

Rural Roads – Procedure to give temporary 'No Objection Certificate' to Rural Roads Wing of Highways Department for taking up the major bridges across Panchayat Union or Village Panchayat Roads.

Rural Development and Panchayat Raj (SGS- II) Department

G.O. (2D) No.7

Dated: 19.2.2009.

Read:

From the Commissioner of Rural Development and Panchayat Raj Department D.O. letter No.22038/08/PRI 1.4 dated 30.1.2008.

ORDER:

The Commissioner of Rural Development and Panchayat Raj, in his letter read above, has stated that as per Section 110 (a) and 112 (a) of the Tamil Nadu Panchayats Act, 1994, it shall be the duty of the Village Panchayats and Panchayat Unions respectively to construct, repair and maintain all rural roads classified as Village Panchayat Roads and Panchayat Union roads and all bridges, culverts, road-dams and causeways on such roads. Since Rural Development and Panchayat Raj Department has a full fledged Engineering wing of its own, there was no necessity for the Rural Roads wing of Highways Department to continue to take up Panchayat Union and Village Panchayat roads for upgradation. Besides the arrangement of Rural Roads wing of Highways Department, also taking up Panchayat Union and Village Panchayat roads was causing a lot of confusion and overlapping when the same set of roads were proposed by both departments under different schemes and had to be dropped subsequently. Hence the District Collectors were directed not to give any 'No Objection Certificate' to the Rural Roads wing of Highways Department to take up works in Panchayat Union Roads and Village Panchayat Roads from 1.4.2008 onwards.

2. The Commissioner of Rural Development and Panchayat Raj has now pointed out that there may occasionally be major bridges across Panchayat Union or Village Panchayat roads which require a large amount of time and effort in planning and execution. The technical personnel of Rural Development and Panchayat Raj Department may not be able to do this due to the very large number of schemes being implemented by the Department, even though they do have the necessary technical capability for taking up such bridge works. In such cases it may be desirable to issue a temporary 'No Objection Certificate' to the Rural Roads Wing of Highways Department to take up the bridge works out of their own funds. At the same time, there may also be situations wherein Rural Development and Panchayat Raj Department may itself choose to execute certain major bridge works across Panchayat Union or Village Panchayat roads because of their importance or urgency. So the question whether a bridge work may be taken up by Rural Development and Panchayat Raj Department itself or a temporary 'No Objection Certificate' may be given to Highways Department has to be decided on a case-by-case basis. The 'No Objection Certificate' has to be for a fixed period because Rural Development and Panchayat Raj Department should not preclude itself from taking up the bridge work sometime in the future

in a scenario where Highways Department obtains a 'No Objection Certificate' but fails to construct the bridge within a reasonable period of time owing to paucity of funds or any other reason. The Commissioner of Rural Development and Panchayat Raj has therefore suggested certain procedure has to be followed in giving temporary NOC to Rural Roads Wings of Highways Department to take up the Bridge works across Panchayat Union and Village Panchayat Roads and also suggested for Constitution of a Committee under the Chairmanship of Principal Secretary to Government, Rural Development and Panchayat Raj Department to give temporary 'No Objection Certificate' to Rural Roads wing of Highways Department for taking up such major bridge works on a case by case basis.

3. The Government have examined the proposal of Commissioner of Rural Development and Panchayat Raj carefully and decided to accept it. Accordingly, the Government direct that:-

- (a) A Committee consisting of the Principal Secretary to Government, Rural Development and Panchayat Raj Department as the Chairman, Commissioner of Rural Development and Panchayat Raj as the Member-Convener, Superintending Engineer (RD) as member is constituted.
- (b) The Committee constituted in para 3 (a) above is empowered to issue temporary 'No Objection Certificate' ('NOC') to Rural Roads Wing of Highways Department for taking up of major bridge works across Panchayat Union or Village Panchayat Roads on a case by case basis.
- (c) Obtaining prior temporary NOC from the Committee headed by the Principal Secretary to Government, Rural Development and Panchayat Raj Department is a must for Highways Department to propose a bridge work to the funding source concerned and in no case should a proposal be sent to the funding agency by the Highways Department without prior NOC.
- (d) The following procedure has to be followed for giving temporary NOC to Rural Roads Wing of Highways Department to take up the major bridge works across Panchayat Union or Village Panchayat Roads.
 - (i) The proposal for taking up major bridge work(s) across Panchayat Union or Village Panchayat Roads should be initiated by the Chief Engineer (NABARD & Rural Roads) of Highways Department based on the representations received from the public/elected representatives and forwarded to the Commissioner of Rural Development and Panchayat Raj. Since the construction of bridge will also require laying of an approach road on either side, it may also be stipulated that the approach road may also be taken up by the Highways Department as part of the bridge work but the length of approach road should not exceed 100 metres on either side.
 - (ii) Representations/letters received by the Chief Engineer (NABARD & Rural Roads) and simply forwarded to Commissioner of Rural Development and Panchayat Raj without a detailed analysis and report will not be processed.

Only if a thorough analysis of the representation has been done and a full-fledged proposal, with all technical details, has been prepared and there are credible funding sources, will the Commissioner of Rural Development and Panchayat Raj take it up for further processing.

(iii) The proposal of the Chief Engineer (NABARD & Rural Roads) should contain the following details:-

1. Name of the District, Block, Village Panchayat, and habitation in which the above bridge work is proposed.
2. Name and classification of the road and location of the bridge proposed across it.
3. Present width of the road & its status (whether BT or WBM or Gravel Road).
4. Name of the river/canal/channel across which the bridge is proposed.
5. If there is an existing bridge structure on site, details of the existing bridge structure and justification for the new bridge.
6. Length, width and number of spans of the bridge proposed.
7. Details of alignment of the proposed bridge and the authority that has approved the alignment. (Also to specify whether the authority approving the alignment is the competent authority concerned).
8. Analysis of the technical parameters of the bridge, namely:-
 - a) Hydraulic particulars.
 - b) Design discharge adopted.
 - c) Linear waterway.
 - d) Sub-soil verification.
 - e) Depth of foundation.
 - f) Sub-structure & super-structure details.
9. Estimate Amount of the proposed bridge and the approach road not exceeding 100 metres on either side.
10. Photographs of the site.
11. Time and travel distance saved due to the proposed bridge.
12. Source of funding. (*The Chief Engineer (NABARD & Rural Roads) should not propose such bridge works where the probability of getting funds is remote or minimal*).

(iv) The Commissioner of Rural Development and Panchayat Raj, on receipt of the proposal from Chief Engineer (NABARD & Rural Roads) of Highways Department, will communicate the same to the respective District

Collector for his remarks. The District Collector will seek the joint inspection report of Project Officer, District Rural Development Agency and Executive Engineer (RD) and submit his detailed observation on the proposal to the Commissioner of Rural Development and Panchayat Raj for taking further action.

(v) The report so received from the District Collector will be processed by the Commissioner of Rural Development and Panchayat Raj and forwarded to the Committee specially constituted to take decision on each such proposal.

(vi) The Committee consisting of the Principal Secretary to Government, Rural Development and Panchayat Raj Department as the Chairman, Commissioner of Rural Development and Panchayat Raj as the Member-Convener, Superintending Engineer (RD) as member, is empowered to issue a temporary 'No Objection Certificate' ('NOC') to the Chief Engineer (NABARD & Rural Roads) for taking up such major bridge work(s) on a case-by case-basis. It will not be binding upon the Committee to give the 'No Objection Certificate' merely because a bridge work has been proposed by Highways Department. The Committee can reject any proposal without assigning any reason thereof.

(vii) The 'No Objection Certificate' will be given subject to the following two conditions:

(a) The major bridge work(s) should be taken up by the Highways Department through its own sources of funding.

(b) The 'No Objection Certificate' given by the Committee shall be valid only for a period of 24 months from the date of issue. It is upto the Highways Department to finalise its sources of funding and issue orders of administrative sanction for the construction of the bridge work(s) within this period. The 'No Objection Certificate' granted shall automatically lapse at the end of this 24-month period in respect of those bridge work(s) for which sources of funding have not been tied up and administrative sanction orders have not been issued. If, however, the Highways Department wants extension of the period of 'No Objection Certificate' the Chief Engineer (NABARD & Rural Roads) should make a request for the same with appropriate justification and the Committee constituted as per Para 3 (a) above will consider grant of extension for a further period of 12 months based on the merits of the request. No further extension of the period of 'No Objection Certificate' will be considered under any circumstances.

(By Order of the Governor)

K.ASHOK VARDHAN SHETTY
PRINCIPAL SECRETARY TO GOVERNMENT