

11. State And District Administration

INTRODUCTION

The Constitution of India provides for a federal Government, having separate systems of administration for the Union and the States. The Constitution contains provisions for the governance of both. It lays down a uniform structure for the State Government in Part VI of the Constitution, which is applicable to all the States, except the State of Jammu and Kashmir (which has a separate Constitution for the State.)

The pattern of Government in the States is the same as that for the Union. The executive head (the Governor) being a Constitutional ruler, who has to act according to the advice of Ministers responsible to the State Legislature, except in matters where the Governor is Constitutionally authorised to act in his discretion (Article 163).

THE GOVERNOR

Just as the President stands at the head of the Union executive, the Governor heads the State executive. The executive power of the State is vested in the Governor and all executive action of the State is taken in the name of the Governor. Normally, there is one Governor for each State, but it is possible to appoint the same person as the Governor of two or more States (Article 153).

Appointment, Qualifications, Tenure and Emoluments

The Governor of a State is appointed by the President and holds his office at the pleasure of the President. In order to be appointed as Governor a person must be a citizen of India, over 35 years of age. He must not hold any other office of profit, nor be a member of the Legislature of the Union or of any State. If a member of a Legislature is appointed as Governor, he ceases to be a member immediately upon such appointment.

The normal term of office of Governor is five years. But it may be terminated earlier by (i) Dismissal by the President, at whose 'pleasure' he holds office, or (ii) Resignation. He can be re-appointed. There is no bar to a person being appointed Governor more than once. The Governor receives a monthly salary of Rs. 36,000 besides rent-free official residence and prescribed travelling, sumptuary and other allowances for discharging the duties of his office with convenience and dignity.

Powers of the Governor

The Governor has no diplomatic or military powers like the President, but he possesses executive, legislative and judicial powers analogous to those of the President.

Executive Powers : The Governor is the executive head of the State and all executive powers are vested in him. His powers extend to the administration of all matters included in the State List. In case of matters specified in the Concurrent List, the powers of the Governor are subject to the exercise of the powers of the President.

The Governor has the power to appoint the Chief Minister, the Council of Ministers, the Advocate-General and the Members of the State Public Service Commission. The Ministers and the Advocate-General hold office during the pleasure of the Governor. But the Members of the State Public Service Commission can be removed only by the President on the report of the Supreme Court and not by the Governor.

The Governor has the power to nominate one member of the Anglo-Indian community to the Legislative Assembly of the State, if he is of the opinion that the community is not adequately represented in the Assembly. If the State concerned has a bicameral legislature, the Governor can nominate persons having special knowledge or practical experience in respect of matters such as literature, science, art, co-operative movement and social service to the Legislative Council.

Legislative Powers : The Governor is a part of the State Legislature just as the President is a part of Parliament. He has a right to address and to send messages, to summon, prorogue and dissolve the State Legislature. He causes to be laid before the State Legislature, the annual financial statement and the Money Bills. The Bills passed by the Legislature are sent to the Governor for his assent. He may give his assent or may withhold assent. He may even reserve the Bill for the consideration of the President. The Bills may be sent back by the Governor for reconsideration but if they are again passed with or without amendments he has to give assent to them.

Financial Powers : Money Bills can be introduced in the Assembly on the recommendation of the Governor. The Finance Minister submits to the Legislature the annual financial statement or budget showing estimated receipts and expenditure for the next financial year in the name of the Governor. No demand for grants may be made except on the recommendation of the Governor. The Legislature may reduce the grants sought by the Governor but cannot increase them. The Governor is the custodian of the Contingency Fund of the State and has the power to make payments in emergency without prior sanction of the State Legislature.

Judicial Powers : The Governor has no power to appoint Judges of the State High Court but he is entitled to be consulted by the President in the matter. He determines the question of appointments, postings and promotions of District Judges and other judicial officers in the State.

The Governor has the power to pardon, commute or suspend sentence of any person convicted of any offence against any law relating to matters to which the executive power of the State extends. He can exercise this power either before the trial or during or even after the trial. **Emergency Powers :** Under Article 356 of the Constitution, the Governor has the power to make a report to the President whenever he is satisfied that a situation has arisen in which Government of the State cannot be carried on in accordance with the provisions of the Constitution. The Governor, however, has no emergency powers to meet the situation arising from external or internal aggression as the President has.

Discretionary Powers : Though in the exercise of all his powers the Governor is aided and advised by the Council of Ministers, in the exercise of his discretionary powers the Governor is not required to act according to the advice of his Ministers or even to seek such advice. If any question arises as to whether a matter is or is not a matter for which the Governor is not required by the Constitution to act in his discretion, the decision of the Governor is final

Following are the functions which are specially required by the Constitution to be exercised by the Governor in his discretion :

- Article 239(2) authorises the President to appoint the Governor of a State as the administrator of an adjoining Union Territory and where he is so appointed, he exercises his functions as administrator 'independently of his Council of Ministers'.

- Article 371(2) provides that "the President may by order made with respect to the State of Maharashtra or Gujarat, provide for any special responsibility of the Governor for

- (a) the establishment of separate development boards for Vidarbha, Marathwada Saurashtra, Kutch and the rest of Gujarat ;
- (b) the equitable allocation of funds for developmental expenditure over the said areas, subject to the requirement of the State as a whole; and
- (c) an equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment in services under the control of the State Government, in respect of all the said areas. subject to the requirements of the State as a whole."

- Article 371 A(1)(b) states that "the Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills-Tuensang area immediately before the formation of the State continue therein or in any part thereof and in the discharge of his functions in relation thereto the Governor shall, after consulting the Council of Ministers, exercise his individual judgement as to the action to be taken."

- Similarly, Article 371C(1) empowers the President to direct that the Governor of Manipur shall have special responsibility to secure the proper functioning of the Committee of the Legislative Assembly of the State consisting of the members elected from the Hill areas of the State.

- Article 371F(g) imposes on the Governor of Sikkim, a "special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim" and further states that "in the discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the President may, from time to time deem fit to issue, act in his discretion."

The report to the President under Article 356 that a situation has arisen in which the Government of State cannot be carried on in accordance with the provisions of the Constitution is made by the Governor in his own discretion. The Governor is also the medium through which the Union keeps itself informed as to "whether the State is complying with the Directives issued by the Union from time to time.

Further, after a President's rule is imposed in the State, the Governor acts as the agent of the President as regards those functions of the State Government which have been assumed by the President under the proclamation of emergency.

In some other matters, such as the reservation of a Bill for consideration of the President, the Governor may not always be in agreement with his Council of Ministers, particularly when the Governor happens to belong to party other than that of the Ministry. In such cases, the Governor may be justified in acting without Ministerial advice, if he considers that the Bill in question would affect the powers of the Union or contravene any of the provisions of the Constitution even though his Ministry may be of a different opinion.

Miscellaneous Powers : The Governor receives the annual report of the State Public Service Commission, submits the same to the Council of Ministers and after its consideration to the State Legislature for discussion. He also receives the report of the Auditor-General regarding income and expenditure made by different departments under the State Government.

Position of the Governor

The position of Governor of the State is the same as that of the President of the Union. Theoretically, he is the chief administrator. But in practice, it is not so. The Constitution provides that the Governor shall function with the aid and advice of the Council of Ministers, headed by a Chief Minister.

Even in the exercise of his discretionary powers, the Governor is not free in the sense that he has to act under instructions from the President of India or in accordance with some set conventions. For instance, it is a set convention that the Governor invites only the leader of the majority party in the Assembly to be the Chief Minister since only such a leader is capable of forming a stable Government. If no party has a clear majority, the Governor invites the leader of the largest single party to form the Government. Thus, it is only in the latter instance that he uses his discretion. In summoning, proroguing or dissolving the House, the Governor has to seek the advice of the Ministers.

There is no denying the fact that the Governor plays a dual role. On the one hand, he is the Constitutional head of the State, acting on the advice of Council of Ministers and advising the State Ministry on various important political and administrative issues, on the other hand, he serves as an agent of the Central Government and keeps the Centre informed of the working of the State Government.

The Governor is an essential part of our federal system. The success of this system depends on the personality of the Governor, his knowledge and ability to solve the problems in an impartial manner.

THE CHIEF MINISTER

The position of the Chief Minister of the State corresponds to the position of the Prime Minister at the Centre. The Chief Minister, who is appointed by the Governor is the head of the State Council of Ministers. He is the leader of the majority party in the State Legislative Assembly.

Functions of the Chief Minister are :

1. To communicate to the Governor all the decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation.
2. To furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for.
3. If the Governor so requires, then the Chief Minister submits for the consideration of the Council of Ministers any matter on which decision has been taken by a Minister but which has not been considered by the Cabinet.

Evaluation of the Role of the Chief Minister

The Chief Minister is the sole link of communication between the Cabinet and the Governor and plays an important role as the chief of the Cabinet. Though the Constitution has given a very important position to the Chief Minister, our Chief Ministers, for various reasons, have not

always come upto the expectation. The foremost reason is that in most of the States, the same party is in power as in the Centre. They work in accordance with the wishes of the party High Command. Often, Chief Ministers are sent from the Centre, who, for obvious reasons, are unable to take an independent and an unbiased stand. However, the Chief Ministers of States like West Bengal, Tamil Nadu, Jammu and Kashmir, Andhra Pradesh have proved their worth as they are independent of the control of the Central Government.

The position of State Cabinet largely depends upon the personality of the Chief Minister, strength of the ruling party in the State Assembly, and the relationship between the Chief Minister and the central party organisation and leadership. In ordinary circumstances, the Council of Ministers in the State enjoys all effective powers. It has control over all policy decisions, appointments, transfers and removals.

President's Control over the State Executive

As regards matters on which the Governor is empowered to act in his discretion or on his 'special responsibility', the Governor is under the complete control of the President. But in other matters, though the President has the power of appointing and removing the Governor from office, the President is not entitled to any effective control over the State Government against the wishes of a Chief Minister who enjoys the confidence of the State Legislature. The President, nevertheless, has the right to keep himself informed of the affairs of the State through the reports of the Governor, which may even lead to the removal of the Ministry.

Dismissal of Chief Minister

There is a sharp controversy as to whether a Governor has the power to dismiss a Council of Ministers headed by the Chief Minister, on the assumption that the Chief Minister and his Cabinet have lost their majority in the popular House of the Legislature. The Governor has the power to dismiss an individual Minister at any time. He can dismiss a Council of Ministers or the Chief Minister (whose dismissal means a fall of the Council of Ministers), only when the Legislative Assembly has passed a no-confidence motion against the Council of Ministers. The Governor cannot dismiss the Chief Minister at his pleasure, on his subjective estimate of the strength of the Chief Minister in the Assembly at any point of time. It is for the Legislative Assembly to enforce the collective responsibility of the Council of Ministers to itself.

THE SECRETARIAT

The word Secretariat refers to the complex of departments whose heads administratively are Secretaries and politically are Ministers. The Secretary is the Secretary to the Government as a whole, not to the individual Minister. The Secretary is normally a generalist civil servant. But in the case of the Public Works Department, the Chief Engineer is usually the Secretary. Normally, more than one department is entrusted to one Secretary. Hence, the number of Secretariat departments is greater than the number of Secretaries. Like his Central counterpart, the Secretary is

- (a) the principal adviser to the Minister,
- (b) head of the department(s) under his charge,
- (c) responsible for carrying out the policies and decisions made by the political chief, and
- (d) representative of his department(s) before the legislative committees.

Organisation of a Department

A department consists of officers among whom are included, besides the Secretary, the Deputy Secretary, Under Secretary and/or Assistant Secretary. The larger departments may also have Additional and Joint Secretaries. Secretaries, Additional Secretaries, Joint Secretaries,

Deputy Secretaries and Under Secretaries are all, except those belonging to the Secretariat Civil Service, subject to the Tenure System. They are, thus, appointed to the Secretariat for a fixed term. However, the Chief Secretary is not subject to the Tenure System.

Let us now briefly discuss the functions of the officers of the departments.

1. **Secretary** : The Secretary is the overall incharge of the department. He is the chief advisor to the Minister regarding matters pertaining to his department. He allocates work among the various officers of his department and represents his department before the committees of the Legislature.

2. **Special/Additional Secretary** : When the work in a particular department becomes too heavy, some-posts of Special/Additional Secretaries may be created to relieve the Secretary of some of the workload. These officers can directly perform some of the functions of the Secretary and may submit files directly to the Minister in respect of the delegated functions performed by them.

3. **Deputy/Joint Secretary** : The Secretary is assisted by the Deputy Secretary. In some States the posts of Joint Secretaries have been created in order to distinguish between the officers of different seniorities. Sometimes the officers coming from the State civil service are designated as Deputy Secretaries while those coming from the IAS are designated as Joint Secretaries. However, they perform the same functions. The Deputy/Joint Secretaries are placed in charge of a definite wing of the Department and supervise the work of the Under Secretaries. Some powers, to dispose of certain routine cases, are also delegated to the Deputy Secretary. He sends important cases to the Additional Secretary or the Secretary, depending upon the scheme of delegation of work. The Deputy Secretaries are supposed to have a thorough knowledge of the wing controlled by them. They are supposed to analyse the various policy alternatives before sending the files upwards.

4. **Under Secretary** : Under Secretaries are the lowest level officers who perform the vital function of providing a link between the office and the officers. They are placed in charge of a number of sections each headed by a Section Officer. Section is the lowest unit of work. In some States, the Section is headed by an Assistant Secretary whereas in others it is headed by a Section Officer. The Section Officer is responsible for the distribution of work among the various functionaries of the section. He supervises the work of the Assistants and Upper Division Clerks working in his section, makes them present the cases suitably docketed and referenced and thus ensures the timely submission of files to the officers. Precedents of similar cases have also to be cited while presenting the files.

Besides the officers, the department also consists of the office. The office comprises the Superintendent (or Section Officer), Assistants, Upper Division and Lower Division Clerks, Steno-typists, and Typists. Unlike officers, the office constitutes the permanent element in the Secretariat system.

While the officers analyse the case and suggest alternative courses of action, the function of the office is to present the cases in the proper form before the officers. Whereas the Lower Division Clerks/Typists do the usual work of typing, referencing, despatching, etc., the Upper Division Clerks/Assistants connect the incoming papers with the previous files and present them along with the precedents. The latter also point out various laws, rules, regulations, practices, etc., connected with the case in question. Their main task is the timely presentation of cases. They are not usually supposed to analyse the cases or suggest alternatives. The work of Assistant Secretary/Section Officer is to ensure that every one is doing his work properly.

Secretariat Personnel : Senior officers (Secretary, Special Secretaries, Additional, Joint and Deputy Secretaries) of the Secretariat come on deputation from the IAS. In some States, the position of Deputy Secretaries is also manned by State civil service officers on deputation. The Tenure System of placing officers in the Secretariat also applies in the States as in the Central Secretariat. However, the operation of the tenure rule in the States is much more flexible. In the States, Government officers are frequently transferred without any reference to any fixed tenure.

In the Secretariat, most of the positions are manned by the officers from the civil services but some officers are brought to the Secretariat from technical services also, e.g., posts of Deputy/Joint/special Secretaries in technical departments like Public Works Department, Irrigation, etc. In a large number of States even the post of Secretaries in the technical departments are being occupied by technical services personnel.

The officers of the IAS, the State civil service and other services come on deputation to the Secretariat and go back to the field on completion of their tenure. But unlike the officers, the functionaries in the Secretariat office are not deputationists. Most of them belong to the services recruited for the Secretariat. There are Subordinate Service Commissions in many States to conduct the examinations for their recruitments. Their recruitment, promotion and service conditions, etc., are governed by the relevant rules. These services are managed by the General Administrative Department of the State Government which functions directly under the Chief Secretary.

Number of Secretariat Departments : The number of Secretariat departments varies from State to State, ranging between 11 and 34. Most States, however, have the following Secretariat departments : (1) General Administration (2) Home (3) Revenue (4) Food and Agriculture (5) Planning (6) Panchayati Raj (7) Finance (8) Law (9) Public Works (10) Irrigation and Power (11) Education (12) Industries (13) Co-operation (14) Transport (15) Local Government (16) Jails (17) Labour and Employment (18) Excise and Taxation.

Distinction between Secretariat and Executive Departments : In the words of the Simon Commission, the executive department 'is an administrative unit, separate from the Secretariat, which reaches its apex, usually, in a single officer like the Inspector-General of Police, or the Chief Conservator of Forests, outside the Secretariat altogether. Such a head of department will usually be concerned principally with a single Secretary to Government and a single

Minister, for his orders and the funds which he has to spend.' Not all departments, however, have executive departments attached to them. Some of the Secretariat departments are engaged in advisory and controlling functions and do not, therefore, have executive departments reporting to them, eg., the departments of Finance and Law

Functions of the Secretariat

1. It assists and advises the Minister in the formulation of Government policies and programmes.
2. It collects the necessary data from different sources and analyses it with a view to suggest various courses of action necessary for policy formulation.
3. It gives general direction and guidance to the Directorates and other field agencies for the efficient implementation of Government policies and decisions.
4. It monitors the implementation of various programmes and evaluates the performance of different field agencies.
5. It also suggests corrective action.
6. It acts as the spokesman of the Government and maintains contact with the Central Government and other State Governments and outside agencies.

Critical Evaluation : The Secretariat is being criticised for becoming expansionist in its attitude and behaviour and for arrogating to itself powers and functions which do not come under its purview. A number of factors explain this phenomena but the most important factor happens to be parliamentary democracy itself. The Minister who is responsible to the Legislature for efficient functioning of his department, has to answer questions relating to his department. The Minister, therefore, intends to closely supervise the department. This also explains the centralisation of functions in the Secretariat and its expansion. Besides, there are human and psychological factors as well. The Secretariat's tendency to concentrate powers in its hands has led to inefficiency in the working of the Government. Thus, attempts are being made to contain this expansion of the Secretariat by preparing a list of the functions which are to be looked after by it.

It is also alleged that the functioning of the Secretariat is very slow like the examination of proposals, etc. This slow and tardy processing of the cases in the Secretariat impairs the efficiency of the field agencies.

There is a general tendency, among the officers, to make efforts to stay on in the Secretariat as it offers attractive salary, remuneration, educational and medical facilities, etc. Apart from all this, by working at the Secretariat, in close contact with the 'heads' the officers aggregate much power and influence. This tendency on the part of the officers is a great hindrance to the Tenure system. By staying for too long at the Secretariat the officers lose touch with the field problems.

THE CHIEF SECRETARY

Genesis of the Office : The office of the Chief Secretary, dates back to 1799 when Lord Wellesley, the then Governor-General of India, appointed G.H. Barlow as the Chief Secretary for the first time. It may be noted that the office of the Chief Secretary, which started functioning in the Central Government, disappeared in course of time from the Central Government. At present, there is no office in the Government of India which is equivalent to that of the Chief Secretary in the State.

Role of Chief Secretary : In every State, the Chief Secretary is the head of the General Administration Department. He is the kingpin of the Secretariat and his control extends to all the departments of the Secretariat. He is head of the civil services in the State, their mirror and conscience-keeper. He provides leadership to the administrative system of the State and is the chief public relations officer of the Government and the main channel of communication between the Government and the Central and other State Governments.

Functions of the Chief Secretary :

1. He is the principal adviser to the Chief Minister in all administrative matters including appoint-ments to senior positions.
2. He is the Secretary to the Cabinet and prepares the agenda for its meetings and maintains records of the proceedings.
3. He exercises general supervision and control over the entire Secretariat and its field administration.
4. He is the head of the civil service and has the authority to make postings, transfers, etc., of Government personnel. An empirical study conducted by a State Government reveals

- that two out of every three cases dealt with by the Chief Secretary relate to personnel matters.
5. By rotation, he becomes the Secretary of the Zonal Council of which his State is a member.
 6. He exercises administrative control over the Secretariat buildings, including allocation of rooms in them.
 7. He exercises control over the staff attached to the Ministers.
 8. He has control over the central record branch. the Secretariat library, and the conservancy and watch and ward-staff who serve all the departments of the Secretariat.
 9. He performs all the residuary functions, i.e., matters not falling within the responsibilities of other Secretaries.
 10. As chief of all Secretaries, he presides over a large number of committees and is appointed a member of many other committees, concerned with high level policy.
 11. He plays an important role in times of crisis. Until 1973, the Chief Secretary was not necessarily the senior most official in all the States. In 1973, the post of Chief Secretary

was equated with that of the Secretary to the Government of India, giving him the emoluments admissible to the latter.

Chief Secretaries' Conference : The Chief Secretaries' Conference is convened at the instance of, and presided over by the Cabinet Secretary of the Central Government. It is meant for discussing problems of mutual interest. It, thus, acts as an administrative bridge between the Centre and the States.

Evaluation : The office of the Chief Secretary has a pivotal importance and, so, must be filled up very carefully. Allowance to political considerations in his appointment are bound to prove fatal to the health of the administration. With increasing political interference in State administration, doubts have been expressed as to whether the Chief Secretary would continue to be appointed on purely administrative grounds, and also if he would be allowed to function with objectivity, independence and fearlessness. Thus, suggestions have been made to prepare a national roster of senior officers who alone could be appointed as Chief Secretaries of the States. It has also been suggested that his tenure of office should be sufficiently long so as to enable him to function effectively and to make his impact felt on the administration of his State.

ARC's Recommendations : The Administrative Reforms Commission (ARC) has recommended that in order to improve the functioning of the Chief Secretary's office "The Secretarial organisation needs co-ordination and discipline. This can be done by strengthening the position of the Chief Secretary who is to function as the chief coordinator under the Chief Minister Being the captain of the team of Secretaries to the Government, the Chief Secretary should be a senior person of outstanding ability. He should not only command respect and confidence of all the Services in the State but also enjoy good reputation at the Centre so that he can deal with the Secretaries to the Union Government on equal terms."

The ARC further recommended that "The selection of the Chief Secretary should be made with great care. He should usually be the senior most fit person who by virtue of his ability, experience, integrity and impartiality commands the respect and confidence of all officers. He should be the senior most person due regard being paid to merit. He should have a minimum tenure of three to four years. He should be relieved of routine and non-essential work and, where necessary, given proportionate staff assistance to enable him to ensure quick implementation of

the Cabinet decisions and effective co-ordination in the policies and programmes of the State Government.”

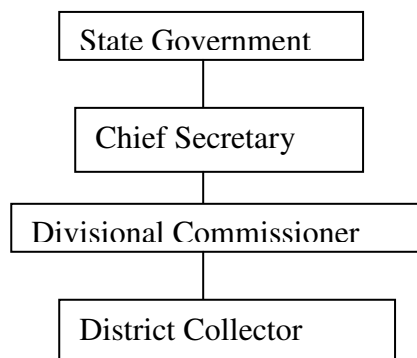
DIRECTORATES

Each State has a number of Directorates which function more or less as specialised agencies of the departments. For instance, the Education Department has a Directorate of Education headed by a Director who is assisted by Assistant Directors for the districts.

DISTRICT COLLECTOR : CHANGING ROLE

District has been placed under the charge of a district officer, called either Deputy Commissioner or District Collector. The Collector acts as the eyes, ears and arms of the State Government. The district also serves as a unit of administration for various departments of the State Government. Thus, many State functionaries like the Superintendent of Police, Assistant Registrar of Co-operative Societies, District Agriculture Officer, District Medical Officer, etc., are located at the district headquarters and their jurisdiction extends to the district. However, the unit of administration of the department of irrigation is not coterminous with the district. The unit follows channels of irrigation quite often transcending district boundaries. Agencies operating in the district come under the co-ordinating discipline of the District Collector.

The office of the District Collector can be traced to the Mughal era. The District Collector succeeded the Karori-Faujdar of the Mughal Government. However, with the decline of the Mughal empire the institution suffered a decay and eventually disappeared. The present office is the creation of the British in India and dates back to the year 1772. The District Collector belongs to the General Administration Department of the State Government, while the officials over whom he exercises control and supervision belong to a variety of departments, in the district hierarchy of which he may or may not have a formal assignment. The position of the District Collector can best be illustrated with the help of the following diagram :



As head of the district, the District Collector is involved in a network of inter-relationships with other district level functionaries such as

- (a) with officers whose head at the district level is the Collector in all matters, and who represent departments having no district heads of their own, e.g., the Tehsildar.
- (b) with officers whose head at the district level is the Collector for only administrative and certain disciplinary matters but who, in technical matters, are under the control of their own district level officers, e.g., District Agricultural Officer, District Excise Officers, etc.
- (c) with officers who are themselves heads, at the district level, of their field staff but are made subordinate to the Collector only in certain specified matters. Besides, they are also under the control of their respective regional officers, e.g., the Superintendent of Police, the Civil Surgeon, the Assistant Registrar of Co-operative Societies, the Executive Engineer of the Public Works Department, etc.

(d) with officers, the control over whom does not at all vest in the Collector, e.g., Labour Officer, Sales Tax Officer, etc.

Recruitment of District Collector

The District Collector is usually a member of the Indian Administrative Service. As the IAS consists of both direct recruits and of promotees from State civil services, these two sub-groups constitute the two natural sources from which District Collectors are drawn. Direct recruits to the office, that is, those who join the IAS through a competitive examination, are young men, usually in their thirties. The office is also occupied by officers who were originally recruited to the State civil services and who have since been, promoted to the IAS. This category belongs to a higher age group. There may also be some District Collectors who are not members of the IAS. Such officers belong to the State civil service, to be soon promoted to the IAS. They are on the verge of retirement, and so, are afforded the satisfaction of functioning, and then retiring as District Collector.

Role of District Collector in Revenue Administration

Historically, prompt and fair collection of land revenue and other taxes has been his first charge as the title "Collector" signifies. As the head of the revenue department of the district, the District Collector performs the following functions :

1. Collection of land revenue, canal dues and other Government dues.
2. Distribution and recovery of taqavi loans.
3. Assessment of losses to crops, etc. during natural calamities and to make recommendations for relief work.
4. Distribution of distress taqavi.
5. Relief of fire sufferers.
6. Control over land records and land records establishment.
7. Collecting and furnishing multifarious agrarian statistics regarding rainfall, crops, etc.
8. Land acquisition work.
9. Supervision of treasury and sub-treasuries.
10. Sanctioning land revenue assignment.
11. Payment of Zamindari Abolition compensation and Rehabilitation Grant.
12. Assessment and realisation of agricultural income-tax.
13. As ex-officio Deputy Director of Consolidation of Holdings, hearing appeal against the orders of the lower authorities.
14. Taking relief measures in case of scarcity conditions caused by natural calamities like fire, drought, flood, waterclogging, etc.
15. Enforcement of the Stamp Act.
16. Management of Government estates.

To discharge his revenue functions the Collector has a territorial set up as shown below :

Officer	Jurisdiction
Collector	District
Sub-Divisional Officer	A group of Tehsils
Tehsildar	Tehsil
Naib Tehsildar	Parts of a Tehsil
Kanungo or Revenue	A group of Patwari

Inspector in Chennai	Circles
Patwari	A group of Villages

The revenue functions can be broadly divided into two branches, viz. :

- (a) Revenue branch
- (b) Land Records branch

At the lowest level Kanungos and the Patwaris are the common functionaries of the revenue branch as well as land records branch. Though their administrative control vests in the revenue officers, they perform the work of land records also. The main function of the land records branch is to help the Collector and the Revenue officers in the maintenance of land records. The officers of the Land Records Department — the Superintendent and Assistant Superintendent (Land Records) — also tour the different areas. The discrepancies noticed by them are notified to the revenue officers who get them rectified. Informally, they may be allotted different areas for the purpose of tours and inspections, but usually they do not form part of the territorial set up like the revenue branch.

The functions and powers of the revenue branch may be discussed as follows :

1. At the sub-division level the charge is in the hands of a Sub-Divisional Officer (SDO), who is known by different names in different States. He exercises supervision over Tehsildar, Naib Tehsildar and other functionaries in his sub-division and is incharge of many of the functions of the Collector in a sub-division. The SDO hears appeals against the revenue cases decided by the Tehsildars and Naib Tehsildars. He has to make extensive tours and has to keep a check on the land records as well as the revenue work of the functionaries in his sub-division. In this way he serves as a valuable aid to the District Collector.
- 2.. The sub-division comprises of one or two tehsils. A tehsil is called taluk in Tamil Nadu and taluka in Maharashtra. It is the basic unit for purposes of general administration, treasury, land revenue, land records and other items of work. It has the most intimate contact with the rural population. The Tehsildar, incharge of a tehsil, belongs to the State civil service and is the principal official in the district administration responsible for actual revenue collection. In times of distress it is the Tehsildar who recommends remissions or other concessions to the District Collector.

The Tehsildar is assisted by a Naib or Deputy Tehsildar, Kanungos and Patwaris. The administration at the tehsil level is the farthest unit of administration for revenue and land questions. The distribution of staff below the district level follows departmental needs, and, so, all departments are not necessarily re-presented at this level.

3. The next lower unit in revenue administration is known as Pargana in U.P., Circle in Maharashtra, and Firka in Tamil Nadu and their heads are respectively known as Supervisor Kanungo, Circle Inspector and Revenue Inspector. He is incharge of revenue administration and land records of every village within his area and is the first line supervisor in the chain of revenue administration in the States.
4. The lowest unit for all administrative and fiscal purposes in all the States in India is the village. The village is administered by an establishment comprising of Lekhpal and Chowkidar in U.P., Patel and Talati in Maharashtra, and Village Headman and Karnam in Tamil Nadu is the most powerful Governmental functionary at the village level, combining as he does both police and revenue functions. He is the custodian of all Government

property in the village and represents the Government in the village. Patel in Maharashtra is equal to the Village Headman of Tamil Nadu, as he also performs police, revenue and administrative functions. U.P. has no functionary corresponding to the 'Village Headman' in Tamil Nadu and the Patel in Maharashtra.

The bottom level functionary is Lekhpal in U.P., Talati in Maharashtra and Karnam in Tamil Nadu. The Patwari is responsible for all the work connected with land problems. He is the busy-body of the Government, performing a multitude of functions including collection of village statistics.

Role of District Collector in the Maintenance of Law and Order Sound law and order situation is the basis of orderly and civilised life and so it is by far the most important function of the District Collector. He performs this function as the District Magistrate with the assistance of the district police and other agencies. His law and order functions include :

- (a) Supervision over the investigation of crimes etc.
 - (b) Prevention of breach of peace and maintenance of law and order.
- With the separation of the executive and the judiciary, the supervision of investigation of crimes, etc., is now mainly performed by the Judicial Magistrates. However, the responsibility for maintaining peace, law and order still rests with the District Collector. In his capacity as District Magistrate the District Collector performs the following functions :
- He controls and supervises the subordinate magistracy and orders magisterial postings during festivals.
 - He promulgates orders whenever there is any danger or breach of public peace and tranquility.
 - He disposes of all the petitions and miscellaneous general complaints received from Government and others.
 - He makes jail inspections and expedites disposal of cases of under-trial prisoners.
 - He grants superior classes to prisoners or releases them prematurely or on parole.
 - He deals with mercy petitions from prisoners.
 - He controls and directs the action of the police.
 - He submits an annual criminal report to Government.
 - He appoints and punishes village chowkidars.
 - He inspects police stations once a year.
 - He sanctions expunction of a crime from the crime register.
 - He recovers repatriation charges.
 - He performs functions relating to accidents, payments under the Workmen's Compensation Act, labour problems, strikes, etc.
 - He prosecutes persons guilty of infringing Sugar Factories Control Act and the Trade Mark Act.
 - He is also responsible for sanction of temporary electric connections including, enquiries regarding breaches, for granting and cancelling of many kinds of licences.
 - He exercises supervision over supply office and rent control and eviction officer under Rent Control Act and in supply matters.
 - He also exercises supervision and control over local bodies, municipal board, notified areas and town areas.
 - Recommends issue of passports and visas, and also schemes for the development of forests.

- He is the issuing authority for certificates of domicile, scheduled and backward classes, etc.

Under normal circumstances, the law and order is maintained by the District Magistrate with the help of normal district police. However, if the law and order situation deteriorates, the District Magistrate can seek the assistance of Central reserve Police Force, Rapid Action Force or Border Security Force battalions may be made available by the Government of India through the State Government. The Central Government may also arrange for the reinforcement of the District and State Police by requesting the other State Governments to send their armed forces. And if the civil police is not able to control the law and order situation, the District Magistrate can seek the assistance of the Army’.

Maintenance of law and order requires a sound intelligence system which is organised by the Special Branch of the State Government. The Special Branch of the State Government has a small unit in the district which supplies information to the State as well as keeps the Superintendent of Police and District Magistrate informed of the developments having a bearing on the law and order situation. However, the latter do not depend solely on the information gathered thus but also have independent sources to check and cross-check the information gathered by official units. An eye is kept on the sensitive areas in the district and the people who are known as ‘mischief mongers’.

Role of District Collector in Development

With the dawn of independence India has embarked upon a new era of welfare state and community life. The Collector is the most appropriate person to look after developmental activities in the district.

The Balwant Rai Mehta team which made a study of Community Projects and National Extension Services recommended that At the district level, the Collector or the Deputy Commissioner should be the captain of the team of officers of all development departments and should be made fully responsible for securing the necessary co-ordination and co-operation in the preparation and execution of the district plans for community development.’

The District Collector’s developmental duties comprise of:

- (a) dispelling of ignorance,
- (b) eradication of superstition,
- (c) spread of co-operative institutions and Panchayats,
- (d) increase of community projects and national extension schemes,
- (e) rehabilitation of refugees,
- (f) encouragement of awareness about rights and duties, etc.

The performance of these duties gives the Collector ample opportunities to come in contact with the people and to prove his worth as a public servant in the true sense.

The Ministry of Food and Agriculture set up in 1963, a Working Group of Inter-departmental and Institutional Co-ordination for Agricultural Production under the chairmanship of Ram Subhag Singh to report on ways of ensuring speedy execution of agricultural production programmes and for effective co-ordination between the activities of agriculture, co-operation and other allied departments in the States and of the community development and Panchayati

Raj institutions. The Group assigned a crucial role to the Collector. It made some very significant recommendations which are as follows :

The District Collector should be the Chairman of the Agricultural Production Committee of the Zila Parishad. If there is no Zila Parishad, such a committee should be formed with the district officers of the departments concerned with agricultural production and representatives of non-official organisations, as members, with the Collector as Chairman. The Committee should be responsible for co-ordination of the activities of all departments concerned with agricultural production. In particular, the committee should consider and approve a co-ordinated agricultural production plan for the district, assign specific tasks and responsibilities to the officers and institutions concerned, receive and review progress reports from them and remove any bottlenecks or difficulties.

2. The District Agricultural Production Officer should assist the Collector in coordinating the efforts of all the departments concerned with agricultural production at that level and should function under the overall direction of the Agricultural Committee. State heads of departments should continue to deal directly with their district officers as at present, but in matters relating to the work of the Agricultural Production Committee, they should communicate through the District Collector.

3. The District Collector should be effectively involved in assessing the work of district level functionaries. The Deputy Directors at the regional level should initiate the annual entries in the character roll of all district officers under their control and route them through the District Collector to the heads of department concerned.

Changing role of the District Collector The importance of the district administration can be realised from the fact that there is hardly any activity of the people which is in some way or the other not affected by the district administration. During the British period, people looked the district administration as their father and mother. The District Collector is the head of the revenue organisation. He exercises general supervision over the law and order machinery.

Though the position and prestige of the District Collector have changed and undergone several modifications, he is still the responsible head of general administration in the district and representative of the Government. He is the only officer in the district who can correspond directly with the Government.