CHAPTER XV
ADMINISTRATION AND CONTROL

In the Panchayati Raj administration which emerges from the concept of welfare state, the behaviour and outlook of the Government administrative machinery have undergone a radical change. The devolution of powers and responsibilities to the Panchayati Raj Institutions and decentralisation of administrative machinery has changed to outlook of the Govt. officials. The Government officials connected with rural welfare and development have maintained close association with the people and popular local leaders of the villages for the implementation of their departmental programmes. The age long one way process of the people going to the officers has now been changed to the two way process of both the people and officers approaching each other for their common objective or rebuilding the villages. In the Panchayati Raj setup the Government officers concerned have been assigned the duties of giving necessary guidance and assistance to the Panchayati Raj bodies in implementing the local plans and programme, while the functions of deliberations, decisions, and organisation required for undertaking such plans and programme have been assigned to the non official local leaders of these Panchayati Raj bodies. Needless to say that under this pattern of local administration the duties of officers have become wider and complicated than before. Further, these officers are expected to carry the burden
of the common man. Necessarily be should cultivate the spirit of service. He should be easily accessible. He should have a flexible mind which can be attached and detached from different minds. This is possible if the officers are trained for the purpose.

ADMINISTRATION SET UP.

The administrative machinery required for the implementation of the Panchayat Laws in the State of Assam had undergone several changes. The Deputy Commissioner was made the sole authority in the matter of establishment and administration of the Chaukidari Panchayats and Village Authorities under the Bengal Village Chaukidari Act 1870 and the Assam Local Self Government Act 1915 (as amended up to 1926) respectively. The village authorities could however employ such staff as it was sanctioned by the local Board concerned.

Under the Assam Rural Panchayat Act 1948, the Deputy Commissioner in respect of the District Head Quarter Subdivision and Subdivisional Officers in respect of the outlying Subdivision were empowered to approve Budgets of the Rural Panchayats in the Subdivision and exercise both financial and administrative control over such Panchayats. He had the power to suspend or prohibit the execution of any resolution or order of a Panchayat at his own accord. The Deputy Commissioner or Sub-divisional Officer could also delegate his powers to
the Development Officer of the Subdivision except where it was expressly provided to the contrary in the act. The State Government and the officers empowered in this behalf by the Government had the general powers of inspection, supervision and control over the actions of the Rural Panchayats.

The administration machinery devised for the purpose was as follows before 1952.

**STATE LEVEL.**

The Minister in charge of Rural Development, Sericulture and Weaving, Cottage Industries, Fisheries and Cooperation.

Parliamentary Secretary for Rural Development.

Secretary and Director Rural Development, Sericulture and Weaving, Cottage Industries, Fisheries and Registrar Cooperatives.

Deputy Director and Under Secretary Rural Development

Panchayat Officer.

**DISTRICT LEVEL.**

Deputy Commissioner

Subdivisional Officer

Development Officer
In this administrative set up the Development Officer posted in every Subdivision was given the charge of supervision and inspection of the Rural Panchayats and he was assisted by the Rural Development Inspectors.

In order to establish direct relationship between the field staff of the Sericulture and Weaving, Fisheries cooperation and Rural Development departments with the Rural Panchayats, the Development Officer was made the controlling officer of such field staff. This arrangement was later discontinued after the appointment of local controlling officers of these departments. For the purpose of effecting coordination of the activities of the different development departments in the Subdivision, the State Government constituted a Subdivisional Development Board and a Subdivisional Development Committee for every Subdivision. The Board consisted of the Subdivisional Heads of the Government Departments, local M.L.As., and M.Ps. representatives of the local bodies and welfare organisations while the
Development Committee consisted of the officials of the Board. The Deputy Commissioner or Sub-divisional Officer was the President and the Development Officer was the Secretary of the Development Board and the Committee. This was a very effective and useful arrangement made by the Government to look after all the matters of Rural Development and Welfare of the Subdivision, jointly by the officials and the non officials.

In the meanwhile a Nation wide scheme of Community Development was launched since 2nd October 1952. Under this scheme, Development Blocks were established in different parts of the country for implementing the Community Development Programme. In Assam like all other states in India, the Government set up a new administration machinery for this purpose under a newly established Department named as Community Projects Department. The administrative organisation of this Department was as follows:

**STATE LEVEL:** Minister in charge of Community Development etc.

I Development Commissioner.
I Deputy Development Commissioner
I assistant Development Commissioner (Headquarters)
I Special Officers
I Deputy Director (Training)
I accounts Officer

**ZONAL LEVEL** Assistant Development Commissioners.
In 1969 both the Rural Development Department and the Community Projects Department were amalgamated under the name of Development (Panchayat and Community Development) Department. This was done in the changed context of combining the Block administration with the three tier Panchayati Raj institutions which were established under the Assam Panchayat Act 1959. The administrative set up of the Government had also undergone certain changes as a result of amalgamation of the Rural Development and Community Project Department. The administrative machinery was as follows:

STATE LEVEL
Minister in charge
Panchayats and Community Development etc.

Minister of State, Panchayat & Community Dev.

Commissioner of Agriculture Production & Rural Development etc.
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<tr>
<th><strong>SECRETARIAT</strong></th>
<th><strong>DIRECTORAT</strong></th>
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<tbody>
<tr>
<td>Secretary, Panchayat &amp; C.D.</td>
<td>Director of Panchayats and Community Development</td>
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<tr>
<td>Joint Secretary</td>
<td>Joint Director</td>
</tr>
<tr>
<td>Deputy Secretary</td>
<td>Assistant Development Commissioner</td>
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<tr>
<td>Under Secretary</td>
<td>Deputy Directors</td>
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<td></td>
<td>Special Officers</td>
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<td>Accounts Officer</td>
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<tr>
<th><strong>DISTRICT</strong></th>
<th><strong>Deputy Commissioner</strong></th>
<th><strong>Zonal Asstt. Development Commissioners</strong></th>
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<tr>
<td><strong>SUBDIVISIONAL</strong></td>
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<td>Subdivisional Officer</td>
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<tr>
<td>Subdivisional Planning Officer and Secretary Mohkuma Parishad</td>
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<tr>
<td><strong>BLOCK</strong></td>
<td>Block Development Officer</td>
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<td></td>
<td>Ex-officio Secretary, Anchalik Panchayat</td>
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<tr>
<td></td>
<td>Extension Officer or Agriculture, Animal Husbandry and Veterinary, Panchayat, Cooperation, Special Education, Overseer.</td>
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<td></td>
<td>Senior Gram Sevak</td>
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<td><strong>VILLAGE</strong></td>
<td>Gram Sevaks</td>
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<td></td>
<td>Gram Sevikas</td>
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<td></td>
<td>Gaon Panchayat Secretaries.</td>
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In the Block team it appears that posts of Extension Officer Panchayat was included and the posts of Industry Extension Officer and Medical Officer were withdrawn.

The Sub-divisional Planning Officer was posted as ex-officio Secretary of the Mohkuma Parishad and Block Development Officer as ex-officio Secretary and Executive Officer of the Anchalik Panchayat. In every Gaon Panchayat a Secretary was appointed for the purpose of maintaining the Gaon Panchayat Office and he was placed under overall control of the Gaon Panchayat President.

This administrative arrangement has now been changed again under the provisions of the Assam Panchayati Raj Act 1972. A senior and experienced Government Officer of the administrative cadre is deputed as Secretary of the Mohkuma Parishad and his service is placed at the disposal of the Parishad. The executive powers and functions of the Mohkuma Parishad are vested to the Chief Executive Councillor of the Parishad and the official Secretary is to assist in performance of his duties. The services of the Block Development Officers and the Block staffs are placed at the disposal of the concerned Mohkuma Parishad. As a result of which the financial powers of the Block Development Officers have been withdrawn and the allocations of funds to the Development Blocks has been transferred to the Mohkuma Parishad concerned. Under this changed pattern of administration, the Block organisation must function as
an Agency of the Mohkuma Parishad in respect of the schemes to be undertaken in the Block by the Mohkuma Parishad. The working of this system may be studied after the completion of the present term of these Panchayati Raj bodies.

**APPOINTMENT OF GAON PANCHAYAT SECRETARIES:**

Under the Assam Rural Panchayati Act 1945, the Rural Panchayati Secretaries were appointed by the Deputy Commissioners and the Primary Panchayat Secretaries were appointed by the concerned Rural Panchayats. Under the Assam Panchayat Act 1959, the Gaon Panchayat was first empowered to appoint its own Secretary. For this purpose, the qualification, duties and functions, remuneration and other service conditions were prescribed in the Assam Panchayat (constitution) Rules 1960. The Act also provided for the appointment of one Secretary jointly by more than one Gaon Panchayat, presumably in consideration of the fact that the volume of work in a Gaon Panchayat may not necessitate the appointment of a Secretary for each Gaon Panchayat. But it appears that without giving importance to this provision, every Gaon Panchayat entertained one Secretary irrespective of the work load and its financial liability. The Secretaries of the defunct Rural Panchayats were appointed by the Government as Panchayat Extension Officer of the Blocks or in some other Government jobs, and the Secretaries of the defunct Primary Panchayats were absorbed as Secretaries of the Gaon Panchayats.
The power to appoint the Secretary was initially given to the Gaon Panchayat in order to enable the Panchayat President and members to select a suitable person locally against any existing vacancy. But in many cases the Gaon Panchayats have misused this power. In many instances the existing Secretaries were removed by the Gaon Panchayats on flimsy grounds. Therefore, there was insecurity. The Govt. interfered and prescribed the procedure for the removal of a Secretary. Even then the Secretaries were not able to have a service security. Very often the Secretaries were not paid regularly. Under the circumstance, the Government assumed the power to appoint Secretaries. The Gaon Panchayats were divested of this power. The Government however delegated the powers of appointment and administrative control of the Gaon Panchayat Secretaries to the Deputy Commissioner and Sub-divisional officer concerned. Further the Mohkuma Parishad was authorised to appoint the staff of the Gaon Panchayats, Anchalik Panchayats, and Mohkuma Parishad other than the Gaon Panchayat Secretaries. Later, on the Mohkuma Parishad had been authorised to appoint the Secretaries of the Gaon Panchayats. Though the Secretaries are appointed by the Mohkuma Parishad, they are paid by the Gaon Panchayat concerned. The payment of salary by the Gaon Panchayat enabled its President to exercise control over the Secretary of the Gaon Panchayat.
POWERS OF CONTROL OF THE STATE GOVERNMENT

According to the Assam Rural Panchayat Act 1948 the Government and all officers empowered by the Government in their behalf had the general power of inspection, supervision and control over the performance of the duties of the Rural Panchayats and Primary Panchayats. The Government had the right to give such advice in respect of the administrative work, duties and proceedings of a Panchayat as they considered necessary. The Government could dissolve a Panchayat if it defaulted persistently in the performance of its duties or abused the powers, vested in it.

The Assam Panchayat Act 1959 endowed the State Government with similar powers of control in respect of the Mohkuma Parishad, Anchalik Panchayats, and Gaon Panchayats. This Act specifically empowered the Government to annul any proceeding of such Panchayati Raj bodies which was considered not in conformity with the law and could do all things necessary to secure such conformity. The State Government could dissolve or supress a Mohkuma Parishad or Anchalik Panchayat or Gaon Panchayat for a period not exceeding six months, if such a body persistently defaulted in the performance of its duties or abused its powers. This Act provided for the appointment of an Inspector of Local Works for one or more Subdivisions for the purpose of inspection and giving guidance with regard to all public works executed by the
Anchalik Panchayats and Gaon Panchayats. This provision was not given effect to. Instead the local technical personnel of the concerned departments were entrusted with this work.

The Assam Panchayat (Amendment) Act 1986 gave wide power of control to the State Government. According to which the Government in respect of all the Panchayati Raj bodies, and the Deputy Commissioner or Sub-divisional officer in respect of Anchalik Panchayats and Gaon Panchayats were empowered to suspend or prohibit the execution of any resolution, order or notice of such bodies which appeared to the manifestly perverse or ultra vires.

Under the provisions of the Assam Panchayati Raj Act 1972 all the powers of control, supervision and dissolution have been entrusted to the State Government. Further, another provision has been added for dissolution of a Mohkuma Parishad or Gaon Panchayat if for any reason there is a deadlock in the functioning of these bodies. This act has made no provision to empower the Deputy Commissioner or Subdivisional Officer to suspend or prohibit the execution of any resolution, order or notice of the Gaon Panchayats as it was done in the previous Act. Instead, a provision has been made under the present Act, empowering the State Government to rescind in part or full any resolution, order, notice or
decision of Mohkuma Parishad or Gaon Panchayat or prohibit doing of any act in pursuance of the same, if the Government consider such act to be in excess or abuse of the power conferred on these bodies. According to this act the Govt. may restore a body so superseded if it is considered necessary or order for reconstitution by fresh elections.

In case of supersession or dissolution of a Panchayati Raj body the Government may direct any officer of the Government to exercise the powers and perform the duties of such a body.

There were no cases of dissolution of any Rural Panchayati in the State under the provision of the Assam Rural Panchayati Act 1948. But some Gaon Panchayats and Ancholik Panchayats were dissolved under the 1959 Act. However no Mohkuma Parishad was dissolved. Under the Assam Panchayati Raj Act 1972 the Government put the Chief Executive Councillor of Mari Gaon and Karineganj Mohkuma Parishads and the Presidents of several Gaon Panchayats under suspension for mismanagements of these bodies.

From the above we come to the conclusion that the Panchayats were subject to a great deal of administrative control of the Government and its Departments. They have very limited powers to appoint their personnel. Their budgets are scrutinised by the Government authority. They can be dissolved or supersede at any time. Their decisions may
time. We therefore suggest that these bodies should have certain amount of freedom of action so that they can develop as Self-Governing bodies.