CHAPTER VI

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Summary:

District has been the basic unit of administration in India since ancient times. Manu had described the general form of administration. He started with the village which was more or less a self contained republic, a socio-political group living in equilibrium. Each village was headed by a headman. The pattern of administration offered by Mauryas was highly centralised in order to control comprehensive social system. The Rajuka or District Officer in the Mauryan Empire was not only the head of this Ahara or District, but was also the principal co-ordinator of the revenue, general and military functions in his jurisdiction.

An important landmark in the evolution of the District Officer was the period of the Mughals. The Mughals separated the Diwani (Revenue Administration) from the Faujdari (General Administration). The present institution of the Collector has been directly derived from the Company administration dating back to 1772.

Nearly 1000 such villages were grouped together in the charge of an official. The unit comprising 1000 villages is nothing but the district.
With the advent of Secretary of State or the governance of India by the name of Crown, it was "a widespread belief that the Company's former actions had often been illegal" and, therefore, "must be regularised". The Indian Council's 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. These legislations curtailed the executive and discretionary authority of the District Officer. The Collector, however, continued to be the chief agent of government in his district, he continued to be responsible for its law and order and well-being. But as time passed, his duties came to be discharged in different manner and by changed methods.

The Morley-Minto Reforms of 1909 marked the end of "The Golden Age of Bureaucracy". The Montagu-Chelmsford Report proposed the position of the District Officer in the following way: The District Officer has a dual capacity; as Collector, he is head of the revenue organisation, and as a Magistrate, he exercises general supervision over the inferior courts and looked after some specific police work.

The Reforms of 1919 made the District Officer able to adjust himself, even with repugnance and sometimes unhealthy
atmosphere to new demands and changed conditions. He was now supposed to work in his respective sphere or jurisdiction besides the party governing the provincial administration.

The provincial autonomy brought a change in emphasis as to the functions of government. By 1939, with the Congress Government, the emphasis had changed, it paid more attention to the programmes of rural upliftment, cooperative banks and village panchayats. Now their first aim was for reconstruction and development of rural areas. The above emphasis added to his already countless duties.

The Constitution of India may be considered as the Legal Charter for the identification of district administration in the independent India. Great changes have taken place in the socio-economic administration of the district since Independence. Consequently, the office of the District Officer has also changed fundamentally in terms of its prestige and powers since then. In a predominantly agrarian country like India, the district administration is the actual government in action for the overwhelming majority of the people. The characteristics of caste which make it a localised social group, are
more pronounced and their feuds are more intense in the village. The connection between the land and caste is nowhere so ostensible and observable as it is in the village. The bitter boundary disputes arising from the possession of land and the every day encroachments which, quite often, lead to major law and order problems, are largely provoked by caste affinities and loyalties.

The district administration is basically a revenue administration. The Collector is in direct charge of land revenue and its collection. The land reforms like zamindari abolition, tenancy reform, ceiling on land holdings and consolidation of land holdings have imposed additional burden on the District Collector. Instead of dealing with a few intermediaries, responsible for the payment of land revenue, he has now to deal with hundreds and thousands of cultivators in connection with land revenue, canal dues, taccavi loans and many other such things. A huge staff ranging from Karmacharis to Circle Officer has to be engaged and supervised and their conditions and other things have to be looked well by the District Collector.

If the entire revenue machinery is examined in detail, we find that the main structure as well as methods
or less
of the administration in the district are more/the same
as they were before independence.

As a Magistrate the District Officer has two-fold
responsibilities:

i) maintenance of law and order or non-judicial,
   and,

ii) trial of criminal cases and supervision of
    magisterial courts or judicial.

The judicial function (trial of criminal cases) of
the District Magistrate has been affected in those States
where the system of separation of judicial and executive
functions has been introduced.

Law & order is central to the district administra-
tion functioning. The District Officer performs this
function as District Magistrate with the assistance of
the District Police and a number of other agencies. The
control and direction of the district police for the
maintenance of public order is vested in the District
Magistrate. It is a basic responsibility of the Superin-
tendent of Police (SP) to keep the Magistrate informed about
the state of peace and serious crimes committed in the
district. The S.P. has to suggest clear line of action, supposed to be taken from time to time to maintain law and order. With the increasing rate of crime, mass movement of the people and political unrest, the police organisation has expanded enormously and the Inspector-General of Police who was at the apex, has been pushed a step down. Now his place is taken over by Director-General of Police.

Hitherto, the relationship between the District Magistrate and the Superintendent of Police has been the matter of great deal of discussion. However, the control of law and order by District Magistrate has stood the test of time. The D.M. being the Head of the district administration has much better sources of information and much broader view of public administration than the S.P. can have.

The District Officer has been primarily the field agent of the government and has symbolised local administration in the district. The acceptance of the scheme of democratic decentralisation by State governments was bound to have a farreaching effect upon district administration. The ideas held so far about its set-up began undergoing a significant change. A cardinal question
that naturally came up for discussion at the very outset was: what should be the role of the District Officer in the scheme of Panchayati Raj? How should he stand in relation to these bodies? Should he be inside the Panchayati Raj institution? Or, should he watch their working from outside, acting as their guide and adviser and occasionally, censor? As the result of various deliberations the two views were finally emerged. One was that it was wrong and undemocratic to make the District Officer chairman of the Zila Parishad, it was equally wrong and ill-advised to keep him outside the Panchayati Raj system.

The movement for decentralising power started with much enthusiasm and hope. From the beginning Panchayati Raj had been "a story of ups and downs. The Panchayati Raj Act of 1993, which introduces far reaching changes in the Panchayati Raj System and the growing quantum of development programmes, the question of the role of District Officer has assumed greater importance.

The execution of a plan, either Five Year Plan or rural transformation programmes, is ultimately the responsibility of the district administration. Now the emphasis in relation to the responsibilities of the D.M. is shifting away from law and order and regulatory functions to
development and coordination. The District Officer is the principal coordinator of the development programmes of the district. With his administrative experience, he plays a dominant role in the realisation of objectives of Panchayati Raj and rural development. As the leader of the team of officials of development departments, the District Officer has to ensure that the development targets are achieved in time and to the general satisfaction of the people.

The idea either to abolish the office of the District Officer or to make him the chief executive of the Zila Parishad did not gather enough support in its favour. There are psychological reasons as well as practical difficulties in adopting this idea. The District Officer in India is the Central government's agent in the district to implement without fear and favour the policies of the Centre, as well as, the State governments. Thus, the abolition of the office of the District Officer or its complete absorption in the local government system would mean a radical, perhaps, hazardous departure from the previous system of field administration.

So far as Aligarh District is concerned, the Collector is the head of revenue department of the district.
He has been empowered to supervise and control land records and its staff. In order to improve the condition of land management and grant rights of land to the landless and poor people, various land reform Acts were passed by the Uttar Pradesh Government to overcome the stagnant agricultural situation created by the alien rule e.g., Zamindari Abolition and Land Reforms Act of 1950, Consolidation of Holding Act of 1953 and Imposition of Ceiling on the Land Holdings Act of 1960. At the top level Collector is the final authority to take decisions regarding collection of land tax.

The Collector has been empowered to grant Loans for the relief of distress on the occurrence of certain calamities like drought, flood, hail storm etc. The power of remission and suspension of loans also belongs to the Collector of the district. He has power to acquire land for public purposes like entry to canal, road, for construction of Government building, industry, hospital, for maintaining public park etc.

Apart from Land Acquisition, Collector has powers to issue Old Age Pension, to those who don't have property or other means for their survival, preservation of historical monument if any laying in his jurisdiction,
issue of licences for scientific, industrial and medical purposes, take out the government land and property in public interest which has been illegally occupied by the people. In city areas, shopkeepers generally take possession of road side land which is illegal. This possession can be stopped or removed by the order of the Collector. After going through above mentioned powers and duties of the Collector, it is clear that he has more undefined than defined functions. So far as matters of the Collectorate are concerned, the District Officer is final authority.

For the magisterial duties he has delegated power of maintenance of public peace and tranquility to the Additional District Magistrate (City), City Magistrate, Assistant City Magistrate (First), Assistant City Magistrate (Second) and Additional District Magistrate (Rural Areas), who with the help of Senior Superintendent of Police or Superintendent of Police maintain law and order in the District. Basically, district police plays an important role in maintaining of law and order. The D.M. is the head of the criminal administration of the District, and in this capacity controls and directs the action of the police. Apart from the above mentioned duties of the District Magistrate, he is the chairman of Zila Sainik Parishad.
In the States like Madras and Bombay, the District Magistrate's authority is well respected over the Police, but his authority over the Police in U.P. has been comparatively weaker.

The present role of the District Officer in Uttar Pradesh vis-a-vis development administration can hardly be said to be different from the rest of the country, except Maharashtra, Gujarat & A.P. According to Adhiniyam, 1961, the Zila Parishads in Uttar Pradesh were given both supervisory and some executive functions. The District Officer is entitled to attend the meetings of Zila Parishad and participate in discussions but has no voting right.

The various development schemes have increased the workload on the District Officer, like Rural Landless Employment Guarantee Programme (RLEGP), Training for Rural Youth for Self Employment (TRYSEM), Development of Women and Children in Rural Areas (DWCRA), Jawahar Rozgar Yojna (JRY) etc. All these development programmes are now merged into Integrated Rural Development Programme in Aligarh District too as in other parts of the country. IRDP was implemented in 1980 in few blocks of the district, later on extended to all the 17 blocks of the district.
In order to make development meaningful and effective a separate department of development was created and all work relating to it was referred to the ADM(Planning) who was renamed as Chief Development Officer. He assists the District Officer in development work of the district. The preoccupation of the District Officer with routine work implies an under utilisation of his managerial capacity which is in great demand in the field of development.

Observations:

After attainment of Independence, some structural, functional and organisational changes occurred in the district administration. The aims behind these changes were not to reject completely colonial system of administration but to meet the requirements of newly elected government in order to realise the hope and aspiration of the people and speed up or rebuild shattered economy of the country.

It was expected that to achieve the basic objectives of the Constitution, the district machinery would come close to the people and would act as an agent of change. Perhaps, there is no evidence to suggest that
distance between people and administration has narrowed down. In the past, the D.M. used to visit the rural areas on horseback and stayed there in tents to look into the problems of the people. But today he makes flying visits to the villages by jeep for a moment.

As far as his functions are concerned his primary task, the collection of land revenue, has become just a formality. Now only 30 percent land revenue is collected annually. It is deeply affected particularly in Uttar Pradesh because of the exemption of land holdings up to 30 1/8 acre from the land tax. Thus, the income from land revenue is less than the expenditure incurred on its collection and the maintenance of the establishment necessary for it. Whatever may be the drawbacks, the collection of land revenue is indispensable but is given a low priority and in the case of certain categories of land holdings it is given up. Moreover, a Sub-Divisional Officer using methods of coercion for realising the land revenue is liable for legal action. The Directorate of land records is functioning more vertically and most cases arising out of land revenue are transferred to the Settlement Officer (Officer related to land ceiling work). The functioning of these two officers of equal rank, the one with more
powers than the other affects the smooth & effective working of the district administration. The Patwari who maintains land records is supposed to stay twice a week at the Tahsil but he does not do so. In order to overcome this problem, land record agencies must wholly be re-organised. Sufficient strength must be provided to the Patwari for complete recovery of land revenue. To provide better knowledge to the Collector about the technical aspects of the land records a post of independent gazetted assistant may be created at the middle level. In order to boost the knowledge and efficiency of the Patwari, the educational qualifications for his selection must be raised and a system must be developed to provide him periodic in-service training. It is observed that Senior officials are normally not inclined to assume the responsibility to train and motivate their juniors. Coordination and cohesiveness are lacking, and there is cognitive dissonance at the district level. There is an urgent need to develop new norms of inspection and supervision.

There is a feeling that the use of modern techniques will improve coordination in the Collectorate. It is because structure of the Collectorate has become outdated, which was designed two centuries ago for an auto-
ocratic pattern of administration and to serve the interests of the feudal lords. It needs substantial structural modifications. But the politicians and the bureaucrats in continuing game of power have neither imagination for its modernisation on democratic lines nor the will to introduce changes that make a dynamic impact on the environment of social progress. The restructuring of the Collectorate will facilitate clear demarcation of the spheres of functions of different levels of authority and the unaltering and active operation of an up-to-date communication system capable of forging organisational cohesion, may provide the necessary settings for coordination. Inter-sectional cooperation can be achieved more by sectional autonomy that enables in practice decentralised decision making as far as public needs are concerned. Inter-sectional relations and departmental interlinking should be so organic that the performance of the function of coordination should be a matter of automatic response.

The development goals cannot be achieved or accomplished unless there is satisfactory maintenance of law and order. The law and order is an important function of the DM but due to growing departmental and unwanted rivalries between the police and district authorities,
tremendous expansion of police organisation and direct responsibility of the SP to the Inspector-General of Police in controlling law and order situation has adversely affected the position and performance of the District Magistrate.

The Police plays an important role in prevention of crime and maintenance of public order. But working under contradictory pulls and pressures/police performance has come up neither to the expectations of the people nor of the government. In a pluralistic society like India the maintenance of public order is an uphill's task because of ethnic, religious and regional conflicts. Due to polarisation of Indian polity on these lines, the violent conflicts have been increasing both in numbers and intensity. The State police has failed to deal with the situations with their old style of functioning and attitudes. In restructuring the existing police system, high priority should be given to strengthening the basic unit of all police work, that is a Police Station. In order to bring radical changes in the working of police system than the system of writing case diaries should be simplified. In most cases diaries are written after a delay of months and give very little information to help investigations. It is nothing more than an extra burden on the investi-
gating officer to fulfil a legal formality. In order to boost the efficiency and effectiveness of police the periodical training courses should be provided throughout their service career. But unfortunately this aspect is very much neglected. Moreover, the system of inspection by the supervisory officers which was previously an essential part of the police department, is now generally in disuse today, because of the pressure of work, and to some extent, because some senior officers prefer to sit and work in their well furnished offices than visit their less fortunate subordinate officers in the field.

The political interference in the work/police in discharging its legal duties had badly affected its image; for the effective functioning of police all such types of unwanted political interferences must be stopped.

With the separation of judiciary from the executive after amendment of the Criminal Procedure Code in 1974, and due to tremendous pressure of other responsibilities on the District Magistrate, he is no longer in a position to perform coordination of various components of the criminal justice system.
The decline in the professional standards in police is primarily due to the inability of the police to adjust to the change conditions, and to some extent due to lack of support from other administrative, judicial and political institutions in the performance of their legitimate role. The crime rate is increasing with the pace of development in society, which is a real threat to development. The district administration should undertake intensive research to find out the causes for proliferation of socio-economic offences.

The interpersonal relationship between the District Magistrate and the Superintendent of Police requires redefinition in clear and definite terms. The SP is advised to keep himself in touch with the DM and ALM(City) and remain in constant personal communication with them. Thus, the Superintendent of Police's main function is to provide an efficient instrument for carrying out public policy which is directed by the District Magistrate. But the position of the SP as immediate head of the disciplined force must be maintained and the District Magistrate is not supposed to intervene in the internal management of the Police Force. Such interference will adversely affect the coherence and, therefore, effectiveness of the Police Force. The District Magistrate in the exercise of his power of control should avoid doing anything to weaken
the District Superintendent of Police's authority. Minimum educational qualification of the lower level functionaries must be raised, special attention must be given to the attitude orientation training.

It has also been observed that the much needed help from the central reserve police force is not readily forthcoming whenever required, inspite of the fact that expenditure on it is partly shared by the states.

With the acceptance of the scheme of democratic decentralisation the task of development administration in the district has been entrusted upon the three tier representative structure and the District Officer, as well. This has given rise to the controversy, as to what should be the place of District Officer in the Panchayati Raj set up? Inspite of conflicting point of views there is a consensus that it would not be principal coordinator armed with sufficient authority. In Uttar Pradesh, the District Officer discharges development functions with the help of Chief Development Officer of the district, who in turn gets help of his staff.

The District Officer who was formerly a symbol of State power, has now become a symbol of service under the
new dispensation; with his administrative experience, he plays a dominant role in the realisation of the objectives of Panchayati Raj and rural development. He is the principal coordinator of the development programmes of the district. As the leader of the team of officials of development departments, he has to ensure that the development targets are achieved within the time frame to the general satisfaction of the people.

There was an apprehension that active involvement of the District Officer in development activities may bring him in conflict with the Panchayati Raj Institutions which have been entrusted with the implementation of most of the development programmes. But, such fear has become meaningless and frivolous because latest 73rd Constitutional Amendment Act of 1993 proposed no transfer of power or functions from Panchayati Raj Institutions to the District Officer. Moreover, the provision is made that he will be mainly concerned with planning, coordination, monitoring and reviewing of development programmes and not with the details and modalities of their implementation. Thus, there is no question of conflict. On the contrary, the District Officer would be in a position to actively assist the implementing agencies of development programmes.
As the representative of the government in a district, the District Officer is expected to concern himself with all aspects of the district administration and not merely revenue, law and order. He plays a dynamic role in respect of development programmes if he has the required initiative. In fact, he is the chairman of so many development committees which concern themselves with virtually every conceivable activity in the district. All that is required is a positive attitude on the part of the District Officer and a proper management of his time. He should undertake only such touring as necessary for monitoring and inspection of programmes, which are directly concerned with the welfare of the people. In course of his village visit, the District Officer should mainly attend to the review of the work done relating to the supply of drinking water, house sites of landless, rural electrification village roads, afforestation, family welfare, agricultural programmes etc. Such visits will give him an important feedback regarding the implementation of various development programmes in the district. This feedback will enable him to discharge effectively the planning and monitoring functions in his capacity as an important person of the District Planning Board. If the village visit of the District Officer is to be used for development goals, it will be essential to
relieve him of the routine revenue inspection and audit of the village records, for which it is utilised now. It may be convincing argument that nothing prevents the District Officer from looking into the development activities while carrying out the village revenue inspection. But it will be difficult for him to find adequate time to both the functions especially when the traditional emphasis of his visit is on revenue inspection. In order to find more time for the District Officer to look into the development side the audit of the village records must invariably be left to the lower revenue functionaries.

Despite having technological advancement and the availability of sophisticated management techniques like Programme Evaluation Review Technique, Critical Path Method (PERT/CPM) and Cost Benefit Analysis, development activities continuously suffer. Many District Officers have no adequate data of their disposal for organising economic activities.

Further, the requisite technical and administrative skills should be provided to the local institutions. For the impartiality of the personnel, their recruitment should be done at the district or still higher level by non-political experts. The SDO and the DM should have sufficient powers to protect the personnel from victimi-
sation at the hands of partisan politicians. The status and emoluments of the BDO should be enhanced. An efficient District Development Officer (DDO) of senior level should be appointed to assist the D.M. in development work. Likewise, the Village Panchayat is mostly a one man show and the man himself lacks in technical and financial skills important for carrying out his responsibilities. It is suggested that non-official agencies involved in rural development could be provided orientation courses.

Moreover, to make district administration workable there must be a clearly visible and sufficiently well known line of authority and command. The citizen must know as to whom he has to contact to obtain direction, clearance of redress of grievances. The citizen must also know the upward links to which he may put his grievances in case of disappointed, rebuffed or merely tormented by the District authorities and for that the procedure must be simplified.

The system of accountability and control keeps administration upto the mark or prevents it from becoming a disorderliness. Accountability creates sense of responsibility in the mind of administrator towards their
duties, thus, brings harmony in the functioning of administration. In this connection, the judgement of the Supreme Court on Nov. 17, 1993, while dismissing appeals of the Lucknow Development Authority, has made public servants personally accountable for their inaction and ruled that they have to pay damages if found guilty of causing harassment and mental agony to any person while discharging their public duty. It was also proposed in judgement that authority and power exercised by public functionaries has many dimensions. It has undergone tremendous change with the passage of time and changes in socio-economic outlook. So, the authority has to act to serve general welfare and common good. Thus, public servants will no longer deceive people in the name of administrative discretion.

But, only accountability of public servant cannot produce fruitful results unless there is clear definition of objectives, of targets and of methods for district administration by the government. Here a great drawback with the functioning of administration is that there are no hard and fast rules for distinction of function between politicians and administrators. The Ministry of Home Affairs can play an important role by redefining the role of the District Officer so that he can faithfully discharge
his duties and obligations relating to law and order, as well as development.

It is generally felt that irrespective of the pattern on district administration he is overburdened with functions and over armed with powers which he can hardly exercise in mounting political pressures and capricious social sensitivities.

The pressures prevailing over the district administration are of many kinds, such as, pressures arising from the erosion of power and the distribution of responsibility, political pressures, social pressures, pressures in regard to according priority, pressures brought about by interface problems etc. It is obvious that pressures are normal features of a democratic society and district administration has to exist with them. It has not only to be responsive to the various demands of the people but also has to be accommodative enough to admit social groups, political parties and other organised bodies for the purpose of entertaining their appeals and representations either on their behalf or on behalf of their clientele, supporters, or helpseekers.

But, the District Magistrate has a very tough time when there are excessive pressures on the administration.
Verbal instructions from the political levels to the District Officer are frequent. Most of these instructions are negative in character and inadequate.

In the present scenario the District Magistrate is becoming increasingly ineffective paradoxically because he has been over-armed with powers and over-loaded with functions, but constraints of time overwhelm his freedom of action. During the British period he was rightly made the representative of the government but now he, in fact, is only a convenient instrument of the political executive, less resistant and more obedient than an elected district council and its president. He is the only bureaucrat groomed to function in a democratic context and it is because of his protective existence, the superstructure of Indian democracy is without a strong substructure.

Further, there is a necessity to reduce the size of the districts, in order to decrease work load of the district administration. It requires new structural and functional changes. There should be territorial re-organisation of the districts.
In fact, the most challenging opportunities for experiment in district administration for building-up a sound administrative process. There is much scope for these, in devising organisation and methods for making the complex administrative apparatus more simple as a whole and improve the existing ways of effective and orderly inter-communication and healthy-interaction between the administrative apparatus and the people.