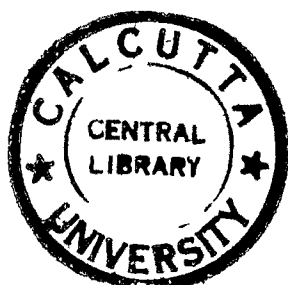


COE-A3131-T1792

**DISTRICT ADMINISTRATION IN WEST BENGAL  
SINCE INDEPENDENCE**

SCANNED



**THESIS SUBMITTED FOR THE DEGREE OF  
DOCTOR OF PHILOSOPHY ( ARTS )  
OF THE  
UNIVERSITY OF CALCUTTA**

*By*  
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## P R E F A C E

What induced me to undertake research on the subject of my present thesis is a feeling that it has received rather scanty and inadequate attention from students of Public Administration and researchers in this field which is hardly commensurate with its great importance particularly in our State of West Bengal. Even compared with other States in India there has been so far extremely limited work in this field.

The pivot of the system of public administration built up and continued during the course of British rule in India was district administration headed by a public functionary, variously known as the Collector, District Magistrate, Deputy Commissioner or simply the District Officer. Even after Independence the importance of district administration in the set-up of public administration in India continues unabated though its overall character has undergone a radical change. Various factors have contributed to this change in post-Independence period, among which special mention may be made of a trend towards development activities in rural areas and democratic decentralisation.

The title of the thesis is indicative of the scope of its study, namely, the structure, organisation and working of district administration in West Bengal in post-Independence era. The treatise seeks to fill only a gap in the vast subject of district administration. As a matter of fact, on account of its vastness and local variations the subject requires special treatment for each State.

I visited some districts of West Bengal and had also interviews with persons engaged in district administration, including District Magistrates and officials of all ranks. Moreover, I contacted persons like Divisional Commissioners and officers of different departments of the State Government, directly or indirectly connected with district administration.

Needless to say, I had the opportunity of discussing with them many aspects of district administration in detail. It is through such discussions that many of the dark corners in the administration of the district became clear. While my thanks are due to them for the ungrudging help and cooperation they have extended, the responsibility for the views and opinions which have found expression in the discourse is wholly mine.

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Although discussions with personnel having practical knowledge in district administration have helped me a lot in the preparation of this work, I had to collect much of the material by a study of various Acts, Reports of Commissions and Committees and other official publications, together with books and journals on Public Administration and allied subjects. In this connection, I owe a debt of gratitude to the staff of the National Library, Calcutta where I readily obtained most of the books and journals required for this purpose, including some rare books and even the micro-film copy of H. Verelst's book entitled "View Of The Rise, Progress, And Present State Of The English Government In Bengal", (London, 1772). I must also acknowledge the help so readily extended to me by the staff of the West Bengal Secretariat Library, Calcutta in giving me free access to the collection of some rare books on the subject in the Library.

I am fully conscious of my limitations in undertaking this rather difficult task and I shall be failing in my duty if I do not place on record my deep debt of gratitude to many others whose help has lightened my burden and rendered my task easier.

Incidentally, it may be noted that I had the privilege of presenting my paper on "District Administration In West Bengal" before the 28th Session of the Indian

Political Science Conference, held at Ahmedabad in 1966.

I wish to take this opportunity to express my sincere sense of gratitude to my guide and teacher Dr. A.K.Ghosal, M.A., Ph.D. (Lond.), for his never-failing encouragement and guidance in the production of this work through all its stages.

Calcutta,  
July, 1973.

Sukumar Dam

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## CHAPTER - I

### INTRODUCTION

#### Nature Of District Administration

District administration is an important feature of the governmental system in India. It is an administrative mechanism whereby the government functions locally through its representative, who is the pivot of the local administration. This is an indigenous pattern of local administration, having its roots deep in the past.

The term 'district' has been defined in the Oxford English Dictionary as a portion of territory marked off for some special administrative purpose. According to the same dictionary, the term 'administration' means the management of public affairs. District administration is then the management of public affairs in a portion of territory marked off for the purpose. That is to say, it is the functioning of government in its totality in a locality what is known as a district. A district is a vital unit of the administration where the total apparatus of public administration can be concentrated. District administration may, therefore, be described as that part of public administration which functions in a district.

District administration is a form of field administration in which the authority at headquarters instead of doing everything

centrally does things locally through a local representative who is authorised on its behalf to exercise overall responsibility for all governmental activities in his area. As the mechanism involves integration of authority at the local level in a general functionary who is charged with overseeing and coordinating the activities of all other functionaries belonging to separate departments of government working with him as a team in the field, this is known as the integrated form of field administration. This form of field administration is in contrast with what is called the functional form of field administration in which there is no general functionary to oversee and coordinate the activities of different departmental officials stationed in the locality. On the contrary, the lines of command run directly from headquarters to the local agents, the latter being responsible to their respective departmental heads at headquarters.

The administration of the district is a part of the general administration and it operates through a system in which all threads of local administration are collected directly or indirectly in the functionary variously known as the District Officer, the District Magistrate, the Collector or the Deputy Commissioner.

#### Importance Of The Subject

The importance of district administration in the administrative mechanism obtaining in our country can hardly

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be exaggerated. To speak the truth, a study of Indian administration without a reference to district administration is nothing but an attempt to play Ramayana without the part played by Ram. The Administrative Reforms Commission<sup>1</sup> has rightly observed, "District Administration is an important arch in the edifice of the general administration of the country."

Almost every inch of the soil of India forms part of districts where most of the people live. Barring metropolitan cities like Calcutta and Bombay, the governmental machinery of the country functions through an apparatus spread over the districts. The district is, thus, the unit of administration, where the total apparatus of public administration is concentrated and where it comes into direct contact with the mass of the people. It is there that the major part of the population of India can feel the impact of the administration. The difference between good and bad administration may, therefore, be made at this level alone.

The administration of the district has indeed a role of special importance and significance. Its efficiency is of vital importance in view of the fact that on its efficiency depends ultimately the efficiency of our administrative system as well as the welfare of our people.

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<sup>1</sup>Govt. of India : Administrative Reforms Commission -- Report on State Administration (1970), p. 38.

A study of the development of district administration, particularly in post-Independence period, needs perhaps no special emphasis. The district administration of the present day is the creation of British rule in India. But it is in many ways significantly different from what it was before Independence. Independence has indeed introduced a significant change in the fundamental aims of district administration. With the advent of the Panchayati Raj system, there has been a reorientation of the traditional form of district administration as well.

#### Scope Of The Work

District administration is an indigenous system of local administration. The rudiments of the system may be traced to the Maurya era. The system was followed by the Guptas and generally preserved by the Mughals. The British inherited the system from the Mughals, but they developed and brought it to its present form. Of course, since Independence new developments and refinements in district administration have been taking place in order to satisfy new needs of the people.

Although district administration is purely an Indian system of local administration, it has a striking resemblance with the system of local administration prevailing in France. In that country there is a functionary more or less of the status and responsibility of an Indian District Officer. The office of French Prefect corresponds somewhat to that of our District

Officer. But the former, to be sure, is not an exact replica of the latter. A study of district administration will remain incomplete without a reference to the pattern of local administration prevailing in France. An attempt will, therefore, be made to make a comparative study between the two patterns of local administration.

As the title of the thesis indicates, the structure, organisation and working of district administration in West Bengal in post-Independence period will be the subject of our study.

It is a truism that all political systems have their roots deep in the past. They grow in response to the changing needs and aspirations of the people in which they function. This is true of the system of district administration. The concept of district administration has undergone a reorientation in the wake of Independence, but still there is an organic connection and continuity between the system of today and that of the colonial days when it in its modern form came into existence. The story of the evolution of the system with a critical analysis of the process of its transformation will be narrated in course of our discourse.

Bengal was the first nursery of the system of district administration under British rule in India. Bengal, therefore, set the norm of the system and other parts of India adopted it

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with such modifications as local conditions required. To borrow the language of Baden-Powell<sup>2</sup>, "The system of public administration by means of District Officers throughout the Provinces, may be said to have been derived from Bengal. There the system originated; there it was modified from time to time by way of experiment, and ultimately issued from the crucible of a very severe testing, in its modern form. It is natural to expect that the system, ultimately perfected in Bengal, has, to a large extent, been the model on which district government has been developed in all other Provinces."

Even before the acquisition of the dewani of Bengal, Bihar and Orissa by the East India Company in 1765, the old machinery of administration had virtually broken down. The task of building anew the administrative system was accomplished by Hastings and Cornwallis, who came in quick succession to head the affairs of the Company in India. In reorganising the administrative machinery a series of experiments were made by them. After a considerable period of trial and error, the district became the unit of administration on a permanent basis under the charge of a Collector in 1786 during the regime of Lord Cornwallis. In the words of Dr. A.K.Ghosal<sup>3</sup>, "Since Corneallis's time the district came to be the unit of administration and so it has remained to this day."

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<sup>2</sup>B.H.Baden-Powell — The Land Systems of British India, Vol. I, (Oxford, 1892), p. 662.

<sup>3</sup>A.K.Ghosal — Civil Service In India Under The East India Company, (University of Calcutta, 1944), p. 374.

It is worthy of note in this context that two schools of district administration were developed one being known as the Cornwallis school and the other as the Munro school under the influence of Cornwallis and a group of distinguished civilians, namely, Munro, Elphinstone, Malcolm and Metcalfe respectively. While the Cornwallis or the Bengal system was in favour of the separation of judicial and executive functions, the Munro system or the paternal system that grew in Madras and Bombay was in favour of the concentration of functions in one functionary.

Immediately after the Mutiny of 1857, the paternal system of district administration was introduced in the Bengal Presidency as well. The District Officer thus began to wield undisputed authority in the district as all powers were concentrated in him. But with the passage of time, the wide discretionary authority of the District Officer came to be materially reduced by laws, rules and regulations.

The basic structure of district administration as it had developed so far had really made the District Officer the focal point of local administration. This position of the District Officer continued more or less till the end of British rule in India. Even today the District Officer occupies a pivotal position in district administration. But in the changed set-up, his former role of a virtual ruler of the district has been reduced to that of a public servant.

District administration of the present day has, therefore, a long history behind it. In order to assess its importance in the new set-up, an attempt will be made in this work to trace the development of district administration from its early origin against the background of the social and political forces that have brought it to its present state.

The advent of Independence marks the turning point in the overall character of the Indian administrative system as also of the structure and organisation of the district administration which constitutes, so to say, the base of the former. There is really a marked difference between the district administration before Independence and that of the present day.

As stated before, the object of this work is to study the present structure, organisation and working of district administration in West Bengal, indicating the changes in the system in post-Independence period, in the context of adoption of the ideal of a welfare state and of new objectives enunciated in the fundamental law of the land. The impact of development activities of Government at the district level as also of the Panchayati Raj system on the administration of the district would also be discussed in this connection.

Finally, an attempt will be made to focus the vital problems of district administration, together with suggestions for their remedies.

Incidentally, it may be pointed out that in the details of district organisation there are differences in different states, but the general principles on which the local administrative set-up is based in India are much the same everywhere. The structure, organisation and working of district administration in West Bengal are, therefore, in many respects, if not all, generally applicable to the whole of India.

CHAPTER - IILocal Administration In India And France — A Comparative StudyAn Indigenous System

District administration is indeed an indigenous system of local administration. It has not been imported from any foreign country. The system has its origin in the soil of India and is rooted in the remote past. As has been rightly observed by S.S.Khera<sup>1</sup>, "The particular form of district administration with which we are familiar in this country is somewhat unique. It certainly did not repeat or copy any pattern which prevailed in Great Britain, even though it was introduced in India and continued here during the British regime."

Origin Of The System

There is no denying the fact that the system of local administration by the agents of government has been a basic feature of the administrative system in India from the distant past. The rudiments of the system may perhaps be traced to the Maurya era. In those days of slow and difficult communications, an unwieldy empire had to be split up into convenient

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<sup>1</sup> S.S.Khera - District Administration In India, (Indian Institute of Public Administration, New Delhi, 1960), P. I.

units of administration and placed in charge of agents of the Imperial authority. In the words of A.L.Basham<sup>2</sup>, "The ancient Indian Kingdom was divided into provinces and these into divisions and districts, all with very variable terminology."

This system of territorial administration was introduced by Chandragupta, and "afterwards improved upon by Asoka"<sup>3</sup>. In Asoka's time the empire was divided into provinces and these into districts and sub-districts with appropriate officials in charge of them. The district was the basic unit of administration and as such placed in charge of an important official. "The Rajukas were probably in charge of districts and corresponded to the district magistrates of the present day"<sup>4</sup>. They were appointed for the welfare of the country people. Though essentially a revenue official, the Rajuka exercised judicial powers also.

#### Under The Gupta's

Similar territorial units of administration existed under the Guptas. The empire was divided into provinces which were

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<sup>2</sup> A.L.Basham — The Wonder That Was India, (Sidgwick and Jackson, London, 1954), p. 102.

<sup>3</sup> Dr. P.N.Banerjea — Public Administration In Ancient India, (Macmillan & Co., Ltd., London, 1916), p. 49.

<sup>4</sup> The History And Culture Of The Indian People, Vol. II — The Age Of Imperial Unity - Ed. by R.C.Majumdar, (Bharatiya Vidya Bhaban, Bombay, 1951), p. 80.

in turn divided into Vishayas, roughly corresponding to modern districts. The Vishaya "was presided over by an officer of the Central Government, who was usually called Vishayapati"<sup>5</sup>. He was responsible for maintaining law and order and collecting government taxes and revenues.

### Under The Mughals

The system of territorial administration was generally preserved by the Mughals. The empire was divided into Subas, the Subas into Sarkars, and the Sarkars into Parganas<sup>6</sup>. The Sarkar was the counterpart of the modern district. In the time of Akbar, "Bengal proper consisted of nineteen large administrative divisions called Sarkars"<sup>7</sup>.

According to the constitution of the Mughal government, there were three superior officers in the district (Sarkar).

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<sup>5</sup> The Vakataka — Gupta Age — Ed. by R.C.Majumdar and A.S.Altekar, (Bharatiya Itihas Parishad, Banaras, 1954), p.262. See also The History And Culture Of The Indian People, Vol. III — The Classical Age — Ed. by R.C.Majumdar, (Bharatiya Vidya, Bhaban, Bombay, 1954), p. 344 - "In the branch of provincial administration the Guptas followed the older models, but with a changed official nomenclature and with some daring improvements."

<sup>6</sup> W.H.Moreland — From Akbar to Aurangzeb, (Macmillan & Co., London, 1923), p. 247 - "The framework was given by the division of the Empire into provinces (Suba), of the provinces into districts (Sarkar), and of the districts into sub-divisions (Mahal), which last usually, but not invariably, coincided with the traditional local areas known as Parganas."

<sup>7</sup> F.D.Ascoli — Early Revenue History Of Bengal And The Fifth Report, 1812, (Oxford ~~Press~~, 1917), p.22.

The collection of revenue was vested in an officer called the Amalguzar or the Krori or the Collector of the Revenue<sup>8</sup>. He was the chief revenue officer in the district. In the discharge of his revenue duties he exercised a certain degree of judicial powers and, under certain circumstances, performed limited executive duties. He was, however, neither a judicial officer nor the chief executive officer of the district. While the civil judicial duties were vested in the Qazi or the Chief Civil Judicial Officer, the main executive duties remained with the Faujdar, who was a military officer. The Faujdar was the direct representative of the emperor in the area under his command, but worked under the supervision and guidance of the Subedar or the Provincial Governor. He maintained a contingent of armed forces and assisted other departments in the execution of their respective duties.

Of the three superior officers in the district, it was the Faujdar who held a dominant position. In addition to the official organ of district administration, there was a non-official organ consisting of Zamindars. So long as the Mughal empire remained intact, both the organs worked together in harmony and cooperation, the latter being subordinated to the former.

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<sup>8</sup> The duties of the Collector of the Revenue are set forth in detail in Abul Fazl's Ain-I-Akbari, Book III, Ain V, (Translated by H.S. Jarrett, Vol. II, Asiatic Society of Bengal, Calcutta, 1891, pp. 43-47). See also Sir Jadunath Sarkar - Mughal Administration, (M.C. Sarkar & Sons, Ltd., Calcutta, 1952), pp. 73-74 - "The actual revenue collector was the Krori, so styled because he was placed in charge of a tract theoretically expected to yield a revenue of one krori of aam, i.e.  $2\frac{1}{2}$  lacks of Rupees."

Thus the Mughal administrative system closely adhered to the old practice, procedure and even tradition of the country, that may be traced back to the Maurya era. "In the India of the Mauryas", observes Sir Percival Griffiths<sup>9</sup>, "the collection of the land revenue was the foundation of administration." The principal object of the ancient Indian Kingdoms as also of the Mughal empire was the collection of land revenue.

#### Under The British

The British followed the Mughal tradition in building up the administrative machinery. The native model appeared to be desirable to an alien ruler in the realisation of its two-fold objective, namely, the collection of revenue and the consolidation of its authority. With this end in view, the British built anew the old Indian system of territorial administration<sup>10</sup>. They divided the country into convenient territorial units called districts, placing each of them under the charge of a centrally appointed official, namely, the District Officer. In the language of F.D.Ascoli<sup>11</sup>, "The creation of districts as territorial units was in fact a revival of Akbar's system of Sarkars."

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<sup>9</sup> Sir Percival Griffiths — The British Impact On India (Macdonald, London, 1952), p. 117.

<sup>10</sup> The Imperial Gazetteer Of India : The Indian Empire, Vol IV : Administrative, (Oxford, 1909), p. 48 — "The system of administration in both regulation and non-regulation Provinces is based on the repeated subdivision of territory, each administrative area being in the responsible charge of an officer who is subordinate to the officer next in rank above him. The most important of these administrative units is the 'District'; and the most accurate impression of the system may be gained by regarding a Province as consisting of a collection of Districts."

<sup>11</sup> F.D.Ascoli — op. cit., p. 39.

### A Remarkable Continuity

It is thus clear that through centuries there has been a remarkable continuity in the district as the basic unit of administration in this country. The British inherited the system of district administration from the Mughal rulers in the same way as the latter had inherited it from the ancient Indian rulers. But the fact must be admitted that in the eighteenth century when the East India Company became the virtual ruler of Bengal, Bihar and Orissa, nothing remained of the district administration except the machinery for collecting the revenue. The old machinery of the Mughal rulers had broken down and the East India Company had to start from scratch. The British developed the old Indian system of territorial administration and brought it to its modern form.

### No Parallel

District administration is really an Indian product and has a long history behind it. It has no parallel in countries like the U.K. and the U.S.A. In these countries there is no machinery of local administration like that of district administration in India. That is to say, there is no administrative mechanism in the U.K. or the U.S.A. whereby the government can function locally through its agent, who can act as the pivot of local administration. To borrow the words of Dr. N.C.Roy<sup>12</sup>,

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<sup>12</sup> N.C.Roy — The Civil Service In India, (Firma K.L. Mukhopadhyay, Calcutta, 1960), p.10.

"In these countries there is no representative of the Central or State Government in a locality of the status and responsibility of an Indian District Officer."

#### A Like System

However, the nearest counterpart of our District Officer is the Prefect in France. In that country there is the machinery of local administration like that of district administration in India. A comparative study between the systems of local administration obtaining in these two countries will be made in the following paragraphs.

#### The French System

The French system of local administration is characterised by extreme type of centralisation. Everything is controlled from the centre. It is the Minister of the Interior in Paris who is the final authority in regard to all matters concerning local administration in the country. Centralisation is the essence of the French system. Another important feature of this system is its hierarchial structure. The whole of France is divided into departments and these into arrondissements, which again into Cantons. "At present there are in France 90 departments, about 300 arrondissements, and approximately 40,000 communes"<sup>13</sup>.

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<sup>13</sup> H.F.Alderfer — Local Government in Developing Countries, (McGraw-Hill Book Company, New York, 1964), p. 6.

The present system of local administration in France was founded by Napoleon in 1800. "The system of French local administration", says Brian Chapman<sup>14</sup>, "has remained structurally almost unchanged since the Napoleonic Constitution of 1800."

### The Prefect

The system of local government re-organised by Napoleon in 1800 did not, however, make a clean sweep of the French local institutions of the ancient regime. The past was not altogether ignored, it could not be entirely forgotten. In the old regime, the chief administrative district was the *généralité*, which was governed by an *Intendant* appointed by the king and responsible to him alone. In the new regime, the Prefect, appointed by and responsible to the central government, became the modern equivalent of the *Intendant* of the ancient regime, and the department became the chief administrative area placed under his charge. The Prefect became the fulcrum of the French system of local administration which persists, except for minor changes, even to this day.

In order to understand the role of the Prefect in the department, it is to be remembered that the department has a dual character. It is both an area of local government and an area of national administration. The difference between

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<sup>14</sup> Brian Chapman — Introduction to French Local Government, (George Allen & Unwin Ltd., London, 1953), p. 13.

the administration of the two areas is that in the department there are decentralised offices of the central ministries living alongside the departmental administration.

### A Dual Role

The Prefect has, therefore, a dual role to play in the department. He is the local agent of the central government and at the same time he is the chief executive of the department. In the latter capacity, he is responsible for administering the departmental administration under the control of the conseil general, the department's elected body. Although he is legally bound to put into effect the lawful decisions of the conseil general, he is not politically responsible to it.

The Prefect is under the direct control of the Minister of the Interior. He is the only legal representative of the state in the department and as such he is the direct representative of every Minister, not only of the Minister of the Interior. Ministers deal with their own officials on technical matters only, but with the Prefect on matters of policy, coordination of services, and the supervision of administration. He is, therefore, the head of all state officials within the department, whether technical or administrative.

The Prefect is not only the hierarchic superior of all state officials in the department, but also the executive head of the department. He is not primus inter pares, but the clear

and lawful superior of both the administrations, state and departmental, within the department. As Brian Chapman<sup>15</sup> observes, "It is from his constitutional position as the sole legal representative of the state in the Department that the Prefect obtains his legal supremacy over all other officials."

#### Powers And Functions

The Prefect is vested with a variety of powers and functions. He has extensive police powers, and is responsible for maintaining public order. He is required to execute the national laws. He directs all the administrative and technical services of the state in the department and acts as a channel for the collection and transmission of information required by various Ministers of the central government. He has considerable powers of control over communal officers and administration.

As the chief executive of the Department, the Prefect is to put into effect the decisions of the conseil general and to prepare the departmental budget for its consideration. He represents the department and its people in their relations with neighbouring departments and with the authorities in Paris.

The Prefect holds a unique position in the public life of the country. He is the intermediary between the central

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<sup>15</sup> Brian Chapman — *The Prefects and Provincial France*, (George Allen & Unwin Ltd., London, 1955), p. 165.

government and the people. Again, he represents national interests in the department and protects departmental interests against the central ministries.

### A Similarity

There is a striking similarity between the Indian and the French systems of local administration. In both the countries, local administration is carried on by the agent of the authority at headquarters. Another common feature of the two systems of local administration is the hierarchical structure. In this hierarchy the district in India is the pivotal administrative unit as the department in France *is*. Similarly, the District Officer in India corresponds somewhat to the Prefect in France. Like the Prefect in France, the District Officer in India is the head of local administration in his area. The position of an Indian District Officer of the British regime was also almost analogous to that of a French Intendant of the ancient regime. In the language of A. Aspinall<sup>16</sup>, "The nearest counterpart of the District Officer in European administration was the Intendant of the eighteenth century France."

The Prefect in France has a dual role to play in the department as the department itself has a dual character. He is not only the local agent of the Central Government, but also

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<sup>16</sup> A. Aspinall — Cornwallis In Bengal, (Manchester University Press, 1931), p. 133.

the chief executive of the department. The district too has the dual character of the department -- it is both an area of local administration and an area of local government. Therefore, the District Officer in India has the dual role of the Prefect.

Moreover, the Prefect is vested with similar powers and functions of the District Officer in India. As the agent of Government, each of them is hierarchic superior of all public functionaries within his territorial jurisdiction. Furthermore, each is responsible for coordinating the activities of various departments of Government in his area.

#### A Contrast

Although the office of Indian District Officer is analogous to that of French Prefect, the two offices are not totally alike. There is a striking contrast between our District Officer and his counterpart in France. To speak the truth, there are some dissimilarities between these two offices, which should not escape our attention.

While the Prefect is an agent of the Central Government, the District Officer is an agent of a State Government. Naturally, while the Prefect is the head of the whole of national administration in his area, the District Officer is the head of only a part of national administration in his area, being

simply an agent of a State in India.

Again, the Prefect is more than *primus inter pares* in his relations with the officers belonging to other departments of government working with him in his area. He is really the clear and lawful superior and as such enjoys his undisputed supremacy over all state officers in his area. But, the District Officer is only *primus inter pares* in his relations with other departmental officers stationed in his area. He does not enjoy such clear and lawful supremacy over other departmental officers working with him in his locality as the Prefect in France does.

Moreover, the District Officer is not to play the role of the Prefect in the field of local government. The Prefect is responsible for administering the administration of the department as its executive head. But, the District Officer is not concerned with the day-to-day administration of the district-level local bodies. He has only certain powers of control over them from outside.

However, the Prefect may rightly be regarded as the nearest counterpart of the District Officer. As the former is the pivot of French local administration, the latter is the pivot of Indian local administration. In spite of differences, these two offices are essentially alike.

## CHAPTER - III

Evolution of District AdministrationOrigin Of The System

A study of the system of district administration of today would be incomplete without a brief account of its evolution. The idea of making the district the unit of administration on a sound basis originated with the British. As observed by the Indian Statutory Commission<sup>1</sup>, better known as the Simon Commission : "The system has some roots in the past. Akbar, for instance, sub-divided all Bengal into sarkars. But until the establishment of British rule, there never existed the settled administration, discipline and strong supervision which are essential if single officials are to be placed in charge of areas as large as Indian districts and allowed the degree of independence which has been given to the District Officer within the limits imposed by law and precedent."

An attempt will be made here to trace the evolution of district administration from its origin during British rule in India.

With the grant of Dewani in 1765, the revenue administration of Bengal, Bihar and Orissa passed into the hands of the

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<sup>1</sup> Report Of The Indian Statutory Commission, Vol. I, (Calcutta : Government of India, Central Publication Branch, 1930), p. 281.

East India Company. Acquisition of the Dewani by the Company did not ipso facto bring about any change in the administrative structure. The company was then neither able nor willing to undertake direct responsibility in the matter of administration. Its interest was limited to the superintendence of the collection and disposal of the revenue, the actual work of administration remained in the hands of the natives.

#### Appointment Of Supervisors

A change in this system was first brought about in 1769 when it was decided to associate English servants of the Company in the collection of revenue in the districts of Bengal. Accordingly, these officials known as Supravisors or Supervisors<sup>2</sup> were appointed to the districts not only to exercise supervision over the native collecting agency but also to gather detailed information about the districts. The details of the scheme of Supervisors were laid down in the instructions<sup>3</sup> issued to them. The Supervisors were expected to lay the foundation upon which a revenue system could be built up. The plan was, however, too ambitious to materialise. The Supervisors, to borrow the

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<sup>2</sup> D.N.Banerjee — Early Land Revenue System In Bengal and Bihar, Vol. I, (Longmans, Green And Co., Ltd., <sup>Calcutta</sup> 1936), p.34, <sup>footnote</sup> — "The terms 'Supravisors' or 'Supervisors' were used in the same sense."

<sup>3</sup> Form of Instructions to the Supervisors in H.Verelst — View Of The Rise, Progress, And Present State Of The English Government In Bengal, (London, 1772), Appendix, pp. 227-39.

language of W.W.Hunter<sup>4</sup>, "were expected to do more than they could possibly accomplish, and the result was that they did less than they might have done."

Although the scheme of Supervisors became a failure, its importance can hardly be exaggerated. The observations of Dr. A.K.Ghosal<sup>5</sup> are worthy of perusal in this connection. He says :- "The constitutional significance of the scheme of Supervisors lies in the fact that it formed the nucleus for the first time of a British administration in the proper sense of the term. In these Supervisors we find the predecessors of the present-day district officers."

The Supervisors were bound to fail. They had no training for the heavy duties laid upon them. They were wilfully kept in the dark by native officials. Moreover, they were more interested in private trade than in carrying out their duties. These are the main causes of failure of the scheme of Supervisors. However, the Supervisors continued to function, and from 1772 under the new title of Collectors, with new functions as well.

#### The Office Of Collector

It was not till 1772 that the court of Directors resolved to "stand forth as Dewan, and by the agency of the Company's

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<sup>4</sup> W.W.Hunter - The Annals Of Rural Bengal, Vol. I, (London : Smith, Elder, And Co., 1868), p. 264.

<sup>5</sup> A.K.Ghosal - Civil Service In India Under The East India Company, (University of Calcutta, 1944), p. 118.

servants to take upon themselves the entire care and management of the revenues."<sup>6</sup> In that year Warren Hastings arrived in Bengal as Governor and President of the Council at Fort William. In pursuance of the orders of the Court of Directors, Hastings and his Council decided to appoint the Supervisors as Collectors, vesting them with the powers of management and collection of revenue. A native official under the title of Dewan was appointed to assist the collector in every district.

Thus, the office of Collector of today was for the first time created by the Government of Hastings in 1772. Although the collection of revenue was the primary duty of the Collector, he was invested with civil and criminal jurisdictions under the judicial plan of 1772. He presided over the civil court, and the administration of criminal justice was subject to his supervision and control. Even though the district was not yet a well-defined unit of administration, it became at that time the common unit of revenue and judicial administration. The Collector, likewise being vested both with revenue and judicial powers, became, so to say, the pivot of local administration.

#### A Period Of Centralisation

This arrangement was, however, short-lived and there soon followed a period of centralisation of revenue

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<sup>6</sup> Quoted in the Report On The Administration Of Bengal 1872-73, (Calcutta, Bengal Secretariat Press, 1873), p. 41.

administration. In 1774, the Collectors were withdrawn from the districts, and native Aumils were appointed in their stead. The superintendence of the collection of revenue, removed from the Collectors, were now vested in Six Provincial Revenue Councils stationed at Calcutta, Murshidabad, Dacca, Patna, Burdwan and Purnea.

In 1881, the Collectors were reposted to the the districts. Although they were restored, the new Collectors had very limited powers. "It was in 1786, after Pitt's India Bill of 1784, that the district officer really came into his own,"<sup>7</sup> In 1881, the Provincial Councils were abolished, and the control of revenue administration was centralised at Calcutta in the hands of a Committee of Revenue, which was re-organised in 1786 as the Board of Revenue. It was the ultimate intention of Hastings to withdraw the Collectors entirely from the districts, and to render the mode of paying the revenue direct at the Presidency.

#### Final Decision On Collectorship

But in 1786 it was finally decided by the Court of Directors that the Collectors should be retained as a permanent feature of local administration. Henceforward the district

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<sup>7</sup> Philip Woodruff (pseud. of Philip Mason) — The Men Who Ruled India, Vol. I, The Founders, (London, 1963), p.142.

came to be regarded as the permanent unit of local administration, each under the charge of a Collector, and it has remained so even to this day.

On April 12, 1786 the Court of Directors informed the Governor-General (Lord Cornwallis) that the Collectorship was to be regarded as a permanent part of the structure of local administration and that the offices of Collector, Civil Judge and Magistrate should be united in the same person. "In proposing this union of different authorities in the same person, the Court of Directors were influenced by the consideration of its having a tendency to simplicity, energy, justice and economy."<sup>8</sup>

The District Officer now combined in his person the roles of Revenue Collector, Civil Judge and Magistrate. The concentration of authority in the District Officer made him immensely powerful local authority within his jurisdiction. Moreover, there were neither telegraphs nor railways to bring him effectively under the control of the central authority and as such he was practically uncontrolled and uncontrollable. Indeed, he was almost absolute in his own area. In the words of A. Aspinall<sup>9</sup>, "The District Officer was a semi-absolute

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<sup>8</sup> The Fifth Report On The Affairs Of The East-India Company, Vol. I, Ed. by W.K.Firminger, (Calcutta, R.Cambray & Co., 1917), p. 22.

<sup>9</sup> A. Aspinall — Cornwallis In Bengal, (Manchester University Press, 1931), p. 150.

monarch, ruling over a territory as extensive in area and population as some of the smaller countries of Europe."

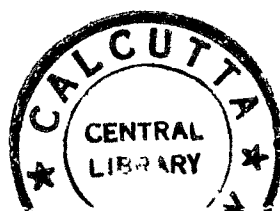
### Separation Of District Offices

Under the orders of the Court of Directors the three offices of Collector, Civil Judge and Magistrate were united in one and the same functionary. But the combination of judicial and executive functions in one person was not only unfamiliar to Lord Cornwallis but was also incompatible with his political conviction.

Accordingly, he separated in 1793 the revenue and judicial functions and placed them in different hands. The former was assigned to the Collector, and general administration including police, civil judicial and criminal judicial functions were vested in the Judge-Magistrate. The Collector was not only deprived of his judicial duties<sup>10</sup> but was also made answerable before the ordinary courts for unlawful acts done in his official capacity. He thus ceased to be an all-powerful discretionary official, and became a mere Collector of fixed public dues, being reduced to what his name implied, namely, a mere fiscal agent. In point of rank and precedence the Judge-Magistrate became superior to the Collector.

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<sup>10</sup>Regulation II of 1793 deprived the Collectors of their judicial powers.



This arrangement long continued in Bengal, one official in each district being Judge and Magistrate, and another Collector.

#### Two Schools Of District Administration

The arrangement made by Lord Cornwallis came to be known as the Cornwallis system of district administration. In contrast to this, another system was developed subsequently by a group of distinguished civilians, namely, Munro, Elphinstone, Malcolm and Metcalfe, which grew up in Madras and Bombay. This was known as the Munro school of district administration.

The main difference between the two schools of district administration hinged on the question of separation or union of judicial and executive powers at the district level. Under the Cornwallis system, the Collector was divested of his judicial functions and he was left solely with the revenue collection. Under the Munro system, all powers were concentrated at the district level in one functionary, namely, the Collector. This concentration of authority in the Collector made him the effective ruler of his district. He was practically a local governor with wide discretionary authority. The Munro system came to be known as the paternal system of district administration inasmuch as under this system the Collector virtually became the 'Ma-Bap' of the district.

In contrast to this, the Cornwallis system came to be known as the orthodox system. Under this system, there was no functionary in the district of Bengal vested with an overall responsibility for the control of governmental business within his area. This is an important point of weakness in the Bengal System, and it is for this reason the administrative system initiated by Cornwallis was put into reverse. In the language of an English writer<sup>11</sup>, "The unsoundness of the Cornwallis system was soon realised at home, and gradually the administrative tendencies initiated by him were put into reverse."

#### Divisional Commissioners

The administrative reforms of 1829-31 demonstrated the triumph of the Munro school over the Cornwallis school of district administration. These reforms aimed at restoring the vigour of district administration by creating the Divisional Commissionership with general authority over both revenue and judicial functions in a number of districts and by combining judicial and executive functions in the Collector.

In 1829, Lord William Bentinck decided<sup>12</sup> to appoint Commissioners of Revenue and Circuit. Each Commissioner was

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<sup>11</sup> Sir Percival Griffiths — The British Impact On India, (Macdonald, London, 1952), p. 163.

<sup>12</sup> By Regulation I of 1829.

placed in charge of a division embracing several districts. In addition to the supervision of revenue work which was vested in him, he was to go out in circuit as Sessions Judge. The supreme control over the police was also made over to him so that in the hands of the Commissioner all the threads of administration were collected together. Excepting civil justice, all the functions of administration were concentrated in his hands. The executive and judicial functions were thus fully combined in his hands. However, this arrangement was not to last long.

In 1831, civil judicial and magisterial functions were separated. The former was vested in the Civil Judge of the district while the latter was made over to the Collector. "For a brief period the Magistrate and Collector reappeared in Bengal."<sup>13</sup> The magistracy was united with the office of Collector, who once again became the chief administrator of the district. But in 1837 it was decided to separate the two offices. The separation was not effected all at once throughout the Province of Bengal. But by 1845, the magisterial and fiscal offices were disunited everywhere except in three districts<sup>14</sup>.

#### Final Decision On The Magistrate-Collector

It was only after the Mutiny of 1857 that the final decision on the union of the offices of Magistrate and Collector was taken.

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<sup>13</sup> The Cambridge History Of India, Vol. VI, Ed. by H.H.Dodwell, (Cambridge, 1932), p. 24.

<sup>14</sup> Parliamentary Papers : House Of Commons, Vol. XXIX, 1857, p.295.

This union had been the subject of anxious deliberation in India before it was finally resolved upon. The measure was strongly advocated by Sir Frederick Halliday, the first Lieutenant-Governor of Bengal, Lord Dalhousie and Lord Canning, and was as strongly opposed by Sir John Peter Grant. It was ultimately sanctioned by the Secretary of State for India in his despatch No.15, dated April 14, 1859, in course of which he directed:

"That the offices of Magistrate and Collector, where now disunited in Bengal, should be combined in the same person."<sup>15</sup>

The paternal system of district administration was now firmly introduced in Bengal. Henceforward the Magistrate-Collector became the head of the district as all powers were concentrated in his hands. This conception of the office of Magistrate-Collector remained basically unaltered till the end of British rule in India.

#### The Creation Of Sub-divisions

Since 1786 the district came to be the key unit of administration and so it has remained even to the present day. Other administrative units were created subsequently. The

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<sup>15</sup> Report On The Administration of Bengal, 1911-12, (Calcutta, Bengal Secretariat Book Depot, 1913), p. 46.

division came into existence in 1829. It is not to be understood that the creation of a new higher unit destroyed the importance of the district as a unit of administration. As a matter of fact, the district was a more natural unit of administration than the division, and that is why in course of time the Divisional Commissioner became "the fifth wheel in the administrative coach."<sup>16</sup>

In Mughal times, in addition to Sarkars which were roughly equivalent to modern districts there were lower administrative units called the parganas. During the greater part of the rule of East India Company administrative units lower than districts were not carved out particularly in the permanently settled areas. But gradually the need for such units came to be felt as there was no reliable means of contact with the rural population in between the districts and villages. For the better maintenance of peace and order it was considered necessary that a district should be divided into sub-divisions. As has been observed by C.E.Buckland<sup>17</sup>, "The sub-divisional system had grown up under the pressure of circumstances. The first sub-division was created at Khulna."

It was not until 1838 that the Police Committee, appointed by the Government of Bengal under W.W.Bird, had in its report recommended the creation of subordinate magisterial jurisdictions

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<sup>16</sup> L.Curtis - Dyarchy, (Oxford, 1920), p. 238.

<sup>17</sup> C.E.Buckland - Bengal Under The Lieutenant-Governors, Vol. I, (Calcutta, 1902), p. 219.

to bring the protective machinery of Government nearer to the people. By a regulation of 1843 the posts of Deputy Magistrates were created, and on receipt of the orders of the Court of Directors in 1844 the creation of sixteen sub-divisional offices in Bengal was sanctioned on an experimental basis<sup>18</sup>.

The sub-divisions were originally created in a somewhat halfhazard fashion. It took some time to establish a complete and thorough system of sub-divisions. Even in 1856 there were in the whole Province of Bengal only thirty three sub-divisional offices. Later on, with the double object of increasing magisterial control over the police and of bringing justice nearer to the doors of the people, the rearrangement of sub-divisions in the districts throughout the Province was undertaken. Each sub-division was placed in charge of a Sub-divisional Officer.

#### Bengal Districts Since 1859

Two years after the Mutiny and one year after the change over from the East India Company to the British Crown, Bengal was brought in line with other Provinces by having its districts each under a District Magistrate and Collector. Henceforward he became a representative of government in his area, who could wield undisputed authority and exercise wide discretionary

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<sup>18</sup> B.B.Misra — "The Evolution Of The Office Of Collector (1770-1947)" in The Indian Journal Of Public Administration New Delhi, Vol. XI, No. 3 (July-Sept., 1965), p. 359.

powers. In fine, he became a local governor, exercising wide-ranging superintendence over his district.

But with the passage of time, the hands of the District Magistrate and Collector became gradually tied up by laws, rules and regulations. By the end of the last century, his executive authority and wide discretionary powers had been materially reduced.

The Indian Councils Act of 1861 was followed by the passing of land revenue and tenancy laws, and by the three codes — the Penal Code, the Criminal Procedure Code and the Civil Procedure Code. All these legislations had the effect of curtailing the executive and discretionary powers of the District Magistrate and Collector. Then came the Police Act of 1861 which actually reduced his authority by constituting the police into a separate department distinct from the magistracy. The Act states inter alia<sup>19</sup>:

"The Administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such Magistrate, be vested in a District Superintendent".

At the same time, a number of technical and specialised departments made their appearance on the district scene, tending

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<sup>19</sup> The Police Act 1861, (Government of India, Ministry of Law, 1960) - Section 4, Para. 2.

to reduce further the sphere of action of the District Officer. The responsibility of the entire gamut of administration instead of being concentrated in one official, was now divided amongst a number of officials who looked to their respective departmental heads at headquarters for orders and guidance. In the language of Thompson and Garratt<sup>20</sup>, "The district administration, instead of being centred in one man, was divided amongst a number of European heads of departments, nearly all of whom looked to their provincial headquarters for orders."

The new system had a tendency to destroy the old system of direct rule of <sup>one</sup> man, namely, the District Officer. Although the technical and specialised departments in the district were not directly under his control, the District Officer continued to be responsible for the administration of the district as a whole as the chief agent of government in his area.

It was at such a time Sir George Campbell (1871-74) came as the Lieutenant-Governor of Bengal. His important official move was to strengthen the position of the District Officer. It was his wish "to render the heads of districts, the Magistrate-Collectors, no longer the drudges of many departments and masters of none but in fact the general controlling authority

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<sup>20</sup> Edward Thompson and G.T.Garratt -- Rise And Fulfilment of British Rule in India, (Central Book Depot, Allahabad, 1958), p. 427.

over all departments in each district," and to make the Magistrate-Collector "the real executive chief and administrator of the tract of country committed to him, and supreme over every one and everything, except the proceedings of the courts of Justice.<sup>21</sup>"

This clear and unequivocal primacy of the District Magistrate and Collector was an established fact in his dealings with the police in his area. But other district level departmental heads could not be so clearly brought under his control. He, however, continued to be supreme within his charge.

Incidentally, it should be mentioned that from the eighties of the last century onwards there had been gradually developing a socio-economic force that acted in two main directions, administrative and political. This found expression in the form of a growing demand of the people for the separation of the judiciary from the executive and for the extension of self-governing institutions.

The demand for the separation of the judicial and executive functions was not fulfilled during the British rule although various efforts were made. As has been

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<sup>21</sup> C.E.Buckland -- Bengal Under The Lieutenant-Governors, Vol. I, (Calcutta, 1902), p. 537.

pointed out by Dr. N.C.Roy<sup>22</sup>: "While the Indian National Congress was making a vigorous though ineffective demand for the repeal of the combination, this question was also being fought on other platforms and through other agencies."

Although District Boards and Local Boards were established<sup>23</sup> after Lord Ripon's famous Resolution on Local Self-Government of 1882, they were self-governing institutions only in name for a long time. As Hugh Tinker<sup>24</sup> has rightly observed: "Indian local self-government was still in many ways a democratic facade to an autocratic structure. The actual conduct of business was carried on by district officials, with the non-official members as spectators, or at most critics."

As a matter of fact, District Boards were little more than petty departments of the district administration. The District Officer was the ex-officio president of the District Board, and he exercised control over it of a stringent type, treating it as virtual appendage to his headquarters establishment. In other words, he exercised control from within and thus local administration absorbed local government.

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<sup>22</sup> N.C.Roy — A Monograph On The Separation of Executive and Judicial Powers In British India, (M.C.Sarkar & Sons, Calcutta, 1931), p. 34.

<sup>23</sup> District Boards and Local Boards were set up in Bengal under the Local Self-Government Act of 1885. Towards the end of British rule the Local Boards were abolished and their functions transferred to the District Boards.

<sup>24</sup> Hugh Tinker — The Foundations Of Local Self-Government in India, Pakistan and Burma (Lalvani Publishing House, Bombay, 1967), p. 70.

The position did not improve before the introduction of dyarchy under the Reforms of 1919. To borrow the language of Dr. Haridwar Rai<sup>25</sup>, "With the introduction of dyarchy, this system of control from within was substituted by that of control from without under which local bodies ceased to be part of local administration and became instead, an authority parallel to it." The District Officer, however, had the right to intervene into the affairs of the District Board under certain circumstances. That is to say, he continued to exercise control from without rather than from within. This system of control continued until the advent of the Panchyati Raj system after Independence when the District Board was replaced by the Zilla Parishad.

#### Early Years Of The Present Century

There is no gainsaying the fact that the authority of the District Officer was on the decline towards the closing years of the nineteenth century although Sir John Campbell's efforts had tended to boost up his declining authority temporarily.

The Royal Commission upon Decentralisation (1907-1909) carefully studied the position of the District Officer and found that his position had really been materially reduced.

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<sup>25</sup> Haridwar Rai — "Local Government, Local Administration And Development" in The Indian Journal Of Public Administration, New Delhi, Vol XIV, No. I (Jan.-March, 1968), pp. 89-90.

The commission underlined the unifying influence of the District Officer over the various branches of Government work in a district and emphatically recommended that his position "as administrative head of the district should be recognised by officers of all special departments."<sup>26</sup>

The Royal Commission recommended also that "the present intimate connection of the District Magistrate with the police administration of his district should in no way be weakened."<sup>27</sup> In fine, strengthening the position of the District Officer was the keynote of the recommendations of this commission.

It is to be observed that the efforts of the Commission met with little success in making the District Officer pre-eminent in the district in true sense of the term. However, he was still the supreme head of the district and the sole representative of the government in his area. He was the functionary in whom all threads of local administration were collected, directly or indirectly, and was the only channel of communication between the people and the Government. In spite of considerable weakening in his position vis-a-vis other officers of technical and specialised departments

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<sup>26</sup> Report Of The Royal Commission Upon Decentralisation In India, Vol. I, (H.M.S.O., London, 1909), Para.539.

<sup>27</sup> Ibid., Para.548.

in the district, the District Officer still wielded great authority and was identical with the Government itself within his jurisdiction. Such was the position of District Officer on the eve of introduction of dyarchy under the Montagu-Chelmsford Reforms of 1919.

#### Creation Of The Circle System

Whereas in every other Province where the land was not permanently settled there was a unit known either as tahsil or taluk lower than the sub-division, there was no such unit of administration in Bengal. In Bengal administrative devolution stopped at the Sub-divisional Officer, below whom there was no subordinate agency, other than the police, to act as a means of contact with the rural population. The usefulness of such an agency was keenly felt, and for want of it District and Sub-divisional Officers in Bengal were at a serious disadvantage.

The Bengal District Administration Committee of 1913-1914 regarded this as a flaw in the administrative organisation of Bengal and recommended that the district "would be covered with a net-work of Unions grouped into Circles, each of which would be in charge of an officer of the status of a Sub-Deputy Collector, who would live within his Circle, and whose main duty would be the supervision and control of the work of the Union panchayats. The Circle Officer might also be entrusted

with many of the miscellaneous duties which are performed by Tahsildars in other Provinces."<sup>28</sup> It should be pointed out, in this connection, that the circle system had been originally proposed by the Royal Commission Upon Decentralisation in their report<sup>29</sup> in which they had proposed for the creation of circles within sub-divisions.

After the passing of the Bengal Village Self-Government Act of 1919, which established union boards, a new unit called the circle was brought into being. A circle was to cover the area of jurisdiction of a few unions, a union being a group of villages and a unit for purposes of village self-government. An officer known as the Circle Officer was placed in charge of a circle whose duty had been not only to supervise the work of the union boards in his circle but otherwise to act as eyes and ears of the Sub-Divisional Officer. As Dr. N.C.Roy has observed<sup>30</sup>, "The Circle Officers were originally appointed with the specific purpose of inspecting and supervising the work of the Union Boards". The circle could never be developed into a full-fledged unit for general purposes.

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<sup>28</sup> Report of the Bengal District Administration Committee, 1913-1914, (Calcutta, Bengal Secretariat Press, 1914) para.115.

<sup>29</sup> Vide para. 601 of the Report Of The Royal Commission Upon Decentralisation In India, op. cit.

<sup>30</sup> N.C.Roy - Some Aspects Of Public Administration in Bengal, (University of Calcutta, 1945), p. 73.

District Administration Under The Dyarchy

The basic structure of district administration as it had so far evolved had no doubt made the District Officer the focal point of the entire administrative machinery. This was not disturbed by the Montagu-Chelmsford Reforms of 1919, which were introduced in 1921. But the disappearance of unitary control over the district administration due to dyarchical division of responsibility<sup>31</sup> all along the line from the provincial headquarters down to the district put the District Officer to difficulty in running the administration smoothly. In the words of Dr. A.K.Ghosal<sup>32</sup>: "The District Officer was often subjected to conflicting pressures in the running of the different branches of administration in the district. It put considerable strain on him and called for great tact and resourcefulness on his part to maintain the cohesion and harmony of administration.

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<sup>31</sup> Under the Reforms of 1919, the domain of provincial Government was divided into two groups of subjects, one of which was made over to Ministers chosen by the Governor from among elected members of the provincial legislature styled as the Legislative Council, while the other remained under the domain of the Governor and the Members of his Executive Council. The former came to be known as the "transferred" subjects, prominent among which were education, local government, public works, and agriculture, and the latter as the "reserved" subjects. This arrangement became known as "dyarchy".

<sup>32</sup> A.K.Ghosal - "Changing Pattern of District Administration in India" in Aspects of Democratic Government and Politics In India, Ed. by K.R.Bombwall & L.P.Chowdhury, (Atma Ram & Son, Delhi-6, 1968), p. 328.

Before the introduction of Reforms of 1919, the District Officer was the seat of power and authority. He was the embodiment of Government itself within his jurisdiction. Under the new set-up, there had been a contraction of the influence and authority of the District Officer. The changed set-up accentuated the tendency to make departmental activities in the district independent of the District Officer, especially in the transferred departments. Again, it brought political influences to bear on district administration and thereby changed the position of the District Officer. At the same time, the old image of the District Officer started undergoing a change inasmuch as he ceased to be the sole guardian of the people. As has been truly remarked by Dr. Haridwar Rai<sup>33</sup>, "Under the new set-up, politicians were gradually to become the guardians of the public interest. The people were to learn to look to them for the redress of their grievances rather than to the District Collector."

Besides, whereas under the old set-up the views of the District Officer had carried much weight on matters of policy, under the dyarchical set-up the views of the legislature and the politicians came to carry more weight on such matters.

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<sup>33</sup> Haridwar Rai -- "Institution Of The District Collector" in The Indian Journal Of Public Administration, New Delhi, Vol. XI, No.3 (July-Sept., 1965), p. 659.

§ To quote the language of an official report<sup>34</sup> on the subject:

"Under the old constitution the advice of the local officers was sought on questions of policy, and reliance was placed on the advice they gave. Under the new system, although the local officers are still consulted, the views of the Legislative Council and local politicians carry more weight than before, and the decisions on both questions of policy and matters of local importance are often governed by considerations of political expediency. The result has been a contraction of the influence of the local officer both in relation to government and in local affairs."

Under the Reforms the greatest change in district administration was brought about by the adoption of the policy of transferring local self-governing bodies to popular control. In Bengal this principle had already been adopted. Since the time the municipalities were created<sup>35</sup>, there were municipalities with non-official chairmen, but in all the district headquarters towns the District Officers were the chairmen. They were gradually replaced, and by 1921 all were replaced by non-official Chairmen. In the case of district boards, the

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<sup>34</sup> Government of Bengal - Report on the Working of the Reformed Constitution in Bengal, 1921-27, (Calcutta, Bengal Secretariat Book Depot, 1929), para. 276.

<sup>35</sup> In Bengal Municipalities were created under the Bengal Municipal Act of 1884.

change came later. In 1917 five district boards for the first time elected their chairmen, and by 1921 the privilege was extended to the remaining district boards.

Thus, when the Reforms were introduced in 1921, the District Officer had already been excluded from direct participation in the work of these local bodies, though he retained the right to inspect them and intervene in their affairs under certain circumstances. Needless to say, by ceasing to be chairman of the district board, the District Officer lost a wide sphere of activity and his influence.

The net result of the dyarchy was that the District Officer was being reduced to a co-ordinating agency instead of a unifying agency that had obtained so far. But, he still remained the focal point of the entire district administration, representing the government as a whole in his area. As has been observed by S.S.Khera<sup>36</sup>, "In spite of the division of political and administrative powers and responsibilities under dyarchy, the residuary representation, the total presence of Government as a whole continued in fact to be contained within the old apparatus of the district administration."

#### The Impact Of Provincial Autonomy

The inauguration of provincial autonomy under the Government of India Act, 1935, dispensed with the dyarchical

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<sup>36</sup> S.S.Khera — District Administration In India, (Asia Publishing House, Bombay, 1964), p. 249.

government as also dyarchical administration. The provincial Government under this Act was based on the principle of collective responsibility of the Ministers, who were accountable to the legislature for the whole range of governmental business.

However, after the abolition of dyarchy the unified control in the district administration was not restored. Although as the local agent of the Government the District Officer became responsible for the whole gamut of district administration, his position weakened considerably because of growing tendency of independent and uncoordinated action by the heads of various technical departments at the district level. He had really little or no control over them. He became something of a jack of all trades. The position of the District Officer in relation to the heads of various technical departments in the district has been beautifully described by the Bengal Administration Enquiry Committee of 1944-1945,<sup>37</sup> commonly known as the Rowlands Committee, thus :-

"The present position is, in our judgment, thoroughly unsatisfactory, from the point of view of the District Officer himself as well as from the point of view of efficiency of the Government machine and the welfare of the people in the District.

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<sup>37</sup> Report of the Bengal Administration Enquiry Committee, 1944-45, (Bengal Government Press, Alipore, 1945), para. 65.

The lot of the District Officer, like that of the comic opera policeman, is not a happy one. He is expected to see that nothing goes wrong in his District, but he has little power outside the Magistrate and Collector field to see that things go right."

Prior to the inauguration of provincial autonomy, the District Officer had been concerned mainly with the maintenance of public order, administration of justice, collection of revenue, and maintenance of records. New dimensions were now added to these functions by including activities like rural development and cooperative movement. As has been observed by the Study Team On District Administration<sup>38</sup>: "The pattern of district administration was, therefore, taking on a different colour; from his traditional functions, the District Officer now had to interest himself in entirely new activities like rural development."

It must, however, be pointed out here that the pattern of district administration was not basically changed during British regime. As a matter of fact, the welfare and uplift of the people took a secondary place in the scheme of governance, the main emphasis being on the maintenance of law and order and the collection of revenue. In other words, the administration took the role of a policeman's administration.

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<sup>38</sup> Government of India - Administrative Reforms Commission - Report Of The Study Team On District Administration, 1967, (Manager, Government of India Press, Delhi-6, 1968), p. 10.

Even during the closing years of British rule when social and economic activities were undertaken under the pressure exerted by an emerging nationalism in this country, the main emphasis of the administration continued to be on the maintenance of law and order and the collection of revenue. All through the period of nationalist movement a pressure continued to persist on the alien rulers for a shift in the emphasis. But, the actual materialisation of this shift had to wait till the attainment of Independence.

This is the story of evolution of district administration since its origin in the early days of British rule. The district administration in India was, in fact, created by land revenue. The splitting up of the territory into districts was on account of it. A rough administrative expediency based mainly on revenue collection was the main guide. As has been said by M. Ruthnaswamy<sup>39</sup>: "Not tribal settlements, nor historical influences, nor political considerations — such as created the English county or the French province of the ancient regime — created the Indian district. It was the offspring like the French department of the Revolution of administrative convenience."

Though originally a unit of revenue administration, the district came to be a unit of general administration as well

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<sup>39</sup> M. Ruthnaswamy — Some Influences That Made The British Administrative System In India, (Luzac & Company, London, 1939) p. 321.

from the very outset. In the last decades of the nineteenth century, a number of special departments came into existence, and they all adopted the district as the administrative area for their field operations. All agencies of these departments operating in the district came under the coordinating discipline of the District Officer, being the executive head and responsible for the general administration of the district.

Prior to the introduction of dyarchy, the district could not become a full-fledged unit of local government, it was only a unit of local administration. Because the district board was then like any other branch of the collectorate. As a matter of fact, local administration absorbed local government. With the adoption of the policy of transferring local self-governing bodies to popular control under the dyarchy, the district really came to be a unit of local government, besides being a unit of local administration.

The district thus became a convenient geographical unit for all purposes. There was, however, no fixed principle for the delimitation of district boundaries. During the last century, frequent variations occurred in the jurisdictions of districts. To borrow the language of R.N.Gilchrist<sup>40</sup>: "Historically, districts have been frequently changed in area, and

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<sup>40</sup> R.N.Gilchrist - The Separation Of Executive And Judicial Functions, (Calcutta University, Calcutta, 1923), p. 12.

their subdivisions altered. New districts have been carved out of previously unwieldy districts, and new combinations of districts have been created for the wider unit of the Division." But the district continued to be the pivotal unit of administration with the District Officer as its pivot.

The concept of district administration as we understand it nowadays is the outcome of a gradual process of evolution. It is indeed a dynamic concept, and not a static one. The history of evolution of district administration clearly suggests that the institution of District Officer, which constituted the backbone of British administration in India, experienced many ups and downs during the long course of its history of nearly two centuries. This institution has undergone remarkable changes even after Independence and is still facing further changes as Independence has brought about a change in the fundamental aims of district administration.

## CHAPTER IV

District Administration Before IndependenceThe Unit Of Administration

Till the achievement of our Independence on August 15, 1947, district administration constituted a pivotal factor of British rule in India. The district was the centre of rule and the District Officer was the central figure in the structure. In the words of Leo M. Snowiss<sup>1</sup>, "Indeed, it was the district which was the centre of rule and the district officer was the kingpin in the structure — he was responsible for the good training of the young recruits and for the good administration of the country."

Throughout British India the district was the unit of administration. The District Officer, whether known as Collector, District Magistrate or Deputy Commissioner, was the responsible head of his area. Upon his energy and efficiency depended ultimately the effectiveness of British Imperialism in India. Ramsay MacDonald<sup>2</sup> characterised the District Officer thus: "If the Viceroy is the ceremonial symbol of British

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<sup>1</sup> Leo M. Snowiss — "The Education and Role of the Superior Civil Services in India" in The Indian Journal of Public Administration, New Delhi, Vol. VII, No. 1 (Jan-March, 1961), p. 17.

<sup>2</sup> J. Ramsay MacDonald - The Government Of India, (The Swarthmore Press Ltd., London, 1918), p. 95.

Crown in India, it is the Collector who is the seat of authority so far as the mass of the people is concerned." To speak the truth, the District Officer was the embodiment of British Indian Government in his area. He constituted the eyes, ears as well as arms of the Government. As its representative, he acted as the link between the Government and the people, and nothing of any importance was supposed to happen in the district without his knowledge. In fine, he was the pivot of Imperial rule in this country. He was, as a rule, a member of the Indian Civil Service, commonly known as the I.C.S.

#### The District Magistrate

On the eve of Independence there were as many as 28 districts in Bengal. It may be pointed out, in this connection, that at the time of permanent settlement, Bengal was divided into 16 districts<sup>3</sup>. At the head of each district there was an officer called the District Magistrate. But there was an exception to this general rule. The heads of certain districts like Darjeeling and Jalpaiguri were called Deputy Commissioners. They were so called inasmuch as they were to exercise certain special powers in view of the special conditions of those districts. The head of each

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<sup>3</sup> Monmohan Chakrabatti - A Summary Of The Changes In The Jurisdiction Of Districts In Bengal, 1757-1916, (The Bengal Secretariat Press, Calcutta, 1918), p. 28.

district, whether known as District Magistrate or as Deputy Commissioner, was both District Magistrate and Collector.

As District Magistrate, the District Officer was responsible for the maintenance of law and order and also for the prevention of disorder as well as its suppression within his jurisdiction. For this purpose, he was assisted by the Superintendent of Police, who administered the local police under the general control and direction of the District Magistrate. The Superintendent of Police was responsible for the discipline and working of the police force. In matters relating to the detection and suppression of crime and the peace of the district he was under the control of the District Magistrate, but he was directly subordinate to his departmental head in so far as the internal management of the police force was concerned. In terms of the Police Regulation of Bengal, 1943, the District Magistrate was in overall control of the criminal administration of the district and as such he exercised supervisory powers over the District Superintendent of Police. Moreover, it was the District Magistrate who appointed public prosecutors.

As the chief Magistrate of the district, he had to supervise the administration of lower criminal justice within his jurisdiction. He had complete control over other Magistrates stationed in the district, in terms of the powers

*Section 146*

vested in him under the Criminal Procedure Code as the District Magistrate. Under this code he might try criminal cases himself and hear appeals against judgments of Magistrates who exercised second class or third class powers. As a Magistrate of the first class, the District Magistrate could imprison for two years and fine upto Rs.1,000; but in practice he did not try many criminal cases, though he supervised the work of all other Magistrates of the district.

It is worthy of note, in this context, that as District Magistrate the District Officer was the head policeman, chief of prosecution, and chief of the district magistracy. As head policeman, he directed the police enquiry, received police reports and then formed opinion on them. As chief of prosecution, he appointed public prosecutors of the district. As chief of the district magistracy, he tried those very cases himself or got them tried by other Magistrates of the district over whom he had complete control.

*judicial?*

Public opinion in India was highly critical of this system of criminal judicial administration on the ground that it clearly violated all maxims of justice and equity. It was in the interests of the foreign rulers to entrench the executive authority by bestowing upon it some judicial functions as well. Hence, the separation of lower criminal judiciary from the executive was not effected, inspite of insistent demands of the people, till after Independence.

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As collector, the District Officer was responsible for the collection of all Government dues, particularly land revenue and, in appropriate cases, forest revenue. Apart from the duties immediately connected with the assessment and collection of land revenue, he was concerned with all matters affecting the condition of the peasantry. He adjudicated on rent and other disputes between the landlords and the tenants and he made loans on behalf of the Government for (agricultural purposes.) The maintenance of land records and collection of diverse statistics at the village level constituted his important duties.

Definite?  
definite?

Although in Bengal the landlords paid their revenues fixed by Lord Cornwallis's permanent settlement, there were large government estates which were managed by the Collector, and he had also charge of the private estates held by the court of wards in trust for minors and other persons. Besides these, he was responsible for the management of the district treasury, into which the revenue and other public receipts were paid, and from which all local disbursements were made.

As the executive head of the district and the chief representative of the Government, he exercised many residuary powers. He was in overall charge of the administration of the district and as such he was required to coordinate the activities of various special and technical departments in the district.

*Some repetitions  
in this chapter*

But, anything which was nobody else's assigned job was cast upon him. He was, indeed, "the administrative maid-of-all work."<sup>4</sup>

With the introduction of the Reforms of 1919, the District Officers did not have too much power to interfere with the working of Municipalities and District Boards. Communications to and from these local self-governing bodies were, however, routed through the District Officers. They could also inspect local bodies and intervene into their affairs under certain circumstances.

The District Officer was to discharge manifold duties and shoulder immense responsibilities. He was, however, assisted in his work by a band of officers who would work under his controlling and directing authority. To quote the words of an English writer<sup>5</sup>: "Authority is concentrated in him, but he is not a super-man and does not therefore deal with the minutiae of administration, which he leaves to the officers under him; his part is that of a controlling and directing authority, seeing that others do their duty as well as doing his own."

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<sup>4</sup> L.Curtis -- Dyarchy, (Oxford, 1920), p. 225.

<sup>5</sup> L.S.S.O'Malley -- The Indian Civil Service, 1601-1930, (John Murray, London, 1931), p. 163.

### The Divisional Commissioner

A number of districts had been grouped into a bigger unit of administration known as the division. At the head of each division there was an officer called the Commissioner. In undivided Bengal there were five administrative Commissioners' divisions, namely, the Presidency Division, the Burdwan Division, the Dacca Division, the Chittagong Division, and the Rajshahi Division.

A similar system prevailed in other parts of British India, with the exception of Madras, where there were no Commissioners. In that province the District Officers communicated directly with the Government, except in revenue matters, on which they made their reports through the Revenue Board.

The Divisional Commissionership was first established in Bengal (1829) and eventually appeared in every province except Madras. He was then known as Commissioner of Revenue and Circuit, and had a criminal as well as a revenue jurisdiction. But in 1831, his criminal work was handed over to the District Judge, and henceforward he was an appellate authority in certain revenue cases only.

He was also closely concerned with court of wards administration and the local bodies; while he acted as friend, philosopher and guide to the District Officers within his

jurisdiction, and was constantly called in to advise the Government. The Commissioner was some sort of a liaison officer between the Government and the District Officers in charge of the districts within his division. He exercised supervision over the District Officers, and nothing of importance could happen without his knowledge in the districts inasmuch as all communications between the District Officers and the Government passed through his hands.

While the Indian people regarded the Divisional Commissioner as useless, the official view was just the reverse. This has been described by Sir Edward Blunt<sup>6</sup> thus : "They describe him as a mere post office, or as a fifth wheel in the coach. But no mail bag passes through him without his adding to its contents: Whilst in modern conditions few motor-cars can do without a spare wheel. One thing is certain, that neither Government nor his district officers could do without him."

#### The Sub-Divisional Officer

In running the administration of his district, the District Officer had to depend largely upon the Sub-Divisional Officers. A district had been split up into a number of subdivisions, each in charge of one of the District Officer's

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<sup>6</sup> Sir Edward Blunt — The I.C.S., (Faber And Faber Ltd., London, 1937), p. 121.

assistants, either a junior member of the I.C.S., or a Deputy Collector who belonged to the provincial civil service. The head of a sub-division was known as the Sub-Divisional Officer.

In Bengal, the Sub-Division was the lowest administrative unit, but in most provinces it was broken up into tahsils or taluks, under officers of the subordinate civil service, who were called Mamlatdars in Bombay and Tahsildars elsewhere.

There was, however, in Bengal a unit below the sub-division called the circle. An officer styled as the Circle Officer was placed in charge of a circle. But, the circle did not develop into a full-fledged unit for general administration, although the Circle Officer was to discharge some responsibilities relating to the general administration. The Circle Officer was in the main concerned with supervision of the work of the union boards within the circle.

Before partition, there were 82 sub-divisions<sup>7</sup> in Bengal. The sub-division was a replica of the district headquarters in its smaller sphere. The Sub-Divisional Officer was likewise a miniature District Officer in his own sphere. He possessed full revenue and magisterial powers, and within his sub-division he did practically the same kind of work as the District Officer, subject to the latter's superintendence and control.

*wh. to which  
Revenue  
S.D.Os  
belong*

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<sup>7</sup> Monmohan Chakrabarti - op.cit., p. 28.

By the by, judicial powers exercisable by the District Officer or the Sub-Divisional Officer were mainly carried out not by themselves, but by officers respectively subordinate to them. For, much of their time was spent in the conduct and supervision of administrative affairs. They would go about touring, the District Officer throughout the district and the Sub-Divisional Officer throughout the sub-division, for the greater part of the year. In the course of these tours they supervised the work of their subordinates.

Like the District Officer, the Sub-Divisional Officer was assisted in his work by subordinate officers and assistants. Like the former, the latter might divide his work between himself and the subordinate officers, but he could not divide the responsibility. That was his.

*Mention  
Use  
Officers  
for their  
functions  
in detail*

The foregoing paragraphs give an outline of district administration at different levels in the province of Bengal on the eve of Independence.

### Birth Of West Bengal

West Bengal came into existence on August 15, 1947, with the partition of Bengal. The British, at the time they withdrew from India, ordered the partition of the country — one part being known as India and the other as Pakistan. The province of Bengal came to be divided into two parts, roughly in the

proportion of three to five, in accordance with the terms of Radcliff Award — one part being known as West Bengal and the other as East Pakistan. Incidentally, it may be mentioned that an independent state in the name of Bangladesh came into existence in 1971 in the territory of East Pakistan.

The partition in 1947 palmed off to West Bengal a truncated territory leaving its northern part without any link with the rest of it until the Reorganisation of States in 1956 bridged the gap by transferring to West Bengal a strip of land from the Purnea district of Bihar. The district of West Dinajpur<sup>8</sup> as it exists today was thus constituted in 1956 with the addition of portions of Purnea district in Bihar. Also with the State's Reorganisation West Bengal received from Bihar a stretch of territory consisting of a part of the Manbhum district in the Chotonagpur plateau. The district of Purulia was created on the 1st November, 1956 with this territory transferred to West Bengal from Bihar under the Bihar and West Bengal (Transfer of Territories) Act, 1956<sup>9</sup>.

In January, 1950, the princely state of Cooch Behar merged into the State of West Bengal and became one of its

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<sup>8</sup> The district of West Dinajpur came into existence in August, 1947, with the partition of Bengal. The dividing line passed through the district of Dinajpur, the portion lying to the west of the line being named West Dinajpur.

<sup>9</sup> Census Of India 1961, Vol. XVI : West Bengal & Sikkim, Part I -A - General Report, Book (i) Population Progress, (Manager of Publications, Delhi, 1967), p.90.

administrative district. The former French possession of Chandernagore was transferred to India in 1949-50 and this was made a part of the Hooghly district of West Bengal under the Chandernagore (Merger) Act, 1954.

Thus, we find that after the partition two new districts, namely, Cooch Behar and Purulia, came into being and the areas of some districts were enlarged.

#### Area And Population

With an area of 87,853 square Km. West Bengal is the second smallest State in India, larger only than the State of Kerala (38,864 square Km.). According to the census of 1971<sup>10</sup>, the population of West Bengal is 44,440,095. The State ranks fourth in the country in terms of population size, with Uttar Pradesh, Bihar and Maharashtra ahead of it. The people of this State form 8.12% of the population of the country. The area of the State constitutes only about 2.7% of the area of the country.

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Census Of India 1971, Series 18: West Bengal, Paper I of 1971: Provisional Population Totals, (Director of Census Operations, West Bengal, 1971), p. 25.

## CHAPTER V

New Horizon Of District AdministrationA Turning Point

The date of attainment of Independence is indeed a turning point in the overall character of the Indian administrative system as also of the structure and organisation of district administration which forms, as it were, the base of that system. Prior to that date the administration in this country was no more than a policeman's administration when the people were deprived of even the essential necessities and basic amenities of life. To speak the truth, the administration during the British regime was mainly an instrument to keep up the hold of alien rulers on the native people for exploitation of human and material resources in the interests of the ruling party.

With the advent of Independence, the idea of a police state was replaced by that of a welfare state. The ideas of public welfare came to inspire our national leaders and definite schemes came to be formulated on a comprehensive basis for the promotion of social and economic well-being of the masses, which came to take the shape of national plans.

The ideal of a welfare state was given added significance by the framers of the fundamental law of the land that came into force on January 26, 1950. This ideal has been outlined in the

Preamble to our Constitution and elaborated in the chapter on the Directive Principles of State Policy.

In conformity with the Directive Principles of State Policy as embodied in the Constitution, the State is to secure a social order for the promotion of welfare of the people<sup>1</sup>. This directive bears a clear imprint of the ideal of a welfare state. In addition to this, there are two other directives which have the impact on district administration. One is to organise village panchayats as units of self-government<sup>2</sup> and the other is to separate the judiciary from the executive at the lower levels<sup>3</sup>.

What  
about  
development  
of village

#### A. New Horizon

Thus, a new horizon has been set for the reorganisation of district administration in the wake of Independence. In the context of adoption of the ideal of a welfare state and of objectives enunciated in the Constitution, significant changes have come in district administration.

As a corollary of the transformation of a police state to a welfare state, a complete reorientation of the concept

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<sup>1</sup> The Constitution Of India, Art. 38.

<sup>2</sup> Ibid., Art. 40.

<sup>3</sup> Ibid., Art. 50.

of district administration has taken place, the main emphasis now being on development activities. To borrow the language of S.Jambunathan<sup>4</sup>: "The 'district' which emerged as the basic territorial unit for administration during the colonial days has continued to play that role even today, with the added emphasis that it is now developing as the unit for planning and implementation of our welfare and development schemes also."

Before Independence, the collection of revenue and the maintenance of law and order were the main responsibilities of the District Officer. With the advent of our Independence, he has to devote much attention to the development activities in addition to his traditional duties relating to the revenue and general administration. A writer<sup>5</sup> has rightly observed in this context: "The changing role of the District Officer flows essentially from the transition from the minimum government to the optimum government, from the regulatory-cum-revenue administration in a basically feudal and static society to the welfare and development administration in a democratic set-up, geared to planned economic progress."

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<sup>4</sup> S.Jambunathan - "Crucial Role For The District" in the Commerce, (Bombay-20), Annual Number 1969, Vol. 119, No.3061, p. 128.

<sup>5</sup> A.K.Datta - "The Changing Role of the District Officer in West Bengal" in The Changing Role Of The District Officer, Ed. by A. Avasthi, (The Indian Institute of Public Administration, New Delhi, 1965), p. 149.

### Community Development

After Independence when the State switched over to the requirements of a welfare state, the District Officer was given the role of a captain and coordinator of the development activities of the district. "The community development programme further highlighted his role in planning, development and coordination."<sup>6</sup>

The Community Development Programme was started on October 2, 1952 with the object of bringing about an integrated development of the rural side with people's initiative and participation. This programme was initiated in selected rural areas, which came to be known as development blocks. Before this programme, there was no coordinated approach to village life as a whole as rural development was then thought of largely in terms of particular items of improvement in village life.

### National Extension Service

Another programme, namely, National Extension Service Programme was put into operation in the following year for the upliftment of the rural masses of India. "This programme was

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<sup>6</sup> B. Mukherjee — Community Development In India, (Orient Longmans, Bombay, 1967), p. 162.

initiated with a view to removing the mental lethargy of the rural people."<sup>7</sup> The two movements were complementary. The Community Development was the method and the National Extension the agency through which the Five Year Plans aimed at transformation of the social and economic life of the villages.

*Programme*

The Community Development programme was in the nature of a nation wide movement. In this movement the prime necessity of a total and integrated approach to the multiplicity of problems in rural areas was recognised for the first time. Therefore, in order to secure such an approach, a specialised machinery designated as National Extension Service was devised and introduced as a permanent basis of rural administration. The National Extension Service is composed of a team of Extension Officers in different fields, with the Block Development Officer at the top, who is to ensure proper coordination and implementation of the various programmes of the nation-building departments of Government in an integrated manner.

The Community Development Programme by its novelty of concept and approach created enthusiasm in the rural areas and caught the imagination of the people. The result was that there was a great demand for extension of the programme to new areas. The programme was taken up in phases in selected development blocks initially by the introduction of a National Extension

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<sup>7</sup> Rajeshwar Dayal - Panchayati Raj In India, (Metropolitan Book Co., Delhi-6, 1970), p. 5.

Service programme. Each block had to pass through two phases of development, namely, National Extension Service and Community Development. The National Extension Service phase began with the posting of the National Extension Service personnel in the block which was accepted as the unit of development. A small programme of development was also taken up during this phase to consolidate and reinforce the Extension Agency. After a block functioned for sometime as a National Extension Service block and attained a suitable level of development, it was taken up for intensive development under the Community Development Programme.

The National Development Council introduced a revised programme with effect from April 1, 1958. Under this revised programme, the distinction between the National Extension Service and Community Development phases of a development block was abolished and a combined phase of intensive development was introduced.

These developments have "emphasised the need for giving an altogether fresh orientation to district administration."<sup>8</sup> The district is still the most important single unit of administration. As before, district administration is concerned with the maintenance of law and order and the collection of revenue, but now it derives its significance from its role in

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<sup>8</sup> Government of India, Planning Commission - The First Five Year Plan (1953), p. 128.

developing the socio-economic conditions of the rural masses. In the changed context the primary emphasis in district administration has been on the implementation of rural development programmes in close cooperation and active support of the people. In the language of the Planning Commission<sup>9</sup>, "With the acceptance of a Welfare State as the objective the emphasis in district administration has come to be placed overwhelmingly on development activities."

### Panchyati Raj

It was one of the basic aims of the Community Development Programme to evoke popular initiative among the people and to inculcate in them a sense of participation in the community welfare activities. When the programme failed to account for any satisfactory progress in this direction, a study team under the chairmanship of Balwantray Mehta was sent up in 1957 to examine the various aspects of the programme in general and the nature and extent of people's participation.

The study team advocated the idea of democratic decentralisation which later was interpreted in terms of Panchayati Raj. It laid emphasis on the decentralisation of power and responsibility which had not yet taken place below the State level. It,

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<sup>9</sup> Government of India, Planning Commission - Second Five Year Plan (1956), p. 148.

therefore, recommended the setting up of an inter-linked three-tier structure of local self-governing bodies at the village, block and district levels and the entrusting of all planning and development activities to these local bodies.

*Work*  
*with an*  
*election*  
*committee*

The recommendations of the Mehta study team was endorsed by the National Development Council. It was, however, left to the States to work out the structure of Panchayati Raj, suitable to their local conditions. Accordingly, different patterns have been evolved in different States.

### Two Patterns

Broadly speaking, two patterns of district administration have emerged as a result of the inauguration of the Panchayati Raj system. One is the Maharashtra and Gujarat pattern where regulatory functions have completely been separated from development functions by an arrangement whereby all district level officers of development departments have been placed under the administrative control of the Zilla Parishad, an I.A.S. officer has been appointed as the Chief Executive Officer of the Zilla Parishad, and administrative control of all officials of the Zilla Parishad is exercised through him.

The other pattern is the one that obtains in other States. In these States, the District Officer continues to look after

both the regulatory functions and the development functions. The position of the District Officer, however, varies from State to State. While in some of these States he is associated with the Zilla Parishad with or without the right to vote, in others he has been kept outside the Zilla Parishad. A very important question that naturally arises is : What should be the position of the District Officer in the scheme of Panchyati Raj ? Should he be inside the Panchayati Raj institutions ? Or, should he watch their working from outside acting as their friend, philosopher and guide and, occasionally censor ?

It is really difficult to decide at this stage as to what will be the best role for the District Officer to play in the scheme of Panchayati Raj. But in the near future it will perhaps be possible to adopt a common role for the District Officer applicable to each and every State in the country.

Needless to say, Panchayati Raj has brought about a radical change in the traditional form of district administration. It has come to be a new instrument of local self-government and of socio-economic development of the rural masses in the district. According to the Planning Commission<sup>10</sup>, it has "provided a new dimension to rural development and introduced a structural change of considerable importance in the district administration."

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<sup>10</sup> Government of India, Planning Commission — Fourth Five Year Plan 1969-74, (1970), p. 229.

### Twin Features

The new set-up of district administration consequent upon the introduction of Panchayati Raj may be characterised by the twin features of continuity and change. New institutions and offices have been created and woven into the pre-existing structure of district administration not only adding to the complexity of the administrative process, but also raising the problem of reordering the values and attitudes and of the old order fitting into the new one.

One of the consequences of the new set-up is that the role of the District Officer has been altered to one of a coordinator and adviser, devoid of any powers of decision-making or intervention in respect of development administration in the district. "The role of coordinator and adviser is radically different from that of the 'maa-baap', the all-powerful arm of the State Government."<sup>11</sup>

The advent of the Panchayati Raj system has thus a far-reaching effect on district administration. It has raised the fundamental question of the future role and status of the District Officer in the field of district administration.

### Separation of Judiciary

The separation of the judiciary from the executive has too an impact on district administration. It has affected the powers

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<sup>11</sup> R.H.Retzlaff — "Panchayati Raj In Rajasthan" in The Indian Journal Of Public Administration, New Delhi, Vol. VI, No. 2 (April-June, 1960), p. 147.

of the District Officer and the Sub-Divisional Officer in the field of criminal judicial administration.

Article 50 of the Constitution of India lays down a Directive Principle of State Policy saying that the State shall take steps to separate the judiciary from the executive in the public services. In pursuance of this directive, in one form or the other, the judiciary has been separated from the executive in almost all the States. For the discharge of magisterial functions of a purely judicial character, a separate hierarchy of Judicial Magistrates has been created in the district. By and large, cases under the Indian Penal Code are now tried by Judicial Magistrates but cases under the preventive sections of the Code of Criminal Procedure are tried, as heretofore, by Executive Magistrates.

The principle on which the separation of judiciary is advocated is that if judicial functions are discharged by the executive, the people will have little faith in the administration of justice. The real purpose of separation is to ensure independent functioning of the judiciary freed from all suspicion of executive influence and control, direct or indirect. Another purpose is to ensure that Judicial Magistrates will devote their time entirely to judicial duties and this fact will lead to efficiency in the administration of justice.

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### Movement For Separation

The movement for separation of the judiciary from the executive has a long history. The separation of judicial and executive functions has been consistently urged throughout a long series of years alike by the Indian press and by public bodies and individuals well qualified to represent Indian public opinion.

Ever since the year 1886, the Indian National Congress has emphasised the urgency of a complete separation of executive and judicial functions and called for its implementation from year to year. In 1899, a body of distinguished men including Lord Hobhouse submitted a memorial to the Secretary of State for India urging upon him the need for carrying out of this reform. This memorial came to be known as Lord Hobhouse's Memorial. A number of schemes<sup>12</sup> for the separation of judicial and executive functions were prepared by distinguished men like R.C.Dutt, Sir Harvey Adamson and P.C.Mitter.

After the inauguration of the Reforms of 1919, the Provincial Legislative Councils took up the matter and in several Provinces including Bengal, Committees were appointed

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<sup>12</sup> R.C.Dutt's scheme of 1893, Sir Harvey Adamson's Scheme of 1908 and P.C.Mitter's Scheme of 1913 will be found in Part IV, Part V and Part I respectively in P.C.Mitter's book entitled "The Question of Judicial and Executive Separation", (Calcutta, Bee Press, 1913).

with a view to working out the scheme for the separation of executive and judicial functions. In Bengal, a Committee on the separation of executive and judicial functions was appointed by the Governor-in-Council in August 1921 in response to a resolution which had been carried at the meeting of the Bengal Legislative Council held on April 5, 1921. In recommending a scheme of separation for adoption, the Committee observed, "We see no practical difficulty in effecting a separation of judicial and executive functions."<sup>13</sup> Needless to mention, the recommendations of this and similar other Committees remained unimplemented obviously in the interest of the alien rulers. In fact they were opposed to the separation of judicial and executive functions of the District Magistrate. They argued that the prestige of the District Magistrate would suffer and his authority would be weakened if he, who controlled the police and was responsible for the peace of the district, was deprived of control over the Magistrates who tried police cases. But the most important consideration that weighed with the foreign rulers was the intention not to destroy the image of the "Bara Saheb."

So insistent was the public feeling in the matter of separation of the judiciary that when the present Article 50 of the Constitution was being debated in the Constituent

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<sup>13</sup> Report of the Committee on the Separation of Executive and Judicial Functions in the administration of Bengal, (Government of Bengal, 1922), p. 6.

Assembly, there was a considerable body of opinion in favour of fixing a time-limit of three years in the Article itself for carrying out the separation<sup>14</sup>.

Prior to the separation of the judiciary from the executive, the District Officer, as the Chief Magistrate of the district, had to supervise the administration of lower criminal justice within his jurisdiction. He had complete control over other Magistrates stationed in the district in terms of the powers vested in him under the Code of Criminal Procedure as the District Magistrate. Under this code he might try criminal cases himself and hear appeals from Magistrates with second or third class powers. In the sub-division, the Sub-Divisional Officer could try criminal cases as a Magistrate with first class powers, and inspect the criminal courts of the sub-division, which might also be inspected from time to time by the District Magistrate.

It is worthy of note, in this connection, that the Criminal Procedure Code was amended by a central legislation in 1955. The reason for this amendment was to prevent appeals from sentences of Magistrates with second or third class powers being dealt with by a District Magistrate.

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<sup>14</sup> Fourteenth Report of the Law Commission Of India, Vol. II, (Ministry of Law, Government of India, 1958), p. 851.

Impact Of Separation

With a view to effecting separation of the judiciary from the executive, different legislations have been enacted in different States. Under these legislations, by and large, the trial of criminal cases has been transferred to Judicial Magistrates, while the trial of cases under the preventive sections of the Criminal Procedure Code has remained with the Executive Magistrates, including the District Magistrate.

As a result of this separation, the role of the District Magistrate has been altered quite substantially. He ceases to control the criminal courts of the district and has to remain contented only with the preventive sections of the Criminal Procedure Code. But, he is not completely relieved of his judicial work. If the trial of cases under the preventive sections of the Criminal Procedure Code is also transferred to Judicial Magistrates, as has been done in Tamil Nadu, the District Magistrate and other Executive Magistrates may become purely executive officers. If this is done, the separation will be complete and effective. To borrow the language of Dr. Haridwar Rai,<sup>15</sup> "Should this happen, the maintenance of law and order and the enforcement of the regulatory and preventive

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<sup>15</sup> Haridwar Rai — "The Separation Of The Executive And Judicial Functions Of The District Magistrate" in The Journal Of The National Academy Of Administration, (Mussoorie), Vol. XI, No. I, 1966, p. 22.

provisions of some of the laws through the instrumentality of the police will remain the sole magisterial function of the District Magistrate."

It may be argued that if the trial of the Indian Penal Code cases could be entrusted to the Judicial Magistrates, why they cannot be trusted with the cases relating to preventive sections under the Code of Criminal Procedure. The Administrative Reforms Commission wants the process of separation of judicial and executive functions to be completed so that the District Magistrate can be completely relieved of the judicial work that presently comes to him<sup>16</sup>.

It may also be argued that if the Executive Magistrates including the District Magistrate are completely divested of judicial powers, it will have a perceptible impact on police administration. For, they will then have hardly any relationship with the police except in a superficial manner and that too in the maintenance of law and order only. This will have far-reaching consequences on the District Magistrate's general control and direction over the administration of the police in the district. To borrow the language of G.C.Singhvi<sup>17</sup>, "Actually once judiciary is wholly separated from the executive, the institution of the executive magistracy, including the District Magistrate, may become also anachronistic."

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<sup>16</sup> S.R.Maheswari — The Administrative Reforms Commission, (Lakshmi Narain Agarwal, Agra, 1972), p. 91

<sup>17</sup> G.C.Singhvi — "Recent Trends And Developments In Police Administration In India" in The Indian Journal Of Public Administration, New Delhi, Vol. XVII, No.3 (July-Sept., 1971), p. 504.

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Observation

It has to be observed that the District Magistrate and other Executive Magistrates should be completely relieved of their judicial powers in order to make the separation of lower criminal judiciary complete and effective in those States where this has not been done. The argument that complete separation of the judiciary will have a far-reaching impact on police administration does not appear to be tenable in view of the fact that even after such separation the District Magistrate will continue to exercise general control and direction over the police administration in the district, as before.

If the judiciary is wholly separated from the executive, the Executive Magistrates, including the District Magistrate, will be completely relieved of their judicial work. The time and energy thus saved may be utilised by the District Magistrate in development activities of the district. Then and then only the District Magistrate will be able to play the role of District Development Officer in an effective manner in the development-oriented district administration.

Over and above, the Directive Principle embodied in Art. 50 of our Constitution demands that there should be complete separation of the judiciary from the executive. The sooner this is done, the better.

Other Factors

There are other factors too which have materially changed the character of district administration after Independence.

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The land reforms primarily aimed at removing the intermediary between the tiller and the Government have come to occupy an important place in the field of district administration. Another important aspect of the present district administration is the implementation of the food policy of the Government like procurement of surplus foodgrains production at the time of harvest, storing them and releasing them through the ration and fair-price shops during the whole year in a planned and controlled manner.

The peaceful and efficient conducting of the elections to the legislatures and the local self-government institutions helps the process of democratic form of government obtaining in India. This is also a very important aspect of district administration. Incidentally, it may be observed that the districts send the largest body of representatives to the legislatures and as such determine their composition. The districts are, therefore, not only the fields where Government's policies are mainly put into effect, they are also the major arbiter in the selection of representatives to the legislatures who formulate those policies.

In the changed conditions of today, even the subject of law and order has acquired a much wider significance than that of the simple regulatory function of preserving the peace. A democratic government has replaced the colonial rule and the people are becoming politically conscious day by day. In the

new set-up, the problems of law and order are getting more and more complex and difficult. They are no longer the problems only of preventing thefts, murders and dacoities, but are problems that are likely to have a far-reaching effect on our social and political structure.

### Change In Attitude

The role of the District Officer was an exalted one under the British regime. He was the repository of practically all the powers of the Government at the district level. In other words, he was the seat of authority and embodied the Government as such in his jurisdiction.

Conditions have, however, changed after the advent of Independence. The District Officer is no longer regarded by the people as their sole guardian. The people now look to their representatives for the redress of their greivances rather than to the District Officer. A change has thus come about in the people's attitude towards the District Officer. The observations of Dr. D.N.Sen<sup>18</sup> are worth notice in this context. He says : "Under the present system the powers of the district magistrate substantially remain the same. The atmosphere has, however, changed considerably. In the wake of that change has come about a change in the people's attitude towards him and perhaps, too, in his attitude towards the people. In the district sometimes the people go straight to

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<sup>18</sup> D.N.Sen — From Raj To Swaraj, (Vidyodaya Library Private Ltd., Calcutta, 1954), p. 396.

the constituency's member of Parliament or member of the State Assembly instead of to the district magistrate to ventilate grievances and to ask for their redress. That is natural, however, much one may dislike it."

The District Officer was the backbone of British administration, the unit of which was a district. The position has not changed even now as the district is still the unit of administration and "the man on the spot" to run the district administration is the District Officer. This Position is bound to continue as there must be a District Officer for every district.

#### Change In Role

The role of the District Officer has, however, changed inspite of the fact that he today not only performs almost all the duties which his predecessor did prior to Independence but much more. His former role of a virtual ruler of the district has now been reduced to that of a public servant, although he still occupies a pivotal position in district administration. Such a change is inevitable in a democratic set-up obtaining in India. Under the impact of democratic rule the outlook of the District Officer has to be changed from one of authoritarianism to that of service to the people.

These are the changes in district administration that have come after Independence in the context of adoption of the

ideal of a welfare state and of new objectives enunciated in the fundamental law of the land. The observation of Norman D. Palmer, in this connection, is worthy of note. He says<sup>19</sup>: "Since independence district administration in India has undergone a series of changes, arising largely from three major developments which may be summaried under the terms of democratisation, development, and decentralisation."

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<sup>19</sup> Norman D. Palmer — The Indian Political System, Second Edition, (Houghton Mifflin Company, Boston), p. 161.

## CHAPTER VI

Structure of District AdministrationThe Principal Unit

*Repetitive*

As in other States in India, the principal unit of administration in West Bengal is the district under the charge of a Magistrate and Collector who has come to be known here as the District Magistrate. The heads of certain districts are, however, called Deputy Commissioners. They are so called inasmuch as they have "certain special powers in view of the special conditions of the districts, their peculiar laws and ancient customs."<sup>1</sup> In West Bengal, the heads of the districts of Darjeeling, Jalpaiguri, Cooch Behar and Purulia are styled as Deputy Commissioners.

In 1947 when West Bengal came into existence as a result of the partition of Bengal, there were only fourteen districts in West Bengal. The number increased to fifteen in 1950 when Cooch Behar merged into the State of West Bengal and became one of its districts. When the district of Purulia was created in 1956 with the territory transferred to West Bengal from the Manbhum district of Bihar, the number became sixteen and it has remained so to the present day.

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<sup>1</sup> D.N.Sen — From Raj To Swaraj, (Vidyodaya Library Private Ltd., Calcutta, 1954), p. 396.

Size Of Districts

The following table<sup>2</sup> gives the present size of area and population of the districts in West Bengal :

<u>Name of District</u>	<u>Area in Sq.Km.</u>	<u>Population</u>
Bankura	6,881	<u>20,35,273</u>
Birbhum	4,550	17,79,805
Burdwan	7,028	<u>39,20,395</u>
Calcutta	25	<u>31,41,180</u>
Cooch Behar	3,386	14,12,148
Darjeeling	3,075	<u>7,65,677</u>
Hooghly	3,145	28,73,779
Howrah	1,474	24,20,095
Jalpaiguri	6,245	<u>17,52,171</u>
Malda	3,713	16,14,570
Midnapore	13,724	55,15,320
Murshidabad	5,341	29,42,125
Nadia	3,926	22,29,022
Purulia	6,259	16,10,577
24-Parganas	13,875	85,81,743
West Dinajpur	5,206	18,46,215

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<sup>2</sup> Compiled from India 1971-72, A Reference Annual (Government of India, Publications Division, 1971), p. 514. The population figures are based on provisional figures of 1971 Census.

The foregoing table shows that 24-Parganas is the largest as well as the most populous district in West Bengal. Calcutta is the smallest district in point of area, and Darjeeling is the least populous district in the State. An incidental correlation between area and population is noticed in the case of the districts of 24-Parganas, Midnapore and Burdwan. They are the three largest and, in the same order, the most populous districts in West Bengal.

In undivided<sup>d</sup> India, Mymensingh of Bengal was the most populous district. With the partition of Bengal the district went over to East Pakistan (now Bangladesh). At present 24-Parganas is the most populous district in India. Although 24-Parganas is the largest district in West Bengal, there are districts larger than 24-Parganas in many States.

Calcutta is the smallest district not only in West Bengal but also in the whole of India. Although Darjeeling is the least populous district in West Bengal, there are districts with lesser population than Darjeeling in a good number of States.

#### The Average Size

The average area of a district in West Bengal is 5,491 square km. The average population of a district in the State is 2,777,506. Out of the sixteen districts in

West Bengal, six are above and ten are below the average area of a district in the State. In point of population also, six districts are above and ten districts are below the average population of a district in the State. The districts of 24-Parganas, Midnapore, Burdwan, Bankura, Purulia and Jalpaiguri are above and the rest are below the average area of a district. The districts of 24-Parganas, Midnapore, Burdwan, Calcutta, Murshidabad, and Hooghly are above and the remaining districts are below the average population of a district.

#### Types Of Districts

The districts of West Bengal may perhaps be divided into five types. Most of the districts are predominantly rural in type. They may conveniently be called rural districts. Secondly, there are districts covering areas which are predominantly highly industrialised. Howrah and Hooghly districts are what may be termed industrial districts in this sense. In these areas district administration is by and large concerned with industrial problems.

Thirdly, there are districts which are a mixture of these two types, and they may be called mixed districts. 24-Parganas and Burdwan are districts of this type because they consist of highly industrialised areas and large rural areas. Fourthly, there are districts which are predominantly inhabited by backward communities like scheduled castes and

scheduled tribes, and they may conveniently be called special districts. In West Bengal, there are four such districts, namely, Darjeeling, Jalpaiguri, Cooch Behar and Purulia. As already mentioned, the heads of these districts are styled as Deputy Commissioners and they enjoy certain special powers.

Lastly, there is what may be termed, for lack of a better word, the city district of Calcutta. Although Calcutta is a district, it is not treated on the same footing as the district usually so called. The administrative mechanism obtaining in Calcutta is quite different from what is known as district administration obtaining elsewhere. As a matter of fact, the administrative mechanism for Calcutta is separate and this mechanism does not operate outside the city of Calcutta. In fine, district administration in the accepted sense does not operate in the city of Calcutta.

### The Division

As in most other States in India, in West Bengal a number of districts have been grouped into a bigger unit of administration known as the division. At the head of each division there is a functionary called the Divisional Commissioner. In the States of Andhra Pradesh, Gujarat, Kerala, Rajasthan, and Tamil Nadu there are no divisions and as such no Divisional Commissioners<sup>3</sup>.

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<sup>3</sup> A. Avasthi — Abolition Of The Posts Of Commissioners In Madhya Pradesh And Their Revival, (Indian Institute Of Public Administration, New Delhi, 1967), p. ix.

Until March, 1963, the State of West Bengal comprised two divisions, namely the Presidency division and the Burdwan division. The Presidency division consisted of the districts of Darjeeling, Jalpaiguri, Cooch Behar, West Dinajpur, Malda, Murshidabad, Nadia, 24-Parganas, and Calcutta. According to the Census of India 1961<sup>4</sup>, with an area of 17,666 sq. miles the Division was appreciably larger than the State of Kerala (15,003) sq. miles) and its population (18,760,996 in 1961) exceeded by more than a million the entire population of the State of Orissa. The Burdwan division comprised the districts of Howrah, Hooghly, Burdwan, Birbhum, Bankura, Midnapore, and Purulia. Both in area and population (16,528 sq. miles and 16,165,283 respectively), this division was a little smaller than the Presidency division.

In March, 1963, a new division styled as the Jalpaiguri division was created with its headquarters at Jalpaiguri, comprising the northern districts of Darjeeling, Jalpaiguri, Cooch Behar, West Dinajpur and Malda. Simultaneously, the Presidency division and the Burdwan division were reconstituted. The former now included the districts of Murshidabad, Nadia, 24-Parganas, Calcutta and Howrah; while the latter comprised the districts of Hooghly, Burdwan, Birbhum, Midnapore, Bankura and Purulia.

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<sup>4</sup> Census Of India 1961, Vol XVI : West Bengal & Sikkim, Part I-A - General Report, Book (i) Population Progress, (Manager of Publications, Delhi, 1967), p. 80.

Of the three divisions the Jalpaiguri division is the smallest both in area and population (21,625 square km. and 73,90,781 respectively). Both in area (24,641 square km.) and population (1,93,14,165), the Presidency division is bigger than the Jalpaiguri division. With an area of 41,587 square km. and population of 1,77,35,149, the Burdwan division is the biggest of all the divisions in West Bengal.

#### The Sub-division

The divisions are composed of five or six districts. A district contains one or more sub-divisions. At the head of each sub-division there is an officer called the Sub-Divisional Officer. In West Bengal, there are 47 sub-divisions. The following table gives the number of sub-divisions in each district :

<u>District</u>	<u>Number of Sub-divisions</u>
Bankura	2
Birbhum	2
Burdwan	4
Calcutta	x
Cooch Behar	5
Darjeeling	4
Hooghly	4

<u>District</u>	<u>Number of Sub-divisions</u>
Howrah	2
Jalpaiguri	2
Malda	1
Midnapore	5
Murshidabad	4
Nadia	2
Purulia	1
24-Parganas	6
West Dinajpur	3

The districts of Malda and Purulia do not contain any outlying sub-divisions. The sadar sub-division in each case is coterminous with the district.

#### Development Blocks

Previously the sub-division used to be divided into circles and placed in charge of the Circle Officers. The circle could not, however, develop into a full-fledged unit of administration below the sub-division.

Under the Community Development Programme, a new unit for development purposes in selected rural areas has come into existence. This is known as the development block.

A Block Development Officer has been placed in charge of each development block. The Block Development Officer of a development block also acts as the Circle Officer in respect of his block area<sup>5</sup>. Each district has now been covered by development blocks, and circles have been abolished. The entire territory of West Bengal is now covered by development blocks.

#### The District Police

The district police, the chief executive and administrative unit of the police, is commanded by a Superintendent. He is responsible for the discipline and disposition of the forces under his command and helps the District Magistrate to preserve peace<sup>6</sup>.

The District Superintendent of Police is under the general control of the District Magistrate. For administrative purposes, however, he is responsible to the Deputy Inspector-General of Police, who is in charge of a range, comprising a group of districts. The District Superintendent of Police is assisted by one or more additional Superintendents in certain districts and by Assistant and Deputy Superintendents.

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<sup>5</sup> West Bengal District Gazetteers — West Dinajpur, (Government of West Bengal, 1965) p. 155.

<sup>6</sup> The police In India, (The Publications Division, Government of India, 1958), p. 9.

There is a Sub-divisional Police Officer at the headquarters of each of the sub-divisions. Each sub-division comprises a group of police circles. Each circle is placed under a Circle Inspector. A circle has a number of police stations, each under a Sub-Inspector, who has a force of Head Constables and Constables at his disposal.

The District Superintendent of Police is also in charge of the district Intelligence Branch and is assisted by Inspectors of Police and a number of Sub-Inspectors, Assistant Sub-Inspectors and other ranks.

For the prevention and detection of crime, the district police force has thus been organised. The work of the district police is supervised by the Superintendent of Police.

According to the West Bengal Police Commission of 1960-61<sup>7</sup>, for the administration of the police in West Bengal (excluding Calcutta), the State is divided into -

- i) three ranges, comprising a group of districts;
- ii) fifteen districts, each comprising a group of sub-divisions;
- iii) Fortyseven sub-divisions, each comprising a group of police circles;

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<sup>7</sup> Report of the Police Commission, West Bengal 1960-61, (Government of West Bengal, 1964), p. 27.

- iv) one hundred and twentysix circles, each comprising a group of police stations; and
- v) three hundred and one police stations, which are the units of investigation.

### Local Self-Government

Local self-government in the district began with the establishment of the District Board in pursuance of the provisions of the Bengal Local self-Government Act of 1885. The jurisdiction of the District Board extended throughout the district except the areas constituted into Municipalities.

The District Board was replaced by the Zilla Parishad in 1964 under the provisions of the West Bengal Zilla Parishads Act, 1963. As already mentioned, the district is divided into development blocks in which Anchalik Parishads have been established.

The self-governing institution below the Anchalik Parishad is the Anchal Panchayat. Previously, the area under a police station used to be divided into a number of Union Boards, established under the Bengal Village Self-Government Act of 1919, for the purpose of self-government in the rural areas.

The Union Boards have been replaced by Anchal Panchayats, established under the West Bengal Act I of 1957 (West Bengal

Panchayat Act). Below the Anchal Panchayat, there is the Gram Panchayat at the village level.

The present institutions of rural self-government are known as Panchayati Raj institutions. The following table will give the present number of Panchayati Raj institutions in West Bengal :

<u>Number of Zilla Parishads</u>	<u>Number of Anchalik Parishads</u>
15	325
<u>Number of Anchal Panchayats</u>	<u>Number of Gram Panchayats</u>
2,926	19,659

In the urban areas of the district, there are the Municipalities. These self-governing bodies are governed by the Bengal Municipal Act of 1932, as amended from time to time.

It may be noted, in this connection, that in a newly developed town like Kalyani or in a newly developed industrial town like Durgapur, there is no municipality. These areas are called notified areas. For each of the notified areas, the State Government appoints a Committee consisting of not less than five and not more than nine members, known as the Notified Area Authority, to carry out responsibilities similar to those of a Municipality.

It may also be noted that in Cantonments there are Cantonment Boards, which function exclusively under the

Ministry of Defence. A Cantonment Board performs functions similar to those of a Municipality.

### The Collectorate

The description of the structure of district administration will remain incomplete without a reference to the different branches of what is known as the collectorate. The multifarious activities of the District Magistrate and Collector are conducted by the multifarious branches of the collectorate as under :

1. General Department,
2. Establishment Department,
3. Treasury,
4. Loans,
5. Record Room,
6. Revenue Munshikhana,
7. Judicial Munshikhana,
8. Tauzi,
9. Certificates,
10. Nazarath,
11. Election,
12. Estates Acquisition,
13. Licence,
14. Excise,

15. Passports,
16. Citizenship Registration,
17. Relief & Social Welfare,
18. Pool Vehicles and Launch,
19. Political Pensions,
20. Tanks Improvement,
21. Fisheries,
22. Refugee, Relief & Rehabilitation,
23. Tribal Welfare,
24. Civil Defence,
25. Land Acquisition,
26. Development,
27. Panchayat,
28. Confidential Section,
29. Information & Public Relations.

The collectorate is under the direct charge and control of the District Magistrate and Collector. Besides the collectorate, there are the various branches of other departments of the State Government at the district level which work under the coordinating discipline of the District Magistrate and Collector.

Within the structure described in the foregoing paragraphs, a number of functionaries and bodies are working

at different levels of the district, maintaining functional relations among themselves. The sum total of these diverse agencies constitutes what is known as the organisation of district administration. District administration is an organic whole, it cannot be conceived of in parts. The combined activities of diverse agencies operating on the district scene under the direct or indirect control of the District Magistrate and collector make it a complete one.

In the next chapter the organisation of district administration will be dealt with.

## CHAPTER VII

Organisation Of District AdministrationThe Office Of District Magistrate

The part played by the District Magistrate in the organisation of district administration can hardly be exaggerated. As a matter of fact, he is the pivot of district administration, representing, as he does, the government in its totality within his territorial jurisdiction.

*Revised* Each district is in charge of a District Magistrate and Collector who is the main link between the State Government and the people and the defacto executive chief and administrator of the area under his charge. He is generally known as the District Magistrate in West Bengal.

The District Magistrate is the principal representative of the State Government in the district in whom all threads of local administration are concentrated, directly or indirectly. "His most important duty is to keep in touch with the people in his charge, to find out and report the state of public feeling and to explain to the people the policy and programmes of government."<sup>1</sup> As he is competent to give

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<sup>1</sup> Government of India -- Administrative Reforms Commission : Report Of The Study Team on District Administration, Vol. II, 1967, p. 178.

advice from the local point of view, he is consulted by the State Government regarding legislation and other measures. As the local agent of the Government, he is the person to whom every one in the district naturally turns. He is responsible for the smooth running of the administration in his district by composing differences between officers of other departments working in the district and between officials and non-officials. In fine, the District Magistrate is the captain of the team of district administration.

*Relevance*

During British rule in India, the District Magistrate was the mainstay of the Government in his locality. Even today when India is a full-fledged democracy, the District Magistrate continues to be the mainstay of the Government in his area. He is not, however, a political officer, but is a member of what is known as the Indian Administrative Service.

### Recruitment

Each State Government is required to appoint Indian Administrative Service personnel as District Magistrates. Although District Magistrates work for the State Government, they are recruited by the Union Public Service Commission and their terms and conditions are regulated by the Government of India. The method of recruitment to the Indian Administrative Service is either by competitive examination or by

by promotion from the State Civil Services. The selection of personnel for promotion to the Indian Administrative Service from the State Civil Services is made by a Selection Committee in each State, the Chairman of the U.P.S.C. invariably being the Chairman of the Committee. According to the existing rule, the total number of promotees in a State should not ordinarily exceed 25 per cent of the total number of senior posts in the State.

All direct recruits to the Indian Administrative Service are first appointed on probation for one year, during which time they have to undergo training at the National Academy of Administration at Mussoorie. When they pass the prescribed examination at the end of the year, they are confirmed in the Indian Administrative Service. They are then allocated by the Government of India to different State cadres. A direct recruit is first of all given comprehensive training for one year under the supervision of a District Magistrate. He is then assigned to a post of Sub-Divisional Officer. His future promotions depend on seniority and merit. Before he is posted as District Magistrate, he is usually assigned to a post of Additional District Magistrate.

The District Magistrates are drawn from both direct recruits to the Indian Administrative Service and promotees from the State Civil Service. According to a study made in June, 1973, out of fifteen District Magistrates in West Bengal

thirteen are direct recruits whereas only two are promotees. The District Magistrates who are direct recruits are usually in their thirties, whereas those who are promotees to the Indian Administrative Service, naturally belong to a higher age group. As a matter of fact, the direct recruits to the Indian Administrative Service are holding district charges on an average, in the sixth year of their service. "As against an average of 47 years and 1 month and average length of service of 17 years and 3 months for direct recruits working as Collectors before the Second World War in 1939, the comparable figures in 1960 were 38 years and 9 months and 6 years and 11 months respectively."<sup>2</sup> It may be observed that such District Officers are now quite young men with inadequate experience.

It may also be observed, in this connection, that the posts of District Officers have ceased to occupy the predominant position in the Indian Administrative Service which they did in the Indian Civil Service. As has been correctly remarked by Dr. Haridwar Rai<sup>3</sup>, "The Indian Administrative Service is no longer primarily intended to man district posts and that district experience is no longer regarded as an

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<sup>2</sup> P.K.Dave — "The Collector, Today And Tomorrow" in The Indian Journal Of Public Administration, New Delhi, Vol. VI, No. 3 (July-Sept., 1965), p. 29.

<sup>3</sup> Haridwar Rai — "The District Officer in India Today" in the Journal Of Administration Overseas, (H.M.S.O., London), Vol. VI, No. I, January 1967, p. 12.

essential qualification for rising to higher posts in the secretariat". In short, the proposition that the "career grade" of the highest service in the country is that of District Officer is not valid nowadays.

#### Powers And Functions

The powers and functions of the District Magistrate and Collector are embodied in the Central and State Acts, rules, regulations, standing orders, special orders, circulars and instructions issued to them by the State Government from time to time. In the words of David C. Potter<sup>4</sup> "He derives his authority from all these sources and from the respect which he earns from the district people by his firmness and fairness."

As in other States of India, the District Magistrate in West Bengal has manifold duties and responsibilities. They may be briefly and broadly categorised as follows :

(A) As Collector, he is responsible for

1. proper management of Government lands;
2. recovery and collection of lands revenue, cesses and other Government dues;

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<sup>4</sup> David C. Potter — Government In Rural India, (London School of Economics and Political Science, London, 1964), p. 67.

3. the administration of Revenue laws;
4. proper maintenance of land records;
5. collection of multifarious agricultural statistics;
6. the administration of estates placed under the management of the Court of Wards or under the direct management of the Government;
7. grant of loans to agriculturists for agricultural and improvement of land;
8. the follow-up of the work of the land reforms;
9. the administration of Stamp laws;
10. land acquisition and requisition work; and
11. assessment of losses to crops and recommendation for relief in times of natural calamities.

(B) As District Magistrate, he is

1. the head of the regulatory administration in the district and as such he exercises general supervisory control over the police;
  2. the head of the executive magistracy and as such all executive Magistrates are subordinate to him;
  3. responsible for the issue of licences for arms and other things, like explosives, petroleum and and cinemas;
  4. responsible for grant of passports, extension of visas and control of foreigners;
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5. responsible for election work in the district;
6. to appoint Prosecutors for conducting important State cases;
7. to deal with the preventive sections of the Criminal Procedure Code consequent upon the separation of the judiciary from the executive;
8. to issue domicile certificates, certificates for scheduled castes or backward classes and political sufferers;
9. to deal with labour problems;
10. to supervise and control generally local bodies; and
11. to supervise the work of probation officers.

(C) As District Officer, he is

1. the principal agency of the State Government in the district, and as such looks after the interests of the Government in general;
2. responsible for proper implementation of Government orders;
3. in general charge of the District Treasury as laid down in the Treasury Rules;
4. responsible for overall coordination of activities of other Departments having officers in the district;

5. responsible for allotment and distribuion of controlled or essential commodities and supplies;
6. to train junior officers in official procedure, in administrative work as well as in personal conduct and behaviour;
7. to ensure that public grievances against the administration in the district are promptly and efficiently dealt with;
8. to act as the chief protocol officer in the district;
9. responsible for posting, transfer and leave of gazetted officers within the district; and
10. to keep the State Government informed of the conditions of the district generally, and of all notable occurrences from meetings of political parties to village fairs.

(D) As District Development Officer, he is

1. in charge of supervision of all development schemes in the district and to serve as chief coordinating authority on behalf of the State Government;
2. responsible for the successful working of the scheme of democratic decentralisation; and

3. to act as the public relations officer on behalf of the State Government to maintain close touch with the people by meeting them at headquarters and during tours.

The aforesaid classification is only illustrative and not a complete and exhaustive catalogue of the duties and responsibilities of the District Magistrate. As a matter of fact, whenever laws are enacted they are likely to vest some authority in the District Officer.

In addition to all his explicit duties and responsibilities, it falls to the lot of the District Magistrate to deal with all residual matters as the agent of the State Government in the district. Needless to mention, nothing can or should happen in the district of which the District Magistrate should not keep himself informed.

The District Magistrate occupies a key position in the administration of a district. He is rightly regarded as the pivot of district administration. Upon his energy and efficiency depends ultimately the efficiency administration in the country as well as the welfare and happiness of the mass of the people.

The District Magistrate is assisted in the discharge of his multifarious duties and responsibilities by one or more

Additional District Magistrates, depending on the size of district, a number of Deputy and Sub-Deputy Magistrates, and a lot of Assistants.

#### Revenue Administration

Theoretically, the collector is still the Chief Revenue Officer of the district, but he is assisted in revenue matters by an Additional District Magistrate. This post of Additional District Magistrate was created consequent on the enactment of the West Bengal Estates Acquisition Act, 1953. The effect of this Act was that all intermediaries who stood between tillers of the soil and the State ceased to exist. The State, therefore, entered into direct dealings with the tillers of the soil.

With the abolition of all intermediary rights in land, the management of land and the collection of land revenue assumed new complexities and it was naturally not possible for the District Magistrate to attend to the work relating to the management of land and collection of revenue personally. Although the District Magistrate is still the Chief Revenue Officer of the district, he is assisted in the discharge of his duties as Chief Revenue Officer by an Additional District Magistrate who is in immediate charge of the revenue administration of the district.

Law And Order Administration

The District Magistrate is responsible for the maintenance of law and order in the district, in which task he is assisted by the district police force.

There is no denying that the problems of law and order have now become complex and difficult. The growing shortage of foodgrains and other economic difficulties often lead to widespread unrest. Strikes and demonstrations usually take a violent turn without much provocation. In addition to these problems which are more or less political in character, there is the problem of political violence which acts as the direct threat to peace and security.

Since these problems have a far-reaching effect on our society, the authority in charge of law and order should not only be responsible for the maintenance of law and order, but should also have an organisation to study and understand the causes of discontent which result in lawlessness. Moreover, the situation demands that nothing should be done to weaken the law and order machinery in the district.

The District Magistrate And The Police

In this context, the relations between the District Magistrate and the police may be examined. This question was initially examined by the Indian Police Commission of 1902-03.

Subsequently, several other Police Commissions, including the West Bengal Police Commission of 1960-61, have also considered this question.

Under section 4 of the Police Act of 1861, (Act V of 1861), the administration of the police in a district vests in a District Superintendent under the general control and direction of the District Magistrate. Thus, while there can be no doubt that police administration in a district vests in the District Superintendent of Police, the Act mentions that his powers will be subject to the general control and direction of the District Magistrate.

The relations between the District Magistrate and the police may be summarised as under :

(1) The District Magistrate has no authority to interfere in the internal organisation or discipline of the police force, but he may call for the papers relating to the conduct or character of any police officer of his district and may direct an enquiry into a police officer's misconduct.

(2) It is incumbent on the Superintendent of Police to afford the District Magistrate all possible assistance in the criminal administration of the district and to keep him informed of all matters affecting the peace of the district.

(3) An important part of the District Magistrate's duty is to inspect the police stations of his district.

(4) He is to exercise constant supervision over the prevention and detection of crime, for the proper conduct of which he is ultimately responsible.

(5) The District Magistrate writes the confidential character rolls of the Superintendent of Police and other gazetted police officers in his district.

The Indian Police Commission of 1902-03, which was presided over by Sir Andrew H.L. Fraser, examined the question of relationship between the District Magistrate and the Police.

According to the Commission, the object of Act V of 1861 "was to make the Superintendent primarily responsible for the administration of the district police. But the police force was to be an 'efficient instrument at the disposal of the District Magistrate for the prevention and detection of crime.' Therefore the work of the Superintendent must be done 'under the general control and direction of the Magistrate' and 'subject to his orders'. It was essential to preserve the responsibility of the District Magistrate for the general success of the criminal administration of the district, and to afford him prompt means of ensuring the obedience of the organised constabulary to his lawful orders."<sup>5</sup>

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<sup>5</sup> Report Of The Indian Police Commission, 1902-03, (Simla, 1903), para. 121.

The Commission further observed: "The police force, though bound to obey the Magistrate's orders in regard to criminal administration, should be kept as far as possible departmentally distinct and subordinate to its own officers. And the District Magistrate should avoid acting so as to weaken the influence and authority of the Superintendent."<sup>6</sup>

The Commission came to the definite conclusion that "in the interests of the people the police must remain under the general control and direction of the District Magistrate."<sup>7</sup>

The then Government of India agreed to the views of the Commission on the question of relations between the District Magistrate and the police.

#### Recent Police Commissions

In recent years, at least four Commissions, namely, the Police Commissions of Uttar Pradesh (1960-61), West Bengal (1960-61), Bihar (1961), and Punjab (1961-62), have gone into this question and all of them are generally of the view that there should be no change in the relations between the District Magistrate and the police.

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<sup>6</sup> Ibid., para. 122.

<sup>7</sup> Ibid., para. 123.

The West Bengal Police Commission of 1960-61, under the Chairmanship of K.C.Sen, is of opinion that the observations of the Indian Police Commission of 1902-03, "are as valid today as then were."<sup>8</sup>

The Sen Commission has come to the following conclusion:

"We think it important that the District Magistrate's position, as the officer ultimately responsible for the Police administration in his district, should not be whittled away or allowed to be whittled away in any manner, although he may have many other duties to attend to."<sup>9</sup>

The Administrative Reform Commission holds the same view in regard to the relations between the District Magistrate and the police. According to the Commission<sup>10</sup> : "the District Magistrate as the head of the regulatory administration in the district should exercise general supervisory control over the police organisation in the district. Except in an emergency, he should not interfere with the internal working of the police administration."

It may be observed here that the provisions of law which vested in the District Magistrate general powers of control

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<sup>8</sup> Report of the Police Commission, West Bengal, 1960-61, (West Bengal Government Press, Alipore, 1964), para. 643.

<sup>9</sup> Ibid., para. 645.

<sup>10</sup> Government of India -- Administrative Reforms Commission : Report On State Administration, (The Manager of Publications, Delhi, 1970), p. 43.

over the district police are as valid today as they were when enacted in 1861. In other words, the existing relations between the District Magistrate and the police in his district should continue.

### Separation Of The Judiciary

The separation of the judiciary from the executive was not taken up in the State of West Bengal immediately after the commencement of the Constitution of India. Consequently, the District Magistrate continued to remain in full possession of all his powers under the Criminal Procedure Code and to hold effective supervision over the work of other Magistrates stationed in the district. The only curtailment of his powers as a Magistrate was that he was no longer empowered to hear appeals against the judgments passed by the Magistrates with second or third class powers, consequent upon the amendment of the Criminal Procedure Code by a central legislation in 1955.

### A Functional Separation

It was only in 1958 that the Government of West Bengal decided to take the first steps towards the separation of the judiciary from the executive. A functional separation between the executive and the judiciary came into operation in 1958 under an executive order which enjoined that trying Magistrates should be given judicial duties exclusively. Accordingly,

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certain Magistrates were made whole-time trying Magistrates and the senior trying Magistrate was appointed with powers of taking cognizance and transfer. But the Sub-Deputy Magistrate in the executive side continued to deal with cases under the preventive sections of the Criminal Procedure Code.

#### No Legal Sanction

This separation of the judiciary from the executive brought into existence by an executive order lacked legal sanction and was merely an executive arrangement<sup>11</sup>. So, the legal position remained unaffected. Although some Magistrates were assigned exclusively judicial duties, all Magistrates including Judicial Magistrates remained under the administrative control of the District Magistrate. Again, all Magistrates still belonged to the same cadre and their functions were interchangeable. The District Magistrate was, thus, free to transfer Magistrates from the executive side to the judicial side and vice versa. In short, the magisterial powers and functions of the District Magistrate remained legally unaffected. Similarly, the Sub-Divisional Magistrate, although no longer trying ordinary cases, continued to be legally competent.

It was not, therefore, possible to bring about the real separation of the judiciary from the executive because that

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<sup>11</sup> West Bengal District Gazetteers -- Malda, (Government of West Bengal, 1969), p. 183.

would require amendment of the Criminal Procedure Code itself, that being the source of magisterial powers and duties of the District and Sub-Divisional Magistrates.

#### Act Of 1968

In 1968, an Act under the title "The West Bengal Separation Of Judicial And Executive Functions Act, 1968 (No. 8 of 1968)"<sup>12</sup> was enacted to provide the separation of the judiciary from the executive in the public services of the State of West Bengal. The salient features of the Act are as under :

(1) Magistrates are classified into two classes, that is to say, those who are appointed by the State Government in consultation with the High Court, to be styled as the judicial Magistrates; and those who are appointed by the State Government without such consultation, to be styled as the Executive Magistrates.

(2) The functions of the two classes of Magistrates are separated by amending the Code of Criminal Procedure, 1898 in its application to the State of West Bengal.

(3) Where the functions exerciseable by a Magistrate relate to inquiry into, or cognizance, investigation or trial

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<sup>12</sup> Vide the Gazette of India Extraordinary — Part II - Section 1, No. 11, dated March 26, 1968, pp. 83-116.

of an offence, such functions shall be exerciseable by a Judicial Magistrate, and where such functions relate to matters which are administrative or executive in nature, or relate to prevention of an offence, they shall be exerciseable by an Executive Magistrate.

(4) Though the functions relating to prevention of offences have been allotted to the Executive Magistrates, provision has been made for appeals and revision against orders passed by such Magistrates to the Sessions Judge or to the High Court, provided the order is passed in a proceeding under the Code of Criminal Procedure.

(5) All Executive Magistrates shall be subordinate to the District Magistrate. Each Executive Magistrate in a sub-division shall be subordinate to the Sub-Divisional Executive Magistrate, subject to the general control of the District Magistrate.

(6) There shall be a Sub-Divisional Judicial Magistrates placed in charge of a sub-division. All Judicial Magistrates shall, subject to the control of the Sessions Judge, be subordinate to the Sub-Divisional Judicial Magistrate and the latter shall be subordinate to the Sessions Judge.

In pursuance of the provisions of the West Bengal Separation Of Judicial And Executive Functions Act of 1968, "the work of separation of the judiciary from the executive

has been gradually completed in all the districts except 24-Parganas."<sup>13</sup>

According to the official source, the problems of accommodation, staff etc. pertaining to the biggest of the State's districts have been causing the delay. The problem of bifurcation of this unwieldy district has been "creating further uncertainties in effecting separation of powers."<sup>14</sup>

These do not appear to be valid reasons for the delay in the work of separation of the judiciary from the executive in 24-Parganas. The sooner this separation is completed, the better. Moreover, the Act of 1968 should be suitably amended so as to provide for complete separation. If the District Magistrate is completely relieved of his judicial work, he will be able to administer the development activities of the district in an effective manner. Therefore, at least in the interest of development administration of the district, complete separation of the judiciary from the executive has to be effected in no time.

#### The District Magistrate And Technical Officers

Almost all departments of the State Government are represented at the district level by their own officers as the district is the most convenient unit of administration for all purposes. Therefore, the district headquarters

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<sup>13</sup> Vide the Statesman, Calcutta, of July 6, 1972.

<sup>14</sup> Vide the Hindusthan Standard, Calcutta, of July 7, 1972.

have come to be the miniature headquarters of the State, having a galaxy of officers for operating the various activities of other departments of Government in their respective spheres under the coordinating discipline of the District Magistrate.

The District Magistrate is a generalist, while other district officers are specialist. "They, thus, represent", to borrow the words of S.R.Maheswari<sup>15</sup>, "two different administrative cultures, displaying different norms of behaviour. The relationship between the generalist collector and these technical functionaries have always been a thorny problem of district administration."

The District Magistrate belongs to the General Administration Department of the State Government. But, the technical personnel belong to a variety of departments and they are responsible to their respective departmental heads. They are naturally assertive of departmental independence. They are increasingly reluctant to accept the dominant role assigned to the District Magistrate in district administration. This does not, however, imply that the technical officers function in complete independence of the District Magistrate, or in complete isolation from each other. But, the relationship between the two is not indeed a happy one.

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<sup>15</sup> S.R.Maheshwari -- Indian Administration, (Orient Longmans, New Delhi, 1968), p. 242.

No Real Control

Although the District Magistrate is generally charged with effective functioning of each and every department, he has no real control over the activities of technical officers in the District. The remarks of Paul H. Appleby in this context are worthy of perusal. He says: "At the one level where it may be thought that responsibility is, or is capable of being, consolidated and clarified, it is in fact much diffused and incapable of satisfactory consolidation and clarification. This is the level of the Collector. He was in earlier days, and is now somewhat in theory or in nostalgic yearning more or less responsible for everything done by government within his geographical area."<sup>16</sup>

The need for coordination and integration of activities of different technical officers at the district level is indeed of crucial importance. The role of the District Magistrate vis-a-vis these technical officers should be redefined in clear and unambiguous terms with a view to enabling the District Magistrate to play the role of an effective coordinator of all governmental activities in his area.

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<sup>16</sup> Paul H. Appleby — Public Administration In India : Report Of a Survey, (Government of India, Cabinet Secretariat, Organisation & Methods Division, 1953), pp. 21-22.

### A Clear-Cut Authority

It may be pointed out, in this connection, that the French Prefects were authorised in clear terms to coordinate the work of the technical services by a decree issued on March 14, 1964. The decree "was intended to preserve the Prefects' authority in their dealings with the technical services of the central government departments, while leaving the specialists the degree of independence justified by their technical competence. The idea was to put into practice, better than had been done in the past, the principle that the Prefect, in the area he administers, is vested with the State's authority and coordinates the work of the technical services."<sup>17</sup>

If the District Magistrate is to be made responsible for everything done by officers belonging to different departments of the State Government within his geographical area, he must be given clear-cut authority to coordinate the activities of technical officers, in the same way as has been done in France.

### The District Magistrate And Local Bodies

The powers of the District Magistrate in regard to Municipalities have not changed in any way since Independence.

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<sup>17</sup> Marcel Waline — "The 1964 Reform of the Governments of Departments and Regions" in the International Review Of Administrative Sciences, Vol. XXXI - 1965, No. 1, (International Institute of Administrative Sciences, Brussels - 4, Belgium), p. Summaries iii.

Municipalities and self-governing bodies and under the Bengal Municipal Act of 1932, as amended from time to time, the District Magistrate does not have too much power to interfere with their working.

Communications to and from Municipalities are, however, routed through the District Magistrate. The District Magistrate is, of course, empowered to inspect the office of a Municipality, to suspend the execution of the resolutions of the Commissioners in certain cases, and to recommend the supersession of a Municipality, if the Commissioners are found to be incompetent to discharge the duties laid upon them under the Bengal Municipal Act of 1932.

With the advent of the Panchayati Raj system, there have been fundamental changes in the structure and organisation of the rural self-governing institutions. These changes together with the relations of the District Magistrate with the Panchayati Raj institutions will be dealt with in the following chapter.

#### Organisation Of The District Magistrate

The set-up of the District Magistrate's organisation varies from district to district, depending, as it does, on the size of district. The present set-up of the District Magistrate's organisation in the largest district of West

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Bengal, namely, 24-Parganas, is as under :

District Magistrate		
↓		
Additional District Magistrates	-	4
↓		
Deputy Magistrates	-	19
↓		
Sub-Deputy Magistrates	-	39

Of the four Additional District Magistrates, one is A.D.M. (General), one A.D.M. (Judicial), one A.D.M. (Land Reforms) and one A.D.M. (North). The A.D.M. (North) is stationed at Barasat.

On the other hand, the present set-up of the District Magistrate's organisation in the smallest district of West Bengal, namely Howrah (leaving Calcutta, it is the smallest district in the State), is as follows :

District Magistrate		
↓		
Additional District Magistrate (General & Land Reforms)	-	1
↓		
Deputy Magistrates	-	9
↓		
Sub-Deputy Magistrates	-	18

#### Divisional Commissioners

Although Divisional Commissioners do not exist throughout India, they exist in the majority of States including West Bengal and they have a long history behind them.

A Controversial Subject

The utility of the office of Divisional Commissioner has been a subject of controversy in India. Its abolition, as "an unnecessary appendage", or as "a fifth wheel in the administrative coach", was one of the early political demands during British rule in India. It is evident from the report of the Royal Commission Upon Decentralisation In India<sup>18</sup> that some witnesses, who suggested the abolition of Commissionerships, went as far as to describe commissioners as "kings whose subjects are unconscious of their existence", and as wielding "some influence but no control". But the Commission held the opposite view as under :

"We consider the abolition of Commissionerships to be extremely undesirable. Such abolition would inevitably lead to increased centralisation, while a well-devised system of decentralisation must necessarily include the devolution of greater powers to these highly paid officers, who are possessed of large experience and ample opportunities for keeping in touch with the people."<sup>19</sup>

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<sup>18</sup> Report of The Royal Commission Upon Decentralisation in India, Vol I, (H.M.S.O., London, 1909), para. 485.

<sup>19</sup> Ibid., para. 486.

For Abolition Of Commissionerships

Towards the close of British rule in India, the Bengal Administration Enquiry Committee of 1944-45, under the Chairmanship of Sir Archibald Rowlands, examined the question of retention or abolition of Commissionerships. In its report, the Rowlands Committee came to the definite conclusion that the posts of Commissioners "should be abolished."<sup>20</sup> The recommendation of the Committee was supported by weighty arguments, which may be quoted below in extenso :

"(i) With the growth and complexity of Governmental activities, the Division is much too large an area to be an effective unit of administration.

(ii) As supervisory authorities over the work of the district, as Appellate Revenue Bodies and as administrators of various statistics, Commissioners are disproportionately expensive.

(iii) As a bottleneck between departments of Government and District Officers and vice versa they tend to retard the dispatch of public business. In many instances the Commissioner is a mere Post Office.

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<sup>20</sup> Report of the Bengal Administration Enquiry Committee, 1913-14, (Calcutta, Bengal Secretariat Press, 1914, para. 113.

(iv) Commissioners are officers of wide and mature experience and we feel that their experience and advice can be put to better use by being made directly available at Headquarters to Ministers."<sup>21</sup>

After Independence, some States experimented with the abolition of Commissionerships. Thus, the States of Madhya Pradesh, Maharashtra, Rajasthan and Gujarat abolished the posts of Divisional Commissioners in 1948, 1950, 1961 and 1964 respectively. However, Madhya Pradesh and Maharashtra had to revert to the earlier set-up in 1956 and 1958 respectively. In the State of Uttar Pradesh, the powers of the Commissioners were drastically cut down and their numbers reduced from ten to five. This experiment, however, failed and the Government subsequently had to restore the powers and number of Commissionerships<sup>22</sup>.

#### The Present Tendency

The present tendency seems to be in favour of this institution, especially in view of its coordinating and supervisory functions in the context of development activities at the district level.

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<sup>21</sup> Report of the Bengal administration Enquiry Committee, 1913-14, (Calcutta, Bengal Secretariat Press, 1914, para.114.

<sup>22</sup> A.Avasthi -- Abolition Of The Posts Of Commissioners In Madhya Pradesh And Their Revival, (Indian Institute of Public Administration, New Delhi, 1967), p. xi.

Incidentally, it may be pointed out that a conference on Revenue Boards and Divisional Commissioners held at Bhubaneswar in 1961 under the auspices of the Indian Institute of Public Administration, New Delhi, examined the utility of the system of Divisional Commissionerships. "As regards the need for the office of the Divisional Commissioner, there was unanimity of opinion that, except in a small State like Kerala, there was need for a Divisional head to control the administration at convenient centres in the States. The feeling of the conference was general and emphatic that the institution of Divisional Commissioner was very necessary in the interests of good administration."<sup>23</sup>

It is true that for a small compact area, supervision from the State headquarters may be feasible and somewhat convenient. But for bigger States, with large areas and districts away from State headquarters, there should be an intermediate agency between the headquarters and the districts to ensure supervision over the work of District Magistrates.

#### For Retention Of Commissionerships

There are weighty arguments in favour of the institution of Commissioner, which may be summed up as under :

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<sup>23</sup> Revenue Boards & Divisional Commissioners — Ed. by A. Avasthi, (The Indian Institute Of Public Administration, New Delhi, 1963), p. ix.

(i) The Divisional Commissioner secures liaison between the State Government and the people by helping the District Magistrates in implementing Government decisions in the field and by passing on the experience from the field to the Government to help it in formulating policies.

(ii) He serves as a coordinating agency par excellence. There are various departments administering development programmes at the district level. Each of these departments is also represented by a functionary of the regional level. In order to achieve coordination of their activities at that level, a senior and experienced officer like the Divisional Commissioner is needed.

(iii) He acts as the friend, philosopher and guide to the junior District Magistrates. This role has assumed much importance nowadays with comparatively young and inexperienced personnel appointed as District Magistrates.

(iv) The Commissioner, with his mature experience in the field, is better able to train the newly recruited I.A.S. Officers.

(v) The supervision of work of District Magistrates at various stages of administration has become very necessary in these days particularly with the expanding activities of Government at the district level.

(vi) With the advent of Panchayati Raj, there is need for an authority which can supervise and guide the new rural self-governing institutions in their new responsibilities. The Commissioner can fulfil this role. He can also act as an adviser to the State Government in all matters concerning Panchayati Raj in his division.

There are also weighty arguments against the institution of Divisional Commissioner, which cannot perhaps be summed up in a better manner than done by the Rowlands Committee, quoted before. After carefully considering both points of view, the Study Team on District Administration of the Administrative Reforms Commission (1967) has observed in its report<sup>24</sup> : "We feel that at least in larger states, the balance of advantage appears to be in the retention of this system."

In spite of the recommendation of the Rowlands Committee to the contrary, West Bengal is in favour of retaining the posts of Commissioners. This is evident from the fact that their numbers were increased from two to three in March, 1963.

#### May Be Retained

The Divisional Commissioners may be retained provided they are properly utilised for the effective implementation

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<sup>24</sup> Government of India — Administrative Reforms Commission : Report Of The Study Team on District Administration, 1967, p. 107.

of the development plan programmes in the divisions. For this purpose, adequate powers should be delegated to them with a view to enabling them to superintend and coordinate all development activities in their divisions in an effective manner. In the interests of development activities, this institution may be retained.

According to the recent decision<sup>25</sup> of the Government of West Bengal, apart from overall supervision of general administration, law and order and of the activities of all departments, a Divisional Commissioner will be responsible for the implementation of plan and non-plan development schemes. He will periodically check up these schemes particularly those covering more than one district in his division and remove procedural difficulties, if any. He will also hold meetings with the officers of all districts in his division to review the progress of development schemes. These new functions will surely enhance the utility of the office of Divisional Commissioner.

#### Sub-Divisional Officers

*Repetitive* A district in West Bengal has one or more sub-divisions, which are placed in charge of Sub-divisional Magistrates, who are also styled as Sub-Divisional Officers.

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<sup>25</sup> Vide the Statesman, Calcutta, of June 8, 1973.

The Sub-Divisional Officer is either a newly recruited member of the Indian Administrative Service or a senior member of the State Civil Service. Like the district, the sub-division serves to provide field training to the new recruits to the Indian Administrative Service.

The Sub-Divisional Officer is described as a miniature District Magistrate. He performs almost the same kind of work as the latter. But he has to work within his smaller sphere and under the direct control and supervision of the District Magistrate. The Sub-Divisional Officer has to act as a representative of the District Magistrate.

Like the District Magistrate, the Sub-Divisional Officer is a generalist. Again, like him the Sub-Divisional Officer speaks with the voice of the Government in his own sub-division. He acts as a link between the District Magistrate and the people in his sub-division. The Sub-Divisional Officer is thus a valuable field officer as well as an integral part of district administration.

The Sub-Divisional Officer is assisted by a number of Deputy Magistrates and Sub-deputy Magistrates. Of the Deputy Magistrates, one is known as the Second Officer.

#### The Sub-divisional Organisation

The sub-divisional organisation varies from sub-division to sub-division according to the size of sub-division. The

existing organisations of Barrackpore and Bongaon sub-divisions, the largest and the smallest sub-divisions in the district of 24-Parganas, are as under :

Barrackpore Sub-division

Sub-Divisional Officer		
↓		
Deputy Magistrates	-	2
↓		
Sub-deputy Magistrates	-	8

Bongaon Sub-division

Sub-Divisional Officer		
↓		
Deputy Magistrate	-	1
↓		
Sub-deputy Magistrates	-	3

## CHAPTER VIII

District Development AdministrationWelfare State

Virtually till the end of British rule in India, the alien Government was primarily concerned with the collection of revenue and the maintenance of law and order. Even though it had to take up some functions which were of a welfare nature, it will be a gross exaggeration to say that these functions were discharged on a comprehensive basis. It is only after the transfer of power in 1947 that comprehensive schemes of public welfare have come to be formulated by our national Government with a view to ensuring all-round development of the Society. In short, with the advent of Independence a police state has been replaced by a welfare state.

In this country the district has always been the pivot of the structure of administration. With the acceptance of a welfare state as our ideal, the emphasis in district administration has naturally come to be placed overwhelmingly on development activities. As before, the district continues to be the unit for regulatory-cum-revenue administration, with the added emphasis that it has now developed as the unit for development administration.

### Rural Development

Thus, in the changed context of the transformation of a police state into a welfare state, there has been a fundamental change in the concept of district administration, the main emphasis now being on development activities in rural areas. The development administration in the district is intended to play an important role as an instrument of socio-economic changes in Indian rural society.

The rural development activities have altered the role of the District Magistrate. After Independence, when development became the preoccupation of Government the District Magistrate was given the role of a captain and co-ordinator of the development programme of the district. With the introduction of the Community Development programme, the District Magistrate was given specific powers and responsibilities such as he had not been given in respect of the general programme of development. He was now made an effective guide and coordinator of the development activities at the district level, with substantial powers of control over the district level officers of various nation-building departments of the State Government.

### Community Development

As in other States of the country, in West Bengal also the Community Development programme was first introduced in

1952 on a pilot basis in eight development blocks. Initially, there was a tendency to develop a parallel administrative structure with the District Magistrate left alone on the sideline. The programme used to be implemented directly by the Development Department functioning from the State headquarters through a team of Extension Officers with the Block Development Officer at the top. The other nation-building departments also operated through their separate hierarchies, directly with the blocks with their own officers posted in the blocks.

As the number of blocks progressively increased, the Development Department found it increasingly impossible to deal with the blocks from the State headquarters. Ultimately a stage came when it was found that it was necessary to get the District Magistrate involved in the Community Development programme, both in planning and execution. Therefore, the District Magistrate was brought back into the picture of development and planning and he came to acquire a key position in the hierarchy of officers at the district level, with the function of coordination in planning as well as in execution.

#### Role Of The District Magistrate

The District Magistrate is now recognised as the captain of a team of district level officers of different nation-building departments. The problem of coordination

has thus devolved on the District Magistrate squarely both in planning and execution and the single line organisation has been accepted with the District Magistrate occupying the keystone of the arch at the district level.

The District Magistrate is to ensure proper coordination and implementation of the various programmes of the nation-building departments of Government at the district level. In the words of an official publication<sup>1</sup> : "The district level officers of various departments concerned with community development programmes relating to agriculture, irrigation, animal husbandry, co-operation, small-scale and cottage industries, panchayats, education, social education, communication, health etc. normally work under their respective departmental superiors but the Collector, as the principal coordinating agency in the district, gives them general guidance, assesses progress and ensures that obstacles in the implementation of their tasks are removed."

In short, the District Magistrate is in charge of community development in the district. He is assisted in the discharge of that duty by the Special Officer, Planning and Development.

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<sup>1</sup> West Bengal District Gazetteers - Bankura, (Government of West Bengal, 1968), p. 361.

The actual implementation of the community development programme is, however, done by a team of Extension Officers under the leadership of the Block Development Officer at the block level. This agency is known as the block organisation, and on its energy and efficiency depends ultimately the success of community development.

### Block Organisation

The entire rural area of West Bengal is now covered by development blocks. A block is normally coterminous with a police station. A block generally covers 100 villages and roughly a population of 66,000.

The burden of development activities in the block area rests with an agency designated as the National Extension Service. The National Extension Service is composed of a team of Extension Officers in different fields, some Multi-purpose Village Level Workers, one Progress Assistant and a few Gram Sevak and Gram Sevikas, with the Block Development Officer at the top. The Block Development Officer is to ensure proper coordination and implementation of the various programmes of the nation-building departments of the State Government in an integrated manner. The Block Development Officer is a member of the West Bengal Civil Service, and is under the administrative control of the District Magistrate.

The block organisation has now become a part and parcel of the district administration, and the district administration without the block organisation, is, therefore, inconceivable. For every bit of work, both development and non-development, relating to rural areas, the Government has to depend ultimately on the block agency. It has been the accepted policy of Government that the block administration will be integrated with the general administration. The block organisation is not only the agency for development activities at the block level, but is also the agency through which the District Officers carry out the work of general administration, the volume of which at the block level is tremendous nowadays.

#### The Role Of The B.D.O.

The Block Development Officer is the head of the block organisation in the same way as the District Magistrate is the head of the district organisation. The Block Development Officer has full powers of coordination and supervision over the different Extension Officers even though the Extension Officers need not be part and parcel of the block administration. The Block Development Officer exercises his coordinating and supervising authority in the same way as the District Magistrate exercises powers of coordination and supervision over officers belonging to the different technical departments of Government at the district level.

Want Of Coordination

But the fact cannot be denied that the authority of the Block Development Officer has already undergone erosion to a considerable extent arising out of departmentalism. The institution of District Magistrate has even suffered erosion because of the growth of technical departments and it is not always possible for a District Magistrate to coordinate effectively the district heads of various technical departments of Government. To think, therefore, that at the block level the Block Development Officer would be able to bring about coordination is perhaps asking for too much.

Truly speaking, coordination without authority at whatever level it may be, is a cry in the wilderness. The essential pre-requisite for bringing about the needed cohesion and inter-departmental coordination at the block level is that the block organisation should be placed under a high-level officer with authority to coordinate the activities of all nation-building departments as well as general administration.

Is this  
concrete?

The block organisation has combined development activities of the rural areas with the work of the general administration and any curtailment of this organisation is likely to affect adversely the interests of the rural people as well as the district administration. The block organisation can play a vital role in development administration and

general administration, provided the organisation can work in cohesion and in an integrated manner under the effective leadership of the Block Development Officer.

An Assessment Of C.D. Programme

*What is the  
substantive  
proof for  
this statement?*

*Give  
documentation  
of  
empirical  
data*

*to  
support  
this analysis*

An assessment of the community development programme may be made here. It is often said that the community

development programme which was designed for the overall

economic and social development of rural areas in an

integrated manner could not achieve its objectives. There is

no doubt that this statement is partially true, but this

does not give the correct picture too.

One of the most important objectives of the community development programme is to make the rural people conscious about their needs and to enthuse them to improve their own efforts. This has to a great extent succeeded. At present there is a keen desire among the agriculturists for taking up modern methods of agriculture and a great demand for insecticides and improved seeds. This is indicative of the fact that the extension service rendered by the community development programme has at least been able to create an awakening in the minds of the rural people and to enthuse them to strive for the betterment of their lot.

It is of course true that the targets have fallen far short of expectation. Nevertheless, if one compares the condition of the villages of the pre-Independence days with their present condition, one cannot but feel the difference. There is no denying that today the block office has become an essential institution for the village community. Apart from the development activities, the block officials are looked upon by the village people as their friend, philosopher and guide.

#### Block Level Planning

More often than not it is said that planning should start from the bottom. The block is the centre of development activities in the district. It would, therefore, be judicious if planning of rural development activities is made at the block level. Each block may prepare a comprehensive development plan after taking into consideration its local needs and requirements. The plans thus prepared for each and every block of a district may be collected at the district level where it may be compiled and the district level plan may be formulated.

Should this happen, the block level plan may be the core of the overall plan of the State to be formulated by the State Planning Board. If the State plan is thus formulated, it would be a judicious plan indeed. Over and above,

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it would be easier to distribute the development work districtwise and ultimately blockwise. Both the district officials and the block officials will then be in the know of what is their programme of work and what they are required to do. This is sure to give better result than at present.

One of the reasons for lack of coordination at the block level is that there is no block level planning. Because of this, the Block Development Officer does not even know what are the schemes of various development departments. If purposive coordination is to be secured at the block level through the instrumentality of the Block Development officer, there must be block level planning.

#### District Level Planning

Although there is no block level planning, there is at present district level planning. For the preparation of an outline of the development plan of the district, there is a District Planning Committee for each district under the State Planning Board. The district development plan constitutes the base of the overall plan of the State, which is now formulated by the State Planning Board.

With a view to effecting the national decision to decentralise planning, like other States in India, West Bengal established in May, 1972<sup>2</sup> a State Planning Board

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<sup>2</sup> Vide the Calcutta Gazette, Extraordinary, dated May 13, 1972.

under the Chairmanship of the Chief Minister of West Bengal, together with a District Planning Committee for each district under the overall supervision and guidance of the State Planning Board.

Besides the Chief Minister as its Chairman, the State Planning Board consists of a Vice-Chairman, eight whole-time Members, five part-time Members and a Secretary. The main functions of the Board are :

- (1) to make an assessment of the State resources and formulate plans for the most effective and balanced utilisation of these resources,
- (2) to determine plan priorities of the State within the framework of the priorities of the National Plan, and
- (3) to assist district authorities in formulating their development plans within the spheres in which such planning is considered useful and feasible and to coordinate these plans with the State Plan.

#### District Planning Committee

The composition of the District Planning Committee is as under :

1. Minister<sup>3</sup> - Chairman,
2. District Magistrate - Vice-Chairman,
3. Members - All M.L.As. and M.Ps. of the  
district,
4. Special Officer, Planning & Development - Secretary.

The functions of the District Planning Committee are :

- (a) to supervise and coordinate all development work in the district;
- (b) to determine district development strategy and fix up development priorities in consonance with such standards as fixed by the State Planning Board on the one hand and the felt need of the district on the other;
- (c) to collect, process and maintain all information relevant to district planning, and to conduct various surveys with these ends in view;
- (d) to suggest and prepare an outline of the development plans of the district; and

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<sup>3</sup> The Cabinet Minister from the district, or if there is no such person, the Minister of State from the district, or if there is no such person, a person nominated by the State Government from among the members of the District Planning Committee shall be the Chairman of the District Planning Committee.

(e) to evaluate the plan performance at the district level.

It is to be observed that the District Planning Committee has to function both as a planning committee and as a supervising and coordinating body. As the Chairman of this committee is a Minister, it appears that the coordination of the activities of the different operating agencies of Government concerned with development schemes at the district level will be effected in a better manner than at present.

It is also to be observed that the development plan of the district can be prepared in a far better manner by the District Planning Committee, if there is block level planning through a similar committee constituted at that level also. There is no denying that the block is nearer to the people than the district. So, if the district development plan is to be the people's plan, it should originate in the block.

#### Panchayati Raj

There is no gainsaying the fact that Panchayati Raj is the logical outcome of the Community Development Programme. In the words of D.N.S.Chauhan<sup>4</sup>, "With its roots

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<sup>4</sup> D.N.S.Chauhan — "Impact of Democratization of District Administration" in the Voluntary Action, New Delhi, Vol. X, Nos. 4 & 5 (July to October, 1968), p. 26.

in the ancient history of India and in the constitution of the free republic, the scheme of Panchayati Raj has come into existence as a logical outcome of national Community Development Programme launched by the Government on October 2, 1952 under the Indo-U.S. Technical Co-operation Agreement." Panchayati Raj represents a revolutionary change in district administration as also in rural development administration. It is the new vehicle of rural development and of rural self-government.

Like other States in India, West Bengal has evolved its own Panchayati Raj system. It has been introduced in two stages through the enactment of two Acts, namely, the West Bengal Panchayat Act of 1957 and the West Bengal Zilla Parishads Act of 1963. These two Acts, taken together, constitute the legal basis of the Panchayati Raj system in West Bengal.

Unlike in other States, the Panchayati Raj in this State is a four-tier system, which is indeed a novelty and innovation in the whole of India. The first tier is the Gram Panchayat at the village level. The next tier is the Anchal Panchayat at the old Union Board level. The third tier is the Anchalik Parishad having territorial jurisdiction coterminous with the Development Block. The last tier is the Zilla Parishad at the district level, which has been established in place of the former District Board.

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### Gram Panchayat

There is a Gram Panchayat for each Gram Sabha. The Gram Panchayat is the executive body of the village elders, elected by the adult men and women of the village and it is they who form the Gram Sabha. A Gram Panchayat consists of not less than 9 and not more than 15 members. Each Gram Panchayat elects one of its members as its Adhyaksha and another member as its Upadhyaksha. The term of office of the Gram Panchayat is 4 years.

The functions entrusted to the Gram Panchayat are of three types — obligatory, delegated and discretionary. While the obligatory functions are the normal civic responsibilities, the delegated and discretionary functions are in the nature of rural development and rural reconstruction.

Although the Gram Panchayat has to perform a lot of functions, it has no independent source of income. It has to depend on the financial allotment made by the Anchal Panchayat. But, when the State Government delegates any function to a Gram Panchayat it places funds at the disposal of the Gram Panchayat necessary for the performance of such function. The state of West Bengal is covered by 19,662 Gram Panchayats.

### Anchal Panchayat

The Anchal Panchayat is a peculiar innovation of the West Bengal Panchayat system. It has no counterpart in

any part of the country.

There is an Anchal Panchayat for a number of contiguous Gram Sabhas. Every Anchal Panchayat consists of (a) members elected from among the members of every Gram Sabha within its jurisdiction by the Gram Panchayat concerned, in the ratio of one member for every five hundred members of the Gram Sabha; and (b) the Adhyakshas of all Gram Panchayats within the anchal as ex-officio members.<sup>5</sup> The Anchal Panchayat elects one of its members as its Pradhan and another member as its Upa-Pradhan.

The functions of the Anchal Panchayat are only a few. They are : the administration of the Anchal Panchayat Fund; the imposition and collection of taxes, rates, tolls or fees; the maintenance and control of Dafadars and Chowkidars; and the constitution as well as administration of the Nyaya Panchayat. In addition to these duties, the Anchal Panchayat has also to perform such other duties as may be assigned to it by the State Government. There are 2,926 Anchal Panchayats in West Bengal.

#### Nyaya Panchayat

A Nyaya Panchayat is constituted by each Anchal Panchayat. It consists of five members elected by the Anchal Panchayat

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<sup>5</sup> Government of West Bengal -- The West Bengal Panchayat Act, 1957, Section 26.

from amongst the members of the constituent Gram Sabhas for a term of 4 years. The Nyaya Panchayat deals with petty cases, both civil and criminal. The novel features of the Nyaya Panchayat are worthy of note. They are : (a) it is democratically constituted, (b) it employs simple and summary procedure for the disposal of cases, (c) it can settle any dispute amicably, and (d) legal practitioners are not allowed to appear before it.

#### Anchalik Parishad

A district is divided into a number of development blocks. There is an Anchalik Parishad for each development block. The Anchalik Parishad consists of members and an associate member. The members are : Pradhans, one Adhyakha from each Anchal within the block, local members of Parliament as well as of the State Legislature, two women and two persons belonging to the backward community appointed by the State Government, and two persons co-opted by the members. The Block Development Officer is the only associate member of the Anchalik Parishad. There is a President as well as a Vice-President for an Anchalik Parishad, elected for a period of 4 years. The Block Development Officer acts as the Chief Executive Officer of the Anchalik Parishad.

Out of 335 development blocks, 325 Anchalik Parishads have been constituted so far, leaving only 10 development blocks in the Sub-division of Asansol.

The Anchalik Parishad is responsible for coordinating and integrating the development plans and schemes prepared by the Anchal Panchayats within the block, along with its normal civic responsibilities appertaining to the development of agriculture, cottage industries, co-operative movement and the like. The Anchalik Parishad may also undertake schemes entrusted to it by the State Government or any other authority. It is to be pointed out here that the Anchalik Parishad may undertake or execute any scheme if it extends to more than one anchal. An important power of the Anchalik Parishad is to supervise the activities of the Anchal Panchayats and Gram Panchayats within the territorial limits of the Anchalik Parishad.

Every Anchalik Parishad has a fund which is mainly constituted of grants made by the State Government or the Zilla Parishad, and all receipts on account of tolls, rates and fees levied by it.

The President of the Anchalik Parishad has general responsibility for the financial and executive administration of the Anchalik Parishad. He exercises administrative supervision and control over the work of the Chief Executive Officer. The Vice-President shall, during the absence of the President, exercise all the powers and perform all the functions of the President. The President and the Vice-President of an Anchalik Parishad may, however, be removed by the State Government on

certain specific grounds or if a motion of no-confidence is passed against them in the Anchalik Parishad<sup>6</sup>.

### Zilla Parishad

At the apex of the Panchayati Raj set-up there is the Zilla Parishad. Leaving Calcutta, there are at present 15 districts in West Bengal. In these fifteen districts Zilla Parishads have been set up in place of former District Boards.

A Zilla Parishad consists of the following members and associate members. The members are : the Presidents of the Anchalik Parishads, two Adhyakshas from each sub-division, local members of Parliament as also of the State Legislature, the Chairman of a Municipality in the district appointed by the State Government, the President of the District School Board, and two women appointed by the State Government. The associate members are the Sub-Divisional Officers of the district and the District Panchayat Officer.

The tenure of office of the Zilla Parishad is 4 years. There is a Chairman as well as a Vice-Chairman for each Zilla Parishad. They may, however, be removed by the State Government, as in the case of an Anchalik Parishad, on certain specific grounds or if a motion of no-confidence is passed against them in the Zilla Parishad<sup>7</sup>. The Chairman, and in

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<sup>6</sup> Government of West Bengal — The West Bengal Zilla Parishads Act, 1963, Section 57.

<sup>7</sup> Ibid. Section 9.

his absence the Vice-Chairman, has general responsibility for the financial and executive administration of the Zilla Parishad, and exercises administrative supervision and control over the work of the Executive Officer and the Secretary of the Zilla Parishad. For the day-to-day administration of the Zilla Parishad, there is an Executive Officer appointed by the State Government and a Secretary appointed by the Zilla Parishad. The Zilla Parishad functions, as in the case of an Anchalik Parishad, through a number of standing committees.

The functions of the Zilla Parishad are four-fold. They are : (a) performing normal civic responsibilities relating to the development of agriculture, industries, co-operative movement, rural credit, water supply and the like; (b) co-ordinating and integrating the development plans and schemes prepared by Anchalik Parishads in the district; (c) exercising supervisory functions over the lower Panchayat bodies; and (d) serving as an adviser to the State Government on all matters relating to the development of the district. It is to be noted here that a Zilla Parishad may undertake or execute any scheme if it extends to more than one block or is beyond the competence of the Anchalik Parishad concerned financially or otherwise. The Zilla Parishad has, therefore, very little opportunity for direct operation.

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For every Zilla Parishad there is a fund which is mainly constituted of grants made by the Central or the State Government, loans granted by the Central or the State Government, and all receipts on account of tolls, rates and fees levied by the Zilla Parishad.

#### Supersession Of Parishads

The Zilla Parishad or the Anchalik Parishad may be superseded by the State Government on certain specific grounds. If, in the opinion of the State Government, a Zilla Parishad or an Anchalik Parishad has shown its incompetence to perform or has persistently made default in the performance of its duties or exercise of the functions imposed on it, or has exceeded or abused its powers, the State Government may supersede the Zilla Parishad or the Anchalik Parishad, as the case may be, for a period not exceeding two years<sup>8</sup>. It is to be remembered that the period of supersession may be modified or extended by the State Government.

#### Appointment Of An Administrator

When an order of supersession has been passed, all the powers, duties and functions of the Zilla Parishad or the

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<sup>8</sup> Ibid., Section 108.

Anchalik Parishad shall be exercised, discharged or performed by an Administrator, to be appointed by the State Government in this behalf<sup>9</sup>.

An Administrator may also be appointed in other circumstances under Section 109A of the West Bengal Zilla Parishads Act, 1963. Thus, when by reason of any judgment, decree or order of a competent court holding the constitution of a Zilla Parishad or an Anchalik Parishad to have become defective or for any other reason a Zilla Parishad or an Anchalik Parishad is unable to function until it is reconstituted, the State Government may appoint a person to act as the Administrator for the Zilla Parishad or the Anchalik Parishad, as the case may be. In short, an Administrator may be appointed where the Zilla Parishad or the Anchalik Parishad is unable to function for defect of constitution or otherwise. In such a case, all the powers, duties and functions of the Zilla Parishad or the Anchalik Parishad shall be exercised and performed by the Administrator in such manner and under such conditions as the State Government may direct.

It should be mentioned in this context that in the original Zilla Parishads Act there was no provision for the appointment of an Administrator under such circumstances.

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<sup>9</sup> Ibid., Section 109.

This provision was made in 1969 by insertion of the new Section 109A<sup>10</sup> in the West Bengal Zilla Parishads Act of 1963, in pursuance of the decision of the Calcutta High Court in the case of Nandadulal Jana and others versus Sub-Divisional Magistrate, Contai and others, in which case the court had held that the constitution of the Zilla Parishads and the Anchalik Parishads had become defective.

Since the Zilla Parishads and the Anchalik Parishads thereby became unable to function until they were reconstituted, in exercise of the powers conferred by section 109A of the West Bengal Zilla Parishads Act of 1963, the State Government issued orders on April 23, 1969<sup>11</sup> appointing Administrators in respect of all the Zilla Parishads and the Anchalik Parishads removing the members thereof.

The Zilla Parishads and the Anchalik Parishads have not yet been reconstituted. The Administrators are, therefore, still functioning for all the Zilla Parishads and the Anchalik Parishads.

#### The District Magistrate And The Panchayati Raj

The District Magistrate in West Bengal is not directly involved in the Panchayati Raj bodies. He is not a member of

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<sup>10</sup> Section 109A was inserted by the West Bengal Zilla Parishads (Amendment) Ordinance, 1969 which subsequently became the West Bengal Zilla Parishads (Amendment) Act, 1969.

<sup>11</sup> The orders were published in the Calcutta Gazette — Extraordinary, of August 6, 1969, Part I.

the Zilla Parishad. Normally, the District Magistrate is not expected to interfere with the day-to-day working of the Zilla Parishad or any of the other Panchayati Raj bodies, but he has been vested with powers of supervision and control over them in the West Bengal Zilla Parishads Act of 1963 and the West Bengal Panchayat Act of 1957 and the Rules framed thereunder. Thus, the District Magistrate is empowered to -

(a) call for and inspect any document which may be in the possession of a Zilla Parishad;

(b) require a Zilla Parishad to furnish such information as he may think necessary;

(c) inspect the office of a Zilla Parishad or any institution maintained by or under the control of a Zilla Parishad, and also inspect any records, registers or any other document maintained by such institution;

(d) act as a channel of communication between the State Government and the Zilla Parishad regarding resources, grants, allotments, etc., and

(e) issue general or special direction to the Zilla Parishad in respect of relief and social welfare measures.

The District Magistrate possesses like powers in respect of the Anchalik Parishads in the district.

Similar powers may also be exercised by the District Magistrate in respect of Gram Panchayats and Anchal Panchayats.

Moreover, he has the power to remove the Adhyaksha, the Upadhyaksha and members of a Gram Panchayat as also the Pradhan, the Upa-Pradhan and members of an Anchal Panchayat under certain circumstances. Furthermore, he may recommend the supersession or reconstitution of a Gram Panchayat or an Anchal Panchayat, if he is of opinion that the Gram Panchayat or the Anchal Panchayat is not competent to perform, or is persistently making default in performing the duties imposed on it by or under any law, or is exceeding or abusing its powers. In addition to these powers, the District <sup>M</sup>agistrate has the power to suspend or cancel any resolution, order or permission of a Gram Panchayat or an Anchal Panchayat, if such resolution, order or permission is not in accord with the law or is in excess of its power.

A serious responsibility has, therefore, been cast on the District Magistrate in regard to the Panchayati Raj institutions inasmuch as he is expected to guide them along proper lines so that the object of democratic decentralisation of development functions is ultimately achieved. In discharging this responsibility he will naturally have to act with the greatest restraint.

#### An Assessment Of The System

The process of establishment of the Panchayati Raj institutions all over the State of West Bengal was completed with the setting up of the Anchalik Parishads and the Zilla

*Provide Documentation  
of implementation of state to  
support the Government's  
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Parishads in the latter part of 1964. But, since the earlier part of 1969 the Administrators have been functioning for all the Anchalik Parishads and the Zilla Parishads on account of their constitution having been declared to be defective by the Calcutta High Court. Their position has remained so even today and there is no indication of their being reconstituted in the near future.

Again, elections in all the Panchayati Raj bodies which had been created during the period of 1958-64 were due every four years. However, elections were postponed on the plea of political uncertainty, President's Rule, war and Emergency. It has not yet been decided when fresh elections are going to be held. The Gram Panchayats and the Anchal Panchayats which were constituted long ago have still been functioning. As a result, the Panchayat leaders have not only lost their enthusiasm and initiative, they have also become colourless in the eyes of the village people. Only fresh leadership through fresh elections can revitalize the Panchayats which have practically lost their vitality.

Furthermore, the presence of political uncertainty in this State during the years in between the Fourth and Fifth General Elections had indeed a distressful impact on the Panchayati Raj institutions. It goes without saying that a favourable political atmosphere is sine qua non for a proper functioning of the self-governing institutions.

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In view of the facts indicated in the foregoing paragraphs, it is hardly possible to assess or evaluate the contributions of the Panchayati Raj bodies in rural development activities.

#### Want of Direct Election

So far as the structural arrangement of the Panchayati Raj bodies in West Bengal is concerned, it has to be observed that although the Gram Panchayat is directly elected by the people on the basis of adult suffrage, no such system of direct election is provided in the constitution of other three tiers of the Panchayati Raj set-up. It has also to be observed that the Anchalik Parishad and the Zilla Parishad provide for too many nominations by the State Government. Moreover, they provide for the presence of too many ex-officio members and associate members, the latter being certain Government officials.

There is no denying that while the absence of direct election will result in the lack of initiative and spirit of service on the part of members of the upper Panchayats, the presence of local members of Parliament and the State Legislative Assembly in the Anchalik Parishad and the Zilla Parishad will discourage the growth of local leadership. It is felt that there should be provision for direct election in the constitution of upper Panchayats with a view to having real democratic set-up in these bodies.

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### Paucity Of Funds

The sources of income of the Zilla Parishad as also of the Anchalik Parishad and the Anchal Panchayat are inadequate and very few of them are elastic. The Gram Panchayat has no independent source of income. It has to depend on financial allotment made by the parent Anchal Panchayat.

The Panchayati Raj bodies have to depend to a great extent on the financial grants made by the State Government. They have no stable source of income and naturally they are compelled to become petitioners at the doorsteps of Government for financial assistance. This dependence, as it does, will surely affect the autonomy and destroy the vitality of the Panchayati Raj bodies. While they have been entrusted with vital functions for the welfare of the rural community, their sources of income are very limited. The delegation of adequate financial resources to them is urgently needed in order to make them effective people's institutions.

It should be pointed out in this context that one of the main reasons for the failure of Panchayati Raj in West Bengal is the paucity of funds at the disposal of various Panchayati Raj bodies. Another important reasons for its failure is that the local leaders are more interested in politics than in a sincere desire to serve the people in rural areas through the medium of these local institutions.

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### Abolition Of Anchal Panchayats

The powers and functions of Gram Panchayats in other States have been assigned to two bodies in West Bengal, namely Gram Panchayats and Anchal Panchayats. As a result, neither the Gram Panchayats nor the Anchal Panchayats have been functioning properly. Public opinion in West Bengal is in favour of making the Gram Panchayat an effective body by doing away with the Anchal Panchayat and transferring all its powers and functions to the former body.

With this end in view, the Gram Panchayats should be merged with their parent Anchal Panchayats, and bigger Gram Panchayats established. The number of Gram Panchayats should, however, be increased than the number of existing Anchal Panchayats so that new Gram Panchayats with added powers and functions may function properly

This view has been accepted by the Government of West Bengal and is going to be implemented by a comprehensive legislation, which has recently been introduced in the State Legislative Assembly.<sup>11A</sup>

### More Powers To Zilla Parishads

Unlike in Gujarat and Maharashtra, in West Bengal neither development activities at the district level have been

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<sup>11A</sup> Vide page 165, post.

entrusted completely to the Zilla Parishad nor officials of Development departments of the State Government at that level have been transferred to the Zilla Parishad. Again, unlike in Tamil Nadu where the District Development Council is purely an advisory and coordinating body, in West Bengal the Zilla Parishad has been vested with powers to prepare schemes and undertake development schemes for the welfare of the district in addition to its supervisory and coordinating functions.

However, it appears desirable and feasible that development schemes at the district level should be entrusted to the Zilla Parishad in a greater number than done at present. This is in conformity with the recommendation of the Working Group on District Administration<sup>12</sup>, which is as follows :

"The Working Group was unanimously of the view that more and more development schemes at the district level (now looked after directly by the Government Departments), irrespective of financial limits, ought to be entrusted for execution to the Zilla Parishads subject only to their technical competence to deal with such schemes."

The other name of Panchayati Raj is democratic decentralisation of power. To speak the truth, there has been very

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<sup>12</sup> Government of West Bengal — Report and Recommendations of the Working Group on District Administration, 1966, (West Bengal Government Press, Calcutta, 1968), p. 1.

little decentralisation of power in West Bengal through the medium of the Panchayati Raj institutions. If democratic devolution of power is not a mere slogan but an objective reality, development activities at the district level should more and more be entrusted to the Zilla Parishad.

In fine, the Panchayati Raj bodies in West Bengal have failed to implement the spirit and aim of Panchayati Raj. The past and present state of affairs of the Panchayati Raj bodies have amply proved this. Neither they have been able to rouse popular enthusiasm, nor they have been able to create much impact in ameliorating the conditions of the rural masses.

#### A New Panchayat Bill

In West Bengal there are at present two Panchayat Acts, namely, the West Bengal Panchayat Act of 1957 and the West Bengal Zilla Parishads Act of 1963. Recently, a new bill under the title "The West Bengal Panchayat Bill, 1973"<sup>13</sup> has been introduced in the State Legislative Assembly in order to replace the two Acts by a comprehensive legislation.

The salient features of this comprehensive bill are as under :

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<sup>13</sup> The Bill has been published in the Calcutta Gazette, Extraordinary, of May 3, 1973. On May 10, 1973, it has been introduced in the West Bengal Legislative Assembly and referred to a Select Committee.

(1) With a view to falling in line with the all-India pattern of Panchayati Raj institutions, it is proposed to introduce three-tier structure of Panchayati Raj institutions from the village to the district, namely, the Gram Panchayat at the anchal level, the Panchayat Samiti at the block level and the Zilla Parishad at the district level.

(2) The Anchalik Parishad is proposed to be renamed as the Panchayat Samiti. As proposed in the bill, the Panchayat Samiti will include such number of members not exceeding three as may be prescribed from each gram within the block to be directly elected by the adult persons of the gram concerned.

(3) The bill provides for direct election in the case of Zilla Parishad as well. According to the bill, the Zilla Parishad will include two members from each block within the district to be elected by the adult persons of the block concerned.

This bill proposes to make the District Magistrate of the district the associate member of the Zilla Parishad.

(4) According to the bill, the State Government may appoint two members of the Scheduled Castes or Scheduled Tribes and two women to be members of any Gram Panchayat, Panchayat Samiti or Zilla Parishad.

(5) As proposed in the bill, the different duties assigned to the Gram Panchayats, the Panchayat Samities and the Zilla Parishads will be discharged by these bodies from their own funds as well as from the funds that will be made available to them by the State Government from time to time.

(6) In the bill the State Planning Board and the District Planning Committee have been given powers to supervise and evaluate the works of the Gram Panchayats, Panchayat Samities and Zilla Parishads.

#### Comments

The long and persistent demand from the people of West Bengal has been to abolish the existing Panchayati Raj institutions by repealing wholly the existing Panchayat Acts and to substitute them by real democratic structures which will reflect the will of the local people. The bill is to a great extent fulfilment of this demand inasmuch as it proposes to hold direct election at all the three tiers.

In the new scheme of Panchayati Raj institutions, the Gram Panchayat is expected to be an effective body at the village level.

The proposal of direct association of the District Magistrate with the Zilla Parishad is an undesirable feature of the bill. The District Panchayat Officer may be the

associate member as at present, and the District Magistrate should be outside the Zilla Parishad as he is now, with his existing powers of supervision and control over this and other Panchayati Raj bodies. Such indirect association of the District Magistrate with the Zilla Parishad will serve to establish comradely relations between the Panchayati Raj bodies and the State Government as a whole through its chief representative and spokesman in the district.

Another undesirable feature of the bill is that the Panchayati Raj institutions will have to depend on the State Government for funds as at present. This dependence will not only undermine their financial and administrative autonomy, but also their vitality. The delegation of adequate financial resources to them is, therefore, necessary.

If the bill is amended on the lines indicated above, the Panchayati Raj institutions in West Bengal may to a large extent become the institutions of the people, by the people and for the people.

## CHAPTER IX

Problems of District AdministrationVital Problems

It is needless to mention that there are some vital problems which tend to affect the smooth and efficient working of district administration in West Bengal. These are really problems that cannot await solution in view of their urgency.

An attempt is being made here to pinpoint these vital problems of district administration, together with suggestions for their remedies.

Partition Of Large Districts

The first and foremost problem is that of reorganisation of large districts on a rational basis. The efficiency of district administration demands that the district should be of reasonable size, both in area and population.

In a large district the District Magistrate is given a superman's task to perform. Inevitably some of the work remains neglected and some is only superficially attended

to. It is, therefore, in the interest of the efficiency of the District Magistrate as also of the welfare of the people that he should be provided relief by reducing the size of the district. Although the partition of districts involves administrative and, what is more, political implications, it is the only solution of the problem of unwieldy districts.

The Bengal District Administration Committee of 1913-14 thoroughly discussed the problem and came to the definite conclusion that partition was its only solution. In the language of the Committee<sup>1</sup> : "there is no objection of real importance to the partition of unwieldy districts and subdivisions and that this is the only real solution of the difficulty. The district and the subdivisional boundaries are not sacrosanct, and the sooner this is realized the better. These boundaries have been repeatedly altered in the past. In all branches of the administration, work is daily becoming more heavy and more complex with the increase in population and education, and there is no reason why Government should hesitate to do now what it has so often done before, to modify the administrative charges of its officers in such a way that the work will be efficiently performed and the real wants of the people will be met."

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<sup>1</sup> Report of the Bengal District Administration Committee, 1913-14, (Bengal Secretariat Press, Calcutta, 1914), Para. 53.

The Andhra Pradesh Administrative Reforms Committee of 1960<sup>2</sup> also observed that "there should be optimum limit, both in size and area for any district, for efficient district administration."

The districts of 24-Parganas, Midnapore and Burdwan are really unwieldy, both in area and population. While the average area of a district in West Bengal is 5,491 sq. km., these three districts (13,875 sq.km.; 13,724 sq.km. and 7,028 sq.km. respectively) are far above this average. Again, while the average population of a district in the State is 2,777,506, these districts (85,81,743; 55,15,320 and 39,20,395 respectively) are far above this average.

It is suggested that the districts of 24-Parganas, Midnapore and Burdwan should be immediately partitioned with a view to ensuring the smooth and efficient administration as well as the peace and prosperity of the districts.

The Government of West Bengal decided long ago to bifurcate the district of 24-Parganas into two districts, North and South, with Barasat and Alipore as their respective headquarters. However, the decision has not yet been implemented.

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<sup>2</sup> Vide A Digest of the Report of the Committee in The Indian Journal Of Public Administration, New Delhi, Vol. VII, No. I (Jan.-March, 1961), p. 102.

The Sunderbans

Another big issue is posed by the special problems of the Sunderbans in the district of 24-Parganas. There has been a long and persistent demand ~~from~~ the people of this area to separate the Sunderbans from the district of 24-Parganas and to form a new district for the Sunderbans so as to ensure its all-round development.

To speak the truth, the Sunderbans area calls for special treatment in view of its special problems. The development of the area, that is to say, the improvement of the conditions in which the inhabitants in that backward area have to live, is a crying need. The problem of transport and communications in the riverine areas of the Sunderbans is also to be solved in the interests of administrative necessity and economic uplift.

It is worthy of note, in this connection, that the problems of the Sunderbans received due attention of the Bengal Administration Enquiry Committee of 1944-45. The Committee observed inter alia : "The problems of the locality are so urgent and so special that one of our members considers that the Sunderbans should be formed into a separate district, thereby not only affording some relief to the overloaded District Officer of the 24-Parganas, but

also ensuring that the area receives specialised attention."<sup>3</sup>

The only solution of the problems of the Sunderbans is to separate the area from the district of 24-Parganas and to form a new district comprising this area only.

It is heartening to mention here that the State Government has recently decided to establish a separate district for the Sunderbans. A committee has also been appointed to determine the boundary of the new district to be constituted. The committee has also been asked to suggest the location of the district headquarters and specify which sub-divisions and parts thereof should come under the proposed Sunderbans district<sup>4</sup>. If the decision is implemented, the problems of the Sunderbans may be satisfactorily solved.

#### Link Between The Secretariat And The Districts

Another vital matter that has a tendency to affect the efficiency of district administration is the weak relationship between the State Secretariat and the districts. As a matter of fact, the link between the secretariat and the districts is weak and is based on inadequate appreciation

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<sup>3</sup> Report of the Bengal Administration Enquiry Committee, 1944-45, (Bengal Government Press, Alipore, 1945), para. 111.

<sup>4</sup> Vide the Amrita Bazar Patrika, Calcutta, of May 20, 1973.

of the functions of each side by the other. The relationship between the two sides often comes in for criticism at both ends<sup>5</sup>.

The District Magistrates often feel that the secretariat is deaf to their requests and advice. The secretariat, on the other hand, often feels that the District Magistrates are not practical. It is said that a District Magistrate considers his district to be the only district in the State and makes his recommendations accordingly.

*What is your answer of information about it?*

The existing relationship between the secretariat and the districts has to be improved at all costs. If each side realises the difficulties of the other side and if there is a spirit of accommodation, they will be able to work in harmony and cooperation.

In order to make the link between the secretariat and the districts more close and intimate, there should be periodical conferences of the District Magistrates at the State secretariat. Such conferences will also enable the secretariat to understand the actual difficulties of district administration and to adopt effective remedial measures therefor, if necessary.

*Several District Magistrates conferences are held in many states.*

*This also in Hindi - West Bengal?*

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Vide the Statesman, Calcutta, of July 1, 1972.

Coordination In Development Work

A vital problem of district administration is that of ensuring coordination in development work. At present the District Magistrates have in fact no authority over agencies which are engaged in development work at the district level. Because of a lack of coordination, the District Magistrates are often kept in the dark about the work being done by development agencies.

It is stated that the primary problem that every District Magistrate has to face is an effective coordination of the activities of different development departments at the district level. From time to time the Government has issued circulars in which the District Magistrate's role as the coordinating agency has been stressed. These circulars have not, however, made the District Magistrate's task easier. To speak the truth, he has not been able to become an effective coordinating agency.

If the District Magistrates are to ensure effective implementation of development projects, the District Magistrates suggest that they should be given more powers, including the power to maintain the confidential character rolls even of officers belonging to the P.W.D., Public Health and other technical departments in the districts<sup>6</sup>. But, the

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<sup>6</sup> Vide The Statesman, Calcutta, of June 26, 1972.

technical officers point out that the District Magistrates have already got wide powers. A District Magistrate, they say, can exercise supervisory powers over other officers in his district engaged in development work. If the District Magistrate is not satisfied with the work of any such officer, he can report it to the Secretary of the Department concerned for necessary action. The technical officers do not think that empowering the District Magistrate to write the confidential character rolls of technical officers will in any way help ensure a speedier execution of development schemes in the district. The idea of controlling such officers through the confidential character rolls is outdated, they say<sup>7</sup>.

Needless to say, the successful implementation of development programmes requires coordination and that coordination is not possible without authority. In order to ensure coordination at the district level, the District Magistrates must be given the real authority to coordinate the activities of all technical officers responsible for development work. For this purpose, they need not, however, be given the power to write the confidential character rolls of technical officers inasmuch as it is likely to complicate the problem of coordination.

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<sup>7</sup> Vide The Statesman, Calcutta, of July 1, 1972.

On the contrary, it may be provided that the technical officers will be required to submit progress reports to the District Magistrate at regular intervals and to furnish such information as the latter may call for from time to time. Such reports and information will enable the District Magistrate to have a picture of progress of development work in the district. It may also be provided that the District Magistrate will confer now and then with the technical officers concerned with development work at the district level. Such conferences will enable the District Magistrate not only to review the progress of development work but also to coordinate the activities of all technical officers in a friendly and cordial atmosphere.

#### Political Pressure

Another matter that tends to affect the efficiency of district administration is the political pressure on the District Magistrates. Due to the democratic set-up, a change has already come in the role of the District Magistrate as he is not generally in a position to take drastic action in emergent situations which he could do before, without being responsible to any one save the Government at headquarters. Now things have changed and the District Magistrate has to take public opinion into consideration and also to take

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the public into confidence, where necessary. Off and on the elected representatives of the people also try to influence his decision and his position becomes very difficult in such circumstances. It becomes all the more difficult when influential members of the ruling party try to bring pressure upon him. As a matter of fact, such political pressure or interference is undermining his independence, impartiality and effectiveness. The observations of Dr. N.C.Roy are worthy of note in this context. He says : "Now and again complaints are heard that they are being interfered with in the performance of their duties ..... Necessary precaution should be taken not only against any interference in their performance of the duties which laws and regulations have enjoined on District Officers but even against any suspicion that such interference is taking place."<sup>8</sup>

Effective steps are to be taken to guard against any political interference with a view to enabling the District Magistrates to discharge their duties without fear or favour. The correct relationship between the political power and the administrative power at the district level is also to be worked out and an appropriate code of conduct adopted so that district administration may work independently, impartially and effectively.

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<sup>8</sup> N.C.Roy — The Civil Service In India, (Firma K.L. Mukhopadhyay, Calcutta, 1960), p. 343.

Public Relations And Grievances

An important problem of district administration is to ensure cordial relationship between the people and the administration. There is a public relations officer in each district under the State Public Relations Department. This office only concerns itself with publicity and not with other aspects of public relations. Even though public grievances are closely related to public relations, there is in fact no machinery for the redress of those grievances. If the genuine grievances of the people are not redressed, public relations cannot be improved and cordial relations between the people and the administration cannot be restored.

It is, therefore, suggested that the District Magistrate should be specifically given the duty to act as the District Grievance Officer with jurisdiction over every Department of the district. It will be his duty to follow up individual complaints and to ensure that they are attended to promptly by the departments concerned. A new post of Grievance Officer should also be created so that this officer may assist the District Magistrate in the discharge of his new responsibility as the District Grievance Officer.

It is also suggested that there should be a District Grievance Committee for each district to deal with complaints and grievances of a general nature. This committee may be

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set up under the chairmanship of the District Magistrate, with the local members of Parliament as also of the State Legislative Assembly as its members and the Grievance officer as its secretary. Such a committee will serve a dual purpose. On the one hand, it will improve the relations between the people and the administration and, on the other, it will help solve public grievances of a general nature in a satisfactory manner.

#### Minor Problems

There are minor problems too which should not escape our attention.

A tendency has now developed in the senior officers to remain in the secretariat leaving only comparatively junior officers to man the posts of District Magistrates. The appointment in the districts has in fact come to be looked upon by the senior men as a sort of banishment. It should not be forgotten that district administration is not less vital and responsible a job than that in the secretariat. There ought to have been a free flow of senior men as District Officers. But this is not the case in reality.

The problem may be solved in the following manner. During British rule it was the practice that after three years' service in the district an officer would be brought

back to the secretariat and after three years' stay at the secretariat he would again be transferred to the district. This practice should be re-introduced in the case of District Magistrates in the interest of efficient district administration.

Another tendency is becoming noticeable on the part of the secretariat to initiate schemes in the district without the knowledge of the District Magistrate. Sometimes due weight is not also attached to the opinion of the District Magistrate on matters affecting his district. These practices, if not checked, are sure to impair the efficiency of district administration.

Lastly, it may be stated that although the administrative pattern is the same in all districts, there is much diversity in respect of their problems. The patent medicine system is not, therefore, applicable to the divergent problems of the districts. Each district has its own type of problem which claims special treatment.

It has to be observed that if district administration is to prove itself equal to its vastly increased responsibilities of the present day, the problems that are affecting its smooth and efficient working have to be solved in an effective manner. The sooner the administration of the district is set on a right footing, the better.

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## CHAPTER X

ConclusionChanging Pattern

There is no denying that the pattern of district administration in West Bengal as also in other parts of India has undergone a substantial change with the advent of Independence in 1947. It is in fact in many ways significantly different from what it was before Independence. Various changes have come in the field of district administration under the impact of democracy, new social and economic objectives enunciated in the organic law of the land, and the national plans of development and welfare which seek to give effect to these changes. Over and above, the introduction of Panchayati Raj as the new instrument of local self-government and of development in rural areas has brought about a far-reaching change in district administration.

Today district administration is getting more complex and immeasurably more variegated and heavy than it was before Independence. In many respects it is directed towards objectives and programmes which are new and fundamentally different from those which prevailed during British rule. As a matter of fact, new developments and refinements in district administration have taken place in post-Independence period in order to satisfy the new needs and requirements of the society.

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### Changing Role

The District Officer remains even today at the top of this emerging pattern of district administration, with larger responsibilities but with somewhat lower prestige and status. His functions have changed in relative importance, scope and scale, in the context of adoption of the ideal of a welfare state. He has now much larger responsibilities in the field of development administration at the district level, along with his traditional regulatory functions. The powers of the District Officer have also been affected by the introduction of the scheme of separation of the judiciary from the executive as also of the system of Panchayati Raj.

India is now a full-fledged democracy. The District Officer remains, nevertheless, the pivot of district administration. But his present role is not the same as it was during the colonial days. Democracy has in fact brought about a radical change in the role of the District Officer. In a democratic set-up, the attitude of the people towards the District Magistrate has naturally changed and they do not now regard him as their sole guardian. To speak the truth, the people now rely more on their elected representatives than on the District Officer for the redress of their grievances. A change has also come in the attitude of the District Officer towards the people. He has now to show all deference to public opinion and to enlist the cooperation and assistance of the

people's representatives in order to run the administration of the district in a smooth manner.

It must be admitted, in this connection, that a spirit of mutual understanding and psychological re-adjustment is still lacking on the part of both the District Officer and the people's representatives. If the country is to remain politically integrated, it is the District Officer, and not the people's representatives, who should remain responsible for the administration of the district. This is the lesson of history which we should not forget to learn.

#### Future Of The District Officer

The institution of District Officer has a long history behind it and it has stood the test of time. During the long course of British rule the District Officer was the pivot of administration at the district level, and he has remained so even to this day. His role has, however, been changed from one of authoritarianism to that of service to the people. This is inevitable in a democratic set-up.

Although there has been a change in the role of District Officer, he has indeed come to be a part and parcel of our democracy. That is to say, democracy in our country is not workable without the institution of District Officer.

If the experience of post-Independence years serves as a guide, it may be said without any hesitation that this institution must survive.

In fine, the administration of the district headed by the District Officer has been proved to be sine qua non for our democratic set-up. All our efforts should, therefore, be to make district administration perfect in all respects, keeping in view the fact that on its perfection depends to a large extent the perfection of our democracy.

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