

Office of the Divisional Commissioner:
*An assessment of its role and function as a division based field
administration system of Bangladesh.*

A Dissertation

By

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List of Abbreviations

DC	-	Deputy Commissioner
UNO	-	Upazila Nirbahi Officer
DDB	-	Divisional Development Board
MP	-	Member of the Parliament
ACR	-	Annual Credit Report
LPR	-	Last Pay Receipt
LPC	-	Last Pay Certificate
BRTA	-	Bangladesh Road Transport Authority
BCS	-	Bangladesh Civil Service
VP	-	Vested Property
GPF	-	General Provident Fund
BSTI	-	Bangladesh Standard and Testing Institute
PRB	-	Police Regulation of Bangladesh
VIP	-	Very Important Person
EDO	-	Executive District Officer
PLGO	-	Punjab Local Government Ordinance
MAMPU	-	Malaysian Administrative Modernization and Management Planning Unit
DGLR	-	Director General Land Records
PPP	-	Public Private Partnership
AC(L)	-	Assistant Commissioner Land
ADC(R)	-	Additional Deputy Commissioner Revenue
IT	-	Information Technology

Statement of the Candidate

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Abstract

The public administration system of Bangladesh is characterized by pyramidal structure, following the traditional model of public administration where the policymakers at the central level take decisions or formulate a policy and the responsibility goes to the field administration at the local level to implement the decision/policy. The system has reminded largely the same as set up by the colonial rulers and left by them towards the middle of the last century. As the Office of the Divisional Commissioner is the apex organization of the field administration, the office has to play a significant role. The office has to monitor and supervise the field level offices regarding implementation of government policies at the field. On the other hand, it has to maintain liaison with the ministries and give feedback of the implementation of the policies and programs of the government. The Office of Divisional Commissioner has rich historical origins and has evolved over time taking over different functions under different eras.

In the present bureaucratic system the Ministry at the top is passing government orders to the field. Offices of the Deputy Commissioner are in the field to implement those. In between these two, from field administration perspective, Bangladesh is divided into six distinct geographical areas called Divisions. At present Bangladesh is divided into six administrative divisions namely *Dhaka*, *Chittagong*, *Rajshahi*, *Khulna*, *Barisal* and *Sylhet* each composed of several districts.

The history of civil service of the sub-continent depicts that, after the emergence of Collectors because of lack of central monitoring over revenue and judicial factors the British rulers created the post of Divisional Commissioner. The office lost some of its judicial power during the British period and forced to concentrate on land factors only. In the Pakistan era revenue responsibility of the office reduced remarkably but on the other hand the office was entrusted with huge development works. After these cutting and adding of responsibilities, the office got all the supreme authority of revenue, development and judiciary soon after the independence of Bangladesh. But with the course of time the office again lost its development and judiciary authority. Now the basic concentration of the office at present is land and monitoring field administration.

The office has to perform three basic responsibilities. Revenue which also includes land factors is one of those. Along with that development and coordination which includes administration and maintaining law and order are the other sectors. At present revenue and land is the most important responsibility that the office is performing. Then the factor of administration comes because the office is engaged in monitoring the field administration. At present the less important factor is maintaining the law and order situation.

After 1947 India has further enhanced the authority and supremacy of the office at field administration and all other departments working at the field level. By doing so, they have ultimately succeeded and achieved good result in both governance and economy. Pakistan on the other hand abolished the office few years ago and found it very difficult to implement government policies. Now the government of Pakistan is reviving the office to bring administrative balance. Bangladesh also reduced the authority of the office but not to the extent of Pakistan.

Basically the empowerment in development and revenue field has been found to be the most important area that should be the target for that office to be improved. As a whole the respondents of the study who are basically mid and top level civil servants also suggested for empowering and strengthening the authority of the Divisional Commissioner.

Chapter One

Introduction

The Office of the Divisional Commissioner plays a significant role in the present field administration of Bangladesh. The public administration system of Bangladesh is characterized by pyramidal structure, following the traditional model of public administration where the policymakers at the central level take decisions or formulate a policy and the responsibility goes to the field administration at the local level to implement the decision/policy. The system has remained largely the same as set up by the colonial rulers and left by them towards the middle of the last century. As the Office of the Divisional Commissioner is the apex organization of the field administration, the office has to play a significant role. The office has to monitor and supervise the field level offices regarding implementation of government policies at the field. On the other hand, it has to maintain liaison with the ministries and give feedback of the implementation of the policies and programs of the government. The Office of Divisional Commissioner has rich historical origins and has evolved over time taking over different functions under different eras. But what exactly does it do? Does their function remain relevant today, when there is a demand for decentralized and citizen-centric public administration system? This study tries to answer some of those questions.

Background

Presently the civil service of Bangladesh is running with approximately 1.2 million¹ public servants and trying to keep pace with a rapidly changing environment in public administration. Technology and modern administrative practices have progressed at astounding speed throughout the world, including the capacity to serve the public more effectively. The whole world has already gone for citizen centric governance.

In the modern world the public sector faces challenging and complex scenarios, which call for changes in structures, processes and operational arena of the public sector. Recent trends in

¹ Banglapedia, Internet edition. (www.banglapedia.org).

civil service reforms around the world show that vision and mission towards change has made public service effective in some of the economically developed countries. Bangladesh can accrue benefit from setting specific vision, mission and goal for its civil service for combating the ever increasing challenges and changes. Bangladesh must identify the potential sectors to initiate change process. Identifying the initial sector for Bangladesh the first thing that is most important is the sector which is directly involved with the service of the citizens. Idea of current public service change around the world is the citizen centric civil service. The field administration of Bangladesh is a crucial interface for the government to serve the citizens, as the majority of the population lives in the rural areas. In this context, the Office of the Divisional Commissioner is a crucial institution of the field administration; the office must be examined in a newer light in face of the challenges faced by the public administration system in the country.

However, although the office has a lot of authority and importance in the field administration, very little is known about this office both by the academia and people. Thus, there is need to find out how that office is working in the present scenario, what are its responsibilities and functions. The other main reason regarding this is that till date no detailed research or extensive work has been done on that office. It is also an attempt to examine what can be the roles of the office in changing context of Bangladesh. And finally what is the effect of the existence of the office, is it accelerating the policies of the government or because of that office implementation of policies are getting stopped.

Objective of the Study

Thus, in the prevailing situation of the Office of the Divisional Commissioner, this study attempts to find the answers of the following questions:

- i. How is the office of the Divisional Commissioner working in the present condition?
- ii. What can be the roles of the office of the Divisional Commissioner in changing contextual reality?
- iii. Whether the existence of the Office is a hindrance to effective communication channel or is obsolete in decision making process in the present day scenario.

Methodology

Experience shows that use of a single method in social research is not always enough to respond to the research need rather a combination of methods is more useful to bring desires level of methodological sophistication.² This is why the methodological framework with which the study has been conducted includes the primary as well as secondary sources; this supports the view that "If little is known about the variables involved in the research problems then more qualitative and exploratory type of research methods are needed."³ So the study tries to discuss and find new ways using qualitative and exploratory type of research methods.

Here in this study the emergence of the office of the Divisional Commissioner and the stages it had covered while reaching its present situation through evolutions has been described on basis of secondary data from reports, books, journals, etc. The study also attempts to find out the drawbacks of the office by analyzing the responsibilities and authority of the Office. In the way of describing the evolution of the different structures and authority, a comparison has been drawn with same administrative entity in the neighboring countries (Office of the Divisional Commissioners of India and Pakistan). Lastly there is also an attempt to discover the new horizons and challenges of the office.

In the study, the primary method included a questionnaire, which was used for collection of data the respondents of the study were the civil servants of Bangladesh, specifically the officers from the BCS Administration cadre. Junior civil servants (Assistant Commissioners working in the office of the Divisional Commissioner or in office of the Deputy Commissioners or as Assistant Commissioners (Land)) were the majority of the respondents. The other respondents were mid level civil servants like Senior Assistant Commissioner/Secretary or UNO and some of the top level civil servants like Joint/Additional Secretary (some of them has performed or are performing as Divisional Commissioner). The study has chosen such respondents group because other than members of BCS administration cadre no other government officials have minimum idea about the Structure, responsibility and overall management of the office. Other than that members of BCS administration cadre

² Introduction to Social Research, Prof. Salahuddin M. Aminuzzaman, 1991, Page-34.

³ Introduction to Social Research, Prof. Salahuddin M. Aminuzzaman, 1991, Page-34.

are both the service seeker and provider of the office. In this study self administered questionnaire was given to the respondents to fill and was collected immediately after being filled. It provides the investigator with easy accumulation of data in that in a short, a lot of information is aggregated. This is important given the time constraints that the study had to cope with. The study also employed the use of interviews as its research technique. The study selected 50 respondents from the field of administration from top management, middle and lower management.

Justification of the Study

Office of the Divisional Commissioner is the bridge between field administration and the central government. Thus the office has immense importance from both the field administration and policy making position. But no research work or extensive survey has been executed on this office yet. So it is very difficult for the policy makers to find out the weaker sides of the office that is hampering the development, policy implementation and bureaucracy. On the other hand the researchers and donors are very much interested about the public administration of Bangladesh. They are suggesting different recommendation to bring transparency and efficiency in the public administration sector of Bangladesh. The attempt to prepare this particular study would encourage the researchers to work further and deeper about the field administration of Bangladesh. That initiative may lead to further study by other researchers which will discover the present scenario of the public administration of Bangladesh.

Limitations

The first and the biggest barrier of the study was the time given for completing the study. The subject of the study is purely about government affairs. But collecting government information is a matter of long time and procedure. At the same time all the data and information associated with the study is not totally accessible. Moreover the government offices are barred to produce some documents by law. No office of the Divisional

Commissioner has got a book or document that contains the history, evolution and responsibilities of the office. On the other hand no office of the Divisional Commissioner has got a website. Because this study is the first attempt to research about the office, there was no document to access or to get any help from any previous work.

Chapter Outline

Chapter One : Introduction

Chapter Two : Overview of the Field Administration in Bangladesh

Chapter Three : Evolution of the Office of the Divisional Commissioner

Chapter Four : Overview of the Role and Functions of the Office of the Divisional Commissioner

Chapter Five : Role of Divisional Commissioner: A Review of Indian and Pakistani Experiences

Chapter Six : Observation and Findings

Chapter Seven : Conclusion and Recommendations

Chapter Two

Field Administration in Bangladesh: An Overview

Introduction

The administrative history of Bangladesh is more than two hundred years old.⁴ The Indian subcontinent can be said to be the inventor's play ground of the British colonialists. The conventional idea of civil service has been derived from that background. The process has left bureaucracy as a prolonged chronicle for Bangladesh. In the British colonial period in the field of bureaucracy, the EAST INDIA COMPANY government initially tried to rule the country with the help of the traditional bureaucracy. Under the system of Robert Clive, the traditional bureaucracy was almost fully maintained and manned by locals, but the administration of Warren Hastings introduced a bureaucracy dominated by European elements.

Bangladesh inherited the present administrative system from British through Pakistan period. Pre liberation period exhibits provincial form of government. After liberation period our administration exhibits moderate change and shift into unitary and centralized form of government.

Overview of the Present Structure of Field Administration in Bangladesh

The Ministers, State Ministers and Deputy Ministers are in-charge of the respective Ministries and divisions and they remain responsible for conducting the business allocated to the ministries/divisions. Secretaries and other higher civil servants assist them. The ministries perform policy-making functions while the numerous subordinate offices execute policies and decisions at the field levels.⁵

The present field administrative structure is still in someway a prototype. The Ministry at the top is passing government orders to the field. Offices of the Deputy Commissioner are in the field to implement those. In between these two, from field administration perspective, Bangladesh is divided into six distinct geographical areas called Divisions. At present

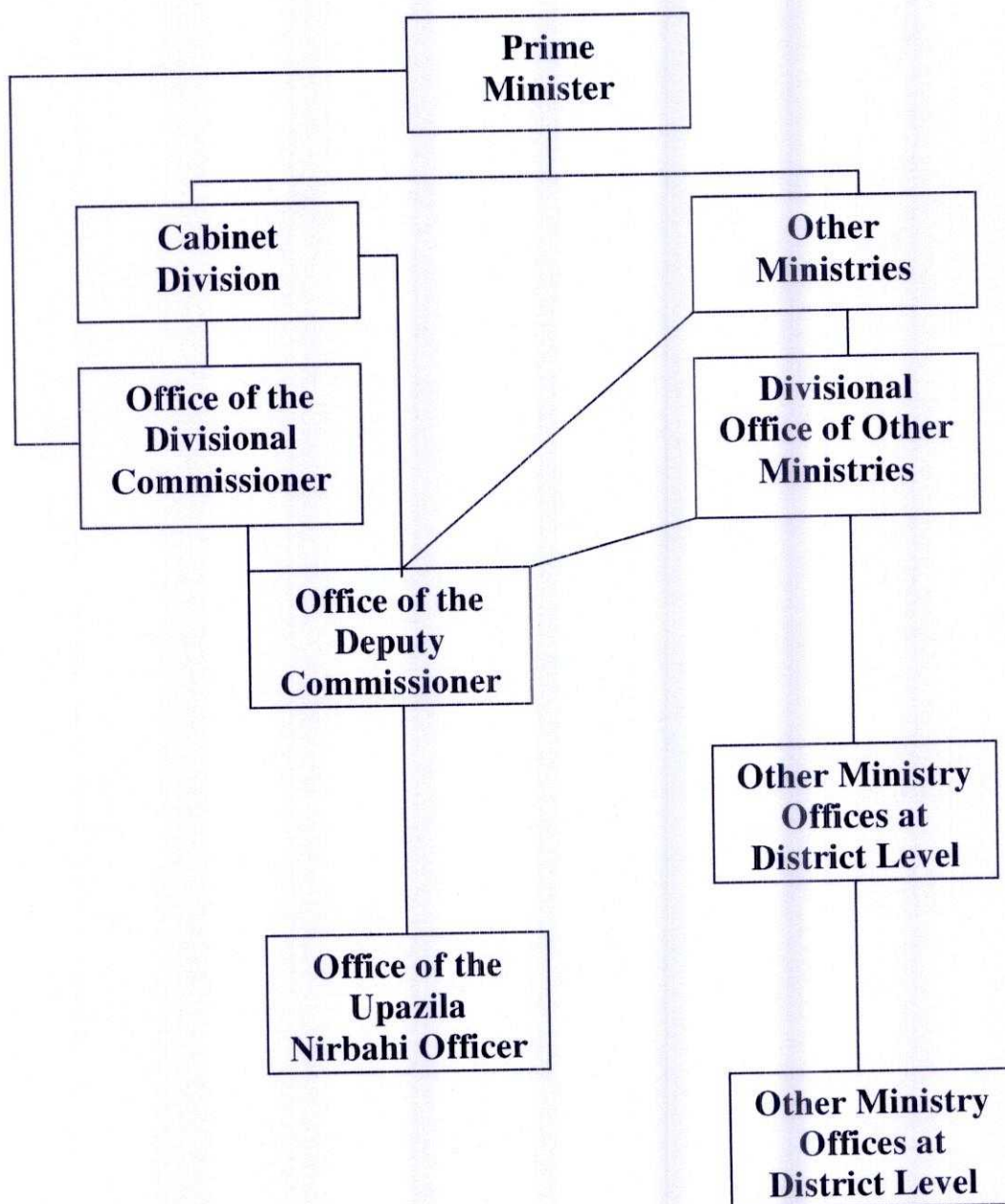
⁴ History of British India, Islam (2003).

⁵ Rules of Business (Government of the Peoples Republic of Bangladesh), 1996.

Bangladesh is divided into six administrative divisions namely *Dhaka, Chittagong, Rajshahi, Khulna, Barisal* and *Sylhet* each composed of several districts. There are 64 districts, which are in turn divided into a number of Upazilas. There are 496 Upazilas, each of which is divided into unions, mouzas and villages at the lowest tier.

Fig; 2.1

Administrative System of Bangladesh at a Glance



The Prime Minister is the head of administrative system of Bangladesh. The Cabinet Division and other Ministries work under the Prime Minister at the national level. At the divisional level the office of the Divisional Commissioners work under the Cabinet Division directly. On the other hand other Ministries have their own representative at the divisional level. At the district level the office of the Deputy Commissioners work under the supervision and monitoring of the office of the Divisional Commissioners. The offices that represent different Ministries at district level maintain liaison with the divisional headquarters and in some cases directly with Ministries at the national level. The offices of the Upazila Nirbahi Officers work at the Upazila level directly under the supervision of the office of the Deputy Commissioners and offices of the other Ministries at the Upazila level work under the respective district level offices. There is exceptional matter regarding the office of the Deputy Commissioners in the administrative system. This particular office maintains direct liaison with the Cabinet division and the office of the Prime Minister.

Each Division is headed by a Divisional Commissioner, a highly accomplished senior officer having long field experience, name and fame. One of the major elements of the charter of duties of the Divisional Commissioner is to monitor, coordinate and supervise the implementations of policies initiated by the government.⁶

The administrative unit that is prominent in this country, as far as the citizens are concerned, is called District, which is headed by an accomplished professional having long and laudable experience called Deputy Commissioner/District Magistrate who is expected to be highly talented and gifted with good leadership quality.⁷

The responsibilities of the Deputy Commissioners (DC) are vast and varied. S/he represents government at the field level, conduct all polls and act as Collector, development coordinator, disaster manager, and guardian of criminal administration at the lower level (revised to large extent after the separation of judiciary from the executives on 1 November 2007). S/he is the chief protocol officer representing government ceremonies on behalf of the national government. To be brief there are little or no activity in the district, which is unrelated to him/her by some way or other.

⁶ Citizen charter of the Office of the Divisional Commissioners of Dhaka and Chittagong.

⁷ Official website of Ministry of Establishment, (Government of the Peoples Republic of Bangladesh). (www.moestab.gov.bd).

The basic unit of administration of the country is locally named as Upazila, which is an integral component of the district and so to say, a district in the miniature form. Field level functionaries of the development departments operate here at the grass-root level under guidance from the respective functional heads stationed in the districts as coordinated by the Upazila Nirbahi Officer (UNO) (it has been also revised to some extent after the enactment of 'Upazila Parishad Rohitkaran Bill 2009' what has been passed by the Parliament on 6 April 2009). All decisions are discussed and finalized in a forum called Upazila Parishad (counseling body), which is presided over by an elected chairman and assisted by a mid-level seasoned executive called Upazila Nirbahi Officer, who plays a pivotal role in shaping decisions that conform to government policies and cohere to the financial constraints and regulations. An area covering several square kilometers having several thousand populations is named as Union that is administered by an elected Chairman. These Chairmen are the dominant and voting members of the Parishad apart from various Upazila level functionaries representing respective district counter parts.

During the early years, there were only three functionaries in the district. These were the district and Session Judge, the district Magistrate and Collector and the superintendent of police. However, over the years many specialized departments were created. Of the three functionaries, the district magistrate and collector was the chief executive of the district and had wide magisterial, police and revenue related powers. However, in the exercise of judicial authority, he was subordinate to the district and sessions judge. In administrative and revenue matters, the district magistrate and collector acted under the guidance and supervision of the Divisional Commissioner. Similarly, the superintendent of police acted under the control and supervision of the deputy inspector general of police. During the colonial period, the deputy inspector generals used to have jurisdiction over what was known as a range, which might or might not coincide with the territorial limits of an administrative division. The district and Sessions Judge, however, acted under the superintendence and control of the High Court.

There were two main streams of welfare responsibilities of the field administration during British colonial days. One was the special responsibility in regard to famine. This includes both pre and post-disaster responsibilities. The second stream provides the statutory

responsibility of the district officer in regard to liberal distribution of agricultural loans and test relief work. Thus apart from maintenance of law and order and collection of land revenue, the district magistrate and collector as head of the district administration was associated with several welfare measures.

The district level officers of other departments acted under the administrative control of their respective heads of departments. This led to a debate on the question of relationship between the district magistrate and collector and other district level officers. Montagu-Chelmsford report very aptly summarizes the relationship. The position of the district magistrate and collector in relation to specialized services was not that of a superior to a subordinate. This meant that the district administrative pattern, as it evolved, was run on the recognition of the functional independence of other field agencies. By the end of colonial rule, the position of the district magistrate and collector became increasingly important in local government and rural development. This role was recommended by the Rowlands Commission in the report of the Bengal Administrative Enquiry Committee, 1945. This tradition continued after the emergence of Pakistan and India as independent states.

Summary

The British rulers introduced bureaucracy in the sub-continent. The bureaucratic structure of Bangladesh has found itself in present position through the inheritance of the Indian and Pakistani era. In Bangladesh Prime Minister is the administrative head and different ministries work under him/her with the help of the field administration. Here, office of the Divisional Commissioner is the organization to maintain liaison between the field administration and the central government.

Chapter Three

Evolution of the Office of the Divisional Commissioner

Introduction

The history of field administration in the sub-continent is said to be the longest among the civilizations.⁸ In the field administration offices of the Divisional Commissioner have played its role since the beginning. The history of administrative culture took the institutionalized form during the Mughul regime. The great Mughul Emperor Akbar was renowned for his 'Soya Rotnos' in his Darbar who eventually helped him to rule over the huge empire. Emperor Akbar divided his Indian Empire into Subas, Sarkars and Parganas corresponding to modern provinces, districts and villages. This was done mainly to facilitate revenue administration, but gradually these became the units of general administration. British administration inherited the districts and provinces and created the divisions, subdivisions and thanas.

In the year 1765 Lord Clive secured the Dewani⁹ of Bengal and the rule of East India Company began. In the beginning the company was not interested in acting as revenue collector, but remained satisfied with the work of supervising collection of revenue and furthering its trading and commercial activities. In 1769 Verelst sent out European supervisors in the districts to watch revenue collections, control British trade and commerce, learn the language and customs of the country and compile all sorts of information about trade, revenue, laws, customs and traditions, history and administration of the country.

In 1771 the company decided to 'stand forth' as the Dewan of Bengal¹⁰, Bihar and Orissa and the administrative plan was drawn up the next year. This is the famous Hastings plan of 1772 to which the office of the Deputy Commissioner owes its origin. Hastings set up a board of revenue comprising of himself and the members of the council. He divided the province into 23 districts and posted European Collectors of revenue in each district that were to be assisted by the local Dewans. The Collector of revenue was also appointed the judge of the Mofussil

⁸ The History of British India, John F. Riddick (Internet Edition, 2009), (oll.libertyfund.org).

⁹ The power of collecting land revenue.

¹⁰ Head of land revenue collection in Bengal.

Dewani (Civil) Court. The Nizam (Criminal) Courts in the districts were presided over by native Quazis and Muftis but the Collectors were to supervise their work. For his revenue work the Collector was responsible to the Board of revenue whereas for his judicial work he was responsible to the Sadar Dewani Adalat of Calcutta which was presided over by the Governor General. A year after, in 1773, the European Collectors were recalled and revenue collection in the district was left with the native Dewan. The Civil Courts also had native Amins and the judges. Instead six provincial Councils composed of European civil servants and native advisors were set up to supervise the work of native Dewans and hear appeals from district Civil Courts. These councils were directly under the Governor General. In 1781 the Collectors were again introduced and the number was fixed at eighteen. They were Collectors of revenue and superintendents of native Criminal Courts; but the Civil Courts were now independent of them having their own European Judges. Then in 1786 total number of 36 Collectors were posted in 36 districts.

The main cause of reforming judiciary and administration by the British rulers was due to one particular issue, to make it workable to raise revenue and to form a sound law and order situation in the sub-continent. There were many measures taken to ensure effective administrative reforms and at the same time engage the local agencies into the dispensation of justice claim passing notice, although it is right to state that the proposals upon which the government eventually took action were made and approved before Lord William Bentinck arrived in India in the year 1828. Evidence proved that the Provincial Courts encumbered with excess duties failed to perform their duties. Some monitoring result and extensive inspection found irregularities like accusing innocent persons, detaining for unlimited period, prolonged judgment and delayed assessment of land could only be fixed after long and tedious delays. Historians thereafter in the book 'British Rulers in India' pointed out that "With a view to remedying this state of things, magistrates and collectors were placed under the supervision of Commissioners of Revenue and Circuit, who were to make frequent tours within their jurisdiction, and to be in constant touch with the people. Experience showed the wisdom of depriving them of some of their judicial functions, and this led to the increasing impotence of the judges in the country, of whom, by a change in the system of appointment, many were to be natives."

Initially Lord Cornwallis took all the steps to form the foundation of administration in India. Cornwallis brought Permanent Settlement system. Its original constitution was materially modified by the Regulation (1799) which had armed the Zamindars with summary powers over their tenantry including coercion and eviction. The Zamindars also got the right to sublet their land for any length of time which was originally limited to a maximum period of ten years (Regulation VIII of 1819). Zamindars also got the right to create perpetual intermediate tenures. Lord Cornwallis in his settlement of Bengal had given to Europeans, with insignificant exceptions, the control over the civil and criminal jurisdiction, but it soon became evident that a sufficient staff could not be maintained to deal efficiently with the work to be done. Hence the deadlock arose that has been described. But the system couldn't show its effectiveness in India. The India-wide Empire was not yet in sight and it was never in the mind of Cornwallis when he formulated the principles of his administrative system. Within a decade of his departure from India, the Bengal State of the company assumed sub-continental proportions. The very fact of the expansion, dilution and diffusion of the state compelled the central government to modify the original code of Cornwallis. Besides, the internal changes in the relations of the subject people consequent upon the operation of the colonial system had created considerable ambiguities and ambivalence in the system of 1793.

On the other hand when the British rulers found that the judiciary system went beyond discipline, they tried to find out any solution for that. At that time the colonial masters invented that employing natives would be very good solution for that problem. Gradually the involvement of natives in magistracy and judgeship came into effect. In 1827 statistics found that majority of the original suits instituted in the civil courts throughout the country were already determined by native judicial officers. On the eve also of Lord William Bentinck's arrival in India a new and higher grade of native judges, with the style of Sadar Amins, was created, qualified to hear appeals from the ordinary Amins. This step was followed up by the establishment of a Court of Sadar Diwani and Nizamat Adalat with authority to hear appeals that before its creation would have had to be sent to Calcutta. Although not primarily responsible for these measures, Lord William Bentinck cordially approved of them, and supported every project to give increased dignity and confidence to the native judges. Bentinck's administration had also created a post of Deputy Collectors for the local gentry.

Furthermore, the magisterial duties were separated from the district judge and transferred to the district collector. The district collector was now called the District Magistrate and Collector. This reform had made significant compromise with the principle of separation of the judiciary from the executive. In this manner was the cooperation of the natives of India was secured in the department of government wherein it would produce the most advantageous consequences, and be attended with the fewest drawbacks. The employment of natives of India in trying their fellow-countrymen, with whose ways and feelings they were thoroughly familiar, was open to no possible objection, and conducted at the same time to both economy and dispatch in the disposal of business.

The Office of the Divisional Commissioner: Why was it Established?

Reform and reorganization of the judiciary system established by Lord Cornwallis was made by Governor General William Bentinck. The provincial court of Appeal and Circuit set up by Cornwallis were burdened with excessive duties. Moreover the judicial procedure of these courts often resulted in delays and uncertainties. Here one matter is very important that Bentinck didn't go for the reform along with the person who was that time for the revenue structure of the Delhi revenue. Charles (afterwards Lord) Metcalfe was the person who helped him doing these reforms. Metcalfe later was entrusted for final execution of Lord William Bentinck's incomplete work.

Bentinck believed that the best form of government, to welfare the natives of India, is to make it most simple and most free from artificial institutions. The best form of government with a view to the maintenance of British dominion in India is making it most conducive to a union of powers and most free from the elements of collision and counteraction. His plan of government was —

Native functionaries in the first instance in all departments, European superintendents, uniting the local powers of judicature, police and revenue, in all their branches through the districts over which they preside. Commissioners over them and a Board over the Commissioners communicating with and subject to the immediate control of the Government.¹¹

¹¹ The diary of Lord William Bentinck, Internet edition. (www.jstor.org).

After attaining the meeting regarding the reform Lord William Bentinck wrote the following minute.

I have now to submit for the consideration of Council the draft of a regulation enacting the abolition of that. It is accompanied by a paper containing the remarks and suggestions of the Judges of the Nizamat Adalat. In this paper is repeated the unanimous opinions of the Court in favor of the proposed measure. The suggestions of the Nizamat Adalat are in some measure at variance with a principal object I had in view, of preventing collision between the parties to the satx and the officers of police. It is only in the previous processes, or during the actual performance of the rite, when the feelings of all may be more or less roused to a high degree of excitement, that I apprehend the possibility of affray or of acts of violence through an indiscreet and injudicious exercise of authority. It seemed to me prudent, therefore, that the police, in the first instance, should warn and advise, but not forcibly prohibit, and if the sati^e in defiance of this notice, were performed, that a report should be made to the magistrate, who would summon the parties and proceed as in any other case of crime. The Indian Court appears to think these precautions unnecessary, and I hope they may be so, but in the beginning we cannot, I think, proceed with too much circumspection. Upon the same principle, in order to guard against a too hasty or severe a sentence emanating from extreme zeal on the part of the local judge, I have proposed that the case no should only be cognizable by the Commissioners of circuit. These are, however, questions which I should wish to see discussed in Council. The other recommendations of the Court are well worthy of our adoption. (Bentinck. November 8th, 1829).

Evolution and Office of the Divisional Commissioner: British Era

In the year 1829, with **Regulation I** of that year, Lord Bentinck divided the Bengal Presidency into twenty divisions, each led by a Commissioner of Revenue and Circuit. Each division consisted of three or four districts. The Commissioners replaced the Provincial Boards of Revenue and took on the administration of police. The Board of Revenue, which was made a centrally controlling authority of the revenue affairs and appointment and transfer of district officials, was divided into two authorities - one for Lower Bengal and another for the Upper Provinces. The Divisional Commissioner was also entrusted with police powers. Additionally the Commissioners sat as Judges of Circuit and Session, replacing the Provincial Courts of Appeal. A chief Board of Revenue was established in Calcutta under the control of the Divisional Commissioners.

Some other reforms regarding judiciary were also made during the period of 1828-1831. These reforms included the introduction of Indian judges in positions formerly held by

Englishmen discussed earlier. At that time there was also an increased status and pay for Indian Judges was made. By placing judicial officials under the supervision of divisional commissioners and removal of police supervision from duties of the district judge the British rulers established greater control over revenue and judiciary. So far Persian was considered as the court language. Bentinck gave suitors the option to use the vernacular language in filing their suits. Qualified Indians were appointed in the junior judicial capacities and *Munsiffs* and they were promoted even to the office of *Sadr Amins*.

In January 1833, Lord Bentinck published the Regulation IX, which established a revised land revenue scheme called the Mahalwari Settlement to be applied for the next twenty years by Robert M. Bird (1788-1853) in the Western Provinces of northern India. This land settlement measure represented a synthesis of Cornwallis's zamindari and Metcalfe's Delhi System. Further, Lord Bentinck effected the union of the functions of the collector and magistrate, but kept separate those powers of the judge.

Following the creation of the office of the Divisional Commissioner as such was created the Courts of Circuit which had increased to six in number. The Commissioner heard revenue, Civil and Criminal appeals till 1831 when the entire judicial system was recognized. A series of revenue Courts were set up with the Collector at the base and the Board of Revenue at the apex and the Commissioner in between. In 1869 these Courts were abolished and a judiciary took over the responsibilities. In respect of Criminal justice the Collectors became Magistrates and the Civil Judges became the Courts of Session. In the field of civil justice, the Sadar Dewani Adalat became the only Court of civil appeal. The Commissioner thus lost both his Criminal and Civil jurisdiction and became more of an executive officer than a judge. This system save and for a gap from 1837 to 1869 has obtained till date.

Post Colonial Independent Era (1947-1971)

Though the system hasn't been changed drastically but the administrative power and responsibility of the Divisional Commissioner came to present position through many ups and downs. After the creation of Pakistan by dividing Indian subcontinent the revenue related responsibility of the Divisional Commissioner decreased on the one hand, but on the other

hand the responsibility of development works increased significantly. Especially in the year 1959 ex President Ayub Khan introduced basic democracy in Pakistan. Under basic democracy Divisional Commissioner was appointed as the chairman of the divisional council. Because of that responsibility Divisional Commissioner had to coordinate the local council and municipality. Divisional Commissioner was also responsible for the whole development planning and implementation of the division.

Bangladesh Era (1971- to date)

The basic democracy no more prevailed after the creation of Bangladesh through liberation war of 1971. In the year 1975 through the program of 'Self-Sufficiency' the development responsibility of the Divisional Commissioner was further more emphasized. Through a government notification in the year 1976 it was made obligatory for the Divisional Commissioners to stay in the districts for 15 days along with 07 nights for the sake of inspecting development works. It created more development related responsibility for the Divisional Commissioners. In the year 1976 Divisional Development Board (DDB) was established and Divisional Commissioners were directly involved in the development matters like monitoring government development programs done by different ministries. Divisional Commissioners were the chairmen of their respective development board. In the year 1982 divisional development board was abolished and Divisional Commissioners lost his development power to some extent.

Summary

This chapter expresses the emergence and permanence to present structure. The history of civil service of the sub-continent depicts that, after the emergence of Collectors (Deputy Commissioners at present) because of lack of central monitoring over revenue and judicial factors the British rulers created the post of Divisional Commissioner. The office lost some of its judicial power during the British period and forced to concentrate on land factors only. In the Pakistan era revenue responsibility of the office reduced remarkably but on the other hand the office was entrusted with huge development works. After these cutting and adding of responsibilities, the office got all the supreme authority of revenue, development and judiciary

soon after the independence of Bangladesh. But with the course of time the office again lost its development and judiciary authority. Now the basic concentration of the office at present is land and monitoring field administration.

Chapter Four

Overview of the Role and Functions of the Office of the Divisional Commissioner

Introduction

Bangladesh has got the administrative legacy from the British administrative system of the subcontinent. At the time of partition in 1947, the area constituting what was then known as East Bengal had three divisions, namely Dhaka, Chittagong and Rajshahi. Later, Khulna division was created out of Rajshahi division in the 1990s. At present there are six offices of the Divisional Commissioner in the country. The newly added offices are Barishal and Sylhet. The Divisional commissioner's primary role is to act as the supervising authority over the Deputy Commissioners in respect of revenue and judicial work done in the districts. However, he is associated with the development work also. Besides exercising judicial and quasi-judicial power the commissioner acts as the head of divisional anti-corruption committee. Usually, a divisional commissioner is appointed from amongst the senior joint or additional secretaries who have previous experience in district administration.

Responsibilities of the Divisional Commissioner

As Divisional Commissioner is the head of the office of the Divisional Commissioner, every job done in the office is completed or issued or implemented in the name of him. The process takes place in such a way also because the office is named after the post. Now as mentioned earlier three areas by the government has been entrusted to the office.

1. Co-ordination
2. Revenue
3. Development

Basically with these three departments, the responsibility of the office is to monitor and supervise field level activities and maintain liaison with the central government.

Co-ordination

The most important job in the Divisional Commissioner, at present, is the co-ordination. As in the course of time the judicial separation has took place, judicial responsibility of the executive organ of the government has been reduced drastically. So the executive organ of the government is actually doing the co-ordination of different departments of the government.

The Divisional Commissioners play a very important role in co-ordination from various aspects. It has been discussed previously that Divisional Commissioner co-ordinate the local and field level organizations and departments.

The Divisional Commissioners play a very important role during the natural calamity. Though there is separate department for relief and rehabilitation, very often it is seen that the office of the Deputy Commissioners play the most important role during flood, cyclone, draught and any other natural calamity. Divisional Commissioner coordinates the whole process and maintains the liaison between the central government and the field administration. Accumulating the demand of relief and aid from the districts, the office sends it to the ministries and after getting the materials again divides those between the districts according to their need. The office also deals with the food go-down. In this regard the office send AMON and BORO paddy collection related statement to the ministry. The annual and half yearly report of the food go-down is recorded in the office. So whenever needed under emergency situation the office knows how much food is reserved for the disaster period. The other most important aspect regarding this matter is the following up of the post disaster situation. The office also performs the co-ordination regarding the agricultural reorganization after the disaster.

The office also deals with law and order situation. Every month the Divisional Commissioners have a meeting with the Deputy Commissioners under his division. In this meeting the Deputy Commissioners present the current law and order scenario before the Divisional Commissioner. On the other hand Divisional Commissioners give the feedback of the central government to the Deputy Commissioners. Other than that for emergency

situations Divisional Commissioners give necessary instructions for the respective districts and hold various meeting related with Law & Order/Seminar and Symposium. In this connection the offices also recruit executive Magistrates for Forestry and Environment Court, Pure Food Ordinance, Mobile Court and other different mobile Courts. There is also one very important role for the Divisional Commissioners to play to maintain the law and order is the responsibility regarding the district jails under his jurisdiction. According to the jail code of Bangladesh Divisional Commissioners have many roles regarding that sector. Divisional Commissioners has the authority to inspect these jails anytime he wants and give necessary suggestions and feedback to the government. The final approval of the non-government Jail inspector appointment is given by the Divisional Commissioners. He also looks after the right process to deal with the child prisoners. Another important area that the Divisional Commissioners deal with is the recruitment of the Government Pleaders and Public Prosecutors. After making discussions with the session judges the Deputy Commissioners send the names to the Divisional Commissioners for the necessary actions and there he decides whom to appoint for the job. The offices also monitor and dispose various summonses by the Courts to government employees.

The office of the Divisional Commissioners also play very significant role in the different elections of the country. National and local elections are conducted by the office. Often the Divisional Commissioners act as the returning officer of the major elections like parliamentary elections and city corporation elections.

Recently one of the major issues for the government is the local bodies. The Upazila election has been held few days earlier. Now at the Upazila level both the UNOs and the Upazila chairmen are working. Upazila Parishad has a huge task for development. It isn't easy for the MPs and Deputy Commissioners to monitor all the jobs intensively. The main reason behind that is the MPs are very much busy with the national level policy making. And on the other hand the DCs don't have the enough authority to monitor the development activities in the Upazila level.

There are many departments and representatives of different ministries in operation in the field level. Religion and education related works, tea garden, tree plantation, forestry and environment, eviction, fund of the poor children and women, development of selected area, development of the indigenous group, sports, social welfare, Shilpokola academy, Shishu academy, business and Trade, health and family planning, information department, refugee related works are coordinated and monitored by the office.

The Offices of the Divisional Commissioners also take necessary steps to celebrate National and International days. Sometimes the foreigners also seek for different type of permissions in the country. Divisional Commissioners are responsible to give or deny those permissions according to law and present situation. In this regard on thing is important that the Divisional Commissioners are the owner of the circuit houses situated in the districts within their own jurisdiction. So sometimes the allotments of circuit houses and rest houses for the VIPs are monitored by the offices.

Revenue

The land management responsibility of the government is vested on the Divisional Commissioners to huge extent. Government earns a major portion of its revenue earning through this department. Khas¹² land management, Sairat Mahal management, enemy property management, vested property management and collection of land development tax are the main responsibilities of the Divisional Commissioners. Divisional Commissioners monitor and supervise these management related activities of the office of Deputy Commissioners, Upazila Nirbahi Officers and Assistant Commissioners (Land).

Khas land management is the most important concern of the government. Khas land is the land owned by the government. There is an option that the khas land can be given to the landless farmers. The Assistant Commissioners (Land) prepare the list of the landless farmers at the Upazila level; make a final recommendation to the Deputy Commissioners. The Deputy Commissioners recheck the list and send the proposal to Divisional Commissioners.

¹² Land belongs to government

Ultimately the Divisional Commissioners are the supreme authority to allot the khas land to the respective people through necessary scrutiny.

*Sairat Mahal*¹³ is another area where the Divisional Commissioners has to monitor and supervise. Sairat Mahal is the water base for different kind of mineral or mine assets like sand, stone and water itself. Divisional Commissioners also have to deal with the management and give decisions about enemy and vested property.

Land development tax is one of the highly concerning agenda that the government depends on Divisional Commissioners. Every year land development tax is assessed by the respective office of the Assistant Commissioner (Land) and sent to the office of the Divisional Commissioner. Then the office finalizes the demand for land development tax looking at the previous year assessment and collection.

Disposal of dispute of public and khas land related matters is another very important area that the Divisional Commissioners perform. For mutation and any other kind of dispute arises from land, Divisional Commissioners are the appellate authority of the Deputy Commissioners in those cases. Divisional Commissioners also give approval of land acquisition and land survey. Divisional Commissioners also take actions according to Public Demand Recovery Act.

For disposing various responsibilities regarding land the office of the Divisional Commissioners has a section called Mohafezkhana¹⁴ from where the duplicate documents are supplied to citizens. In that section records of the disposed files are kept.

Development

When the responsibilities of the Divisional Commissioners come into consideration development is said as important part of his job other than coordination and revenue administration. But now in reality very few of the development responsibilities are done by

¹³ Water body or other natural open spaces where government revenue can be generated like fishing, mining of sand & bolder, ferry or launch station.

¹⁴ Records and Documents of land and other governmental publications are persevered and served to public form this section

the office. The Divisional Commissioners are associated with the cooperative activities of the division. Social welfare is the other field where the Divisional Commissioners are deeply involved. Different social development programs like employment generation and development through these are under direct supervision of the office. Other than that development related monthly and half-yearly statements are compiled, verified and monitored by the office.

Administrative and Other Responsibilities

Co-ordination, revenue and development are the responsibilities that the office of the Divisional Commissioner performs. But the Divisional Commissioner has to do some jobs regarding his/her own office. the human resource and overall management of the office is vast because the office not only looks after the job oriented matters of its own but also the related offices like office of the Deputy Commissioner, office of the UNO and AC (L).

Recruitment of 3rd & 4th class employee and transfer of the Assistant Commissioners and Senior Assistant Commissioners and other stuffs working in the office of the Deputy Commissioners and office of the Upazila Nirbahi Officer are the regular job that Divisional Commissioner performs. Other than that routine jobs like office order, designation change, absorption, promotion, determining the seniority, Police verification, service book and ACR preservation, Rest and recreation, timescale, Efficiency bar crossing, forwarding of application for job and permission for going abroad and sitting for examination, training, monitoring of daily attendance, departmental proceeding, appeal about job, Optional leave, earn leave, LPR and retirement related matters of all level officers and employees of the office of the Deputy Commissioners, office of the Upazila Nirbahi Officer and of his own office are performed by him. He also sends all statement about 3rd & 4th class employee to the concerned ministry. He approves the tour bills of the Deputy Commissioners.

Along with the coordination with the office of the Deputy Commissioners the office perform some other official jobs that is related with the officers and employees engaged in the field administration. When complains are lodged against officers and employees of the field

administration Divisional Commissioners take necessary steps. Divisional Commissioners also approve the casual leaves of the Deputy Commissioners. The office also takes steps about officer's applications to the ministry of half yearly exam, departmental exam and senior scale exam.

The offices also monitor and supervise the matters related to housing and ideal village (for example- Adarsha gram¹⁵) related matters declared by the government. The office also deals with the proposal related with the recruitment of the section and designation change/approval of time scale of the Kanongo and other benefits related proposal. Recruitment, transfer and all other administrative matters associated with Revenue administration are dealt by the office also.

The disposal of claims against the employees of his own office, office of the Deputy Commissioners and office of the Upazila Nirbahi Officer are the responsibility of the Divisional Commissioner. His office is also responsible for the salary bills, advance from provident fund and forwarding of applications for house-building/computer and welfare fund and joint insurance, scale determination, LPC, yearly payable and Rest & recreation bills, pension bills, tour & transfer tour bills, applications for prayer of financial allotment and statements of house rent and other fees for the employees of different offices said above.

Charter of Responsibilities

From the beginning of the office of the Divisional Commissioner the responsibility, power, jurisdiction, human resource and related matters came through many changes. Here in the following matrix the present responsibility of the Divisional Commissioners and accordingly their authorization by government is presented.

¹⁵ A government project to ensure housing for landless people.

Land

SL	Description	Authorization
01	Member, National agricultural khas land management executive committee	Memo No. 260, Dated 16.06.1997 of the Ministry of Land
02	Formation of inter-district 'sairat mahal' management committee	Memo No. 814(83), Dated 11.12.2005 of the Ministry of Land
03	Price permission from divisional commissioner in case of inclusion, extinction, increase or decrease of a new 'sairat mahal' in the tender notice	Memo No. 814(83), Dated 11.12.2005 of the Ministry of Land
04	Disposal of appeal case submitted to the divisional commissioner against the decision of district sairat mahal	Memo No. 814(83), Dated 11.12.2005 of the Ministry of Land
05	Approval of settlement proposal of sairat mahal valued above 05 lacs	Memo No. 814(83), Dated 11.12.2005 of the Ministry of Land
06	Approval of inter-district sairat mahal settlement proposal	Memo No. 814(83), Dated 11.12.2005 of the Ministry of Land
07	Approval of proposal of land acquisition upto 50 bighas	The Acquisition of Immovable Property Manual, 1997
08	Disposal of inter-district boundaries	Memo No. 831, Dated 23.12.2003 of the Ministry of Land
09	Final approval of release of vested property	Memo No. 32/91/71, Dated 16.02.1992 of the Ministry of Land
10	Committee for sale of non-agricultural land on auction	Memo No. 70/98/617(7), Dated 11.12.1998 of the Ministry of Land
11	The appellate authority for fixing up the taxes of city corporations	The Municipal Corporation Taxation Rules, 1986 (Published in the Bangladesh Gazette, Dated 30.05.1990)

Other than these land functions Divisional Commissioners also have to perform some other functions. These are as follows.

1. Member, Executive committee for force land property allegations, monitoring/investigation
2. Member, central land allocation committee
3. Member, monthly co-ordination committee meeting (ministry of land)

Administration

<i>SL</i>	<i>Description</i>	<i>Authorization</i>
01	Chairman, Deputy Commissioner's Conference (Divisional Level)	Memo No. 2/2004-71 Dated 04.07.2007 of the Cabinet Division
02	Supervision of the Job Training of the Probationer Officers of BCS (Admin) Cadre	Memo No. 4/2004-65 Dated 06.04.2003 of the Cabinet Division
03	Evaluation of the Tour Programs of the District Magistrates and Sending it to the Cabinet Division	Memo No. 4/2(15)/89/92/715 Dated 03.10.1992 of the Cabinet Division
04	Sanctioning of Casual Leave (03 Days) with the Permission of the Station Leave of the Deputy Commissioners	Memo No. 12(13)/2001/358 Dated 21.10.2002 of the Cabinet Division
05	Inter Divisional Transfers of the Assistant Commissioners and equivalent Officers	Memo No. (Ja-4)/165/84-12 Dated 02.01.1986 of the Ministry of Establishment
06	Inter-District Transfer of Field Level Staff of Class iii and iv Employee under Establishment Ministry	Memo No. 4/93(Part-1)-272 Dated 29.09.1994 of the Ministry of Establishment
07	Administrative Management of the Kanongos (Related to Establishment)	Memo No. 12-39/90-303 Dated 17.07.2003 of the Ministry of Land
08	Dealing of the Service Appeal Case of the	Government Officers (Discipline and

	Class iii and iv Employees	Appeal) Rules, 1985
09	Taking Disciplinary Action and Filing Departmental Case against Kanongos	Memo No. 12-(FA)9/98/90 Dated 02.03.1998 of the Ministry of Land
10	Inter Divisional Transfers of the VP Superintendent and VP Department	Memo No. 6/Transfer/10/2001/86(6) Dated 19.03.2001 of the Ministry of Land
11	Sanctioning of GPF Advance of the Officers and Stuffs	General Provident Fund Rules, 1979
12	Inspection of the DC and UNO office	Memo No. 2/5(52)/96-97/49 Dated 24.04.1997 of the Cabinet Division
13	Supervision of the Functions of the Deputy Land Reform Commissioners	Memo No. 1/1Ka-1/2003/383/96 Dated 04.08.2005 of the Land Reforms Board

Other than these administrative functions Divisional Commissioners also have to perform some other functions. These are as follows.

1. Member, Establishment Concerning Conference
2. Member, Monthly Divisional Commissioners Conference at Cabinet Division
3. Tour Programs of Very High Officials
4. Annual Confidential Report Related Function
5. Cipher Related Function
6. Countersigning the Annual Credit Reports of BCS (Admin) Cadre Officers
7. Personal File of the Divisional Commissioner

Coordination

<i>SL</i>	<i>Description</i>	<i>Authorization</i>
01	Chairman, Divisional Selection Board	Memo No. 323(250) Dated 06.10.1986 of the Ministry of Establishment
02	Chairman, Divisional Grants Committee	Article 18 of the Bangladesh Gazette, Dated 23.02.2004

03	Chairman, Divisional Tender Committee (Regional Food)	Memo No. 6/85-180 Dated 03.05.1993 of the Ministry of Food
04	Chairman, Inter-District Route Permit Committee of BRTA	Memo No. BRTA/10-A/92-1005 Dated 18.07.1994 of Bangladesh Road Transport Authority
05	Member, Bangladesh Staff Welfare Board	Article 08 of the Bangladesh Gazette, Dated 29.01.2004
06	Ensuring the Intimate Arrival and Staying at Office of the Government Officers	Memo No. 195 Dated 06.04.2003 of the Cabinet Division
07	Evaluation of the DC's Function	Memo No. 04/2(15)/89-92/715 Dated 25.01.2005 of the Cabinet Division
		Memo No. CJ-1/4-7/95-5(71) Dated 03.10.1996 of the Cabinet Division
08	Fortnightly Confidential Report Related Function	Memo No. 9(74)/2003/56 Dated 30.04.2003 of the Cabinet Division
09	Chairman, Divisional Co-operative Reward Committee	D.O. No. Section-2-37/97/186 Dated 18.08.1997 of the Rural Development and Co-operative Division
10	Chairman, Divisional Tree Plantation Committee	Memo No. (National Committee)-19/03/1986 Dated 18.12.2004 of the Ministry of Environment and Forest
11	Chairman, Regional Welfare Committee	Article of Bangladesh Gazette, Dated 29.01.2007
12	Chairman, Divisional Co-ordination Committee	Memo No. CD/DA/1(3)/76-154 Dated 13.04.1982 of the Cabinet Division
13	Chairman, Divisional Family Planning Committee	Memo No. 1291/203/425 Dated 19.06.2003 of the Directorate of Family Planning
14	Chairman, Divisional Sports Association	Article 08 Constitution of the Divisional Sports Association

15	Chairman, Divisional Environment Advisory Committee	Memo No. 5/97/2008 Dated 26.09.1999 of the Ministry of Environment & Forest
16	Senate Member, National University	National University Act, 1992

Other than these coordinating functions Divisional Commissioners also have to perform some other functions. These are as follows.

1. Coordination among Different Departments and Organizations
2. Inspection of Different Offices by the Divisional Commissioner
3. Member, Monthly Divisional Commissioners Meeting at Primary and Mass Education Ministry
4. Member, central steering committee of 'Abason project'
5. Member, monthly review meeting of divisional commissioners at home ministry
6. Member, central housing project implementation steering committee

Law and Order

SL	Description	Authorization
01	Chairman, Law & Order and Judiciary Committee Comprising with the Deputy Commissioners	Memo No. (Political-2) Discipline-7/96/326 Dated 03.03.1997 of the Ministry of Home Affairs
02	Chairman, Regional Committee for BSTI	Memo No. BSTI-9/88(Part-3 rd)/2264(16) Dated 04.04.1993 of the Ministry of Industry
03	Forwarding of Vesting Magisterial Power with Recommendations after Checking Received from the District Magistrates	Memo No. 3-2/92-195(72) Dated 13.07.1999 of the Cabinet Division
04	Forwarding Different Proposals with Recommendations Regarding Vesting Power of Different Sections of the	Memo No. 4-1/1996-64(71) Dated 26.06.2003 and Memo No. 4-1/2001-252(71) Dated 18.07.2006 of the

	Criminal Procedure Code Received from the District Magistrates	Cabinet Division
05	Sending District wise Monthly Statement of Magistrates	Memo No. 1(4)/2202/37 Dated 02.05.2004 of the Cabinet Division
06	Functioning of Executive Inquiry according to the Regulations a(i) of 157 of the Police Regulations of Bengal (PRB), 1943	Memo No. 20/2005-6 Dated 25.01.2005 of the Cabinet Division
07	Chairman, Regional Smuggling Preventive Tusk Force Committee	Memo No. 6(BA-11)NASG-2/561 of the Ministry of Home Affairs
08	Chairman, Divisional Committee for Appearing before the Speedy Tribunal Court and Providing Administrative Support	Memo No. 5/2002-26 Dated 27.03.2003 of the Cabinet Division
09	Appointment of Non-government Jail Visitors	Code 56 of Jail Code
10	Member, Central Smuggling Preventive Task Force	Memo No. CTF-15/88/Part-2/567-597 Dated 11.10.1993 of the National Board of Revenue, Dhaka
11	Member, National Task Force to Improve Infants/Juveniles Coordinating in Jail	Circular No. 325(570) Dated 24.08.2003 of Office of the Prime Minister

Other than these law and order functions Divisional Commissioners also have to perform some other functions. These are as follows.

1. Exercise Regulation and Taking Steps of Special Power Act of 1974
2. Security of Important Establishment like Airport/Seaport/Bridge/Radio/Television and Jail
3. Daily Confidential Reports Received from the Superintendent of Police of Special Branch

4. Weekly Confidential Reports Received from the Superintendent of Police of Special Branch
5. Weekly Report on Law and Order Situation
6. Special Fortnight Report on Law and Order Situation
7. Security Manuel of Honorable President, Honorable Prime Minister and VIPs
8. Member, National Smuggling Preventive Committee (Ministry of Home Affairs)

Summary

At a glance the office has to perform three basic responsibilities. Revenue which also includes land factors is one of those. Along with that development and coordination which includes administration and maintaining law and order are the other sectors. According to the research finding at present revenue and land is the most important responsibility that the office is performing. Then the factor of administration comes because the office is engaged in monitoring the field administration (though administration includes revenue). At present the less important factor is maintaining the law and order situation. This particular portion has lost its importance of this office after the judicial separation.

Chapter Five

Role of Divisional Commissioner: A Review of Indian and Pakistani Experiences

Introduction

The office of the Divisional Commissioner has been emerged in the undivided Indian sub-continent. At present there are six offices of the Divisional Commissioners in Bangladesh which has got the present shape through various changes in the Indian and Pakistani era. So it would be very fruitful for the study to find out how India and Pakistan has dealt with that office and what are the results of those. Here in this chapter the present position of the office in the public administration of these three countries has been compared.

The Experience of India

As discussed earlier India has got the oldest legacy in the history of civil service in the world. The administrative structure that is prevailing at present in Bangladesh now has all the background of Indian civil service. After the separation in the year 1947 both country has changed their form of administration. The difference in the present structure of the office of the Divisional Commissioner would be presented here.

Functions of the office of the Divisional Commissioner	
<i>India</i>	<i>Bangladesh</i>
Chief representative of state government in the division	Chief spokesman of central government in the division at the status of State Minister
He is head of revenue administration	He is partially head of revenue administration
Head of Zilla Panchyat, Local Sector Government in the Division	No monitoring and supervising authority at all regarding local government
Ensure proper & effective implementation of the various developmental schemes including	Coordinates in some fields like proper & effective implementation of the various

poverty alleviation, civil supplies, employment generation, drinking water, primary health, primary education and development of infrastructure, etc.	developmental schemes including poverty alleviation, civil supplies, employment generation and development of infrastructure but not involved in coordination and monitoring in drinking water, primary health and primary education
Ensure proper and effective co-ordination amongst the various organizations of the Government and public	Just holds monthly meeting in the forum and gives feedbacks to the government
Remove the bottlenecks if any in the smooth implementation of the various development program	Same responsibility is vested on also but performed if got the official confirmation from related department
Disposal of Appeals related to Establishment matters of Revenue Department, Zilla Panchyat, Municipal Corporation, Municipalti, Nagar Panchayat, Village Panchayat Act, Slum Act, Entertainment Duty Act, etc.	Disposal of Appeals of establishment and revenue department matters are all the same but rest of the matters as said earlier has no power
Supervise, guide and control the various offices in the division especially that of Collectors, Chief Executive Officers of Zila Parishads, Superintendents of Police and Municipal Councils	Has the same power for the first two and office of the Upazila Nirbahi Officer but don't have any power regarding the last two

The Experience of Pakistan

Pakistan would be the country other than India which has the closest relation regarding the administrative structure of Bangladesh. After the British regime the then Indian subcontinent was divided into two countries; India and Pakistan and eventually Bangladesh got her independence from Pakistan. On the edge of new millennium General Pervez Musharraf who

was the then head of the army took over the power from the democratic government. Soon after taking over the power he brought some major administrative reform in the country. Here in the research one of his major reform will be highlighted. General Musharraf took the initiatives to abolish the post of Divisional Commissioner and vest all his powers and responsibilities to Executive District Officers (EDO)s and district Nazims¹⁶. Recently after the political change in Pakistan General Musharraf had to leave the power to newly elected democratic government formed. Here in the study the change regarding the abolition of the post of Divisional Commissioner and its consequences in the regime of political government on the base of the most important state of Pakistan, Punjab will be discussed here.

Punjab government immediately took the decision of restoring post of the Divisional Commissioner in the province through Ordinance soon after the departure of General Musharraf. According to political scientists and constitution experts this decision did not violate the rules and regulations of local government and it has been done according to the Land Revenue Act. Newly elected Chief Minister of Punjab Mian Muhammad Shahbaz Sharif has formally approved the restoration of the post of the Divisional Commissioner in a meeting, and as a result of this decision, eight administrative divisions - Bahawalpur, Dera Ghazi Khan, Multan, Sargodha, Faisalabad, Rawalpindi, Gujranwala and Lahore - have also been restored in the Punjab. Along with this decision the use of financial resources with extreme caution, care and economy through Divisional Commissioner has also been declared. The Chief Minister also directed that, appropriate amendments in different laws be made for making the office of the Commissioner as an effective hub of coordination and control.

After the promulgation by General Musharraf the revenue powers of the Divisional Commissioners was transferred to the Executive District Officers (Revenue) according to Punjab Local Government Ordinance (PLGO) 2002, who are in-turn answerable to the District Nazims. With the Divisional Commissioners in place, the supervision and implementation spans will shrink substantially, as the PLGO was implemented without deliberating any administrative sense. The present decision will not directly target the fiscal powers of the district; rather the Divisional Commissioner will act as a linkage between the

¹⁶ Administrator of the district

federal, provincial and local governments besides providing impetus to the implementation of the orders from the highest offices.

The provincial government was facing difficulties to coordinate with the districts after the abolition of the post of Divisional Commissioner and the first step to dissolve it was to restore the office. The difficulties that the provincial government faced were about shortage of food items, price checking, profiteering and hoarding of essential commodities and to check increase in encroachment on state land and public places. To develop an efficient system of revenue receipts and stop the sufferings of local citizens traveling to the provincial headquarters to seek remedy of their grievances against District decisions. Moreover, it will also enable the government to effectively monitor the development projects and the relief measures taken to meet any natural calamity adverse situations or crises.

‘Previously, the Divisional Commissioners were responsible for the revenue, development and administration, but with the abolition of the post powers were mainly given to the District Nazims. The PLGO was neither for a devolution of powers, nor for the genuine decentralization. However, it did damage administration, as with vested interests, the politicians in a fluid political set-up, mess up with the administration, averred the source adding that the Commissioners would look after the affairs of their respective districts, besides implementing the orders more quickly without the involvement of the CM and the Chief Secretary of the Punjab’.¹⁷

From the experience of the administration of Pakistan the first impression is that the provinces were not ready to accept the local government strategy when the PLGO was being implemented. But it was forced upon them. At the same time the administrative chain broke down between the highest and lowest tier. This realization of the administration was true for the entire country. The whole country wanted to return to the previous system of Local Government Ordinance of 1979. The provincial governments had already demanded of the National Reconstruction Bureau for reviving the Local Government Ordinance 1979, which was far better than the present local governmental system. The experience from the local government is that it would have been better to make effective changes of the Ordinance of 1979 rather amending it totally. Because experience supports hierarchal implementation of the

¹⁷ View of a Pakistani a local government expert (who didn't wanted to publish his name) published in the daily New Nation of on August, 2008

governmental policies through Divisional commissioner rather having more officers at middle tier. At present the Pakistani government is thinking of the restoring the magistracy in totality, as all the provinces had already agreed to this.

The civil service of Bangladesh has attained its present form by inheriting it through India and Pakistan. It is noticeable that both the countries have got central and provincial form of government. Though Bangladesh doesn't follow provincial form of government system, the bureaucratic structures of these three countries are almost same. The office of the Divisional Commissioner is at the middle of central government and field administration in all the three countries.

Summary

During research it was found that after 1947 India has further enhanced the authority and supremacy of the office at field administration and all other departments working at the field level. By doing so, they have ultimately succeeded and achieved good result in both governance and economy. Pakistan on the other hand abolished the office few years ago and found it very difficult to implement government policies. Now the government of Pakistan is reviving the office to bring administrative balance. Bangladesh also reduced the authority of the office but not to the extent of Pakistan.

Chapter Six

Observation and Findings

Introduction

This chapter presents the major observations based on the findings and review. It starts by analyzing the questionnaires responded by the top and mid level BCS administration cadre officers.

The respondents were asked if they think that the present structure of the office of the Divisional Commissioner is perfect or not? 86 percent of the respondent has given negative answer to that question. Very few of them were satisfied with the present structure of the office. Majority of the respondent didn't have the satisfaction about the present structure of the office. To some extent while interviewing about the reason, lack of empowerment and inability to serve the government employees at the field level has come forward. On the other hand, 07 of the total respondents are happy with the present structure of the office. Actually the survey was end for these respondents because they don't think that the office needs any change at the moment.

The respondents were asked about desired structures of the office as the higher authority of all field level stuffs and field administration. In this process seven different fields were selected. Among those seven options the respondent had the opportunity to choose one or more than one from those. The following table shows the response of the respondents.

Table : 6. 1

Functional area of the Office of the Divisional Commissioner

Functional Area	Percentage
All financial and service related matters of the employees	92
Giving views about land and revenue related matters	96
Monitoring the field development work	96
Co-coordinating with other departments	82

Maintaining liaison with the ministry and the field administration	90
Co-ordination with other departments	70
Present limited work in local government	84

Source: Survey Data

An interesting finding has come out from that question. Most of senior respondents on this matter have gone for the land and coordination related works of the office. On the other hand the mid level and junior level government officials are much more interested of involving this office in development matters. Entry level and mid level officers' advocate for development matters as their academic orientation and practice of contemporary issues are more profound than that of senior level officers.

The offices of the divisional commissioners are now engaged in revenue, development and coordination jobs of the government. In the study the interviewer tried to find out the views of the respondents about the necessary changeable area of the office. What do the respondents think? Do they think that land and revenue should be the most important responsibility of the office or development or coordination? The main objective was to find out the thinking of the respondents at present condition.

Table : 6. 2
Targeted Area of Change of the Office
 (Data Presented in Percentage)

Land & Revenue		Development		Coordination	
Inclusion	Exclusion	Inclusion	Exclusion	Inclusion	Exclusion
74	26	95	05	95	05

Source: Survey Data

Almost all the respondents of the survey have given their opinion in favor of the increase in the development and coordination of the office. Only around five percent in both the cases hasn't put their support in empowering that office in this two particular field. But the scenario is not the same in case of the land and revenue field. More than 25 percent of the respondent

was not very much interested to further empower that office with land and revenue related matters.

Field level monitoring is one of the most important jobs that the office performs. The respondents were asked whether the present structure of the office of the Divisional Commissioner is perfect for monitoring or not. As said earlier the office is engaged in monitoring activities of the field level administration. The finding came out as follows.

Table : 6.3
Monitoring Authority of the Office

	Yes	No
Percentage	14	86

Source: Survey Data

Most of the respondents answered for the negative position for the office. According to the respondents the present structure of the office is not suitable for monitoring the huge field level administration of the country. Further query by the researcher found that, 80 percent of the respondents who said the present structure of the office are not perfect for monitoring has given their thoughts for strengthening and empowering the office. The second option recommended by the researcher was by increasing the human resource was not frequently chosen by the respondents. Only 55 percent of the respondents went for that option. By this finding the respondents made a clear view that the office needs more authorization for strengthen monitoring.

The next part of the question was related about land and revenue related matters. The aim was to find out whether the present structure of the office is perfect for managing land and revenue related matters and the following question was asked to the respondents who answered negative to the earlier question. In the first question regarding land and revenue, the researcher offered two options to choose along with the options to enter by the respondents themselves. The first option was strengthening and empowering the office and the second option was by increasing the human resource or Organogram changing. Same proportion of

the respondents who answered negatively about monitoring answered the same here. But most of them interestingly didn't go with the researcher's proposed way that is, strengthening and empowering the office and the secondly by increasing the human resource. The first option was chosen by 46 percent respondent and second option chosen by 35 percent respondent. But more than 80 percent respondent said there is no alternative of modernization of that sector, which is introduction of IT technology in this sector.

Government has also vested development related responsibilities over the office. The respondents were asked whether the present structure of the office is perfect for development works. The finding came out as follows.

Table : 6.4
Development Responsibility of the Office

	Yes	No
Percentage	00	100

Source: Survey Data

No respondents answered positively but every respondent went for the negative position. According to the respondents the present structure of the office is not at all suitable for the said job. Further query by the researcher found that, 72 percent of the respondents who said the present structure of the office is not perfect for development works has given their opinion for strengthening and empowering the office. The second option recommended by the researcher was by increasing the human resource or Organogram changing has been chosen by 80 percent of the respondents.

The respondents also gave same judgment in the matter of the role of the office regarding local Government Issue. Out of forty three respondents forty two were unhappy with the role of that office regarding local Government Issue.

The last question was designed by the researcher to discover the views of the respondents about the ways to implement the government policies more efficiently in the field and give feedback to the government by the office. The findings were as follows.

Table : 6. 5
Changing Areas of the Office

Initiatives	Response (In Percentage)
Introduction of information technology	65
More delegation of power from ministry to that office	80
More delegation of power from that office to field administration	46
Through changing the present Organogram of the office	72

Source: Survey Data

Among the 43 respondents 65 percent of them have given their thoughts in favor of introducing IT in the office to modernize and establish more authority to the office. The most interesting finding is that, most of the respondents are very junior level bureaucrats who have given this view. The senior ones are not so much interested about introducing IT. Another important finding came out regarding the delegation of power. 80 percent of the respondents are interested in delegation of power from the higher level to the office, but on the other hand less than half of the responded are interested in the opposite, that is delegation of power from the district level to the divisional level. On the other side 72 percent of the respondent said by changing the Organogram of the office, it will be more efficient.

Analysis of Findings

The interview session was the most important part of the study. Because the problems, aspects and future of the office of the Divisional Commissioner came through the discussion of the civil servants who had been the Divisional Commissioners and the civil servants who worked in that office as Additional Divisional Commissioner, Senior Assistant Commissioner and

Assistant Commissioner. And along with these senior and mid level bureaucrats the researcher had the opportunity to take interviews of two of the stuffs of that office. The interview session was with four of the senior bureaucrats who performed as Divisional Commissioner. All four of them were also Deputy Commissioners earlier. The researcher also took the interviews of a current Additional Divisional Commissioner along with four Senior Assistant Commissioner and seven Assistant Commissioner who has worked in the office of the Divisional Commissioner.

Divisional Commissioner is the field spokesman of the government at the status of a state minister. Rules and regulations has put that post to such height but in reality at present the post doesn't have all the support and administrative access to perform that job efficiently. At present there doesn't exist any coordinator to coordinate inter ministerial issues. As for example Malaysian Administrative Modernization and Management Planning Unit (MAMPU) is working as the coordinator of inter ministerial issues in Malaysia. MAMPU has got the state wise coordinator who is a senior civil servant that can be compared with the Divisional Commissioners of Bangladesh. At present MAMPU is the strongest organization of Malaysia to perform the coordination of development and inter ministerial issues. And obviously Malaysia has got the most effective and efficient public service of the world and it is the role model for the Asia. In the way of doing so, accountability of the other departments can be vested to the Divisional Commissioners. That will certainly make the divisional level meetings more efficient than now the Divisional Commissioners hold at their office. In the same way Divisional Commissioner can hold coordination meeting at the divisional level and give feedback to the districts. In this way it would be easier for the respective ministries to work in collaborate and jointly within ministries and in the field. For the ensuring of accountability some powers can be vested to the Divisional Commissioners like leave authority of the officers at the divisional level would make the process easier to monitor and supervise which will ultimately bring better accountability. At the same time Divisional Commissioners can be hold accountable for the jobs that has been given under his monitoring and supervision.

Presently Divisional Commissioner has the monitoring and supervising authority over the office of the Deputy Commissioner, office of the Upazila Nirbahi Officer and office of the AC (L). Divisional Commissioners partially hold the power to transfer Senior Assistant Commissioners, Assistant Commissioners and AC (L) within the division. At the same time ministry of Establishment has also got the power to transfer these officers around the country. These create a problem for the field administration. As Divisional Commissioners are the monitoring and the supervising authority of the officers within the division, he knows the demand, problem and loopholes of the district and other organizations within his division. Sole authority should be given to the Divisional Commissioners regarding the transfer of UNO, Senior Assistant Commissioner, AC (L) and Assistant Commissioner within his division. If some officers are needed by the ministry of Establishment, then requisition can be sent to the respective office of the Divisional Commissioners and the office can take actions accordingly. In such a way no office will face huge vacancy and no office will face overload of officers.

Another important issue that came out during the interview is the recruitment of the third class employees and Kanungos¹⁸. Presently the process is such that the field offices send their vacancy statements to the ministry of Establishment and with the consultation of the ministry of finance they take necessary actions for the recruitment. The accumulation process of statements from the whole country and processing of those take very long time and this hampers the regular work of the field administration very much. In that regard one step can be very fruitful. The recruitment power and authority can be vested to the Divisional Commissioners to some extent. For example, if the number of the third class employees goes under 60 percent of the total then power can be vested to the Divisional Commissioners to recruit and fill up the gaps and make it more than 60 percent.

One of the most important sectors where the government needs to give much more importance for the overall development is the land and revenue sector. Different organizations of the government are engaged in land administration and management. Offices of the Divisional Commissioners are also engaged in land administration but not at a satisfactory

¹⁸ A government official engaged on the duty of demarcation of land.

level. One Additional Divisional Commissioner is working presently to assist the Divisional Commissioners along with vested property section, land acquisition section, revenue section, settlement acquisition and the record room section. But this office has only got the coordination and monitoring over the land administration related to office of the Deputy Commissioner, office of the *Upazila Nirbahi Officer* and office of the AC (L). But the other departments relating to the land administration like land registry, survey, settlement and reform do not seem to have any coordination with each other. Some initiatives can make the situation far better than the present. First of all, the financial power of the Divisional Commissioners regarding the allotment. The allotment authority of the ADC (R) at the district level can be given to the Divisional Commissioners. The allotment of this office is directly vested to the ministry of land. Because of huge volume of work ministry of land take very long time to pass out the allotment. The district and *Upazila* land administration is directly dependent on that allotment. As a whole the whole district administration suffers because of that delay. Empowering the office of the Divisional Commissioners in this regard would make the process efficient than ever.

To establish a smooth coordination in the land administration Divisional Commissioners can be appointed as the supervisors of the land surveys and Registers because virtually there are no supervisors of those. In this process settlement and land survey order can be initiated by the Divisional Commissioner instead of *DGLR according to BHUMI JORIP AIN, 1875* (Land Survey Law). Also for the effective coordination Land Reform Commission can be tagged with the office of the Divisional Commissioner. As in the process of empowering the office of the Divisional Commissioner some other change will also bring efficiency in coordination. According to the *law of Remembrance* the District Judge will send a copy of the judgment of revenue matters where the interest of the government is involved to the Divisional Commissioner. But from the history it has been seen that very few of the judgments are sent to the office but majority of those are not sent. This creates a gap of knowledge of the land administration about government interest and real fact. Ultimately government loses its property because of this. By ensuring every copy of judgment to the Divisional Commissioner can solve that problem very easily.

During the interview period another important issue addressed by the respondents was about the primary and mass education. At present the primary and mass education has district level monitoring but these educational system don't have any divisional authority. For this reason the ministries has to directly rely on the district level which is very difficult to monitor. In this position both coordination and control of these two educational systems can be given to Divisional Commissioner. It will help the government to standardize the primary and mass education under the same umbrella around the country.

Present government has taken the initiatives to promote the Public Private partnership (PPP). It is a new concept in the field of macroeconomics and development sector of Bangladesh. Since it is a new concept, it is needed to be conceptualized for the public sector. On the other hand it should go through a smooth process at first. Since Divisional Commissioner has the access to business world and straight monitoring over the field administration, the office can play a very vital role in this sector. Through empowering the Divisional Commissioner at the local level in the following fields will help to organize the new phenomenon efficiently.

- He may be appointed to deal with the promotional activity at the local level
- Project proposal to the government
- Financial power to some extent
- Coordination with the banks
- Issuing license
- Representative of the Board of Investment

After the creation of Rajshahi and Khulna, two new divisional headquarters has been created. Barishal and Sylhet have been declared as the divisions but the Organogram of the new offices of the Divisional Commissioner is not yet approved. But these two offices have already been in operation. Recently Rangpur has also been declared as another new division and soon divisional operation will start there. The Organogram of that office will also have to be approved.

Bangladesh is one of the most disaster prone countries in the world. Every time there is a disaster in the country the government calls the Deputy Commissioners for immediate response and at the same time the office of the Divisional Commissioner for total monitoring. But there is no financial power of that two offices regarding emergency relief.

The allotment of ADC (R) is directly vested to the ministry of land. Because of huge volume of work, Ministry of land takes very long time to pass out the allotment. The district and Upazila land administration is directly dependent on that allotment. As a whole the district administration suffers because of that delay.

Summary

This chapter describes the attempt by the researcher to explore the findings through questionnaire and interview. In the questionnaire method the junior and mid level civil servants from Bangladesh Civil Service (Administration) cadre has been chosen. At the same time higher level bureaucrats were also given the questionnaire. Almost ninety percent of the respondents were not happy with the present structure of the office. Basically the empowerment in development and revenue field were addressed by the respondents. On the other hand the interview sessions were with the higher level bureaucrats and had or have the experience of being the Divisional Commissioner. From their experience the researcher found they faced difficulty in coordination matters. They also suggested for empowering and strengthening the authority of the Divisional Commissioner.

Chapter Seven

Conclusion and Recommendations

The existence of the office of the Divisional Commissioner still has the importance in the field administration in Bangladesh. One of the main reasons is that the central government cannot directly monitor the field administration and identify the problems of implementing policies without the presence of the office of the Divisional Commissioner. As the office keenly monitors the field administration, it can give feedback to the central government about the problems and issues faced by the field administration. As the example of Pakistan has proved how far the absence of that office can damage the administrative system and make it difficult to implement government policy because of lack of liaison between policy implementers and policy makers. On the other hand the Indian and Malaysian experience has proved that by strengthening that office (Or offices that has same quality of office of the Divisional Commissioner), it is possible by the government to achieve administrative excellence.

Presently the Divisional Commissioner has the responsibilities in three basic areas. These are administration and coordination, land and revenue and development. There is fourth field where the office has some responsibilities; it is the law and order. But the responsibility in that field has decreased drastically after the judicial separation in 2007.

Among the three basic responsibilities, development is the area where the office has a huge opportunity to contribute. The office is already authorized with responsibilities in the administrative and coordination field. The only hindrance in that sector is the practice and applicability in reality. At present it vastly depends on the central government's strict supervision to do so. As like administrative and coordination the office is also entrusted with huge land and revenue authorities. Of course there are some opportunities to contribute in this field but it is not as much as in the field of development.

Recommendations

In the study the emergence and history of the office of the Divisional Commissioners up to present has been thoroughly described. The duties, responsibilities and authority of the office have been described. These basic things have also been compared with some of the other countries structure. To complete this process various literature has been reviewed. Secondary data along with the published data by the government (office of the Divisional Commissioner and Deputy Commissioner) has also been used along with websites. Data has been collected by questionnaire from the mid and junior level bureaucrats along with interview with the top level bureaucrats.

By taking all these under consideration we would suggest the following recommendations. The recommendations are divided into three parts. The first one is the general recommendation where the policy issues regarding that office has been suggested. Secondly, in the internal issues the suggestions has been made on the basis of the internal issues of the office. The third part of the recommendation is about the Organogram of the Office.

General Recommendations

- Monitoring and dispute resolution of the local government bodies can be vested to Divisional Commissioners and Deputy Commissioners to some extent.
- Accountability of the other departments can be vested to the Divisional Commissioners. For the ensuring of accountability some powers can be vested to the Divisional Commissioners like leave authority of the officers at the divisional level would make the process easier to monitor and supervise which will ultimately bring better accountability. At the same time Divisional Commissioners can be hold accountable for the jobs that has been given under his monitoring and supervision.
- Sole authority should be given to the Divisional Commissioners regarding the transfer of UNO, Senior Assistant Commissioner, AC (L) and Assistant Commissioner within his division. If some officers are needed by the ministry of Establishment, then

requisition can be sent to the respective office of the Divisional Commissioners and the office can take actions accordingly.

- The recruitment power and authority of the 3rd class employees can be vested to the Divisional Commissioners to some extent. For example, if the number of the third class employees goes under 60 percent of the total strength, then power can be vested to the Divisional Commissioners to recruit and fill up the gaps and make it more than 60 percent up to some certain portion like 80 percent.
- The allotment authority of the Additional Deputy Commissioner (Revenue) at the district level can be given to the Divisional Commissioners.
- Divisional Commissioners can be appointed as the supervisors of the land surveys and Registers because virtually there are no supervisors of those. In this process settlement and land survey order can be initiated by the Divisional Commissioner instead of *DGLR according to BHUMI JORIP AIN (Land Survey Act), 1875*.
- Land Reform Commission can be tagged with the office of the Divisional Commissioner.
- According to the *Law of Remembrance* the District Judge can regularly send a copy of the judgment of revenue matters where the interest of the government is involved to the Divisional Commissioner.
- Coordination and control of primary and mass education can be given to Divisional Commissioner. It will help the government to standardize the primary and mass education under the same umbrella around the country.
- Since Divisional Commissioner has the access to business world, and at the same time the office is the monitoring authority of field administration, it can play a vital role in

this sector. Through empowering the Divisional Commissioner at the local level in the following fields will help to organize the PPP efficiently.

- He may be appointed to deal with the promotional activity at the local level
- Project proposal to the government
- Financial power to some extent
- Coordination with the banks
- Issuing license
- Representative of the Board of Investment

Recommendation regarding Intra-Official Functions

- The Organogram of the newly established offices of the Divisional Commissioner should be approved by the government.
- Salary, allowance and bills related duties can be transferred from *Nezarat*¹⁹ section to the accounting section. Delegation of power of approving house building/maintenance loan, computer and motor cycle/car loans of the employees of the Office of the Divisional Commissioners' and Office of the Deputy Commissioners' and other offices can be easily delegated to office heads of respective offices.
- Election related duties can be transferred from General section to the Divisional Election Board section.
- The power of recruiting General Pleader or Public Prosecutor can be vested to the Deputy Commissioner (after consulting with the District Judge).
- Two sections regarding the Establishment section, the gazetted and the non-gazetted section can be merged.

¹⁹ The section that deals with the administration within the office.

- Special meeting with the Deputy Commissioners of land related matters can be fixed. Alternatively meeting can be fixed at the offices of the Deputy Commissioner about land related matters when the Commissioner goes for district inspection. There can be a government order to hold such type of meeting every month along with the monthly meeting now taking place every month in the Commissioner's offices.
- The age old referral system of land like AC (Land) to Deputy Commissioner, Deputy Commissioner to Divisional Commissioner and Divisional Commissioner to Ministry can be modernized taking the concern of the both field administration and the Ministries.
- The Organogram of the land section of the office should be changed to assist the Divisional Commissioner. Especially when the Commissioner goes for district inspection, he should be heavily equipped with expert stuffs of land department to monitor the anomalies in the district land administration. The panel of experts should go to the inspecting area at least two or three days before the Commissioner reaches the place. Then it would be possible for the Commissioner to monitor the land factors perfectly.
- There can be one IT unit in the office. That section should be equipped with every kind of IT facility for prompt service to the people. The authority of the section should be higher. A Senior Assistant Commissioner can be the officer in charge of that section. The staffs of the section must have computer training. Rather IT expert would be more effective in that case.

Recommendation Regarding the Structure of the Office

The following attachments are the present Organogram of the office and the proposed Organogram by the researcher. In the present structure of office of the Divisional Commissioner, it is constructed with 101 2nd, 3rd and 4th class employees. On the other hand

in the proposed Organogram for office of the Divisional Commissioner there would be 97 2nd, 3rd and 4th class employees, which will not eventually affect the government revenue budget.

At present structure one deputy secretary to the government is in charge of that section. He is designated as Director of local government.

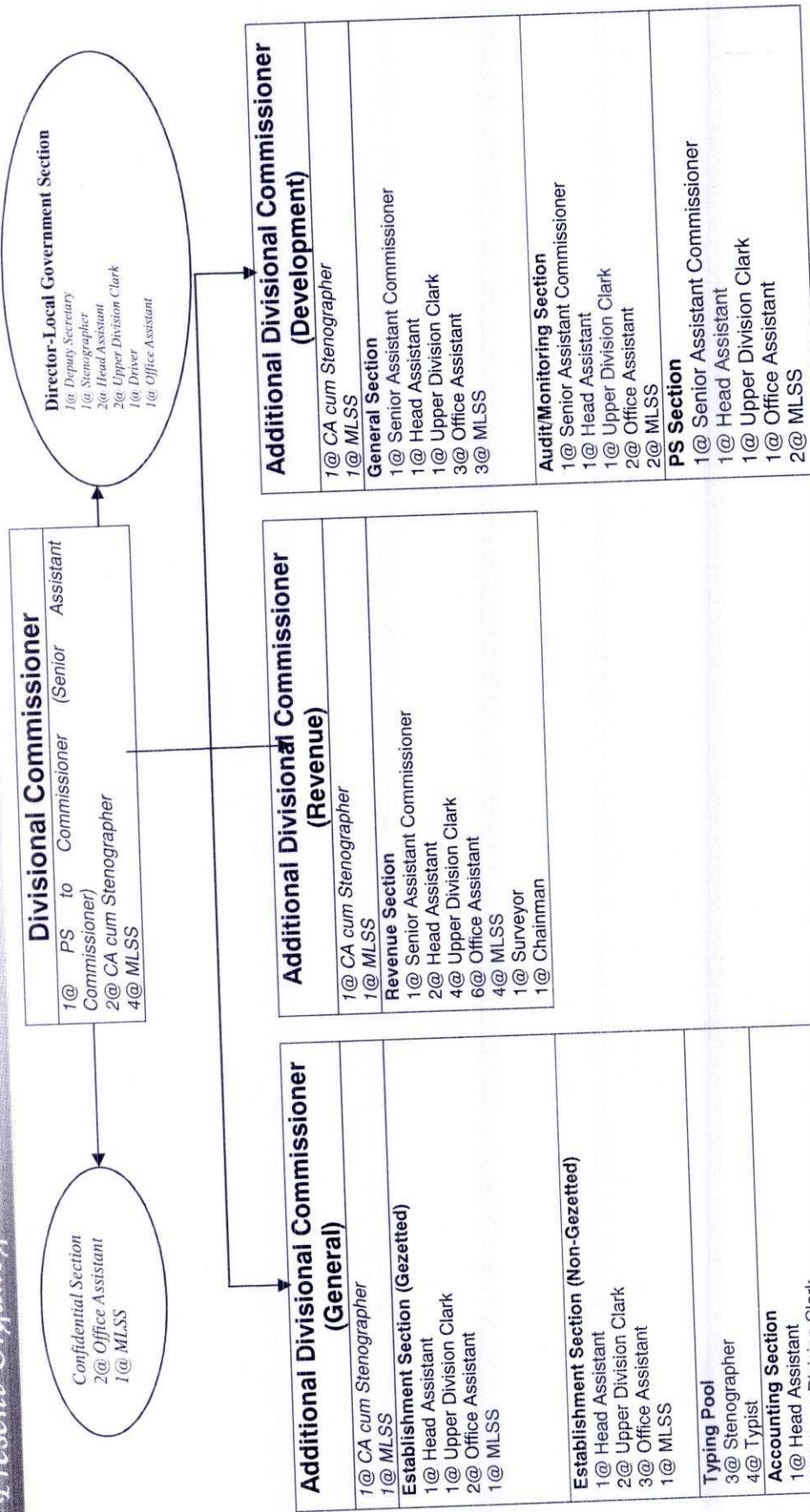
In this connection, there are huge scopes in the monitoring section. If that section is fulfilled with expert and trained people then it would be easier for the government to monitor the field. It would also be fruitful for disaster management. This is why the recommendation for an isolated monitoring section instead of having it along with the audit section. The merger of two establishment sections has been discussed earlier. Strengthening the revenue section is also a major issue in this regard. Introduction of another Additional Divisional Commissioner (Local Government) has been also discussed earlier. Introduction of IT section has also been the focus of the new proposed Organogram of the office of the Divisional Commissioner.

At present structure one deputy secretary to the government is in charge of that section. He is designated as Director of local government. Recently one of the major issues for the government is the local bodies. The Upazila election has been held few days earlier. Now at the Upazila level both the UNOs and the Upazila chairmen are working. Upazila Parishad has a huge task for development. It isn't easy for the MPs and Deputy Commissioners to monitor all the jobs intensively. The main reason behind that is the MPs are very much busy with the national level policy making. And on the other hand the DCs don't have the enough authority to monitor the development activities in the Upazila level. Here the office of the Divisional Commissioner can play a very important role. If the monitoring, dispute resolution and such other jobs are vested to Divisional Commissioners and Deputy Commissioners to some extent, then the process of root level development would be more transparent, efficient and prompt. It would also help the government for the effective supervision of the policy implication. In this regard there can be some changes brought to the structure of the Divisional Offices. Another Additional Commissioner (Local Government) can be created to enhance the extensive workload.

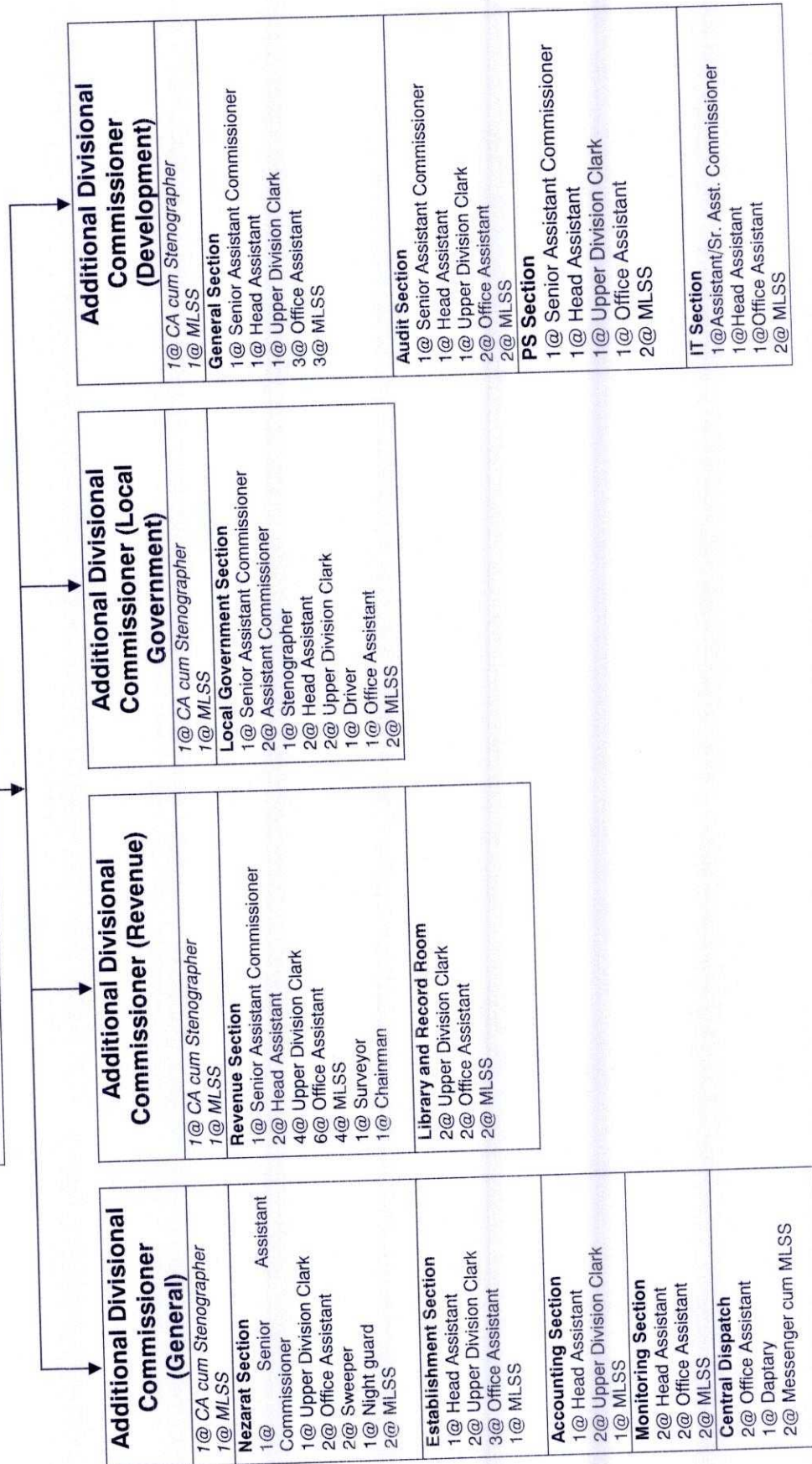
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Divisional Commissioner
1@ PS to Commissioner (Senior Assistant Commissioner)
1@ CA cum Stenographer
1@ MLSS



Questionnaire

for Dissertation on the subject **Office of the Divisional Commissioner -Justification of its existence in the present field administration scenario of Bangladesh and its future.**

Mohammad Atul Mondal
Masters in Governance and Development
IGS, BRAC University

Name :

Designation :

Organization :

Length of service :

Your working experience with the office of the Divisional Commissioner

I have experience of working in that office

The office was my monitoring authority

I had never worked with that office

I am a service seeker of that office

1. Do you think that the present structure of the office of the Divisional Commissioner is perfect?

Yes

No

If your answer is **YES** then the survey ends here for you.

If your answer is **no**.

2. How do you think the following structures of the office of the Divisional Commissioner as the authority of all field level stuffs and field administration are exactly needed? (You can put tick for more than one option)

All financial matters relating to 1st & 2nd class employee

All financial matters relating to 3rd & 4th class employee

All service matters relating to 1st & 2nd class employee

All service matters relating to 3rd & 4th class employee

Giving views about land and revenue related matters

Monitoring the field development work

Co-coordinating with other departments

Maintaining liaison with the ministry and the field administration

Co-ordination with other departments

Present limited work in local government

.....
.....
.....

3. What are the fields where the office of the Divisional Commissioner can add to its present structure? (You can put tick for more than one option)

Increase work volume in land and revenue related matters

Perform more development works

More activity in local government

Any other job you want to recommend.....

.....

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4. Do you think the present structure of the office of the Divisional Commissioner is perfect for monitoring the field level monitoring?

Yes

No

If the answer is **NO**.

5. How do you want to see the monitoring authority to be restructured?

Strengthening and empowering the office

By increasing the human resource or organogram changing

Any other way you recommend.....

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6. Do you think the present structure of the office of the Divisional Commissioner is perfect for managing land and revenue related matters?

Yes

No

If the answer is **NO**.

7. How do you want to see the office to be restructured in this regard?

Strengthening and empowering the office

By increasing the human resource or organogram changing

Any other way you recommend.....

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8. Do you think the present structure of the office of the Divisional Commissioner is perfect for development works?

Yes

No

If the answer is **NO**.

9. How do you want to see the office to be restructured in this regard?

Strengthening and empowering the office

By increasing the human resource or organogram changing

Any other way you recommend.....

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10. Do you think the present structure of the office of the Divisional Commissioner is perfect for its role about the local government?

Yes

No

If the answer is *NO*.

11. How do you want to see the office to be restructured in this regard?

Strengthening and empowering the office

By increasing the human resource or organogram changing

Any other way you recommend.....

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12. What is/are the ways do you think that the office of the Divisional Commissioner can implement the government policy more efficiently in the field and give feedback to the government? (You can put tick for more than one option)

Introduction of information technology and thus taking the pioneer role of using e-governance.

More delegation of power from ministry to that office

More delegation of power from that office to field administration

Through changing the present organogram of the office

Any other way you want to recommend.....

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Thank you for your kind cooperation