

CONFERMENT OF POWERS TO OFFICERS

Recommendations for the conferment of Power ordinarily originate, as the circumstances in each case may require from the Deputy Commissioner or the Financial Commissioner.

Proposals originating from the Deputy Commissioner are normally forwarded to the Government through the Commissioner.

REVENUE POWERS :

Details about the powers of the various officers are as follows :-

1. Commissioner :- It is unnecessary formally to invest the Commissioners of Divisions with power as they exercise power *ex-officio*.

2. Deputy Commissioner :- It is unnecessary formally to invest the Deputy Commissioners of District with the power of collector they exercise *ex-officio* under the various Acts.

vide Haryana Govt. Local Government Department Notification No. 9037-2CI-73/26753 dated 7-9-1973 the Deputy Commissioner has been conferred powers of the Appellate Authority under sub-section of section 15 of the Haryana Urban (Control of Rent and Eviction) Act, 1873, in the areas of their respective jurisdiction.

3. Additional Collectors :- Under clause (aa) of section 2 of the Punjab Village Common Lands (Regulation) Act, 1961, the Additional Collectors have been appointed to perform the functions of the Collectors under the said Act within the jurisdiction of their respective district *vide* Haryana Govt. Development and Panchayat Department Notification No. LA (DPH)-78/194, dated 11-5-78.

The Additional Collectors have been empowered under sub-section (I) of section 99 of the Haryana Municipal Act, 1973, hear appeals within their respective jurisdiction *vide* Haryana Govt. (Local Govt. Deptt.) order dated 17-4-80, issued with endorsement No. 29/3/79-CII(3), dated 24-4-80.

4. Sub-Divisional Officer :- The Sub-Divisional Officers have been appointed as Collectors under the following Acts:-

- (i) The Haryana-Public premises and land Eviction and Rent Recovery Act, 1972, Haryana Government Notification No. 1873-7, S-73/13539-41 dated the 22nd May, 1973.
- (ii) The Redemption of Mortgages (Punjab) Act, 1913. (Haryana Government Notification No. 1338-S-67/4848, dated the 20th March, 1967).
- (iii) The Northern India Canal and Drainage Act, 1973. (Haryana Government Notification No. 1338-S-67/4848, dated the 20th March, 1967).
- (iv) The Punjab Land Revenue, Act, 1885, Sub-section (3) of section 69 (Punjab Government Notification No. 8650-GI-52/21029, dated 28th October, 1959).

Powers to hear appeals from the orders of the Assistant Collectors, 2nd Grade will be conferred as a matter of course on all Sub-Divisional Officers, whose names appear in the approved list.

5. Other Powers of Sub-Divisional Officer :- The Sub-Divisional Officers who are Assistant Collectors of the 1st Grade have been appointed as Assistant Collectors 1st Grade under clause (a) of section 2 of the Punjab Village Common Lands (Regulation) Acts, 1961 *vide* Haryana Government Development & Panchayat Department Notification No. S.O. 234/P.A. 18/61/S. 2/73, dated 30-11-1973 circulated with their No. 21844 G.I. (DP)-73/6428-66472, dated 10-12-1973.

The Sub-divisional Officers have been appointed to perform the functions of Rent Collector under clause (b) of section 2 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 within the limits of their respective jurisdiction. *vide* Haryana Government (Local Government Department) Notification No. 90372-CI-73/26756 dated 7-9-73

returns from short leave to the appointment in which he exercised these powers unless his locum tenens was invested with them vice him.

- (b) The authority initiating a proposal for the conferment of the powers of Collector on an officer for the first time, should satisfy itself that the officer, on whom the powers of Collector are proposed to be conferred has sufficient experience of revenue work. In the proposal to be made to the higher authority, in this behalf the period for which the officer exercised the powers of Assistant Collector 1st Grade should be specially mentioned. The Extra Assistant Commissioner recruited by promotion from Register A-I (Tehsildars and Naib-Tehsildars) can be deemed to have already gained sufficient experience in revenue work. Proposals for the conferment of powers of Collector require the prior concurrence of the Revenue Department. Where the Revenue Department has agreed to the conferment of the powers of Collector under the Punjab Land Revenue Act, 1887 and the Punjab Tenancy Act, 1887, on an officer, he may be given the powers of Collector under the following other Acts without reference to the Revenue Department.

The Land Acquisition Act, 1894.

The Punjab Restitution of Mortgaged Lands Act, 1938.

The Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952.

The Punjab Abolition of Ala Malkiyat and Talukadari Right Act, 1952.

The Colonization of Government Lands Punjab Act, 1912.

The Pepsu Tenancy and Agricultural Lands Act, 1955.

The Northern India Canals and Drainage Act, 1873.

The Punjab Minor Canals Act, 1905.

(7) Assistant Collectors :- (a) 1st Grade and (b) 2nd Grade - (i) Assistant Commissioners and Extra Assistant Commissioners on first appointment to the service are *ex-officio* Assistant Collectors 2nd Grade under Notification No. 73 dated 1st November, 1887. Assistant Commissioner and the Extra Assistant Commissioners who have passed the departmental examination in Civil Law and Revenue Law by the higher standard are *ex-officio* Assistant Collectors of the 1st Grade <197> vide Punjab Government Notification No. 3457-ASI-65/12925, dated the 24th April, 1965.

According to Sub-section (2) of Section 2 of the Redemption of Mortgages (Punjab) Act, 1913, the term "Collector" includes Assistant Collector, 1st Grade.

(c) General Assistants to Deputy Commissioners — The General Assistants to Deputy Commissioner who are Assistant Collectors 1st Grade have been appointed as Assistant Collector 1st Grade within the jurisdiction of their respective districts under clause (a) of Section 2 of the Punjab Village Common Lands (Regulation) Act, 1961 vide Haryana Government (Development and Panchayat Department) Notification No. SI-GA75/21 dated the 18th April, 1975.

MAGISTERIAL POWERS

These powers are not exercisable on transfer or on return from long leave without re-investiture. Re-investiture is not necessary if an officer returns from short leave to the appointment in which he exercised these powers unless his locum tenens was invested with them vice him.

(1) Executive Magistrates/District Magistrates

Under Sub-section 1 of Section 20 of the Code of Criminal Procedure, 1973 the State Government may appoint in every district as many persons as it thinks fit to be the Executive Magistrates and shall appoint one of them to be the District Magistrate.

- (i) Sub Divisional Officers (Civil)
- (ii) City Magistrates
- (iii) Additional General Assistants to the Deputy Commissioners.
- (iv) Assistant Commissioners/Extra Assistant Commissioners (under training).

VIVEK MEHROTRA
Joint Secretary to Government, Haryana

Additional District Magistrates

Under Sub-section 2 of Section 20 of the Code of Criminal Procedure, 1973, the State Government may appoint any Executive Magistrate to be an Additional District Magistrate and such Magistrate shall have all or any of the powers of a District Magistrate under the Code or under any other law for the time being in force.

Under Sub-section 3 of Section 20 of the Code of Criminal Procedure, 1973, whenever, in consequence of the office of the District Magistrate falling vacant any officer succeeds temporarily to the executive administration of the other District such officer shall pending the orders of the State Government, exercise all the powers and perform all the duties conferred and imposed by the above Code in the District Magistrate.

Sub-Divisional Magistrate

Under Sub-section 4 of section 20 of the Code of Criminal Procedure, 1973, the State Government may place an Executive Magistrate in charge of a Sub-Division and the Magistrate so placed in-charge of a sub-Division shall be the Sub-Divisional Magistrate.

Special Executive Magistrates

Under Section 21 of the Code of Criminal Procedure, 1973, the State Government, may appoint for such terms as it may think fit, Executive Magistrates, to be known as Special Executive Magistrates, for particular areas or for the performance of particular functions and confer on such Special Executive Magistrates such of the powers as are conferable under this Code on Executive.

Local Jurisdiction of Executive Magistrates

Under Sub-section 1 of Section 22 of the Code of Criminal Procedure, 1973, subject to the control of the State Government, the District Magistrate may, from time to time, define the Local limits of the areas within which the Executive Magistrates may exercise all or any of the powers with which they may be invested under this Code.

Except as otherwise provided, the jurisdiction and powers of every Magistrate shall extend throughout the district.

Subordination of Executive Magistrates

According to Sub-section 1 of Section 23 all Executive Magistrates, other than the Additional District Magistrate, shall be subordinate to the District Magistrate, and every