rule 7 :

Provided that detailed plan and estimate may, be dispensed/ with in the case of petty constructions and repairs of which the estimated cost does not exceed Rs. 5,000.

(2) Detailed plan and estimate shall be prepared by or under the supervision of the Panchayat Engineer;

Provided that if the circumstances so require, the preparation of detailed plan and estimate may be entrusted to a person out of a panel of private Engineers, Architects or other technical experts, prepared and recognised by the Panchayat in accordance with the

norms and conditions as may be fixed by the Government, and if so entrusted, the remuneration given to him shall not exceed the rate fixed by the Government from time to time.

(3) The estimate prepared on the basis of Sub-rule (2) shall be in the form prescribed in the Public Works Code as followed by the Public Works Department of the Government and along with it there shall be the project report, specification statement, detailed measurements and quantities, abstract showing the estimated cost of each item and total cost of the work, and the plan and level sheets wherever necessary.

(4) The estimate shall be prepared on the basis of the annual work rates fixed and published by the technical committee under rule 5 : Provided that if the rate is not so fixed, it shall be at the rate fixed in the manner as decided by the Government and if such rate is not fixed by the Government, it shall be on the basis of the scheduled rate prevailing in the Public Works Department.

(5) The profit of the contractor may \* be included in the estimate.

(6) A note containing the quantity, quality and price of the materials included in the estimate, number of days of labour computed, its wages, estimated cost etc., shall be prepared in the regional language so as to be understood by the public and shall be appended as part of the estimate.

## **7. Technical sanction :-**

(1) Technical sanction for every plan and estimate relating to any public works shall be obtained from an Assistant Engineer or Assistant Executive Engineer or Executive Engineer or Superintending Engineer, as the case may be, who is in charge of the public work of the Panchayat, subject to the financial powers specified on each grade of Engineer by the Government by notification from time to time.

(2) In any Panchayat, in the absence of an Engineer having charge of the Panchayat, in the grade mentioned in sub-rule (1), technical sanction shall be obtained from an Engineer not below such grade of a Government Department, or of any nearest Municipality or Panchayat.

Provided that, if the Government have so entrusted, by a special or general order, technical sanction may be obtained from such entrusted technical experts or panel of technical experts or from a technical institution owned or recognised by the Government.

(3) If any Panchayat obtains technical sanction from an Engineer of

and other Municipality under sub-rule (2), an amount equal to 0.75% of the approved estimate shall be given as sendage charges to the Municipality in which the Engineer who has given technical sanction has been working.

(4) If an Engineer mentioned under sub-rule (1) is of opinion that any-plan and estimate exceeding rupees 20 lakhs (Twenty lakhs) for which the advice and approval of the Chief Engineer of the Public Works Department of the Government is considered necessary, he may do so :

Provided that, in the case of estimate of electric .1 works exceeding Rs. 6.5 lakhs {Six and a half lakhs), technical sanction shall be obtained from the competent Engineer of the Electrical Wing of the Public Works Department of the Government.

(5) An estimate for which administrative and technical sanction has been obtained shall be a public record and on requisition it shall be given for scrutiny, and its copy shall be issued after realising the fees fixed by the Panchayat.

## **8. Invitation of Tenders :-**

(1) Upon the orders of the President, the Secretary or any other officer authorised by the Panchayat, shall invite tenders for execution of public work if the Panchayat has decided to execute it through a contractor :

Provided that, for works of which the estimated cost does not exceed rupees five thousand and for works of an emergent nature to be executed under sub-section (5) of section 156, tender may not be invited compulsorily and the execution of such works shall be arranged by short notice quotation or by the Panchayat directly.

(2) Notwithstanding anything contained in sub-rule (1) every works of which estimated cost is Rs. 70 lakhs or more pre-qualification tender shall be invited compulsorily and for this purpose a panel of contractors shall be prepared by the Panchayat with the sanction of the technical committee specified under sub-rule (1) of rule 5 and tender shall be invited only from such contractors included in that panel.

(3) There shall be no condition for securing supply of steel, cement, etc., by the Panchayat to the contractor for a tendered work and the contractor shall purchase and utilise them and the concerned Engineer shall satisfy the quality of the materials by testing them :  
Provided that, for reason to be recorded, if the construction materials are supplied by the Panchayat, its cost shall be realised

from the contractor in accordance with the rules in, fore® in the Public Works Department.

(I) The liability to pay the taxes, subscription towards the Construction Workers Welfare Fund etc., shall be on the contractor.

## **9. Publication of tender notice :-**

(1) The notice inviting tenders shall be published on the notice board of the Panchayat office, offices of the Public Works Department of the Government in the Panchayat area and in other offices which may deem necessary.

(2) The notice inviting tenders published under sub-rule (1) shall include the following particulars namely:-

(i) The name and details of work ;

(ii) The time within which the work shall be completed (iii) Rough estimate amount ;

(iv) Place from which tender form can be obtained ;

(v) Last date and time of acceptance of tender ;

(vi) To whom tender shall be submitted ;

(vii) Appointed time and place where scrutiny of plan, estimate and conditions of contract can be made ;

(viii) Details as to whether actual cost of the work to be recorded or fixed percentage excess or below or over the estimated rate to be recorded or separate rates for each item of work included in the estimate shall be stated in the tender ;

(ix) Time at which and place where tenders shall be opened ;

(x) The amount of earnest money deposit along with the tender and if the tender is accepted the amount of Security deposit to be remitted ;

(xi) The Panchayat reserves the right to reject any tender or all tenders without assigning any reason.

(3) The precise form of the tender notice shall be published in the newspaper in the following manner, namely :-

(a) In the case of works of which the estimate cost comes between rupees one lakh and rupees ten lakhs, in a daily having wide circulation in the Panchayat area, and if necessary, in other dailies, by giving not less than ten days time.

(b) In the case of Works of which the estimate cost comes between rupees ten lakhs and rupees fifty lakhs, in two Malayalam dailies having wide circulation all over the State, compulsorily and if necessary, in other dailies, by giving not less than twenty days time.

(c) In the case of works of which the estimate cost exceeds rupees fifty lakhs in two Malayalam dailies having wide circulation all over the State and in an English daily having wide circulation in national level compulsorily and if necessary, in other dailies, by giving not less than twenty days time.

#### **10. Acceptance of tenders :-**

(1) Sealed tenders shall be submitted before the officer who has issued tender notice. Postal tenders can also be sent in the manner as specified by the Government.

(2) Along with the tender, there shall be the earnest money as stated in the tender notice, which may be submitted in cash or in the form of National Savings Certificate or any other bond as specified by the Government.

(3) A preliminary agreement in the proforma as specified by the Government shall be enclosed with the tender for the work of which the estimated cost exceeding rupees fifty thousand.

(4) Tender rates in the tender shall be recorded both in figures and in words

(5) The list of cash received as earnest money and other documents shall be kept by the officer who receives the tender.

(6) The tenders in sealed covers shall be kept in sealed box under the direct safe custody of the officer who received the tender, until they are opened and they shall be opened by the above officer at the time appointed in that behalf, in the presence of such of the contractors or their agents who have submitted the tenders.

(7) Corrections, if any, made and authenticated by the tenderer in each tender shall be serially numbered and initialed against them by the officer who opens the tender. If there are unauthenticated corrections, that correction shall be noted in the tender.

(8) The officer who opens the tender shall put his signature in the tender by recording in his own handwriting both in words and figures the percentage of tender rate recorded by the contractor.

(9) Details of tenders received shall be entered in the tender register and the signature of the contractors who were present at the time of opening of the tender shall be obtained in the tender register.

(10) Opened tenders shall as soon as possible may be tabulated by the authorised officer and with the remarks of the Panchayat Engineer it shall be placed before the competent authority for deciding which of the tenders shall be accepted.



(11) The authority who has accorded administrative sanction to the estimate under rule 4 shall be- the authority competent to decide which tender shall be accepted. Decision shall be taken on them within ten days from the date of opening of the tender.

(12) Subject to sub-rule (14) the lowest tender shall be accepted for every public work;

Provided that where the competent authority, on a report to that effect by the Secretary endorsed by the Panchayat Engineer, is satisfied that it will not be desirable to accept the lowest tender, the next higher tender may be accepted by rejecting the lowest tender after recording the genuine reasons.

(13) A tender in excess of the estimated cost of a work shall be accepted only if a certificate is recorded by the Panchayat Engineer and the Secretary to the effect that the failure to obtain a tender within the estimated cost is not due to want of publicity for the tender notice and that no advantage is likely to be secured in inviting fresh tenders for the work.

(14) Notwithstanding anything contained in sub-rule (11) the previous sanction of the technical committee specified in sub-rule (1) of rule 5 shall be obtained where the excess over the estimated amount is more than five per cent of such amount.

(15) The person whose tender is accepted shall deposit 5% of the amount of agreement as security deposit (including earnest money) and shall sign the agreement bond.

### **11. Entrustment of works by negotiation :-**

(1) In case the rates in the tenders received on publication of the notice under rule 9 seem not acceptable or if sufficient number of tenders are not received the work shall be retendered.

(2) If the rate in tenders received on re tender is "seen not acceptable, negotiation shall be made by the consensus of the Panchayat with the contractor who has submitted the lowest rate offer and subject to the provisions of sub-rule (14) of rule 10, such offer shall be accepted.

(3) The Panchayat may, if it considers necessary, by negotiation entrust any work for execution, to a Government recognised, financially sound and experienced voluntary organisation or institution and the rates decided by the Panchayat on negotiation subject to the provisions of sub-rule (14) of rule 10, shall be allowed to them.

### **12. Execution of work directly by the Panchayat :-**

(1) When any work is executed by the Panchayat directly, the total expenditure of such work shall not exceed the: total amount of estimate prepared under rule 6 :

Provided that if the Panchayat is, satisfied that the total cost of the estimate is likely to exceed the estimated cost due to the increase in rates of the local price of the materials and labour charge such excess expenditure not exceeding 5% of the estimated cost may be sanctioned by the Panchayat:

Provided further that such excess expenditure exceeding 5% of the estimated amount may be sanctioned by the Panchayat with the previous sanction of the technical committee specified under sub-rule (1) of rule 5.

(2) When any work is done by daily labour, the daily wages -as decided by the Panchayat not exceeding the estimate rates shall be paid on nominal muster roll, which shall be kept separately for each category of labourers and the wages shall be given daily, weekly, fortnightly or monthly, as the case may be :

Provided that no labourer shall muster for a continuous period exceeding 179 (one hundred and seventy nine) days.

(3) When works are executed by the Panchayat directly, Panchayat shall expend the subscription towards the Construction Workers Welfare Fund apart from the estimate amount and such amount shall be included in the total cost of work.

(4) In case of execution of work by the Panchayat directly, bills and other accounts shall be kept separately and they shall be given for scrutiny to any citizen on requisition.

### **13. Execution of work through the beneficiary Committee :-**

(1) In the case of works executed through a beneficiary committee, the procedures laid down in rules 8, 9 & 10 shall not be followed, but the procedures in the sub-rules (2) to (6) of this rule shall be followed,

(2) The Officer of the Panchayat who is in charge of the public works(Executive Officer) as authorised by the Panchayat, shall subject to the general guidelines of the Government and after giving notice to all the locality who are beneficiaries due to the implementation of the works which shall be presided over by the Panchayat member of the said locality and the meeting shall select a beneficiary committee and the said committee shall have an Executive Committee of which 1/3 shall be a women and there shall

be a convener to the executive committee.

Provided that a member of a Panchayat shall not act as a convener or member of the beneficiary committee or its Executive Committee.

(3) The total expenditure of the work executed by the beneficiary committee shall not exceed the amount in the estimate prepared under Rule 6 :

Provided that if the Panchayat considers that the total cost exceed the estimate cost due to the expenditure on execution of work, subscription towards the Construction Workers Welfare Fund, various items of taxes, and the increased rates of, local price of materials and labour charges, Panchayat has the power to give such excess expenditure not exceeding 5% of the estimate cost to the beneficiary committee :

Provided further that, the Panchayat shall obtain, the previous sanction of the technical committee specified under sub-rule (I) of rule 5 where the excess over the estimate is more than five per cent.

(4) The Executive Committee Convener of the Samithi shall enter into an agreement with the Panchayat in conformity with the decision of the Government for due performance and completion of work undertaken by the beneficiary committee. A bond signed by the committee members shall be given to the Panchayat by entrusting the convener to enter into such agreement, .by agreeing the right to complete the work at their risk, if the execution and completion of work is not satisfactory, directly by the Panchayat or through the contractor and by agreeing to realise jointly and severally from the members of the beneficiary committee including the convener the loss sustained by the Panchayat.

(5) In the case of work executed by the Panchayat through the beneficiary committee, there shall be no binami transactions and if the binami transactions are revealed, the contract entered into by the convener of the Executive Committee of the beneficiary committee under sub-rule (4) shall be set aside at the risk of the beneficiary committee and the work shall be completed either by the Panchayat directly or through contractor and the persons responsible for the binami transactions shall be held liable for the misuse of Panchayat fund.

(6) Convener of the Executive Committee of the beneficiary committee shall keep in writing the details of quality, quantity and price of goods and materials, number of labourers wagon and connected details of the work and entrust it to the Secretary of the

Panchayat on completion of work,

An amount of 25% of the estimate or \* Rs. 1,00,000 (One lakh), whichever is less may be given in advance to the Convener of the Executive Committee of the beneficiary committee before the commencement of work with the sanction of the Panchayat Committee and interim -payment may be sanctioned in proportion to the work executed and proportionate portion of advance may be deducted from it and the interim payment and the remaining portion of advance amount shall be deducted from the final bill.

#### **14. Inspection and test check of public works :-**

(1) Every work undertaken by the Panchayat shall be executed under the direct control and supervision of the Panchayat Engineer or other technical employees empowered by him and the progress and quality of the work shall be inspected and test checked by them directly and they are either jointly or severally responsible for the satisfactory completion of such work-

(2) Panchayat Engineer shall inspect and ensure the quality of goods and materials used for the execution of work.

(3) If technical sanction to any work has been accorded by an Engineer of a Government department or another Panchayat or Municipality., he shall inspect the quality and progress of that work and eligible traveling allowance shall be given to him. from the Panchayat.

(4) Any member of the Panchayat; Social Audit Committee appointed by the Panchayat, the sub committee appointed by the Grama Sabha, any beneficiary committee connected with the work and the Inspecting Officers deputed by the Government for this purpose shall have the right to inspect the execution of public work at any time.

(5) In case a new item of work which has not been included in the estimate for unforeseen reasons or an "additional work has to be executed during the course of execution of a public work in accordance with the estimate, an estimate for the excess work shall be prepared and previous sanction shall be obtained from the authorities who had given administrative and technical sanction to the original estimate. Before giving technical sanction, to the revise estimate the concerned Engineer shall satisfy the that the excess Work is inevitable and he shall certify according

#### **15. Check measurement :-**

(1) Measurement book in the form as specified in Public Works Manual and level field book, if necessary, shall be used for every public work.

(2) Measurement of works of estimate not exceeding rupees fifty thousand shall be done by an Overseer and those exceeding rupees fifty thousand shall be done by an Assistant Engineer.

(3) Check measurement shall be done by an Assistant Engineer in the case of measurement noted by an Overseer and by Assistant Executive Engineer in the case of measurement noted by an Assistant Engineer.

(4) As far as possible 5% of the works of an estimate which exceeds rupees six Lacs shall be test checked by an Executive Engineer.

(5) If there is no Engineer for noting measurement under sub-rule (2), for check measurement under sub-rule (3) and for test check under sub-rule (4), an Engineer empowered by the Government by general or special order may discharge these duties.

(6) Measurement and check measurement of work shall be done in the presence of the President or a member of Panchayat authorised by the President and he shall attest the measurement as specified below : -

"I hereby attest that the above measurement have been measured and noted in my presence."

(7) No partial payment or final payment shall be allowed to any contractor or beneficiary committee without ensuring the quality of work or riot based on the measurements recorded in the measurement book, as the case may be, in respect of any work.

(8) The Contractor or Executive Committee Convener of the beneficiary committee, as the case may be shall inform in writing the Panchayat Secretary and the Panchayat Engineer the fact of completion of the work and the measurement of work and check measurement shall be completed within one week of receipt of such information and after that final payment of the work shall be made within two weeks.

## **16. Procedure for securing supplies of materials and goods for the work :-**

(1) No purchase of materials and goods to a Panchayat shall be made unless allotment of funds therefore has been made and administrative sanction is accorded by the authority competent to accord sanction under rule 4.

(2) The provisions in rules 8, 9 and 10 shall be as such followed in the purchase of any materials and goods by a Panchayat :

Provided that the procedures, laid down in these rules may be dispensed with in the following cases, namely:-

(a) Purchase of materials and goods from the institutions, owned or controlled by the Central or State Government ;

(b) Purchase of materials and goods of which the price is fixed by Government under any rules or orders in force ;

(c) Purchase of materials and goods from a firm which has a subsisting rate contract with State Government or the Director General of Supplies and Disposals under the Central Government for the supply of such materials and goods ;

(d) Purchase of materials and goods of standard specifications of which the manufacture or sale is undertaken exclusively by a firm of standing and the supply is secured from such firm.

**17. Summary of the work to be placed in the Grama sabha and exhibited in work site :-**

(1) The details of a work as specified in sub-rule (3) shall be published in the notice board of the Panchayat office and it shall be placed in the next meeting of the Gramasabha or Gramasabhas of the place of work for information.

(2) As per sub-rule (1), in the case of work of Village Panchayat the Convener of the Gramasabha and in the case of the work of Block Panchayat or District Panchayat, the Panchayat member representing the place of work shall inform the details regarding the work to the Gramasabha:

Provided that, if any member of a District or Block Panchayat is unable to attend the Gramasabha to give details, he can entrust in writing any other member or any officer concerned in this behalf.

(3) A notice containing the summary of- the execution of work by the Panchayat shall be exhibited in a conspicuous part of the respective work sites and the notice shall contain essentially the following details, namely:-

(i) Name of work ;

(ii) Whether the work is executed by contract or by Panchayat directly or by the beneficiary committee ;

(iii) Name and address of the Contractor or Convener of the beneficiary committee and the members of the Executive Committee

- (iv) Estimated amount and period ;
  - (v) Date of commencement of work and completion of work
  - (vi) Description, quality, quantity and price of materials and goods specified in the estimate and from where and by which method they are brought to the work site ;
  - (vii) Tender rate allowed to the contractor ;
  - (viii) Sanctioned market rate, number of labourers used for Work, wages, rate etc . in the case of execution of work done directly by the Panchayat or by the beneficiary committee ;
  - (ix) Details of the advance amount and other benefits given for work.
- (4) All documents like approved tender, estimate, rate decided by the Panchayat, bills for the purchase of materials and goods etc. of a public work is a public record and the Panchayat is liable to issue the copy of such records on requisition, to any person on realising fixed fees.

#### **18. Observance of procedure in the Government Department :-**

Save as otherwise expressly provided in these rules, the rules and methods adopted in the Public Works Department of Government in the matter of preparation of estimates and plans of works, invitation of tender, execution of work, payment for such works, system of accounting etc. shall be followed in respect of execution of public works.

#### **19. Interpretation of rules :-**

Where any doubt or dispute arises as to the interpretation of these rules, such doubt or dispute shall be referred to the Government whose decision thereon shall be final.