

Divisional Commissioners :
Powers and functions.
Delegation of — to

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. RVA. 2557/170960-R.

Sachivalaya, Bombay, 28th February 1958.

RESOLUTION OF GOVERNMENT.

Read—

Government Resolution, No. RVA. 1156-R, dated the 1st November 1956.

Government Resolution, No. RVA. 1556-R, dated 16th November 1956.

Government Resolution, No. RVA. 1557/156131-R, dated 27th December 1957.

RESOLUTION.—Government is pleased to direct that the Bombay Commissioners of Divisions Act, 1957 (Bom. VIII of 1958), should be brought into force with effect from 3rd March 1958. The requisite *notification should be published in the *Bombay Government Gazette*.

2. Government is pleased to create with effect from 3rd March 1958, six posts of Commissioners (in place of the six posts of Divisional Officers which have been last continued up to 31st August 1958, under Government Resolution, No. RVA. 1557/156131-R, dated 27th December 1957) and to direct that the post of a Commissioner should be equated with that of a Secretary to Government on a consolidated pay of Rs. 3,000 or Rs. 2,250 per mensem, as the case may be, depending on whether the incumbent of the post is an I.C.S. or I.A.S. Officer. The present establishment sanctioned from time to time for the Offices of the Divisional Officers under the aforesaid Government Resolution and other orders should continue under Commissioners of respective Divisions subject to the modification that the designation of the post of ~~Additional~~ Divisional Officer should be changed to Assistant Commissioner.

3. Each Commissioner should draw a Permanent Travelling Allowance of Rs. 300 per mensem subject to the usual conditions.

4. In supersession of the orders contained in Government Resolution, No. RVA. 1156-R, dated 1st November 1956 and Government Resolution, No. RVA. 1556, dated 16th November 1956, Government is pleased to direct as under :—

(1) The Commissioners of Divisions shall perform the powers, functions and duties mentioned in statements * I to VII subject to any special or general orders which Government may issue in this behalf. Powers, functions and duties mentioned at Serial Nos. 1 to 12 of the statement I, shall be exercised by the Commissioners concerned in the area of the pre-reorganisation State of Bombay only ;

* Printed as an accompaniment to this Government Resolution.

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(2) The Commissioners shall be the Chief Controlling Authority for their Divisions in all matters concerned with land revenue and shall be responsible for the following :—

(a) Supervision of and control over the working of Revenue Offices throughout the Division ;

(b) Exercise of executive and administrative powers to be delegated by Government or conferred on them by law ;

(c) General inspection of offices of all Departments within the Division ;

(d) Inspection of local bodies on the lines done by the Directors of Local Authorities in the pre-reorganization State of Bombay ;

(e) Co-ordination and supervision of the activities of all Divisional Heads of Departments with particular reference to planning and development ;

(f) Integration of the administrative set-up in the incoming areas.

(3) The Commissioner shall inspect the Revenue Offices and local bodies and also make general inspection of Offices of all Departments within his Division. For these and other functions entrusted to him, Government considers that the Commissioner should tour for a minimum period of 120 days in a year in his Division and complete the standard of inspection prescribed below :—

(A) *Revenue Offices.*—The Commissioner should inspect, in detail, at least two Collectorates in a year after each inspection as early as practicable. They should send to Government a statement containing the important defects or other features noticed at the time of inspection, their summing up of the results of inspection and remarks on any officer or official when work may require special notice, whether favourable or adverse. Simultaneously with the inspection of Collectorates, inspection of District Treasuries on the following lines should be made :—

(i) Detailed inspection of the working of the treasury (correspondence, audit and book sections) should be done with a view to seeing, in particular, whether the provisions of Rules, Circulars and Standing Orders of the Finance Department and Accountant General are properly followed ;

(ii) The balance of cash, stamps, valuables, etc., in the Treasury/ Strong Room should be verified ;

(iii) The questionnaire form regarding District Treasury Inspection prescribed in the Treasury or the Financial Rules, in force in the area concerned, should be answered ; on the points on which some comments are necessary, separate inspection points should be drawn and sent to the Treasury for compliance and copies addressed to the Government in the Finance Department ;

(iv) Points of common and general interest arising out of these inspections, should be referred to the Government in the Finance Department for Orders ;

(B) *Local Bodies.*—During the year, the Commissioner should inspect—

(a) two District Local Boards in his charge ;

(b) twenty-five per cent. of the Borough Municipalities and 20 per cent. of the District Municipalities in his charge ;

(c) one Village Panchayat in each district.

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5. All references from the Districts pertaining to matters with which the Commissioners are concerned should be routed through them unless otherwise directed by Government.

6. The expenditure on account of the creation of the posts of Commissioners and their establishments should be debited to the budget head "25-General Administration—E-Divisional Officers—E-1-Divisional Officers" during the next financial year.

By order and in the name of the Governor of Bombay,

L. R. DALAL,
Deputy Secretary to Government.

G.R., No. RVA-2557/170960-R, R.D., dated the 28th February 1958.

To

The Secretary to Governor,
The Secretary to the Chief Minister,
The Secretary, Bombay Public Service Commission,
All Divisional Officers,
All Collectors and Deputy Commissioners,
The Accountant General, Bombay (through the Finance Department),
The Senior Deputy Accountant General, Rajkot (through the Finance Department),
The Deputy Accountant General, Nagpur (through the Finance Department),
The Pay and Accounts Officer, Bombay (through the Finance Department),
The Resident Audit Officer, Bombay,
The Liaison Officer, Sachivalaya, Bombay,
The Director of Publicity (with a request to issue a suitable Press Note),
All other Heads of Departments and Offices under the several Departments of the Sachivalaya,
All Departments of the Sachivalaya.

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Accompaniment to Government Resolution, Revenue Department, No. RVA. 2557/170960-R,
dated the 28th February 1958.

STATEMENT I.

STATEMENT SHOWING POWERS DELEGATED TO THE COMMISSOINERS.

Revenue Department.

Serial No.	Rule, Order, etc.	Summary of Rule, Order, etc.	Details of powers delegated to Commissioners.
1	2	3	4
1	Administrative Order I in the Land Revenue Rules (1921).	Power to revise the limits of sub-division of districts.	The Commissioner shall exercise the power of the State Government.
2	Administrative Order II in the Land Revenue Rules (1921).	(a) Power to sanction reduction of assessment consequent upon reclassification of agricultural lands upto Rs. 100 per annum when reclassification operations are confined to a single village and Rs. 200 per annum when this extends to more than one village in a taluka. (b) Power to grant remission of miscellaneous land revenue up to Rs. 500 in individual cases in relief of local calamities. (c) Power to remit judi up to Rs. 100	The Commissioner shall exercise this power subject to the monetary limit of Rs. 200 and Rs. 400 respectively. The Commissioner shall exercise this power subject to the monetary limit of Rs. 1,000. The Commissioner shall exercise this power subject to the monetary limit of Rs. 250.
3	Administrative Order XXII in the Land Revenue Rules (1921).	Power to decide disputes regarding right to land between Municipality and Government when the case is referred to the Commissioner by the Collector in case of doubt or where the Municipality does not accept the Collector's decision.	The Commissioner shall exercise the powers of State Government.
4	Administrative Order XX XVII in the Land Revenue Rules (1921).	Power to sanction remission in case of total loss of crop due to local calamities upto Rs. 500.	The Commissioner shall exercise this power subject to the monetary limit of Rs. 1,000.
5	Administrative Order XLVI in the Land Revenue Rules (1921).	Power to accord sanction for recovery of land revenue on forfeited land which is not sold.	The Collector shall exercise this power subject to the sanction of the Commissioner.
6	Government Resolution, No. 1629/49, dated 16th November 1949.	Relaxation of the Building Regulations prescribed by Government.	If the constructions are not considered objectionable after consulting the Police, Public Works Department, Public Health and other concerned authorities, the Commissioner may relax these regulations to the extent necessary.
7	Government Resolution, No. 6060/49, dated 23rd February 1950.	Relaxation of the Ribbon Development Rules.	
8	.....	Grant of non-agricultural permission for construction of religious buildings such as temples, mosques, churches, etc	If the District Superintendent of Police and the District Magistrates are satisfied that such constructions are not likely to disturb public peace or cause communal disturbances, the Commissioner may approve the proposal for grant of non-agricultural permission.
9	Government Resolution, No. 2916/45, dated 9th July 1951, as modified by Government Resolutions, No. LND.1353-B, dated 27th February 1954 and No. RVA. 1557/75920-R, dated 12th October 1957.	The Collectors are at present competent to sell lands without auction upto 2 gunthas, to the owners of adjoining houses if the value of the lands does not exceed Rs. 200 in rural areas and Rs. 1,000 in urban areas.	The Commissioners shall exercise this power if the value of the land does not exceed Rs. 1,000 in rural areas and Rs. 5,000 in urban areas.
10	Government Resolution, No. 6216/33, dated 6th October 1937, as modified by Government Resolution, No. LND. 3954, dated 19th April 1954.	The Collectors are at present competent to sell lands without auction upto 2 gunthas for house sites in villages, if the value of the lands does not exceed Rs. 200 in each case.	The Commissioners shall exercise this power if the value of the land does not exceed Rs. 1,000 in each case.
11	Government Resolutions, No. 3297/45, dated 17th May 1950 ; No. LEN-55/69754-P, dated 23rd September 1955 and No. RVA. 1557/75920-R, dated 12th October 1957.	The Collectors are not competent to regularise the encroachments.	The Commissioners shall exercise the power to regularise encroachments on Government lands when the value of the encroached land does not exceed Rs. 2,000.

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STATEMENT I—contd.

Serial No.	Rule, Order, etc.	Summary of Rule, Order, etc.	Details of powers delegated to Commissioners.
1	2	3	4
13	.....	Powers to grant gratuitous relief in cases other than those of sufferers from riots.	The Commissioner shall exercise this power to the extent of Rs. 500 in individual cases.
14	.....	Remission of advances in case of field wells to the extent of 20 per cent. of the principal plus the whole of the outstanding interest.	The Commissioner shall exercise this power in accordance with the settled principles and submit to Government quarterly reports regarding grant of remission (as also writing off of the dues).
15	(a) Para. 21 of Famine Relief Code, 1951 ...	The Collector has to report to Government about the imminent scarcity conditions.	The Commissioner shall report to Government about the imminent scarcity conditions.
	(b) Para. 8 of the Famine Relief Code, 1951...	Power to fix priority for famine relief works.	The Commissioner shall exercise powers to fix priority for scarcity relief works.
16	Establishment matters ...	(a) Power to transfer a Deputy Collector ...	The Commissioner shall exercise this power provided that the transfer is within his division.
		(b) General power to grant leave to officers in the Deputy Collector's grade.	The Commissioner shall exercise this power provided the leave to be granted does not exceed 90 days.
		(c) Power to make necessary arrangements in consequence of such grant of leave as well as other types of local arrangements such as arising out of death, accident, training, etc.	The Commissioner shall exercise this power provided that such arrangement is for a period not exceeding 90 days.
		(d) Power to give on loan officers in the Deputy Collector's grade to other Department e.g., local bodies or other semi-Government or Co-operative Institutions in his Division for a short duration not exceeding 3 months and to make appointments in vacancies so caused.	The Commissioner shall exercise this power subject to the conditions prescribed against rule 107 in Appendix I to Bombay Civil Services Rules, Volume II.
		(e) All matters including Special Pay, Allowances, etc., relating to Deputation Foreign Service within the Division in respect of non-gazetted staff.	Do. do.
		(f) Power to order posting of officers in the Deputy Collector's grade returning from leave, deputation, etc., if necessary by reverting junior most officers in the Division.	The Commissioner shall exercise this power.
		(g) Power to notify under the Commissioner's signature in the Bombay Government Gazette the nature of leave granted by him after ascertaining the same from the respective audit officer, holding of additional charge by the officers in the Deputy Collector's grade and appointments of officiating incumbents and posting of officers returning from leave or deputation sanctioned by him.	Do. do.
		(h) Power to appoint Mamlatdars (from Select List) prepared by Government and to issue notifications under his signature.	Do. do.
		(i) Power to order retirement of Mamlatdars on superannuation and issue necessary notification.	Do. do.
		(j) Power to issue certificate required by audit for final withdrawal from General Provident Fund to Mamlatdars and Deputy Collectors.	Do. do.
		(k) Power to sanction bicycle, and motor car advance upto Rs. 4,000 to the Officers drawing a pay of about Rs. 500 p. m. or more in consultation with the respective audit officers.	Do. do.

STATEMENT I—contd.

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Serial No.	Rule, Order, etc.	Summary of Rule, Order, etc.	Details of powers delegated to Commissioners.
1	2	3	4
16	Establishment matters—contd. ...	<p>(*) Powers to grant temporary exemption to the Mamlatdars from passing an examination in a regional language under Rule 7 of the Rules relating to the Examination of Mamlatdars in Regional Languages.</p> <p>(o) Power to sanction General Provident Fund Advance under Rule 14-C of the General Provident Fund Rules in special cases.</p> <p>(p) Power to permit acquisition of immoveable properties by Government servants by purchase of gifts under Rule 15 of the Bombay Civil Services Conduct, Discipline and Appeal Rules.</p> <p>(q) Power to order and hold departmental enquiries against Mamlatdars subject to the final orders in regard to removal or dismissal being passed by Government.</p>	<p>The Commissioner shall exercise this power. ↓ <i>(With draw - and re-delegated to collector as per G.P.O. No. EX 14/15 58/190506 - 1 dt. 31-12-58)</i></p> <p>Do. do.</p> <p>Do. do.</p> <p>Do. do.</p>
17	Miscellaneous matters ..	<p>(a) Power of general supervision over the working and efficiency of the Excise Department and to record his recommendations on all points which may appear to him to be open to criticism.</p> <p>(b) Misappropriation cases upto Rs. 2,000.</p> <p>(c) Power to grant permission to retain presented articles at ceremonial functions (Rule 8 of the B. C. S. C. D. and Appeal Rules).</p> <p>(d) Grant of terminal concessions to discharged ex-State servants (i.e. former Indian States which have merged in the Bombay State).</p> <p>(e) Appeals from retrenched and rejected non-gazetted Government servants.</p> <p>(f) Providing alternative employment to the ex-C. S. D. non-gazetted staff retrenched and the staff from the regular departments retrenched as a direct result of the Decontrol policy.</p> <p>(g) Seniority and confirmation of non-gazetted ex-State servants up to M'kari's rank.</p> <p>(h) (a) Preparation of Budget Estimates and Revised Estimates so far as it relates to the consolidation of the estimate of the Collectors of districts. (b) Reconciliation work ..</p>	<p>Do. do.</p> <p>The Commissioner shall exercise this power. He should however, submit to Government report whenever misappropriation has been facilitated due to loop-holes in the Rules or slackness of supervision on the part of higher Officer(s).</p> <p>The Commissioner shall exercise this power.</p> <p>The Commissioner shall exercise these powers subject to the condition that wherever relaxation of the Government orders is involved, prior approval of Government should be taken.</p> <p>The Commissioner shall exercise this power.</p> <p>Do. do.</p> <p>Do. do.</p> <p>The Commissioner shall be in charge of this work.</p> <p>Do. do.</p>

STATEMENT II.

Agricultural and Forest Department.

Serial No.	Powers to be delegated.	Remarks.
1	2	3

Supply matters.

- 1 The Commissioners may be authorised to dispose of finally appeals and applications in connection with disciplinary action taken by Collectors and Deputy Commissioners against fair price shops, contractors for labour, transport works, etc., in respect of foodgrains.

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STATEMENT III.

STATEMENT SHOWING POWERS DELEGATED TO THE COMMISSIONERS.

Serial No.	Powers proposed to be delegated.	Extent of powers to be delegated.	Conditions subject to which powers are to be exercised.	Remarks.
1	2	3	4	6

Community Development-National Extension Service Programme.

1	To accord programme approval (Financial Estimates and Working Plan) for the whole Project period and make subsequent modifications, variations, additions and alterations in respect of National Extension Service as well as Community Development Blocks including multipurpose projects.	Full	... Subject to the general policy directives and instructions issued by Government.	
2	To sanction individual schemes and authorise expenditure involved therein within the approved programme without prior reference to the Finance Department.	(i) Up to Rs. 50,000 (for all schemes other than those specified below). (ii) For irrigation Schemes up to Rs. 4.00 lakhs. (iii) For Reclamation Schemes up to Rs. 1.00 lakh. (iv) For Rural Housing Schemes for Project staff up to Rs. 1.00 lakh. (v) For Housing Schemes for project staff up to Rs. 1.00 lakh.	(1) Subject to the conditions mentioned in G. R. No. CDB-4156, dated 1st May 1956, except condition No. 2 (IV) thereof. (2) This power may be exercised in respect of both recurring and non-recurring expenditure as well as for grant of loans to be beneficiaries. (3) Subject to the general policy directives and instruction issued by Government and particularly those concerning payment of instalments and rates of interest in respect of loans.	
3	To accord administrative approval for all works including Irrigation, Roads, etc., and expenditure involved therein within the approved programme.	(i) Up to Rs. 50,000 for all works other than those specified below. (ii) Bandharas—up to Rs. 1.00 lakh. (iii) Other Irrigation works up to Rs. 1.00 lakh.	(1) Subject to conditions mentioned in G. R. No. CDB-4156 dated 1st May 1956 except condition No. 2(IV) thereof. (2) The limits indicated in Column 3 should apply to total value of work. (3) Subject to the directives and instructions issued by Government and in particular, those concerning the prescribed scales of public contribution.	
4	To sanction loans within the approved programme.	Up to Rs. 25,000 in one item.	(1) Subject to taking adequate security as prescribed for Departmental Schemes. (2) Instalments not exceeding and interest rates not less than those permitted by the Government of India to the State Government. (3) Loans will be granted for items like— (i) purchase of installation of pumping sets; (ii) construction and repairs to irrigation wells; (iii) construction of houses in rural areas; (iv) horticultural livestock and poultry development; (v) Dairy development.	
5	Powers of the Head of Department under B. O. S. Rules, Financial Rules and Controlling Officer for accounts and budget purpose.	Full	.....
6	To create temporary non-gazetted clerical, technical and class IV posts.	According to actual requirements, for the project period, but subject to annual review.	(a) Necessary budget provision being available. (b) Ceiling prescribed by the Ministry of Community Development being adhered to. (c) Pay scales and conditions of service as in other Departments for similar class of servants being followed. (d) general policy directives and instructions issued by Government.	
7	Powers to sanction inter district transfer of all staff	Full	.....

STATEMENT III—*contd.*

Serial No.	Powers proposed to be delegated.	Extent of powers to be delegated.	Conditions subject to which powers are to be exercised.	Remarks.
1	2	3	4	6
9	To sanction contingent expenditure on items not specifically mentioned elsewhere.	Upto Rs. 1,000 on a single item of non-recurring nature and Rs. 200 per month of a single item of recurring nature.		
10	To sanction expenditure on purchase of stores and capital equipment.	Full, within detailed scheme approved by competent authority.		
11	To sanction expenditure on local purchase of stationery.	Upto Rs. 50 per item per Block, at a time.	Subject to overall budget provision.	
12	To sanction expenditure on purchase of non-official publications.	Full	...	Do.
13	To sanction expenditure on repairs to motor vehicles, purchase of spare parts and other equipments like tyres, etc.	Full	...	(i) subject to overall budget provision. (ii) Subject to repairs being carried out in S. T. Workshops, wherever feasible. When it is not feasible to get the repairs carried out in S. T. or a Government (P. W. Division) workshop, the rates of repairs should be got approved from the Controller of G. T. S in advance.
14	To sanction expenditure on the purchase of and repairs to furniture and fixtures.	Full as per scale to be laid down by Government.	Subject to overall budget provision.	
15	To prescribe a Government servant's headquarters.	Full.		

- Note.*—1. Powers are to be exercised only in respect of expenditure debitabie to "63-B—Community Projects etc." and special Multi-purpose Projects and also 'loan' budget head of C. D./N. E. S. Blocks.
- "Overall budget provision" means the total provision for the project period.
 - "Approved programme" means for items, included in Appendix 'F' of the 'Budget Manual' and provided for in a general way in the overall project programme of the Block.
 - As there is overall ceiling on the amount to be spent in a project period, in a Block, the item "full" powers are in fact limited by possibility of accommodating the expenditure within the project budget.
 - Full powers, would be subject to the policy directives and general instructions to be issued by the State Government.
 - Schemes involving recurring liability after the project period on Government are not to be authorised without the consent of the Department concerned, about acceptance of the liability after the project period, either by general or specified orders in each case.
 - Consultation with officers of technical Departments at the proper level depending on the importance of expenditure, is expected to be ensured before authorising the expenditure.

STATEMENT IV.

Political and Services Department.

(Main).

Subject matter.	Extent of powers.	Remarks.
1	2	3
Election, Privy purses, Territorial and political pensions.	Powers of the administrative department in respect of the budget grants over which P. & S. D. exercise administrative control.	

STATEMENT V.

Legal Department.

- To appoint special Counsel and Special Public Prosecutors at prescribed rates.

NOTIFICATION. 63

REVENUE DEPARTMENT.

Sachivalaya, Bombay, 27th February 1958.

BOMBAY COMMISSIONERS OF DIVISIONS ACT, 1957.

No. RVA.2557/170960-R—In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Commissioners of Divisions Act, 1957 (Bom. VIII of 1958), the Government of Bombay hereby appoints 3rd day of March 1958 as the date on which the said Act shall come into force.

By order and in the name of the Governor of Bombay,

V. SHANKAR,
Secretary to Government.

No.

of 1958.

Copy forwarded for information and guidance to