CHAPTER IV

DISTRICT ADMINISTRATION & TRADITIONAL FUNCTIONS
District as a unit of administration was originally created for facilitating revenue collection. Collection of revenue required proper maintenance of law and order. Thus law and order function was added to it. With the passage of time, beside these two most important functions, other functions were also added which were general and diverse in nature. These three categories of functions were the original or traditional functions of District Administration. Traditional functions may be organised under the following heads:

(i) Revenue Administration, (ii) Law and Order, and (iii) General Administration or Miscellaneous functions.¹

**REVENUE ADMINISTRATION**

Before partition of India in 1947, the land revenue system in the then East Bengal (presently Bangladesh) was based on the Zamindari system introduced in 1793 by Lord Cornwallis.²

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² Regulation I of 1793 created the Permanent Settlement in Bengal. It included the area now comprising the Indian states of West Bengal, Bihar and part of Orissa. Present Bangladesh was the Eastern part of erstwhile British Bengal. In 1802, in a portion of Madras the permanent settlement was extended. The important features of the system were: Firstly, the Zamindars were declared proprietors of area over which their land revenue collection extended subject to the payment of land revenue and to the liability to have their land sold for failure of payment. Secondly, the assessment fixed on the land was declared to be unalterable for ever and the government guaranteed that assessment would not be raised.
The Zemindari system was created by the Permanent Settlement in Bengal, Bihar, parts of Orissa, parts of Madras and a few places elsewhere. In this system there was a middleman between the government and the actual cultivator. This middleman who held the settlement was the proprietor of the land and exercised all rights of private property with respect to the land. He paid the land revenue to the government as fixed by the permanent settlement, he in turn letted out his land to cultivators and realised rent from them. Thus, under this system the proprietor and the actual cultivator were different persons. Hence there was no direct relationship between the government and its officials on the one hand and the actual cultivators on the other.3

Thus, the revenue work was not heavy in Bengal and "all that the Collector needed was some clerical assistants for the preparation of demand lists and the maintenance of Tanzi i.e. registers of revenue accounts".4 He was also assisted by one or two Deputy Collectors.5

5. Najmul Abedin, OP, 1985, p. 239.
The revenue history in the later half of the 19th century concerned mainly with the statutory development of rights given to occupancy raiyats and later to under raiyats. The Rent Act of 1859 defined the rights of occupant as 12 years continuous possession of land in possession of a raiyat. It laid down that rent must be fair and equitable and it recognised the zamindaar's right to claim enhancements on the ground that there had been an increase in area, that the value of the produce had increased, or that the rent of a particular holding was below the prevailing rate. The Act also provided that ejectment for non-payment of rent could only be made through the courts.

During the next two decades, the Act proved to be in some respects, unworkable. Though the value of the produce increased, the zamindaars could not enhance rent owing to the opposition of tenants. They united to resist the landlords or zamindaars. Thus agrarian discontentment grew and for some years the amendment of the Rent Act became the subject of agitation.

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6. Raiyat in Bengal meant tenant. After the abolition of zamindari the raiyats were designated as 'Maliks' or owner.
In 1878, a commission which had prepared a bill for the realization of undisputed arrears of rent recommended to government that it was desirable to undertake a complete revision of the tenancy law. The Government of India agreed, and a commission was appointed which presented a Draft Bill and a Report in 1880. The Bengal Tenancy Act of 1885 was based on this Bill.

The Bengal Tenancy Act of 1885 corrected the defect in the law relating to occupancy rights by enacting that a raiyat who had been in possession of any land for 12 years, either himself or through inheritance, would become a raiyat of the village, with occupancy rights in the land he already possessed and would also acquire those rights in respect of new lands which he took into cultivation.9

The right of the raiyat was made a protected interest in the event of his superior landlord being sold up, he was given the right of mortgaging his holding, and of substituting it for a period of not more than 9 years. It was also laid down that raiyats should not be ejected for arrear of rent, but their holding must be sold up in the civil court.10

The Tenancy Act of 1888 was amended in 1938 and 1988. As a result of the amendments, the tenants as a whole, enjoyed greater rights and privileges and the occupancy raiyats virtually became masters of their own destiny. They could then use their lands in any manner they choose and could not be ejected from their lands except through court proceedings. The condition of the landlords was made so precarious by 1938 that it became difficult for them to realise even legal rent in time and in due proportion. Now with the dwindling of landlords powers and influence, rise in prices of agricultural products and with political consciousness among the tenants, a new resurgence and aggressiveness among the tenants were distinctly visible. It became gradually difficult for the Zamindars or landlords to realise rent from tenants which fell into heavy arrears with the result that the Zamindars were unable to protect the estates from revenue sales.  

The government then set up a Land Revenue Commission in 1938, with the main objective of going into the question of retention or abolition of the Zamindari system. This Commission in 1940 recommended the abolition of the Zamindari system.  

On the basis of the recommendations of the commission the Bengal State Acquisition and Tenancy Bill was introduced in the Bengal Legislative Assembly in 1947. But due to partition the bill could not go through. In 1948 it was placed in the East Bengal Legislative Assembly and subsequently passed in 1950, assented to by the Governor General on May 16, 1951. This act sought to abolish the 180 years old permanent settlement and envisaged a system of direct payment of land revenue to the government by the actual owners and tillers of the soil, by eliminating all intermediaries. 12

After the Act was passed, it was decided that only big estates with good collection papers, and the estates under the management of courts of wards, would be acquired by a summary procedure immediately and that the remaining rent receiving interests would be acquired after regular revision of the record of rights, without which correct preparation of rent-rolls and compensation assessment rolls could not be possible. Accordingly, big estates were acquired between 1952 and 1955. A new revenue administrative set up was created at all levels, beginning from Tahsils up to the

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12. East Bengal State Acquisition and Tenancy Act, 1950 (Act XXVIII of 1951). Some of the important features of this Act were: the ceiling of retenable lands per family was 33 acres, later on raised to 124 acres. Rent once assessed could not normally be revised within next 20 years. Provision for payment of compensation for acquisition of rent receiving interests was also made.
district level, creating post of Tahsildars, Thana Circle Inspectors, Sub-Divisional Managers, District Manager and Additional Deputy Commissioner of Revenue, and in smaller districts joint Deputy Commissioners, for proper management of the newly acquired estates.  

The acquisition of all rent receiving interests was made under the summary procedure without any proper plan and without making adequate arrangements either for the collection of land revenue from acquired properties or for the assessment of various kinds of compensation payable to the ex-rent receivers. This brought trouble both, for the government and the people. Due to defective rent-rolls, it was difficult for the government to collect revenue and for the tenants to pay them. In many cases no data was available for the assessment of interim compensation or compensation for pre-acquisition arrear rents and cesses in respect of properties acquired prior to April, 1938. Even when final compensation had been assessed, no arrangement

13. L.G.N. Lutful Bari, op.cit. p.318. In early 1938, 5,510 Tahsildars and Assistant Tahsildars and 300 Circle Inspectors were appointed.

14. The Government assumed the responsibility of direct collection of Land Revenue from 16th April, 1938.
could be made for their prompt payment. In a word, the entire machinery of Land Revenue Administration was out of gear.

The Government of East Pakistan, therefore, appointed a Land Revenue Commission in December, 1958 to look into the problem. The Commission submitted its report in July, 1959 and made recommendations regarding payment of compensation and re-organisation of the administrative set-up of the Revenue department in order that it may cope with the new situation arising out of the summary acquisition of rent receiving interests all over the province (East Bengal).

In September 1959, the government of former East Pakistan constituted a Land Revenue Administration Enquiry Committee. This committee thoroughly examined all aspects of Land Revenue Administration and submitted its report to the government in April, 1963 with a number of recommendations for the improvement of Land revenue administrative system.

15. The Bengal State Acquisition and Tenancy Act, 1950 made provision that the payment of compensation can be made in cash or in bonds or in both. The total amount of compensation assessed in the district of Khulna in 1963 was Rs. 3,36,43,410 for 2,44,179 compensation rolls. In the district of Dinajpur cash compensation was assessed to the tune of Rs.1,05,63,514.

The Committee proposed a re-organised revenue administrative machinery in all the districts with the Deputy Commissioner in overall charge at the district level to be assisted by an Additional Deputy Commissioner in charge of revenue, a senior former East Pakistan Civil Service (EPCS) officer with the designation of Additional Sub-Divisional Officer who would work under the general supervision and control of the Sub-divisional Officer (SDO), the former EPCS Class-II officer, designated as Circle Officer (Revenue) at the thana level, to be assisted by a fiel d Kanungo and one Tahsildar-in-charge at Tahsil level to be assisted by two Tahsildars.

The government accepted this recommendation of the Committee, but the recommendation in respect to the Additional Sub-divisional Officer (Revenue) could not be implemented for want of suitable experienced former E.P.C.S.–I officers required for the post. As such, the Sub-divisional office

17. Former East Pakistan, now constituting Bangladesh, had 24 regularly constituted provincial services. The provincial services were divided into three main types, namely, generalist-administrative services (East Pakistan Civil Services 'EPCS' and East Pakistan Secretariat Service or EPSS, specialist services, (e.g., health, agricultural engineering services), and functionalist services (e.g., police and excise service). The services were classified into four divisions, namely, class I, II, III and IV. Many of the provincial services were divided into class I and class II, or higher and Junior, or upper and lower such as EPSS, Class I and Class II, East Pakistan Health Service (Upper) and (Lower). See, Syed Giasuddin Ahmed, Composition and Structure of Services in Bangladesh,' in the Indian Journal of Public Administration, Vol.XXX, No.1, 1964, p. 128.
continued to be managed by a non-gazetted Sub-divisional Manager, who worked under direct control of the S.D.O. As a result of implementation of the recommendations of the Land Revenue Administration Enquiry Committee, the Land Revenue Administration of the district was being managed by the Gazetted and non-gazetted officers at various levels as shown below. 19

| District level                  | 1. Deputy Commissioner, |
|                                | 2. Additional Deputy Commissioner. |
| Sub-division level             | 1. Sub-divisional Officer, |
|                                | 2. Sub-divisional Manager. |
| Thana level                    | 1. Circle Officer (Revenue) |
|                                | 2. Field Kanungo. |

**Mode of Collection**

Before the abolition of the Zamindari system, the tenants had to pay their annual rent at the landlords local 'Tahsil Kutchery'. The Tahsildars also sometimes used to go out to the villages with prior intimation for the collection of rent from the tenants especially when the tenants did not come up in sufficient numbers to pay their rent. There was also provision for payment of rent by money-orders for which a special money order form was used, but payment of rent by money order was never popular.

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18. The post of Sub-divisional Manager was created in the 1850's after the abolition of the Zamindari system. But the post was abolished in the late 1860's.

The system of collection of land revenue still continues in the district. The Tahsildars who are government employees now go out for Mufassil Collection more often than their predecessors in Zamindari days used to do. The system of payment by money order is still there. Later the government introduced another system of payment through commercial bank.

**Land Ceiling**

After the emergence of Bangladesh, the State Acquisition and Tenancy Act, 1950 was amended. The amendment exempted payment of land revenue of agricultural holding up to 25 standard 'Bighas'. By another order the maximum quantity of land which a family can retain or acquire was reduced to 100 standard Bighas. The definition of 'family' was also modified so as to prevent the retention of acquisition of more land by splitting up of families for circumventing the provisions of the law.

The excess land that would be available to government by such reduction of the ceiling would be distributed among the

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20. During the Pakistani days National Bank of Pakistan used to collect land revenue through its various branches. After the emergence of Bangladesh, National Bank of Pakistan was nationalised and renamed as Sonali Bank. See, Government of Bangladesh, the Bangladesh Banks (Nationalisation) Order, 1972, President's Order No.28 of 1972.

21. One Bigha is equal to .33 decimal of land.

22. President's Order No.96 of 1972. But the tenants are required to pay the allied dues, namely, the Development and Relief Tax, the Additional Development and Relief Tax, Education cess and local rate for such lands.


24. Under the East Bengal State Acquisition and Tenancy Act, 1950, (Act XXVIII of 1951) the ceiling was 375 standard 'Bighas'.
agriculturists having no land at all, or less than 1.50 acres according to the order of priority laid down by the government. 25

It also came to the notice of the government that in many cases lands, having public right of easement were unauthorisedly settled with or occupied by private persons. An order was promulgated which authorised the D.C. to resume such lands when needed for any public purpose, or in public interest on payment of compensation where such payment is justified. 26

Later with a view to streamline the administration relating to land and land reforms, an order was promulgated abolishing the Board of Revenue and excluding the Divisional Commissioners from the field of land administration and land reforms. 27

Role of Deputy Commissioner as Collector

The Deputy Commissioner before 1960 was known as 'Collector'.

The designation 'Collector' originated from his revenue functions. There is no basic change in his functions relating to revenue collection although importance of items of work has changed. The word revenue does not convey a clear picture of the work of

25. 42.64 per cent of the total population of Bangladesh claim to own 0.5 acres or less or no land at all. Among them 8.13 per cent claim ownership of no land either homestead land or other land. See, Government of Bangladesh, Bureau of Statistics, Statistical Year Book of Bangladesh, 1980, p.189.


the Deputy Commissioner as Collector. His duties as Collector include looking after the general interests and welfare of the cultivator insofar as they relate to cultivation and allied matters on which he depends for his living. The Collector also decides the rights of tenants, such as mutations, encroachment, land acquisition, etc. 28

Thus, the Deputy Commissioner, in his capacity as the Collector is required to act as (i) a collector of land revenue, water dues etc., (ii) a recorder of agricultural statistics, (iii) a 'guardian' and registrar of the rights in the soil enjoyed by private persons, (iv) a promoter of the stability and improvement of the landed property, (v) a custodian of state property, and (vi) a judge of the revenue cases. 29

Collection of revenues is based on the following three main principles:

(i) Revenue which is intended to be collected ought to be collected;

(ii) There should be one standard of collection and that is collection in full. There should be no incentive for remission of revenue; and

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(iii) Cases where revenue should not be collected are very limited, such as during natural calamity, condition of distress, wholesale damage of crop by fire, flood, storm etc. 30

Thus, as the Collector, he is not only responsible for collection of revenue but he is also equally responsible for the welfare of the tenants. So in cases of calamities and distress, the Collector has to be very quick in giving relief on any outstanding amount of revenue and in addition should also come to the aid of the tenants with money and materials quickly to relieve their immediate distress and secondly to enable them to get on with the next crop. 31 But the D.C. has also to ensure that the following principles of null collection is observed:

(i) Principle of Fair Assessment - whether it is land revenue, irrigation rates or any other taxes and duties, the most essential preliminary is the fair and correct assessment of the amount payable by each individual assessee;

(ii) Principle of Certainty - The D.C. should see that the individual assessee know the basis of assessment, the amount assessed, the place and the time i.e. where and when the revenue are to be paid of or collected.


31. Ibid., p. 123.
(iii) Principle of Collection at proper time - The D.C. should also see that the collection is made while the money is there in hand. Harvesting time is best for collection; and

(iv) Whether it is drought or flood, hailstorm or fire, it is the responsibility of the D.C. to assess the situation correctly and speedily and then provide adequate relief quickly, so that the purpose is not defeated. 32

But in practice the D.C. does not directly perform these functions, he simply maintains an overall control and supervision over the revenue machinery in the district and that the Additional or Joint Deputy Commissioner who is directly sub-ordinate to him mainly perform these functions.

Role of Additional Deputy Commissioner (A.D.C.)

With the abolition of Zamindari system and government's assumption of the responsibility of collection of revenue greatly increased the volume of work of the D.C. as Collector.

The migration of Hindus in 1947 and the Muslim law of inheritance further complicated the situation. The number

32. Ibid., pp.123-124.
of mutation and certificate cases, settlement of Khas land
and correction of land records continued to pile up. 33

In view of the great increase in the volume of revenue
work, an Additional Deputy Commissioner (A.D.C.) was posted
to assist the Deputy Commissioner. 34 The newly appointed
Additional Deputy Commissioner (A.D.C.) took over the
responsibility of revenue collection. He in discharging
functions enjoys all powers of the Collector but is directly
responsible to the D.C. He supervises the revenue and loan
collection, inspects offices of Circle Offices and Tahsils
and hears appeals in Revenue Certificate cases. One Deputy
Collector remains in charge of the Revenue Office for
day-to-day work. After the promulgation of Enemy Property
Ordinance in 1948, A.D.C. was also appointed as Assistant
Custodian of the enemy property. Similar responsibility has
been entrusted for the non-resident and abandoned property
of the Pakistanis. 35

33. Gazi Ashur Ali, District Administration in Bangladesh,
Dhaka, National Institute of Public Administration (NIPA),
1975, p.18.
34. During the late Pakistani days and early Bangladesh period
there were mainly 3 A.D.Cs. in an average district viz.
A.D.C. (General), A.D.C. (Revenue) and A.D.C. (Development).
However, there were the positions of A.D.C. (Relief) created
in 1965 and A.D.C. (Colonisation) created in 1969 in districts
like Noakhali. But in actual practice the charge of
these positions are held by A.D.C. (General) or any other
A.D.C. In the district of Dhaka there are two more A.D.Cs.
viz. A.D.C. (City) and A.D.C. (Industrial area) and in the
district of Khulna there is also one A.D.C. (Land Acquisition).
Two new positions of A.D.Cs. have also been created viz.
A.D.C. (Project) and A.D.C. (Literacy).
35. See Government of Bangladesh, The Bangladesh Abandoned
Property (Control, Management and Disposal) Order, 1972,
President's Order No.116 of 1972.
Role of the Sub-Divisional Officer (S.D.O.)

In Bangladesh every district except Tangail\textsuperscript{36} is divided into several sub-divisions.\textsuperscript{37} The Sub-Divisional Officer (S.D.O.) is the head of the sub-divisional administration, who works under the direct control and supervision of the D.C.

The S.D.O. of a sub-division except Sadar Sub-division is a miniature D.C. in his sub-division. He is the representative of the D.C. in his sub-division. Like the D.C., the S.D.O. is the overall head of revenue functionaries operating within his jurisdiction but in practice, he exercises nominal control and supervision over them. Like the former, the latter gives more attention to important aspects of administration i.e. development, law and order, the affairs of the local bodies etc.

In discharging revenue functions the S.D.O. is assisted by non-gazetted officer designated as Sub-Divisional Manager. There is a Circle Officer in every thana and there are Tahsil Offices for every two unions of the sub-division.

36. Tangail earlier was a sub-division of Mymensingh District. In the late 60's it was upgraded into a separate district.

37. The Report on the Administration of Bengal, 1872, recommended for the creation of sub-division in British Bengal. Subsequently, each district was divided into several sub-districts called sub-divisions. Usually the same area was constituted a Sub-division for criminal and revenue administration, and a single officer was put in charge of such an area for both purposes, known as Sub-divisional Officer (S.D.O.).
The S.D.O. inspects Thana Revenue Offices, Tahsil Offices, Sub-divisional Revenue office also. The Tahsildars, 38 are appointed by the A.D.C. (Revenue). They are also transferred by him. But in some districts S.D.Os. have been authorized to transfer the Tahsildars, but this needs to be approved by the A.D.C. (Revenue).

Returns and Statements of Thana Revenue office are consolidated in the sub-divisional office and later on sent to the district office.

Circle Officer (Revenue)

After the abolition of the Zamindari system the village and the Thana became the focal points of revenue administration. The post of Circle Inspector was created in the first half of 1960's to look after revenue administration at the Thana level. The newly appointed Circle Inspectors were given training for a period of 24 months in revenue law and survey. 39 But the Circle Inspector system proved to be a failure.

The Circle Inspectors whose primary duties were to inspect and supervise the works of Tahsildars were, in fact,

38. The post of Tahsildar was created in the 1960's, and occupies the lowest position in the revenue hierarchy.
intended to work in such a way as to 'keep them in the right path'.\textsuperscript{40} They themselves knew less about revenue work than the Tahsildars. Moreover, they had not the personality to be able to control the Tahsildars even when they found the Tahsildars going wrong.\textsuperscript{41}

In 1969 and 1963, reports on land revenue administration recommended that the non-gazetted Circle-Inspectors should be replaced by the gazetted grade II officers of the then East Pakistan Civil Service and that the designation of these gazetted officers should be Circle Officer (Revenue).\textsuperscript{42} But this recommendation was not immediately implemented mainly because of the shortage of officers.

By 1967, Circle Officers (Revenue) were posted at Thana level to supervise the activities of Tahsil offices. The C.O. was entrusted with the powers under Certificate Manual for the recovery of public demands. He heard the petitions for partition of holdings and allowed mutation. He had the jurisdiction to inspect and audit Tahsil accounts. The C.O. (Rev.) was required to submit periodical reports to the D.C. about the crop condition,

\textsuperscript{40} Ibid., para 19.
\textsuperscript{41} Ibid.
\textsuperscript{42} Ibid.
revenue collection, and mutation of holdings, etc. Recently the designation of Circle Officer (Revenue) has been changed into Thana Revenue Officer (T.R.O.). These functionaries viz., the A.D.C.(Revenue), the S.D.O. and the C.O.(Revenue) are responsible for revenue administration in their respective spheres. But the overall responsibility lies with the Deputy Commissioner.

It is important to note, however, that although historically revenue collection was the main function of the collectorate, the collection and the amount of it became less significant than the other subsidiary functions of the revenue administration. Earlier the D.C. used to devote a great deal of time and energy in revenue administration which always received his special and personal attention. The extent of his ability to administer revenue matters efficiently was one of the most important criteria by which his competence as a D.C. was measured. Several factors were responsible for the paramount importance of revenue administration. Firstly, land revenue used to be the principal source of revenue receipts of the government. Secondly, land revenue administration enabled the D.C. and his subordinates to come into the closest contact with the rural people who constituted the bulk of the population of the country and learn about the conditions and

problems of the remotest part of the country side. The revenue hierarchy was in fact, considered the central channel of communication between the people and the government. Thirdly, land revenue administration affected to an enormous extent the interest and well being of the bulk of the population of this sub-continent who were almost wholly dependent on land for their livelihood. Fourthly, the office of the Collector was a great source of influence and prestige. He could easily bring his pressure bear upon the landed 'aristocrats' either to keep a check on their arbitrary and tyrannical dealings with their tenants or to make use of their influence at the time of emergency, e.g. communal riot, or dispute between hostile groups etc.

But from the post war period the large increase in and the specialisation, diversification and modernisation of governmental functions, the mushroom growth and expansion of development activities, the rapid urbanisation and industrialisation minimised to an enormous extent the importance of land revenue administration. The D.C. also found "his hands too full with a great variety of urgent problems to find sufficient time and energy to devote to revenue administration." 44 Moreover, from the 1950's and the 60's the percentage of land revenue continued

FIG. 4.1

BANGLADESH
LAND REVENUE HIERARCHY
(FROM EARLY 1973)

Source: Najmul Abedin, Local Administration and Politics in Modernising Societies: Bangladesh and Pakistan, NIPA, Dhaka, p. 260
### Table 4.1
Collection and collection cost of major taxes of the Government.

(Million taka)

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<td>n.a.</td>
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<td>n.a.</td>
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<td>n.a.</td>
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<td>1981-82</td>
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<tr>
<td>1982-83 (RE)</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
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</tr>
</tbody>
</table>

Notes: R. E.—Revised estimate. *Figures for 6½ months from 16-12-71 to 30-6-72. Figures for 1971-72 are budget estimate.

Source: Government of Bangladesh, Bureau of Statistics, Statistical Year Book of Bangladesh, 1982, p. 466
to decrease very fast mainly as a result of the increase in
incomes from other sources. Such decreases further lessened
the importance of land revenue administration to a considerable
extent. 45

LAW AND ORDER ADMINISTRATION

The maintenance of law and order involves both executive
and judicial functions. Three factors are involved in it viz.,
the police, the magistracy and the judiciary. 46

Police Administration

Created under Act V of 1861 the police organisation
in Bangladesh as in other parts of the sub-continent has
remained mostly unchanged till today. The Act containing
47 sections, has stood the test of time, for over a century
and stands as an important landmark in the history of police
forces of the sub-continent. No doubt with the passage of
time, growth of population and increasing complexities of
life in the wake of industrialisation and urbanisation,
the organisation has expanded considerably by way of substantial

45. Najmul Abedin, pp. 244-245.
increase in strength. The structure of the organisation has, however, remained basically unaltered. The act governs the organisation, recruitment, powers and duties of Bangladesh Police even today. 47

The Police administration is organised under the Police Directorate in Bangladesh. 48 The head of the Police directorate is the Inspector General of Police (I.G.P.) 49 He is the head of the Police Department and all orders from government to the police are conveyed to him and he conveys them to the subordinate police officers and is responsible for the execution of these orders. Some orders are directly addressed by government to the D.C., and in these cases the copies are endorsed to the I.O. of police who may, on the basis of these issue orders to the District Superintendents of Police. 50 No police officer can correspond directly with the government except through the I.O. of police. The I.O. of police is responsible to government for the efficiency and discipline of the police force and for the proper performance of its duties. The I.O. tours throughout the country, meets police officials and inspects police establishments and police stations. He also receives numerous periodical reports from districts and reports of serious crime. He keeps the government informed about law


48. The Directorate of Police is an attached office of the Home Ministry of the Government of Bangladesh.

49. Police Act of 1861, Section-4.

50. All such orders are to be published as Police Order in the Police Gazette. Ibid, Section 39 (a)
and order situation in the country. In discharging his functions the I.G.P. is assisted at the Headquarters by two Additional Inspectors General of Police, one Deputy Inspector General of Police (D.I.G.) and 11 staff officers of the rank of the Superintendent (S.P.) who are designated as Assistant Inspector General (A.I.G.) of Police.

To facilitate the police administration the country is divided into the following police administrative areas: The range consisting of a group of districts. At present there are 5 Police Ranges, 4 of which correspond to 4 Revenue Divisions, and the 5th one is a Railway Police Range comprising two Railway districts with Headquarters of Chittagong and Saidpur.

The civil district is divided into sub-divisions. In 1979 there were 22 police districts 20 of which correspond to 20 civil districts and 2 Railway districts. The sub-division consists of one or more Police Circles. A circle is composed of a group of Police Stations. In total in 1979 there were 189 Police Circles in the country. Each Police Range is under the charge of a Deputy Inspector General of Police (D.I.G.). He has both executive and administrative functions and his main

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52. Police Act of 1911, Section 4(l) and 7(a)(1)
Abbreviations:

IGP = Inspector General of Police
ADDL = Additional
DIG = Deputy Inspector General of Police
AIG = Assistant Inspector General of Police
APB = Armed Police Battalion
DMP = Dhaka Metropolitan Police
CMP = Chittagong Metropolitan Police
SB = Special Branch
HQ = Head Quarter

Source: M. Azizul Huq, "Bangladesh Police—Its Organisational Pattern and Emerging Role in the Society," Administrative Science Review, September, 1979, p. 113
duty is to supervise and guide the work of District Superintendents of Police. He tours the district, inspect police offices and police stations and ensures that police discipline is maintained and that the functions and duties are being properly performed. He receives general periodical reports from the District Superintendents of Police in his charge and also reports of all serious crimes and their investigation reports so that he may provide guidance to the district police. It is his duty to keep in close touch with the Superintendents of Police in his charge and to maintain the efficiency and discipline of the police force. He also provides channel for correspondence between the district police and the Inspector General of Police. District Superintendent of police is in charge of the District police. He is the head of the police force of his district and is responsible for its internal management, efficiency and discipline and the proper performance of its duties. He also ensures that orders of courts and other authorities are promptly carried out. He is assisted by a number of gazetted and non-gazetted police officers.

53. Ibid, Section., 36 (a)
54. Ibid, Section., 36 (b)
55. Ibid, Section., 15 (a)
### Table 4.8
Population and Police Stations in Bangladesh
(As on 1-3-1979)

<table>
<thead>
<tr>
<th>Population</th>
<th>Number of Police Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>50,000</td>
<td>23</td>
</tr>
<tr>
<td>50,000 - 1,00,000</td>
<td>90</td>
</tr>
<tr>
<td>1,00,000 - 1,50,000</td>
<td>116</td>
</tr>
<tr>
<td>1,50,000 - 2,00,000</td>
<td>111</td>
</tr>
<tr>
<td>2,00,000 - 2,50,000</td>
<td>53</td>
</tr>
<tr>
<td>2,50,000 - 3,00,000</td>
<td>33</td>
</tr>
<tr>
<td>Above 3,00,000</td>
<td>50</td>
</tr>
</tbody>
</table>

472 P.Ss. (Revenue P.Ss.)

Railway Police Stations 21

Total 493 P.Ss.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Police Forces</th>
<th>Population in Million (Source: B.B.S.*)</th>
<th>Ratio of Population per Policeman</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>34,378</td>
<td>69.3</td>
<td>2015</td>
</tr>
<tr>
<td>1971</td>
<td>34,690</td>
<td>71.0</td>
<td>2054</td>
</tr>
<tr>
<td>1972</td>
<td>42,384</td>
<td>72.6</td>
<td>1846</td>
</tr>
<tr>
<td>1973</td>
<td>49,236</td>
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<td>52,384</td>
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<td>55,550</td>
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<td>1404</td>
</tr>
<tr>
<td>1976</td>
<td>59,010</td>
<td>79.6</td>
<td>1354</td>
</tr>
<tr>
<td>1977</td>
<td>60,164</td>
<td>81.7</td>
<td>1359</td>
</tr>
<tr>
<td>1978</td>
<td>60,797</td>
<td>82.6</td>
<td>1379</td>
</tr>
<tr>
<td>1979</td>
<td>63,842</td>
<td>83.6</td>
<td>1341</td>
</tr>
</tbody>
</table>

Note: *B.B.S. = Bangladesh Bureau of Statistics.

"Broadly speaking, law and order has two aspects vis.,
(1) Maintenance of public peace and (ii) Investigation and
trial of criminal cases." 56

The duties under the head of "Maintenance of Public
Peace" does not mean any special type of crime. This is
about general law and order which may be disturbed even by
non-criminal motives. Though crime may technically be
committed, the real nature of the emergency here may be
political or economic or communal. Such disturbances of
peace have to be prevented. The police are, therefore,
should be vigilant to watch the situation and take preventive
action in connection with the following:
(1) Communal situation, (2) Festivals, (3) Agrarian troubles,
(4) Industrial strikes, and (5) Subversive political parties,
etc. 57

The functions under the head "Investigation and
trial of criminal cases" may briefly be described as follows:
(a) Prevention, (b) Investigation and detection, and
Prosecution of crime.

56. Provincial Administration Committee Report, p. 164.
57. J.D. Shukla, Sarsiki, p. 168.
First of all crime should be prevented. If it is not prevented then the crime is committed, if committed it must be investigated and detected. If investigation is successful then prosecution follows. 58

Besides these, the police perform many other functions which may be termed as the Miscellaneous functions. Duties under this head include:

(a) Execution of processes of Criminal Courts.
(b) Providing of patrols, pickets, guards and escorts
(c) Regulation of crowds and traffic.
(d) Duties of fairs and ceremonial functions.
(e) Duties in connection with famine, floods, fire, accidents, suspicious property, verification of character and escapes from prisons, etc.
(f) Inquests and post mortems in cases where people die suddenly or by poison or by murder or by suicide, etc.

Thus, the police have a large number of miscellaneous duties. In fact, almost every act or law that is passed creates some offences and thus imposes some work on the police apart from work connected with ordinary crime. 59

58. Ibid., p. 162.
59. Ibid., p. 163.
The Magistracy

Like the development of police force, the Magistracy had also a historic evolution, the most important of which is Criminal Procedure Code, 1898. Section 10 of the Cr.P.C. prescribed that in every district outside the presidency towns, the state government should appoint a Magistrate of the first class who should be called the District Magistrate and Section 12 provided for the appointment of Sub-ordinate Magistrates, while Section 13 and Section 14 made provision for the Sub-division Magistrate and Special Magistrates respectively. An amendment in 1982 also provides for Thana (Upa-Zilla) Magistrates by adding Section 13 A.

In the district the Deputy Commissioner (D.C.) acts as the District Magistrate. In his capacity as District Magistrate the D.C. is in overall charge of law and order administration. He is kept informed about all the important happenings and has to keep an eye on the activities of different groups of people, avoid clashes between different groups and control strikes and demonstrations. He has frequent discussion with the Superintendent of Police on the methods to deal with mischief mongers and anti-social elements.

61. Criminal Procedure Code, Section 10. The District Magistrate is vested with 1st class Magisterial power.
He is the head of the criminal administration and functions as a shock absorber between the police and the public.

The district magistracy comprises the D.C., the A.D.Cs., the S.D.Os., and a number of sub-ordinate officials called the 'Deputy Magistrates'. According to their judicial powers to try less important criminal cases, all these officers are classified into four classes of Magistrates, namely, class-I, class-II and class-III magistrates. The D.C. himself does not try cases except hearing of the appeals under preventive-sections of the Criminal Procedure Code. He also hears petitions for transfer of cases from one court to the other.

Generally, all criminal cases are admitted in the court of the S.D.O., the sub-divisional magistrate, who has First class magisterial powers. He transfers cases to other courts of all other magistrates according to the gravity of the offence. Each magistrate begins work as a Class-III Magistrate and higher powers are vested by the government on the recommendation of the D.C., and Session Judge based on experience, performance.

63. Police Regulations, Bengal, 1943, Part III, Section 15(a)
64. S.K. Sharma, supra, p. 194.
66. Criminal Procedure Code, Section-17.
67. Ibid, Section 528 (a).
and merit of the officer as a Magistrate. 68

Though the D.C. is the head of the Magistracy in the
district but he has no authority to interfere in the proceedings
of the court or in the judicial decisions of the Magistrates.
He mainly exercise administrative and supervisory control over
the magistrates. 69

Beside the normal judicial functions of the Magistrates
the D.C. may also require a Magistrate to perform such magisterial
duties as to preside over a mobile court constituted by the
former in order to check traffic irregularities, to record the
dying declaration of a person who is dying as a result of some
injury etc. He may also require a Magistrate to lead a police
force while executing a search or arrest warrant if it is of some
special importance or while making a raid against some anti-social
activities or while handling a situation resulting from breach
of peace such a riots, student or labour disturbances etc. 70

The Magistrates also assist the D.C. in the performance
of his executive, administrative and revenue functions. In
performing all these functions they remain under the direct

70. Ibid., pp. 209-215.
control and supervision of the D.C. And the D.C. finds no
difficulty in exercising control over these sub-ordinate
officers, because, unlike the police officers (and the officers
of other departments) they are his direct subordinates and
he writes Annual Confidential Reports on the activity of
these officers.71

As the District Magistrate the D.C. inspects the court
of Magistrates at least once in a year. He is also responsible
to pursue the progress of disposal of cases by the Magistrates.
He holds periodical conferences with Magistrates, Court Inspectors
and Investigation Officers to arrange prompt disposal of criminal
cases.72

The D.C. in consultation with the District Judge recommends
the names of reputed pleaders for appointment as public prosecutor
and government pleader.73

Like the D.C., the S.D.O. is the head of the Magistracy
in his sub-division and is responsible for the maintenance of
law and order.74 The S.D.O. administers his sub-division as

71. Ibid.
73. Ibid., p. 21.
74. The S.D.O. also enjoys powers under the Criminal Procedure
Code, Section 144 and 145 for the preservation of peace.
behalf of the D.C. who usually delegates the necessary power to him. 76

Under the Criminal Procedure Code, a S.D.O. in his capacity as the Sub-divisional Magistrate is to take cognisance of both general file and police file-complaint cases as well as warrant cases. After taking cognisance of cases, he transfers them to other magistrates under him. 76

The Government of East Pakistan with a view to further decentralise and strengthen the administration at the Thana level and also to ensure easier and speedier dispensation of justice introduced a scheme of Thana Magistracy. One E.P.C.S. Class I officer having at least 2nd Class Magisterial powers was posted in selected Thanas 77 of the country with the designation of Thana Magistrate. 78

Though the scheme of Thana Magistracy was undertaken no physical arrangements were specifically made for the proper functioning of the scheme. No arrangement for a court room, Hajat, Police arrangement etc. were made. Under such a difficult

76. Ibid., p. 142

77. In total 40 thanas were selected. 10 from each divisions.

situation the Thana Magistrates had to start their Eijas (Court), office and seating arrangements etc., in Thana Training and Development Center (TTDC) premises. 79

However, the former Government of East Pakistan found the scheme quite useful and effective. The powers and responsibilities of Thana Magistrates were increased. 80 The scheme of Thana Magistracy continued till liberation of the country. Immediately after the liberation gigantic task of relief operation fell on the government. The Thana Magistrates were withdrawn and posted to the sub-divisions to help in the relief operation. The staff of Thana Magistrates still exist and regular retention to the posts of the clerical and other staff of Thana Magistracy in these themas are still accorded by the government though the staff are now utilised in the Sub-divisional Officer's Office.

It has been argued since long that the judiciary should be separated from the executive. It is an universally accepted fact that the executive authority should not be entrusted with judicial powers and that the union of such powers in the person of the same officer shakes the confidence and faith of the people in the courts of the Magistrates. 81

Separation of Judiciary

In the 1986 Constitution of former Pakistan, separation of the judiciary from the executive was stated as one of the Directive Principles of the State Policy. Following this directive principle the Government of former East Pakistan passed an Act in November 1987 in order to divert the executive arm of judicial powers. The Act declared that besides the High Court there would be two types of Criminal Courts in East Pakistan, namely the Court of Sessions and the Courts of Magistrates and that there would also be two types of Magistrates namely Judicial Magistrates and the Executive Magistrates, that the District and Sessions Judge would not only hear appeals against the decisions of Judicial Magistrates but they would also exercise full administrative and supervisory control over them. In the performance of administrative and executive functions the D.C. and the S.D.O. would be assisted by the Subordinate Executive Magistrates.

But the government did not take any measure to implement the provisions of the Act. Shortage of officers was one of the reasons for not taking any step for separating the executive and judiciary. Moreover, the then government was not also

84. Ibid, Section-4.
willing to undertake the task of re-organising the pattern and structure of district administration which have inevitably resulted from such separation. 86

Later, the Law Commission of 1958-59 also strongly recommended that the executive and judicial powers should be completely separated in practice and that the Magistrates should be classified into Judicial and Executive Magistrates. 87 But no step was taken to materialise it. In 1969 the government introduced a new system, in which the Magistrates were divided into two groups - Judicial and Executive. Judicial Magistrates worked as full time Magistrates and their only function was the trial of criminal cases. Executive Magistrates were in charge of executive functions of the district and sub-divisions including trial of Criminal Procedure Code cases. This was considered to be the first step for separation of judiciary from the executive. 88

Bangladesh has also committed to the principle of the separation of judiciary from the executive. The Constitution of the Republic states that "the state shall ensure the

86. Ibid.,
separation of the judiciary from the executive organs of the state. 89 But the real separation has not yet taken place. The Law Reform Committee (1976-78), however, suggested three stages for the separation of judiciary from the executive. They suggested that in the first stage government should notify the whole time magistrates. At the second stage judicial functions should be separated from the executive as envisaged in former East Pakistan Act XXIII of 1957 and Magistrates be deputed to do judicial work under the control of the Session's Judges. The final stage would be the establishment of an integrated services for both civil and criminal judicial work. 90

But steps are yet to be taken to achieve the end of the separation of judiciary from the executive organ of the government.

Police and Magistracy

Police are not exclusively responsible for the administration of law and order. The responsibility jointly belong to the Magistracy. The structural as well as informal

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relations between the police and Magistracy affect the efficiency with which this critical task is carried out. Moreover, these relations determine the nature of police accountability, which in another way may affect the autonomy of police power. Also, whether these relations are harmonious or not may affect the legitimacy of government by forcing people to choose between police and other instrumentalities of government as being correct embodiments of political authority.

Criminal and law and order administration is a Joint Magisterial-Police administration. This may, however, be divided into three fields. The first is purely criminal-judicial work which the Magistrates do themselves bringing independent judgment to bear on their work. Here the police assists them by bringing evidence before them. The second is a purely police field like internal management, discipline and economy of the police force. This is the field of the police officers. The third field is a joint one where the police functions and the Magisterial functions are interlinked. This is the field of law and order, control of crime, execution of processes and general public policy.

In this field the Magistracy and the Police work in co-operation headed by the Deputy Commissioner. 92

The D.C. is the chief executive in the District. His prime responsibility is the maintenance of law and order and administration of Criminal Justice and for this purpose the police force is under his central and jurisdiction. "The District Superintendent (S.P.)is the District Magistrate's assistant for police purposes and it is his duty to keep the latter informed, both by personal confidence and by special reports on all matters of importance concerning the peace of the district and the state of crime." 93

The relations between the D.C. and the S.P. were regulated on different patterns in different provinces during the British days. The police commission of 1880 had attempted to tackle this problem but they were scrupulously careful not to hamper the relations which the D.C. was to bear to the S.P. They considered it impolitic and inadvisable to lay down detailed and precise rules for bringing absolute uniformity of practice in all the provinces. They preferred to prescribe rules of general applicability only. 94

92. J.D. Shakle, SH.ULIA, p. 181.
94. Home (police) A proceedings, 14 May, 1888, No. 4.
The Police Commission of 1880 proposed that "the District Officer shall be recognised as the principal Controlling Officer in the police administration of his District, and that the civil Constabulary, under its own officers, shall be responsible to him and under his orders for the executive police administration." The D.C. would be responsible for the general well-being of the district. The police being made an efficient instrument placed at his disposal for the protection of life and property, for the suppression of crime, and the repression of local disturbances etc.

In the police Act of 1861 a distinction was made between the judicial and police functions. The Act provided that "the administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such Magistrate, be vested in a District Superintendent and each Assistant District Superintendents as the provincial government shall consider necessary."}

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95. Selection from the Records of Government papers relating to the Reform of the Police of India, 1881, Proposition No. 82.

96. Ibid., proposition No. 83.

97. The Police Act (Act V) of 1861, Section 4.
The police however, were to be autonomous throughout each state with respect to their internal administration. Hence the creation of the post of Inspector General. The Superintendent was responsible to the District Magistrate for what the police did affecting law and order, he was at the same time responsible to his uniformed supervisors for the internal management of the police establishment. In short, he was subject to a system of dual control.98

For a few years after the coming into force of the police Act of 1861 the judicial (magistrates) and police officers had worked harmoniously.99 The District Magistrates throughout India were the controlling head, and the police were bound by law to obey all orders received from them.

Later on, it was realised that the Act had more or less divided and weakened the authority of the Magistrate.100 The Secretary for state for India directed that "clear and distinct rules" for the guidance of the Magistrates and the police officers should be laid down.101 He opined that the circumstances in India required concentration of police authority in the Magistrate. He expressed that "the chief

101. Secretary of State's Despatch No. 64 of 21 July, 1863, Paragraph-7.
police officer in a district should be his deputy or lieutenant.\textsuperscript{102}

In the regulated province of Bengal, clarifications were sought from time to time about the relationship between the District Magistrate and the Superintendent of police. The relations were systematically defined and ambiguities gradually removed within a couple of years after the introduction of the Police Act of 1861. In a resolution of the Lieutenant Governor it was stated that "the District Magistrate has no authority to interfere in the internal organisation and discipline of the police force, but in other respect his position in relation to the police is not materially changed. The District Superintendent is in effect an aid to the Magistrate for the Superintendence of the police of the District."\textsuperscript{103} Subsequently, when a difference of opinion had arisen several times between the District Magistrates and the Superintendents in different districts, it was clarified that it was "the duty of the District police officer to submit to the judgement and authority of the Magistrate, and not to make unnecessary references or to seek the interference of the superior police officers in matters not affecting internal organisation or discipline, or the efficiency of the force."

\textsuperscript{102} Lawrence's Minute, 6 June, 1864, pp. 67, 68.

\textsuperscript{103} Resolution dated 22 September, 1862 recorded by Lt. Governor of Bengal.
It was further decided that, as the District Magistrate was "responsible for the police administration of the District, he clearly had a right to inspect at any time the Police Order Books, and satisfy himself of the manner in which the police are performing their duties."\(^{104}\)

Finally the supremacy of the Magistracy over the police in Bengal was established by stating that "the Magistrate is entirely responsible for the peace of his district, and that the District Superintendent is only his Assistant for police duties, and as such bound to carry out all his orders. District Superintendents are by law independent of the Magistrate of the District only as far as regards the internal economy of the force, and everything of purely departmental nature but even in such matters they expected to pay due regards to his wishes and suggestions."\(^{105}\)

Besides these, the Supremacy of Magistracy over the police was also ensured by the Criminal Procedure Code of 1898.\(^{106}\)

\(^{104}\) Letter No. 3120 dated 28 April 1883 from Government of Bengal to the Commissioner of Burdwan.


\(^{106}\) Shaikh Masood Ali, _Shalifi_, p. 354.
The Police Regulations of Bengal (PRB), 1943 made further provision towards the relationship between the police and magistracy. It was stated that "should any differences of opinion on any question relating to the police administration arise between the Superintendent and District Magistrate, it is the duty of the Superintendent to carry out the Magistrate's instructions. The Magistrate shall in such cases forthwith refer the matter to the Commissioner and the Superintendent shall similarly make a reference to his Deputy Inspector General. The Commissioner and the Deputy Inspector General shall consult together and if possible, arrive at an agreed decision. If they are unable to agree, the matter shall be referred to the government through the Inspector General."

The PRB, 1943, made the S.P. subject to the general control of the District Magistrate, responsible for the criminal administration of the district, and for the proper performance by officers sub-ordinate to him of all performance by officers sub-ordinate to him of all preventive and executive duties. The District Magistrate was also empowered to call for the paper relating to the conduct of character of any police officer of his district, but was barred to interfere in the internal organisation and discipline of

107. Police Regulations, Bengal, 1943, Section 15 (c).
the police force except bringing to the notice of the superintendent all cases in which the conduct and qualifications of an officer affect the general administration of his district. Moreover, the District Magistrate in the exercise of his power and control shall abstain from any action likely to weaken the authority of the Superintendent or to deprive him of responsibility. 108

Thus, it is evident that the police regulations clearly established the supremacy of the Magistracy over the Police. But there is a good deal of vagueness about the exact nature of the relationship between the Magistracy and Police and about the exact nature of authority and control that the former is supposed to exercise over the latter. Such vagueness has often resulted in clashes between the District Magistrate and the Superintendent of Police and this minimised to a considerable extent the effectiveness of the authority and control of the former over the latter. The provision that the police force should perform its functions "under the general control, 109 of the District Magistrate is capable of interpretation in different ways. And in practice, it is interpreted in such a way as to enable itself to enjoy as much independence from the Control of the Magistracy as possible.

109. Police Regulations, Bengal, 1943, Section 18 (a).
While the latter tries to maintain its control over the former, the former tries to assert its independence. 110

East Bengal Police Committee, 1969 recorded that "The District Magistrate of Dacca in his replies to the questionnaire has observed that he came across where the Superintendents of Police went out of their way to ignore the District Magistrate. 111

Moreover, the provision that the District Magistrate should not interfere in the internal administration of the police force appears to be in conflict with the spirit or implications of other provisions of the police regulations. The prevention and detection of crime, the relation between the police and the public, the maintenance of public peace, all the responsibilities of the District Magistrate are closely connected with the internal administration of the police force. The efficiency or inefficiency, the discipline or indiscipline, the conduct and behaviour of the police force in one way or another are bound to affect these aspects of criminal administration. Thus, in practice it is not possible to discharge effectively the responsibilities entrusted to the District Magistrate unless he has effective control over the internal administration of the police force. 112

The Police Committee of 1953 in this connection stated that a Superintendent of Police should not have power to transfer a Sub-Inspector if the District Magistrate has objection to such a transfer.\textsuperscript{113}

But the Police Commission of 1960-61 held a different view. They felt that the S.P. should be given the power to issue orders under Section 144 of Criminal Procedure Code, after consultation with the District Magistrate. Again prior of the issuance of such order by the District Magistrate the District Superintendent of Police should be consulted.\textsuperscript{114}

But the commission held the view that the District Magistrate should continue to be in over all control of maintenance of law and order, but not to intervene in the internal management of the police.

The Provincial Administration Commission also supported this view. They observed that "the police force in the district is not another department of the government but the field area of the District Magistrate himself in sphere of law and order."\textsuperscript{115}

\begin{itemize}
\item \textsuperscript{113} Report of the East Bengal Police Committee, 1953, p. 55.
\item \textsuperscript{114} Government of Pakistan, Report of the Pakistan Police Commission, 1960-61, p. 131.
\item \textsuperscript{115} Ibid.
\end{itemize}
But in the early 60's the then Central government of Pakistan decided to divest the District Magistrate of his power to write the Annual Confidential Report (ACR) on the activities, efficiency and the nature of the co-operation received by him from the S.P. with the result that the position of the District Magistrate vis-a-vis the Superintendent of Police was weakened to a great extent.

The consequence of the order of the Central government was that there was "no sense of cohesion and oneness between the executive and the police force which existed in the law and order machinery before." The District Magistrate in discharging his law and order functions had to depend to considerable extent on the 'goodwill' and the 'mercy' of the S.P. The weakening of the position of the District Magistrate vis-a-vis the Superintendent of Police correspondingly weakened his control and influence over the subordinate police officers. In view of the increasing deteriorating situation

118. Letter No. 1, MSA/65, dated February 2, 1965, written by a Member of the Board of Revenue, Government of East Bengal, to the Additional Chief Secretary to the Government of East Bengal.
the provincial government wrote to the Central government that the S.P. should in actual practice be made the immediate subordinate of the District Magistrate and that the former should be given back the power to write the Annual Confidential Report (ACR) of the latter.\footnote{121} But the central government remained silent.

To resolve the ambiguity of relationship between the District Magistrate and the Superintendent of Police the Police Commission of 1969-70 observed that "There is need to establish a close relationship between the Magistracy and police."\footnote{122} In Bangladesh this arrangement still continues to exist.

**GENERAL ADMINISTRATION**

The D.C. as the head of the district administration performs a number of functions other than just the collection of revenue and maintenance of law and order. The office of the D.C. evolved initially as an authority for revenue administration. It was also entrusted with Magisterial work and for a short while it had also civil judicial functions.

\footnote{121}{Najmul Abedin, \textit{op. cit.}, p. 294.}
\footnote{122}{Government of Pakistan, \textit{Report of the Pakistan Police Commission, 1969-70}, para 41.}
In course of time he became the eyes, ears and hands of the government in the district and that is how he became the sole arbiter of people's welfare. "He watches over welfare of the people, he establishes schools, dispensaries, courts of justice." Any extension of the functions of the government would add to his list of duties. When income tax was first levied, it was the D.C. who was asked to collect it. Similarly during the World War II, distribution and price controls were initially implemented by the D.C. With the passage of time other dimensions are also added to his functions. He has become the agency to administer all such laws and orders which have anything to do with the common man.  

Since the liberation there are at the district level, in addition to the D.C., other dignitaries, such as the Members of the Parliament or Ministers drawn from the district. They being close to the political set up carry considerable weight but the D.C. continues to enjoy the status of being the official representative of the government in the district. Thus on national festivals like the independence day and victory day, it is he who hoists the national flag and takes the salute of


the armed forces, police, boys scouts, girls guide, Mukul Fauj etc., on behalf of the government. There is also considerable protocol work that devolves on the D.C. He receives dignitaries and VIP's both national and foreign and makes appropriate arrangements for their reception.

As the agent of the government in the district the D.C. watches over the political activities and development and keeps the government informed through Home (Political) Department of the same.

Beside these, as the chief executive at the district level, he attends different functions organised within the district as the chief guest. The D.C. also acts as the ex-officio chairman or president of different social and cultural organisations of the district.

In the field of education the D.C. plays an important role. Different acts and rules envisaged that at the district headquarter the D.C. or an officer nominated by him would be the chairman of the Governing bodies or the Managing Committees of privately run schools and colleges. In the outlaying

125. The Bengal Education Code and the Primary Schools Act, 1929 are the two basic documents relating to the management and administration of colleges and schools.

126. In 1981-82, there were 488, 8315 and 5402, privately run colleges, secondary schools and primary schools respectively in Bangladesh. For details, see Government of Bangladesh, The Statistical Yearbook of Bangladesh, 1982, pp.369, 370, 376.
areas, the S.D.O. or an officer nominated by him and approved by the D.C. would be the chairman.

In the sphere of extension of education and development, the government depends heavily on the D.C. In 1976-78 the government decided to develop one girls and one boys high school in each thana headquarters. In the sphere of college education, it decided to develop one college per thana. The task of selecting these institutions to be taken up under development programme fell on the D.C. 127

Similarly, when the government launched a nation wide programme for development of primary education, the full operational responsibility was entrusted with the D.C. despite of the fact that a separate project implementation cell was formed with a Project Director under the Director of Public Instructions. 128

The Deputy Commissioner plays a crucial role in times of natural calamities like cyclone, tornado, draught etc. In the case of flood, it is D.C.'s job to take adequate advance precaution for evacuation of people from flood affected areas and to provide the necessary relief to the victims. 129

129. From 1971 to 1978 there were 12 major cyclones and tidal surges in Bangladesh. See, Government of Bangladesh, The Statistical Yearbook of Bangladesh, 1980, pp.127-128.
In the case of famine, the D.C. is the authority under the Famine Code to keep a vigilant watch to spot the signs of developing famine, keep the government fully informed of such a situation and take whatever steps are considered necessary to give relief.

Bangladesh has common border with India and Burma. The Partition of India in 1947 brought in the problem of migration and smuggling of commodities and currency. It is not possible to stop smuggling totally, attempts are made only to minimise the volume of smuggling as far as possible. At the district level there is Anti-smuggling Committee. The D.C. is the ex-officio chairman of the District Anti-Smuggling Committee, which co-ordinates the activities of all anti-smuggling agencies, e.g. Bangladesh Rifles (B.D.R.), Customs, Police etc. He also keeps watch over the disposal of anti-smuggling cases by the courts and keeps the committee and government informed about the progress of their disposal by the Magistrates. Periodical reports on smuggling, disposal of smuggling cases and migration are submitted by him to the government. As the agent of the government the D.C. hold conference with the police, the B.D.R. and his counterpart in India for stopping undesirable activities and misunderstanding which may crop up because of smuggling.

130. Kazi Asker Ali, ORASIT, p.28.
131. Ibid.
Besides these, there are many other functions which the D.C. has to perform as the head of the district administration. He acts as the Controller of Civil Defense, Chairman of the Minority Board, Chairman, District Anti-Corruption Committee etc.

Assessment

The district administrative set up, as has already been observed, was originally created for facilitating revenue collection. But under the permanent settlement of 1793, the Deputy Commissioner's revenue function was not that heavy. He performed this function quite efficiently with the help of a few subordinate officials. In the early 1950's the Zamindari system established under the Permanent Settlement was abolished. The government assumed the full responsibility of direct revenue collection. A new revenue administrative set up was created at all levels starting from the Tahsil level upto the District level with corresponding officials at each level. This assumption of direct revenue collection responsibility by the government ultimately lead to the considerable increase in responsibility of the Deputy Commissioner. Thus in view of the great increase in the volume of revenue work the post of an Additional Deputy Commissioner (Revenue) was created. Again with the introduction of various land reforms measures after the emergence of Bangladesh have also lead to the further increase in the volume of revenue
function. The A.D.C. (Revenue) supervises the district revenue administration. In discharging this responsibility he enjoys the power and authority of the Deputy Commissioners. But in reality he acts as an agent of the D.C. because the ultimate responsibility of revenue administration lies with the latter.

The other important traditional function of district administration is the maintenance of law and order. The Deputy Commissioner also acts as the District Magistrate. In this capacity he heads the district Magistracy. All the magistrates are subordinate and directly responsible to him. The D.C. in his capacity as the District Magistrate, is also the head of criminal administration in the district. As the head of criminal administration he controls and directs the action of the police. In this sphere, his powers can broadly be classified into two groups, namely (1) Control of the police force and (2) supervision over criminal situation and law and order. Under the Criminal Procedure Code, the D.C. combines in himself the functions of a judge with those of a policeman. The relationship between him and the District Superintendent of Police (S.P.) has been determined by the Criminal Procedure Code and the Police Regulation of Bengal, 1949. But inspite of these, the relation between the two have always been controversial. Earlier the D.C. had more power and authority over the S.P. Before 1960's he used to write the Annual Confidential Report (ACR) of the latter i.e., the

District Superintendent of Police. This authority of the former served as a useful means in earlier days in defining the true nature of relationship between the two. Now the relationship largely depends on the ability and competence of the individual D.C.

Besides the collection of revenue and the maintenance of law and order there are other functions which are of general and diverse in nature of district administration. The D.C. as the head of district administration performs these functions. He represents the government, enjoys the prestige of being the man of the government in the district. In this capacity the D.C. keeps the government informed of the activities of the district, the political trend and other information necessary for the security of the state. In ceremonial occasions he represents the government. Being the head of the district he visits local places and decides things of considerable importance on behalf of the government. In times of emergencies like natural calamity and famine he assumes the full responsibility of providing relief. In short “The district officer has many executive duties, of which it is impossible to give a complete list, for they vary from place to place and from season to season”...

“And when government has evolved some scheme for benefiting the people, he will be requested first to advise upon it, and in due
course, to put it in operation. In times of stress, the
burden of his responsibilities becomes wellnigh intolerable."...

"Whatever the trouble may be, the district officer must see
to it. In the old Roman formula, he must take care that the
state suffer no harm. He must prevent the trouble, if he can:
if he can not, then he must alleviate it, or quell it, or
pacify it. He may divide the work, but he can not divide
the responsibility. That is his."^{133}