

**The powers and duties of officers and employees:
(Section 4(1)(b)(ii) of RTI Act, 2005)**

1. **Commissioner of Excise and Narcotics:** The post of Commissioner of Excise and Narcotics is created by the Governor of Mizoram under the provision of Article 309 of the Constitution of India. The post is filled up by promotion from Deputy Commissioner of Excise and Narcotics who had a qualifying service as required by Recruitment Rule. He is appointed by the Governor of Mizoram. He shall occupy the position of Adviser to the State Government in all matters relating to Excise and Narcotics policy and the department. He is the head of Excise and Narcotics department and responsible for every branch of the Excise and Narcotics administration and exercises general control over the department. He is the appointing and disciplinary authority for all non-gazetted officers and other ranks in the department.

General power and duties :

(1) The Commissioner shall inspect all Excise and Narcotics establishments once in every alternate year to give him clear first hand knowledge of such establishment to enable him to give advice, instruction and remedies on all matter of administration. He should ensure uniformity of procedure, practice, efficiency and discipline in all Excise and Narcotics establishments.

(2) The Commissioner shall control, instruct and advise Superintendents of Excise and Narcotics in the districts while being careful not to supersede and overbear in their proper functions or relations with their subordinates.

(3) The Commissioner shall be the reporting officer for all Deputy Commissioner and Assistant Commissioner, reviewing officer for Superintendent of Excise and Narcotics and accepting officer for subordinate officers of the department in their Annual Confidential Reports subject to the orders of the Government from time to time.

(4) The Commissioner is the Budget Controlling Officer for the Excise and Narcotics department. He exercises such financial power as delegated to him by the Government in accordance with the Delegation of Financial Powers Rules, 1978 as amended from time to time.

(5) He is the granting authority on rewards permissible under Excise and Drug Laws and rules and to those who render exceptional good

service to the state under Excise and Narcotics Department by standing orders.

(6) He shall delegate his administrative powers whenever necessary for the smooth administration of the department.

(7) The Commissioner is responsible for the procurement of all uniform items. He shall ensure that only good quality items are supplied to the department.

(8) The Commissioner shall have free access to information from other departments and agencies.

(9) The Commissioner may transfer any subordinate officer or other ranks in the interest of public service and make proposal to Government for transfer of Gazetted officers.

2. **Deputy Commissioner of Excise and Narcotics:** The post of Deputy Commissioner of Excise and Narcotics is created by the Governor of Mizoram under the provision of Article 309 of the Constitution of India. The post is filled up from Assistant Commissioner who had a qualifying service as required in Recruitment Rule. He shall assist the Commissioner and exercises powers and functions as delegated by the Commissioner from time to time. He shall take charge of the Commissioner when Commissioner is on leave or out of station unless otherwise decided by the Government unless otherwise decided by the Government.

(1) The Deputy Commissioner shall inspect District and other establishments every alternate year and submit his report thereof to the Commissioner. The report should be all encompassing and true assessment of such establishment, which is essential for future administration and guidance.

(2) As for the Annual Confidential Report the Deputy Commissioner is the reporting officer for Superintendent of Excise and Narcotics, reviewing officer for subordinate officers and accepting authority for other ranks subject to the orders of Government.

3. Assistant Commissioner of Excise and Narcotics: The post of Assistant Commissioner is created by the Governor of Mizoram under provision of Article 309 of the Constitution of India. The post is filled up by promotion from Superintendent of Excise and Narcotics who had a qualifying service as per Recruitment Rule. He will exercise the powers and functions as delegated by the Commissioner of Excise and Narcotics.

(1) He should inspect District and other establishments every alternate year and submit his report thereof to the Commissioner of Excise and Narcotics. The report should be all encompassing and true assessment of such establishment which shall be important for future administration and guidance.

(2) As for the Annual Confidential Report he is the reporting and reviewing authority in respect of subordinate officers and other ranks respectively.

4. Superintendent of Excise and Narcotics : The post of Superintendent of Excise and Narcotics is filled up by promotion from Inspector of Excise and Narcotics who had a qualifying service as required in the Recruitment Rules.

(1) The main duty of the Superintendent of Excise and Narcotics in the Commissionerate/Headquarters is to maintain discipline and control of subordinate officers and other ranks. He shall acquaint himself with all Acts and Rules relating to the Department. He should spend a considerable portion of his time for guiding his subordinates and for supervision of their day to day works.

(2) Superintendent of Excise and Narcotics (Prosecution) is responsible for Excise and Narcotics Prosecution Branch. He must be knowledgeable of all laws and rules concerning the department. He must have a good knowledge of court procedures and keep himself up to date of relevant court rulings of higher courts. He must be able to guide his subordinates and co-ordinate well with Public Prosecutors. He must closely monitor all important cases and give advice when necessary to his subordinates. He must also give advice to his superiors when appeals are to be preferred. As for the Annual Confidential Report he is the reporting and reviewing officer for subordinates and other ranks respectively.

(3) Superintendent of Excise and Narcotics posted in the District is the Head of Excise and Narcotics Administration in a district. He is responsible for every branch of the District Excise and Narcotics administration. He must be efficient and well-conversant with office procedure and practice, laws and rules concerning the department. He is responsible for the discipline of his subordinates. He should be able to guide his subordinates in all matters relating to detection, investigation

and prosecution of Excise and Narcotics offenders. He should have a thorough knowledge of his jurisdiction, of his district and vulnerable areas and routes of smuggling of drugs or illicit liquor. He must keep himself informed of what is going on in his district.

As for the Annual Confidential Report the Superintendent of Excise and Narcotics in the District is the reporting and reviewing officer in respect of subordinate officers and other ranks respectively.

He is the Drawing and Disbursing Officer for the District Excise and Narcotics and enjoys financial power as may be delegated to him by the Government.

He has the power to grant leave of his subordinates which may not exceed the upper limit prescribed by the Commissioner from time to time.

He should submit periodical reports and any incident which might be worthy of the knowledge to the Commissioner.

He should inspect his subordinate and establishment every three months and submit his report to the Commissioner.

The Superintendent of Excise and Narcotics shall make reward proposals to the Commissioner in the event of significant success in detection of crimes/criminals, prosecution of cases, or other valuable contribution to the department citing justifications on the same.

5. Inspector of Excise and Narcotics: The power and duties of Inspector of Excise and Narcotics as empowered by the Government in respect of Excise and Narcotics laws are defined in relevant chapter of such laws. An officer should have thorough knowledge of his powers and duties and abide by them

(a) Duties and functions of an Inspecting officer may vary depending on place of posting and tasks entrusted to them. He is directly responsible to his Controlling Officer. In general, apart from detection, investigation and prosecution of Excise and Narcotics offences, the officer is responsible for maintaining discipline and for the proper performance of duties by his subordinates.

(b) He will not ordinary conduct investigations, but generally will supervise investigations of his subordinates, taking up cases only for very special reasons, such as mismanagement by investigating officer or the unusual importance or intricacy of the case. He will see that each case is fully and properly investigated and all possible steps are taken for maximum detection.

(c) As an Inspector is directly responsible to his Controlling Officer/Superintendent he must share information on all matters connected with the working of the department without reserve to him. He must maintain a clean image and gain respect and confidence of his subordinates. He must encourage his subordinates and guide them, especially junior and inexperienced officers. He should correct petty misconducts of his subordinates without bringing them to the notice of his superiors.

6. Sub-Inspector of Excise and Narcotics/Asst. Sub-Inspector of Excise and Narcotics: The general duty of Sub-Inspector of Excise and Narcotics/Asst. Sub-Inspector of Excise and Narcotics is detection and investigation of Excise and Narcotic offences. His function is of field work. While leading men on raid or on tour he must maintain strict discipline among them. As a leader of such party he is responsible for any misconduct and breach of rule by his men. He must strictly follow correct procedures and practice while performing duties. He must give full report on his detection, investigation and performance of duties to Officer-in-charge. He has to obey instruction from his superior and give feed back on action so taken.

(7) Wireless Operator: Wireless operators are under the general control of Asst. Commissioner of Excise and Narcotics (Enforcement) in headquarters and Superintendent of Excise and Narcotics in districts, they are under the direct control of Officer-in-Charge in Excise and Narcotics Station, whereas in the Headquarters, Excise and Narcotics Radio Officer-in-charge will maintain discipline and supervise the works of Wireless Operators. Wireless Operators are expected to give intimation to their Controlling Officer/Officer-in-Charge on any irregularities for immediate remedy.

The general duty of Wireless Operator is to operate Radio Wireless Communication system.. Wireless operators must maintain ins and outs register of every communication made during their duty and copy of each in-coming and out-going message should be kept in file properly.

(8) Head Excise and Narcotics Constable: Head Excise and Narcotics Constables are under the general control of Superintendent of Excise and Narcotics and under the direct control of Officer-in-charge of an Excise and Narcotics Station or outpost. Head Constables are responsible for every official works of Excise and Narcotics Constables of Excise and Narcotics station.

Conducting roll call parade, making detailment of duty and maintaining ins and outs register of Excise and Narcotics Constables are some of the responsibilities of Head Excise and Narcotics Constables. Maintenance of cleanliness is one of their responsibilities. The main duty of Head Excise and Narcotics Constables is to maintain/keeping high graded integrity and discipline among their subordinates. Any irregularities noticed by them should be intimated to Officer-in-charge immediately.

(9) Excise and Narcotics Constable: They are generally employed for patrolling and raid for prevention and detection of Excise and Narcotic Crimes and in other official duties assigned to them by their superiors. They normally shall act on the order of their superiors. They may be deputed to collect discreet information regarding illegal trafficking of drugs and liquor and illegal breweries etc. Again, Excise and Narcotics Constables are employed in the execution of warrants, as runner, for escort and guard of prisoners. Even if especially not deputed it is the duty of every Excise and Narcotics Constable to report information connected with Excise and Narcotics works.

(10) Driver: Drivers who are posted in a District are under the general control of the Superintendent of Excise and Narcotics, and under the Officer-in-Charge of an Excise and Narcotics Station or Outpost as the case may be. In case of those drivers posted in the Excise and Narcotics Headquarters, they shall be placed under the control of an officer duly authorised by the Commissioner of Excise and Narcotics. They should wear a prescribed uniform while on duty unless they are permitted not to wear. They shall maintain vehicles assigned to them properly. They shall act on the order of their superiors. They shall maintain Car Diary properly in which necessary entries shall be made in every column. When any vehicle becomes defective/damaged the concerned driver should submit defect report through proper channel to the Controlling Officer. The responsibility on defect/damage of the vehicle due to the carelessness or negligence of the driver concerned shall lie on him. Driver to whom vehicle is assigned is directly responsible for the proper use and safety of the vehicle. They should possess valid Driving licence all the time while functioning as Driver.

11. Section Officer/Superintendent—

A. General Duties

- (i) Distribution of work among the staff as evenly as possible;
- (ii) Training, helping and advising the staff ;
- (iii) Management and coordination of the work;
- (iv) Maintenance of order and discipline in the section;
- (v) Maintenance of a list of residential addresses and contact phone numbers of the Staff.

B. Responsibilities relating to Dak—

- (i) to go through the receipts;
- (ii) to submit receipts which should be seen by the Branch Officer or higher officers at the dak stage;
- (iii) to keep a watch on any hold-up in the movement of dak; and
- (iv) to scrutinize the section diary once a week to ensure that it is being properly maintained;

C. Responsibilities relating to issue of draft —

- (i) to see that all corrections have been made in the draft before it is marked for issue;
- (ii) to indicate whether a clean copy of the draft is necessary;
- (iii) to indicate the number of spare copies required;
- (iv) to check whether all enclosures are attached;
- (v) to indicate priority marking.
- (vi) to indicate mode of despatch;
- (vii) to see that the telephone number, fax number and e-mail address of the signing authority have been indicated below the signature.

D. Responsibility of efficient and expeditious disposal of work and checks on delays—

- (i) to keep note of important receipts with a view to watching the progress of action;
- (ii) to ensure timely submission of arrear and other returns;11
- (iii) to undertake inspection of dealing hands' table to ensure that no paper or file has been overlooked;
- (iv) to ensure that cases are not held up at any stage;
- (v) to go through the list of periodical returns every week and take suitable action on items requiring attention during next week.

E. Independent disposal of cases —

He should take action independently on the following—

- (i) issuing acknowledgements, reminders and other routine communications;
- (ii) obtaining or supplying factual/statistical information of a non-classified nature;
- (iii) any other action which a Section Officer is authorized to take independently.

F. Duties in respect of recording and indexing—

- (i) to approve the recording of files and their classification;
- (ii) to review the recorded files before weeding;
- (iii) to order and supervise periodic weeding of unwanted spare copies;
- (iv) ensuring proper maintenance of registers required to be maintained in the section;
- (v) ensuring proper maintenance of reference books, folders of office-orders etc. and keep them up-to-date;
- (vi) ensuring neatness and tidiness in the Section;
- (vii) dealing with important and complicated cases himself;
- (viii) ensuring strict compliance with Departmental Security Instructions.

(12) **Assistants & Upper Division Clerks**—They are two separate categories of dealing hands, which work under the orders and supervision of the Section Officer and are responsible for the work entrusted to them. Where the line of action on a case is clear or clear instructions have been given by the Branch Officer or higher officers, he should put up a draft without much noting. In other cases, he will put up a note keeping in view the following points:—

- (i) to see whether all facts open to check, have been correctly stated;
- (ii) to point out any mistakes or incorrect statement of the facts;
- (iii) to draw attention, where necessary, to precedents or Rules and Regulations on the subject;
- (iv) to put up Guard file, etc., if necessary, and supply other relevant facts and figures;
- (v) to bring out clearly the questions under consideration and suggest a course of action wherever possible

(13) **Personal Staff Members of Officers (PSMs) - Stenographers**— He will keep the officer free from routine nature of work by mailing correspondence, filing papers, making appointments, arranging meeting and collecting information so as to give the officer more time to devote himself to the work in which he has specialized. The Personal Assistant will maintain the confidentiality and secrecy of confidential and secret papers entrusted to him. He will exercise his skill in human relations and be cordial with the persons who come in contact with his boss officially or who are helpful to his boss or who have dealings with the boss as professional persons. Some of the more specific functions are enumerated below:—

- (i) taking dictation in shorthand and its transcription in the best possible manner.
- (ii) fixing up appointments and if necessary cancelling them;
- (iii) screening the telephone calls and the visitors in a tactful manner;
- (iv) keeping an accurate list of engagements, meetings, etc. and reminding the officer sufficiently in advance for keeping them up;
- (v) maintaining, in proper order, the papers required to be retained by the officer;
- (vi) keeping a note of the movement of all incoming & outgoing papers, files, etc.
- (vii) destroying by burning the stenographic record of the confidential and secret letters after they have been typed and issued;
- (viii) carrying out corrections to the Officer's reference books and making fair copies of draft demi-official letters to be signed by the officer. During the office hours they can take the assistance of the source where the draft has been typed.
- (ix) generally assisting the officer in such a manner as he may direct.

(14) **Lower Division Clerks**—Lower Division Clerks are ordinarily entrusted with work of routine nature, e.g. registration of Dak, maintenance of Section Diary, File Register, File Movement Register, indexing & recording, typing, comparing, photocopying, faxing, e-mailing, etc., despatch, preparation of arrears and other statements, supervision of correction of reference books and submission of routine and simple drafts, etc.