

## **Chapter VII**

Decentralisation of powers upto Divisional level vis a vis strengthening of the role and powers of Divisional Commissioner

## **Decentralisation of powers upto Divisional level vis a vis strengthening of the role and powers of Divisional Commissioner**

The institution of Divisional Commissioner has been working very satisfactorily in some of the major States of the country. In these states, the Divisional Commissioner is functioning as the eyes and ears of the State Government on the one hand, and as a friend, philosopher and guide to the district administration on the other. Administrative functions and duties of the Divisional Commissioner relates primarily to supervision and co-ordination. These functions are quite specific and wide in respect of revenue, law and order and development administration.

The Commission feels that the institution of Divisional Commissioner should be developed as an effective instrument of the government at the regional level so that it could function effectively. Moreover, the supervisory and co-coordinating role of the Divisional Commissioner is very important for streamlining of the administration and expeditious execution of programmes and works at the field level. Many of the appeals under different Acts and rules, which are now heard at the Secretariat level, could be delegated to the respective Divisional Commissioners, and such a step would bring the administration closer to the people at the field level. In this context, the Commission would suggest that:

1. Only the senior-most Commissioners having adequate district and Secretariat experience should be posted as Divisional Commissioners.
2. Minimum tenure of an officer as Divisional Commissioner should be 3 years, in view of the importance and wide range of his duties and functions.
3. The jurisdictions of the Divisional Commissioner and the DIG/IG Range should normally be co-terminus and their headquarters should be at the same station so that this important duo at the regional level could function in close coordination and perfect harmony.
4. The Divisional Commissioner should be specifically recognised as the leader at the regional level and should be equipped with suitable powers for effecting coordination among different departments and monitoring of progress. He/She should exercise all the powers and authorities as prescribed in the Executive Manual.
5. As recommended earlier, the Divisional Commissioner should oversee the system of redressal of public grievances in the district

level and should be authorized to intervene in appropriate cases and to issue directions in cases of default.

6. The Divisional Commissioner should be empowered to exercise supervision and inspection over the urban local bodies as well as the Panchayati Raj Institutions, so as to be able to offer guidance and to recommend correctives, where necessary.
7. It should be imperative for the regional level officers of the government departments to comply with the directives given by the Commissioner, and if, for some reason, they are not in a position to do so, they should refer the matter to the respective Heads of Departments for order under intimation to the Commissioner. The Head of Department must give due weight to the recommendations made by the Commissioner in such matters and if, in any case, they are unable to accept the Commissioner's advice, they should report the matter to their respective administrative department of the government for decision.
8. The Commissioner of the Division should review the ACRs of the district/ regional-level officers of the line departments. Alternatively, a special report should invariably be obtained from the Divisional Commissioner regarding the annual performance review of the district/ regional-level officer of the line departments, which should form a part of the ACRs of these officers.
9. Tour programmes and tour notes of all regional level officers should invariably be endorsed to the Commissioner. Whenever a regional officer proceeds on leave, the Commissioner should be informed in advance, and if the Commissioner feels that in the interest of the government works the officer should not proceed on leave during that period, he may advise the administrative department of the government accordingly.
10. The Divisional Commissioner will keep himself/herself constantly posted with the law and order situation of the division and ensure that it is effectively maintained. He/she will meet at least once in a quarter with the DIG/ DCs/ SPs of the division to review and coordinate matters relating to law and order in his/her jurisdiction. He/she will send a monthly law and order review of the division, based on reports received from districts, for consideration of the State Government. This report should be addressed to the Chief Secretary.

11. **The Divisional Commissioner, functioning as regional coordinating and supervisory authority in the field of planning & development, will be responsible for supervision, coordination, monitoring and review of all development activities/ programmes in the division. He/she will ensure necessary support and guidance as well as action in the planning & development activities without in any way inhibiting the process, which has been developed at the district level.**
12. **To be constantly in touch with the development activities in the field, the Divisional Commissioner may call for information and periodic progress reports from the implementing agencies. Copies of all periodical progress reports prescribed to be submitted to the government will invariably be endorsed to the Divisional Commissioner.**
13. The Divisional Commissioner, being the senior most Revenue Officer, will be in overall charge of revenue administration in his/her jurisdiction. He/she should be authorized to appoint ministerial and class-IV staff of his office and also function as the senior most Establishment Officer in respect of the officers and staff of the General Administration and Revenue Departments in the Division.
14. The Divisional Commissioner will look after the management of inter-state/ international boundary/ boundaries within the Division and ensure development of border areas as per Government Policy and decisions. For this purpose, he/she will maintain necessary liaison with the other Divisional Commissioners/ Deputy Commissioners having such areas under their jurisdiction.
15. In emergencies, the Divisional Commissioner should have the powers to: (a) temporarily deploy any Government officer/ employee of the Division (other than Police Personnel) below the rank of a Sub-Divisional Officer to any place within the Division, (b) initiate departmental proceedings against any Government officer/ employee except the Police and the regional/ district heads of departments.
16. **Detailed exercises should be undertaken for delegation of more powers particularly appellate powers from the government to the Divisional Commissioners in the interest of speedy disposal of Public Grievances.**
17. Inspection being an important tool of administration, one of the most important functions of the Divisional Commissioner will be periodic inspection of district, sub-division, circle and block offices, district

jails, etc., for which the Commission would like to prescribe a tentative time-table for consideration of the Government.

### **Yearly Schedule for Inspection by Divisional Commissioners:**

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| • Own office   | Once in a year             |
| • D.C.s' offices, including District Treasury, Registration Office, etc. | Once in a year             |
| • S.D.O.s' offices   | 50% in a year by rotation  |
| • Circle offices   | 25% in a year by rotation  |
| • Block offices  | 20% in a year by rotation  |
| • District Jail  | Once in a year by rotation |
| • Sub-Divisional Jail  | 25% in a year by rotation  |

The Commissioner should also inspect at random other offices and institutions as prescribed in the Executive Manual.

Inspection being a very important instrument of administration, a proper system of inspection is considered to be an essential prerequisite for efficient administration and, therefore, the inspections, in order to be effective and meaningful, should be thorough and exhaustive, and should cover all the important aspects of the functioning of the office and officers. For this purpose, a checklist for inspection of each office should be laid down. Inspection should be constructive in nature, and should emphasize the advice, guidance and action points in respect of deficiencies noted.

Follow up of the inspections is as important as carrying out inspections. There must be a proper system to ensure timely compliance of the directives recorded in the inspection note.

- 18. In view of the increasing financial responsibilities of the lower level functionaries in the districts in respect of fund utilization, the Divisional Commissioner's office should be empowered to conduct regular audits and to ensure submission of utilization certificates in time by various agencies to the Government. For this purpose, a fairly senior Audit Officer with a group of auditors should be posted in the Divisional Commissioner's office.**

- 19. The Divisional Commissioner's office should be a Mini Secretariat for coordination of various Government activities undertaken within the Division.**
20. The Divisional Commissioner's job should be a full time job. He/She should be at the Divisional Headquarters without any additional secretariat assignment. One ADC-level officer as Senior Staff Officer and a minimum of two SDO-level officers as Staff Officers should assist him/her in discharging his/her duties.
21. The HQs of the Hills & Barak Valley Division should be at Silchar for better supervision of the field-level work in the Division.