

PREFACE

In a bid to standardize higher education in the country, the University Grants Commission (UGC) has introduced Choice Based Credit System (CBCS) based on five types of courses viz. *core, generic, discipline specific elective, ability and skill enhancement* for graduate students of all programmes at Honours level. This brings in the semester pattern which finds efficacy in sync with credit system, credit transfer, comprehensive continuous assessments and a graded pattern of evaluation. The objective is to offer learners ample flexibility to choose from a wide gamut of courses, as also to provide them lateral mobility between various educational institutions in the country where they can carry their acquired credits. I am happy to note that the university has been recently accredited by National Assessment and Accreditation Council of India (NAAC) with grade “A”.

UGC (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020 have mandated compliance with CBCS for U.G. programmes for all the HEIs in this mode. Welcoming this paradigm shift in higher education, Netaji Subhas Open University (NSOU) has resolved to adopt CBCS from the academic session 2021-22 at the Under Graduate Degree Programme level. The present syllabus, framed in the spirit of syllabi recommended by UGC, lays due stress on all aspects envisaged in the curricular framework of the apex body on higher education. It will be imparted to learners over the six semesters of the Programme.

Self Learning Material (SLMs) are the mainstay of Student Support Services (SSS) of an Open University. From a logistic point of view, NSOU has embarked upon CBCS presently with SLMs in English / Bengali. Eventually, the English version SLMs will be translated into Bengali too, for the benefit of learners. As always, all of our teaching faculties contributed in this process. In addition to this we have also requisitioned the services of best academics in each domain in preparation of the new SLMs. I am sure they will be of commendable academic support. We look forward to proactive feedback from all stakeholders who will participate in the teaching-learning based on these study materials. It has been a very challenging task well executed by the teachers, officers & staff of the university, and I heartily congratulate all concerned in the preparation of these SLMs.

I wish you all a grand success.

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Vice-Chancellor

Netaji Subhas Open University
Under Graduate Degree Programme
Subject : Honours in Public Administration (HPA)
Course : State Administration
Course Code: CC-PA-04

First Print : October, 2022

Printed in accordance with the regulations of the Distance Education
Bureau of the University Grants Commission.

Netaji Subhas Open University
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**Netaji Subhas
Open University**

**Public Administration (HPA)
(CC-PA-04)**

**Course : State Administration (CC-PA-04)
Course Code: CC-PA-04**

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BLOCK I
CONSTITUTIONAL FRAMEWORK

Unit I □ Structure of State Administration

Structure

- 1.0 Objectives**
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1.0 Objectives

- To understand the constitutional framework of state administration.
- To discuss the power of the state government with respect to state list and concurrent list.
- To examine the role of the state legislature.
- To describe the role of the state Council of Ministers.

1.1 Introduction

The provincial government or the state government is the constituent part of the federal structure of India. India is governed by the different layers of government namely- union or central, provincial or state government, union territories and national capital territory, although 73rd and 74th constitution amendment made the provision of local

government below the state government. Nationalist leaders resolved to form state governments keeping administrative and identity issues in mind. During the initial phase of post-independence, policy makers were apprehensive about the fissiparous tendency of linguistic provinces. Gradually, Indian federalism learned to cope up with the ethnic and linguistic demands; administrative boundary of each province reflects the cultural, linguistic and ethnic considerations. There are 29 states, 7 union territories and one national capital territory apart from numerous Panchayat and Municipal bodies.

Chapter II of the Part VI of the constitution (Art.152-Art.167) deals with the structure and functions of the state government. There shall be a governor appointed by the President of India at the helm of the state government. He/she will be aided and advised by the council of ministers headed by the Chief Minister. Governor will continue to hold his/her office during the pleasure of the President. Although the power and functions of the governor resemble the nominal ruler of a state, but during exceptional situations the nature of his power and position changes. Art.213 of the constitution contains the legislature power of the governor. Art.163 of the constitution has made provisions of the Council of ministers led by the Chief Minister. Governor appoints the leader of the majority party of Bidhan Sabha as the Chief Minister and upon his / her advice rest of the ministers are appointed by the Governor. It is the duty of the council of ministers to look after the administration of the state in the name of the governor.

Chapter III of Part-VI (Art.163-Art.212) deals with the State Legislature -comprising of Governor and one house or two houses. States like Bihar, Andhra Pradesh, Karnataka, Madhya Pradesh have bi-cameral legislature and rest of the states do have single cameral legislature. The state legislature is responsible for making laws, rules and regulations for the state.

Chapter V of the Part VI (Art.214-Art.231) makes provisions for High Court and Chapter VI (Art. 233A-Art.237) for the sub-divisional courts. The judges (Chief and other judges) are appointed by the President of India and the judges of the lower courts are appointed by the Governor. High courts adjudicate all the civil and criminal cases arising within the territorial boundary of the state.

Apart from the political aspect of state government, there are several supporting offices manned by the permanent executive. Every department or ministry is headed by a political executive namely a minister and the administrative head of the department is the secretary. The most important function of the secretary is to advise the minister in the formulation of policy. Senior bureaucrat is appointed as the secretary of a department.

Chief Secretary is the head of the state secretariat – the nerve-centre of the state administration. Very senior and most experienced IAS officer is appointed to the post of Chief Secretary. He enjoys enormous power and prestige within state secretariat. He is the Chief Advisor to the Chief Minister and state cabinet. The entire state secretariat depends on the advice of the chief Secretary.

Secretariat is the highest administrative body of the state government. All decisions and policies are formulated by this body though the minister decides finally. Minister has to depend on the advice of the secretary of his department. Coordination with the union administration and various departments of the state government is another important function of the secretariat. In addition to that policy implementation is supervised by it; even it helps the minister to prepare answer to the questions raised in legislative assembly.

1.2 Powers of the State government

The Union government and the state government derive their powers, directly from the Constitution. The Constitution has adopted a three-fold distribution of legislative powers between the Union and the states (Article 246). Schedule VII of the Constitution enumerates the subjects into three lists. List I or the Union List consists of the items over which the Union has exclusive powers of legislation. Similarly, List II or the State List comprises items over which the state has exclusive powers of legislation.

There is yet another List (List III) known as the Concurrent List that comprises subjects over which both the Union and the states have powers to legislate. The residual powers are vested in the Union. We would now briefly discuss List II and List III, which enumerate the subjects over which the states have jurisdiction either exclusively or concurrently with the Union.

i) State List

The State List contains 59 items (originally 66 items in the Schedule VII) over which states have exclusive jurisdiction. Some of the important ones are- Public Order, Police, Agriculture, Public Health and Sanitation, Local Government, etc. These are subjects of maximum concern to the people, which can be better dealt with at the state level.

These subjects are generally under the exclusive jurisdiction of the states, but under the following circumstances, the Parliament can legislate on these matters.

- a) In national interest, Council of States by a resolution of 2/3rd of its members present and voting may authorise the Parliament to legislate on a state subject.

Such authorisation may be for one year at a time, but can be renewed by a fresh resolution;

- b) Under a proclamation of emergency, the Parliament may legislate on a state subject;
- c) With the consent of two or more states, the Parliament may legislate on a state subject with respect to the consenting states;
- d) Parliament has powers to legislate with reference to any subject (including a state subject) for the purpose of implementing treaties or international agreements and conventions; and
- e) When a proclamation is issued by the President on the failure of Constitutional machinery in any state, s/he may declare that the powers of the state legislature shall be exercised by or under the authority of Parliament.

ii) Concurrent List

The Concurrent List, originally comprises 52 items (though the last item is numbered 47) over which the Union and state legislatures have concurrent jurisdiction. The important ones are- Criminal Law, Criminal Procedure, Marriage, Education, Civil Procedure, Insurance, Economic and Social Planning etc.

While the Union and states can legislate on any of the subjects in the Concurrent List, predominance is given to the Union Legislature. It means that in case of repugnancy between the Union and a state law relating to the same subject, the former prevails. If, however, the state law was reserved for the assent of the President and has received such assent, the state law may prevail notwithstanding such repugnancy, but it would still be competent for the Parliament to override such state law by subsequent legislation.

Any dispute about the interpretation of the entries in the three lists is to be decided by the Courts. Following principles have been followed in such interpretation:

- a) In case of overlapping of a subject between the three lists, predominance is to be given to the Union Legislature;
- b) Each entry is given the widest importance that its words are capable of, without rendering another entry nugatory; and
- c) In order to determine whether a particular enactment falls under one entry or another, it's "pith and substance" is considered.

1.3 State legislature

1.3.1 Legislative procedures

Legislation provides the framework for policy formulation, and arms the government with powers to implement the policies. At the state level, the function of providing the necessary legislative framework is performed by State Legislature. There is no uniformity in the organisation of State Legislatures in India. In this regard, a sizeable number of states have unicameral system and remaining like Andhra Pradesh, Bihar, Maharashtra, Karnataka etc. have bicameral system, that is, both Legislative Assembly and Legislative Council. Our Constitution provides that every state shall have at least one house, viz., the Legislative Assembly comprising 60 to 500 members (except Sikkim, Goa, Mizoram etc.) chosen by direct election on the basis of universal adult franchise from territorial constituencies. In addition, any state can create a second house, viz., Legislative Council if it so desires. This can be done by a resolution of the Assembly passed by a special majority (i.e., a majority of total membership of the Assembly not being less than two-thirds of the members actually present and voting) followed by an Act of Parliament. By the same process, an existing Legislative Council can be abolished also.

The members of Legislative Council are indirectly elected. The election is to be in accordance with the principle of proportional representation by means of the single transferable vote. Duration of the Assembly is five years unless dissolved earlier by the Governor. Its term may be extended by Parliament during an Emergency up to a period of six months beyond the expiry of the proclamation of an Emergency by the President.

Legislative Procedure

- i) Regarding a Money Bill
 - a) A Money Bill can originate only in the Legislative Assembly and not in the Council.
 - b) The Council cannot reject or modify this Bill passed by the Assembly. It can only make recommendations, which may or may not be accepted by the Assembly. The Bill as passed by the Assembly with or without modification is presented to the Governor for assent. If the Council does not return the Bill within 14 days, it can straightaway be presented to the Governor for her/his assent. Thus, the will of the Assembly ultimately prevails. The Council can at best delay its passage.

- ii) Regarding any Bill other than a Money Bill
 - a) Such a Bill can originate in either House.
 - b) If a Bill is passed by the Assembly, the Council may reject the Bill, modify it or may not pass it for three months. If the Bill is again passed by the Assembly with or without modification, the Council, on its second journey, may only delay it by one month.
 - c) If a Bill originates in the Council and is rejected by the Assembly, the matter ends.
 - d) Thus, in every way, the supremacy of the Assembly is established; more so, in case of Money Bills. The dispute between two houses is always resolved according to the will of the Assembly. This is in contrast to the Union Legislature where a dispute between the two Houses is resolved by a joint sitting. This is probably in recognition of the fact that the Upper House in Union Legislature is representative of the state.

1.3.2 Legislative control over administration

Apart from providing necessary legislative support to the executive, the Legislature also acts as an instrument of popular control over administration. In a Parliamentary democracy like ours, this control is exercised in the following forms:

- i) **Assembly Questions**

The members of the Assembly have a right to ask questions from the government. They can also ask supplementary questions. This device keeps the government on its toes. Whenever weaknesses are noticed, the government is compelled to promise and take corrective action.

- ii) **Discussions**

Apart from asking questions, the members may ask for discussions over important matters. They may also bring forward Call Attention Motions and Adjournment Motions on important public matters. Even if such motions are not allowed, a lot of information has to be supplied by the government and some discussion does take place. Here again the government is kept on a tight leash and has to answer the representatives of the people.

iii) **Financial Control by Budget**

No money can be raised and no expenditure can be incurred without a vote by the Legislature. By controlling the purse strings, the Legislature controls the programmes and activities of the government. It is true that by virtue of its majority in the Legislature, the government may ultimately get the money it wants, but during the process a lot of discussion takes place. This keeps the government in touch with the needs of the people. The discussion also highlights the weaknesses of the administration in the implementation of the voted programmes.

iv) **Post-expenditure Control**

The State Legislature also scrutinises the expenditure incurred by the government through the device of audit. Our Constitution provides for an integrated accounts and audit system. The Comptroller and Auditor General of India (CAG) gets the account of the state government audited and sends her/his report to the Assembly through the Governor. The Public Accounts Committee of the State Legislature goes through this report, examines and finally reports to the Legislature. Any instances of unauthorised, improper, or imprudent expenditure are, thus, discussed in detail and brought to the notice of the Legislature, which can then keep a vigilant eye on the government.

v) **Control through Legislative Committees**

Apart from the Public Accounts Committee mentioned earlier, there are several other State and District Administration committees, viz., Estimates Committee, Committee on Public Undertakings, Committee on Government Assurances, etc. These committees examine the various aspects of the working of the government and make useful suggestions. They also criticise the government for its failures and bring these failures to the notice of the Legislature and the people. This is a good device of exercising control over the government, as the Assembly is too unwieldy a body to examine the working of the government in detail.

vi) **Ministerial Responsibility**

The most potent function of the Legislature is to enforce the ministerial responsibility. In a parliamentary form of government, the political executive is a part of the Legislature and is responsible to it all the time. The government can be thrown out at any time by a vote of no-confidence or even on being rejected on its budget or any of the substantive legislative measures. As the political executive is always responsible to the legislature, therefore the administrators

become indirectly responsible to it through the ministers. In spite of these controls, it is often felt that the administration is not responsive enough. On the other hand, it is argued that the legislative control, especially the one through audit is too tight and takes away the initiative of the administrators.

1.4 State Council of Ministers

As already mentioned, the executive power of the state is exercised in the name of the Governor, who is the Constitutional Head of the state. But, the Governor has to have a Council of Ministers with the Chief Minister as its Head to aid and advise her/him. However, for a few discretionary functions, the Governor has to act on the advice of the Council of Ministers. It means that the real executive power is exercised by the Council of Ministers.

The Council of Ministers is appointed by the Governor on the advice of the Chief Minister and hold Office during her/his pleasure. It means that a Minister can also be dismissed by the Governor on the advice of the Chief Minister.

On the pattern of the Union government, ministers in the state governments are of the following categories:

- i) Cabinet Ministers
- ii) Ministers of State
- iii) Deputy Ministers

In a State, total number of Ministers, including the Chief Minister, in the council shall not exceed fifteen percent of the total number of members of the Legislative Assembly of that State. The system of Cabinet Committees is not so popular in the state governments as in the Central government.

i) Powers and Functions of the Council of Ministers

The Council of Ministers is the highest policy-making body of the state government. It lays down policy in respect to all matters within the legislative and administrative competence of the state government. The Council also reviews the implementation of the policy laid down by it and can revise any policy in view of the feedback received during implementation. Since the Governor has to exercise her/his executive powers on the advice of the Council of Ministers and all the executive power is exercised in the name of the Governor, there is no limitation on the powers of the Council except the following:

-
- a) The limits imposed by the Constitution and the laws passed by the Union and State Legislature.
 - b) Self-imposed limits to exclude consideration of less important matters of State and District Administration

ii) Division of Work into Departments at the State Level

According to the doctrine of Ministerial Responsibility, the Council of Ministers is collectively responsible to the State Assembly. It is, however, impossible for the Council to take all the decisions collectively. During the early British period, the administration of the state was carried on by the Governor-in-Council. At that time, most of the decisions were taken collectively, because the number of decisions to be taken was not very large. With the passage of time, the scope of governmental activity increased and the matters that came up for the decision of the Council also proliferated. This led to the development of “portfolio system” in which the Councillors were placed in charge of certain specified subjects leaving only a few important matters to be placed before the whole Council. The same system has continued after Independence. Under our Constitution, the Governor has to make rules for the efficient conduct of business [Article 166(3)]. The state governments have framed “Allocation of Business Rules”, according to which the work is divided among different ministers. This division of work can be done on the basis of functions, or on the basis of clientele, or on geographical basis or on the basis of the combination of these factors. Very often, the division of work is decided on personal considerations rather than rational criteria. Most of the work in respect of subjects allotted to a Minister is disposed of by the Minister. However, according to the rules of business, some matters have to be reserved by the Minister for:

- a) Consideration of the Chief Minister

These are called coordination cases, in these cases the Minister in charge of a portfolio records her/his recommendations and submits the file to the Chief Minister for her/his orders. Rules of business give a list of such cases. The Chief Minister may also reserve some cases or classes of cases for her/his orders.

- b) Presentation before the Cabinet

These are important policy matters, which have wide repercussions. Important cases of disagreement between two or more ministers are also brought before the Cabinet for its decision. A list of such cases is given in the rules of business. In addition, the Chief Minister may require any particular case of any department

to be placed before the Cabinet. A few of the typical Cabinet cases are given below:

- Annual Financial Statement to be laid before the Legislature, and demands for supplementary grants.
- Proposals affecting state finance, not approved by the Finance Minister.
- Exemption of important matters from the purview of State Public Service Commission.
- Proposals for imposition of new taxes, etc.

The size and composition of the Council of Ministers is important for effective public administration. The Ministry and Cabinet come into existence for running the administration efficiently and impartially. In view of above, it needs to be compact and homogenous, its size being determined by administrative needs. It will depend on various factors such as the area of state, its population, level of economic development and specific problems. However, the present size of Council of Ministers in the states especially in larger ones appears to be disproportionate. In this context, an attempt was made by the 91st Constitutional Amendment introduced with effect from 1st January 2004 by restricting the size of Council of Ministers to a maximum of 15 per cent of the strength of the respective State Legislative Assembly, but the problem still persists. In bigger states of India (for example, U.P. where the Assembly has a strength of 404 legislators), even this restriction has not prevented formation of jumbo sized Ministries.

Hence, there is growing realisation that there is an urgent need to reduce the size of Council of Ministers in the states. The SARC has recommended that the maximum size of the Council of Ministers may be fixed in a range of 10% to 15% of the strength of their Legislative Assemblies.

1.5 Conclusion

State Legislature has exclusive jurisdiction over items given in the State List (Schedule VII of the constitution). The Governor is the constitutional Head of the State, while the real executive power is exercised in her/his name by the Council of Ministers headed by the Chief Minister. In the light of the constitutional framework of the State administration, the emerging trends in the relationship between the Union and States deserve serious attention.

1.6 Summary

This unit focuses on the constitutional provisions regarding the functioning of the state government. We have examined the working of the state legislature and its control over administration.

1.7 Glossary

Convention: An accepted rule

Reprieve: pardon for postponement of the punishment

Repugnancy: contradiction

Respite: a temporary stay of execution

1.8 Model questions

- Discuss the various ways through which the legislature exercises its control over the administration.
 - Explain the powers and functions of the Council of Ministers.
 - Discuss the distribution of powers between the Union and the states.
 - Write a note on the concurrent list.
 - Write a note on the state legislature.
 - Discuss the significance of the state list.
 - Explain the legislative procedure with regards to the passing of a money bill.
 - What do you understand by forced expenditure control? Discuss.
 - What are the procedures of passing anybill other than a money bill? Discuss.
-

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Unit II □ Governor as the Head of State Administration

Structure

- 2.0 Objectives**
- 2.1 Introduction**
- 2.2 Governor: Appointment, tenure, removal, privileges**
- 2.3 Power and Functions of the Governor**
- 2.4 Exercise of Discretion by Governor: Few cases**
- 2.5 Conclusion**
- 2.6 Summary**
- 2.7 Glossary**
- 2.8 Model Questions**
- 2.9 References**

2.0 Objectives

In this unit we will examine the following:

- Appointment, tenure and removal of the Governor
- Special privileges of the Governor
- Powers and Functions of the Governor
- Discretionary Powers
- Position of the Governor

2.1 Introduction

The constitution makers prepared the lay out of the state government as per the parliamentary system of government. It is the proto-type of union government. Each state government (like the union government) comprises of the nominal or the constitutional

head and the real head. The nominal head of the state government is known as the Governor. Constitutionally the functions of the state government are done in his name. Usually each state has separate Governor. According to Article 153 there shall be Governor for each state. Constitution has made provision for appointing the same governor for two or more states and union territories (Article 155).

2.2 Governor: Appointment, tenure, removal, privileges

Governor is appointed by the President for 5 years. Article 155 of our constitution says that the Governor of a state shall be appointed by the President by warrant under his hand and seal. He or she may remain in the office during the pleasure of the President. The tenure of the governor is 5 years but may be removed from his post at any time if the President pleases to do so. The decisions of the President in this regard is not justiciable.

Constitution lays down certain qualifications for the appointment of Governor. According to Article 157 to be Governor one needs to have the following qualifications:

- 1) He / she attains minimum 35 years of age,
- 2) An Indian citizen,
- 3) Cannot be the member of Parliament or state legislature. If he or she is the member of Parliament or state legislature at the time of appointment, he or she must resign from that membership at the time of assuming the charge of Governor's office.,
- 4) He/she cannot hold any other office of profit.

The Governor is entitled to official residence and other emoluments as determined by the Parliament through law. Before assuming office, the governor has to take the oath to protect, preserve and defend the constitution and the laws of the land.

Special privileges:

Once appointed the Governor enjoys some special privileges like :

- 1) He/she is not answerable before the court for discharging his/ her official activities,
- 2) No criminal charges can be brought against him/her during official tenure,
- 3) He cannot be arrested or issued arrest warrant during his/her tenure.

2.3 Powers and functions of the Governor

Generally, as is earlier mentioned that the Governor is the nominal head of the state and with the aid and advice of the state cabinet headed by the chief minister, he/she discharges his/her official duties. In normal situation, the Governor acts as the ritual head of the state. But in certain cases, he/she uses his/her discretionary powers. So it can be safely said that the Governor enjoys some ritual or nominal powers and some discretionary powers.

Under nominal heads, Governor has legislative, executive, financial and judicial functions to perform.

Legislative functions

- 1) The governor is the integral part of the state legislature; he/she can summon the session, prorogue or dissolve the lower chamber of the state legislature i.e. Bidhan Sabha with the advice of the Chief Minister.
- 2) In the first session of the year or the new session after election, he/she delivers speech in front of the members of the Bidhan Sabha (where the state legislature is uni-cameral) or in the joint session (where the state legislature is bi-cameral) or he/she may send his/her message to the state legislature.
- 3) No bill will become law if it does not receive the consent of the Governor. The governor may give his/her consent on or sign the bill except the money bill. He/she may send the bill to the concerned chamber of the state legislature for reconsideration. If the state legislature sends the bill after accommodating the suggestions or proposals given by the governor, then he/she is bound to assent on the bill.

Point to be noted

The governor on two occasions is bound to give his consent on the bill duly prepared by the state legislature.

- ✓ In case of money bill, the governor is bound to give his/her consent because the money bill is introduced in the state legislature with his prior approval;
- ✓ In case of reconsideration of the ordinary bill by the state legislature.

- 4) The governor can issue ordinance if he/ she thinks essential when the state legislature is not in session. If the state legislature passes the ordinance in the next session, then the ordinance will transform into law; otherwise it will be repealed.
- 5) He/ she can nominate one representative from the Anglo-Indian community in the Bidhan Sabha if he is satisfied that they are not adequately represented and few noted personalities from the sectors like art, literature, science, social service etc in the upper chamber of the state legislature (where the state legislature is bi-cameral).

Executive power

All the executive functions are carried out in the name of Governor because the executive power is vested in the hands of the Governor. The executive functions of the Governor are as follows:-

- a) Chief minister and other ministers are appointed by the Governor. It is the parliamentary convention that the leader of the majority party or coalition of the Bidhan Sabha is appointed as the Chief Minister and upon his/her advice other ministers are appointed by the Governor. The Governor administers the oath and secrecy of office of the ministers. Distribution or re-distribution of portfolio, even removal of the ministers with the advice of the Chief Minister are also done by the Governor.
- b) Advocate General, members of State Public Service Commission (PSC), are appointed by him/her.
- c) Chief minister communicates the decisions of the state cabinet and it is also the duty of the Chief Minister to apprise him/her about the issues and information the Governor may require to know.
- d) Moreover, he acts as the Chancellor of the State Universities.
- e) The contentious power of the Governor is about the proclamation of President rule under Art.356. Although the Governor does not enjoy the emergency power, but he/she may apprise the President about the situation of the state and if he / she is satisfied that the prevailing situation is not conducive for the state government to carry on the functions in accordance with the provisions of the constitution, he/she may recommend the imposition of President's rule under Art. 356.

Other functions

- a) As per the Article 202 of the Indian constitution the Governor shall place the Annual financial statement .i.e the estimated receipts and expenditure before the state legislature for consideration.
- b) No money bill can be initiated in the state legislature without the permission of the Governor. Additional grants or supplementary grants will also be placed before the state legislature with his prior approval.
- c) The Governor is the custodian of the State's Contingency Fund.
- d) The Governor has the power to grant pardons, reprieves, respites or remission of punishments of any convicted person against any law enacted by the state legislature (Art. 161).
- e) The President may consult the Governor in case of appointing the judges of the High Court of the concerned state.

Discretionary power

The Governor enjoys certain discretionary powers. The constitution has laid down certain provisions by which the Governor acts independently or he does require to consult his council of ministers. While discharging his responsibilities under the discretionary provisions, his decision will be final, and validity of his decisions will not be called into question.

- a) Art. 239 states that the President may entrust additional responsibility of administration of adjoining union territories to the Governor and in this respect, he shall exercise his powers independently or without the aid or advice of his council of ministers.
- b) Para 9(2) of the 6th Schedule empowers the Governor of Assam to determine the amount payable by the state exchequer to the District Council as royalty from the licenses for minerals.
- c) Under the special responsibility provisions of the constitution, the Governor exercises the power independently. He may consult his council of ministers, but final decision will be taken by him/her. These **special responsibilities** are as follows:
 - i) The President may direct that the Governors of Maharashtra and Gujarat shall have to endeavor special initiatives to develop certain areas like

Vidarbha and Saurashtra by forming separate development boards, the management of which will be taken care of by the Governors.

- ii) The Governor of Nagaland enjoys the special responsibility in case of law and order of the state so long the activities of the hostile Nagas continue. The same is applicable for the law and order situation of Arunachal Pradesh under the 55th Amendment of the constitution (1986).
- iii) Likewise, the Governor of Manipur, under the direction of the President, shall take special initiative regarding the Hill Areas of that state.
- iv) Under the Art. 371F(g) of the constitution, the Governor of Sikkim is entrusted to take special initiatives for peace and equitable arrangement so that the socio-economic advancement of the different sections of the state of Sikkim can be ensured.

In **certain other matters** the Governor may act independently even these are not mentioned in the constitution. Like:

- a) The making of a report to the President regarding the situation of the concerned state that the government can not be carried on in accordance with the provisions of the constitution is the prerogative of the Governor and it is highly unlikely that he/she will consult with the council of ministers because the report will go against the functioning the state government. It is natural that the preparation of report regarding the failure of the constitutional machinery in the state is the discretionary power of the Governor.
- b) The proclamation of the President's rule under the Art.356 in a state requires the Governor acts as the agent of the President.
- c) The Governor may send certain bills to the President for consent without ministerial advice (Art.200).

2.4 Exercise of Discretion by Governor: Few cases

Exercise of Discretion by the Governor :

It has already been pointed out that the Governor has to exercise his powers on the advice of the Council of Ministers. He does not, therefore, have much discretion in the exercise of his powers as long as a stable Ministry enjoying the confidence of the Assembly is in office. However, this is not always the case. The Governor may then be called upon

to exercise his discretion. It is this exercise of discretion that has made the Governor's office the most controversial constitutional office of the country. Major controversies have arisen in the following types of cases in the past:

i) **Appointment of Chief Minister**

The Governor appoints the Chief Minister and on his advice the Council of Ministers. When a party with absolute majority elects a leader, the Governor has no choice but to appoint him the Chief Minister and invite him to form the government. Problems arise when no political party has an absolute majority in the legislature. Here the discretion of the Governor comes into play. For example, in 1952 the Congress Party was the largest single party in Madras legislature, but did not have an absolute majority. Still the Governor Mr. Sri Prakash invited Mr. C. Rajgopalachari to form the government as the leader of the largest single party. This principle was, however, not followed in West Bengal in 1970. The CPM led by Mr. Jyoti Basu was the largest single party in the West Bengal Assembly. The Governor Mr. S.S. Dhavan asked Mr. Basu to prove his majority. Mr. Basu insisted on calling the Legislative Assembly and proving his majority on the floor of the House. The Governor ultimately did not invite him to form the government. The opponents of Congress criticised this on the ground that this was done at the behest of the Congress government which was in office at the Centre at that time. Thus different criteria have been followed by different Governors even in similar circumstances.

ii) **Dismissal of a Ministry**

A Chief Minister and his Ministry hold office during the pleasure of the Governor, which is not subject to any scrutiny. However, the Governor has to exercise his discretion judiciously. There is a general feeling that the Governors have not done so. For example, the Governor of West Bengal, Mr. Dharma Veera dismissed the Ajoy Mukherjee Ministry in 1967 on the grounds that he did not call a meeting of the Assembly within the time specified by the Governor for proving the majority. The action was severely criticised by many jurists who felt that it was a wrong convention to establish. It would have been much better to establish the convention that a Governor can call a meeting of the Assembly to test the majority of the government, in case the Chief Minister refuses to do so. The opposition interpreted it as a deliberate attempt on the Constitutional Profile on part of the Governor for helping the ruling party at the Centre. According to

State Administration, Governor's pleasure is subject to the Ministry enjoying the confidence of the Assembly, which alone should decide the fate of a Ministry.

iii) **Dissolution of the Assembly**

In British Parliamentary Democracy, the king is guided by the advice of the Prime Minister in the matter of dissolution of the House of Commons. Likewise, the Governor should be guided by the advice of the Chief Minister in the matter of dissolution of the Assembly. Unfortunately, such a convention has not been established in India. For example, in 1967 the Chief Minister of Punjab, Mr. Gurnam Singh advised the Governor to dissolve the Assembly. His advice was not accepted by the Governor on the grounds that as long as it is possible to form a government, the Assembly should not be dissolved. Same thing happened to the advice of Mr. Charan Singh when he advised the Governor of U.P. in 1968 to dissolve the Assembly. In 2003, the Chief Minister of U.P. Ms. Mayawati advised the Governor to dissolve the Assembly but the Governor did not accept the advice on the ground that the party in power had lost the majority. The opposition parties have alleged that here again the Governor have tended to act according to the wishes of the Central Government.

iv) **Use of Emergency Powers**

It has also been alleged that the Governors have not used their discretion judiciously in advising the President for using his emergency powers under Article 356 of the Constitution. In 1959 itself, the Governor of Kerala reported to the President that due to failure of law and order, the government of the state could not be carried on according to the provisions of the Constitution. The first non-Congress state government of the country was thrown out by the President on the basis of this report, which was severely criticised by all sections of the opposition. In 1984, the Governors of J&K and Andhra Pradesh verified the numerical support of the ruling (non-Congress) parties in the Assembly and hurriedly advised the dismissal of the state governments on the ground that in the absence of stable majorities, the governments of these states could not be carried on according to the Constitution. In either case, the majority of the government was not tested on the floor of the Assembly. Moreover, in case of Andhra Pradesh even the arithmetic of numbers proved to be incorrect. In these cases, there were open allegations also that the Governors had tried to reduce the state governments to a minority.

2.5 Conclusion

Thus, it appears that our Constitution envisages a dual role for the Governor. He is a Constitutional head of the state government as well as a representative of the President. The mode of appointment of the Governor and his holding office during the pleasure of the President have tended to emphasise the second role of the Governor, i.e., his role as a representative of the President. Since the President has to act on the advice of the Council of Ministers headed by the Prime Minister, the Governor has to indirectly act according to the wishes of the leader of the ruling party at the Centre. This has been resented by the opposition parties and has also been criticised by eminent jurists. It has been argued that provisions regarding the appointment and termination of the Governor have made him a tool of the ruling party at the Centre and not an impartial head of the state.

On the other side, it has been argued that the mode of appointment and termination of the Governor was deliberately adopted by the framers of Constitution, after a good deal of debate, with a view to guard against the fissiparous tendencies present in our polity.

2.6 Summary

- In this unit we have studied the appointment, tenure and removal processes of the Governor.
- We have also understood the powers and functions of the Governor with special reference to the discretionary powers

2.7 Glossary

Privilege: a special right, advantage, or immunity granted or available to a particular person or group.

Discretionary power: the authority which provides an official with some degree of latitude in regards to exercise of power

2.8 Model questions

- Discuss the powers and functions of the Governor.

- What are the discretionary powers of the Governor? Explain.
- Discuss the role of the Governor as Head of the state.
- Indicate the legislative functions of the Governor.
- Describe the executive powers of the Governor.
- On what situation, is the Governor bound to give his consent on the bill duly prepared by the state legislature? Discuss.
- What are the other functions of the Governor except to the legislative and executive functions?
- What are the special privileges of the Governor? Describe.

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Unit III □ Governor's Role as Representative of the Centre

Structure

- 3.0 Objectives
- 3.1 Introduction
- 3.2 Governor's role as the nominated representative of the centre
- 3.3 Recurring controversies about Governor's role
- 3.4 Conclusion
- 3.5 Summary
- 3.6 Glossary
- 3.7 Model Questions
- 3.8 References

3.0 Objectives

- To understand the nominated representative character of the Governor.
- To focus on the recurring controversies surrounding the Governor's role

3.1 Introduction

Of late the post of the Governor is shrouded by controversy. It is alleged that the ruling dispensation at the centre uses the office of the Governor keeping the political dividends in mind. Critics will cite examples from the pages of the post-independent Indian history to substantiate the claims that the office of the Governor has been misused to gain the political mileage. The *controversial* role of the governors in some states attracted the public criticism. Even the active politicians are appointed to the post of Governor which obviously adds to the doubt about his/her standard constitutional behaviour. There is another version of the story. The constitution experts are of the view that the post of Governor is crafted in such a manner that the coordination between the centre and the state can be strengthened. The aspirations of the nationalist leaders to reconstruct

the newly independent country in a uniform manner can be fulfilled if there is better coordination between the centre and the provincial governments; at the time of the making of the constitution priority was the national integration and the fulfilling the basic needs of the countrymen. Centre-guided planned economy would promote national development and, in that exercise, the role of the provincial governments assumes significance. It was expected that the provincial governments would follow the central policy framework. Enough scopes litter in the constitution in different provisions that the centre can direct the provincial government. The office of the governor is created, experts are of the opinion, to ensure that the constitutional provisions and the union government's direction can be faithfully observed. Governor has to maintain coordination between the two governments. He observes the politico-economic situation of the state and is to send regular reports to the office of the President on the prevailing situation of the state. Again, some experts like K Subha Rao, M. M. Ismail, L.P. Massey claim that the constitution makes elaborate arrangement where power between the centre and the states are distributed and, in that context, there is hardly any scope left for the Governor to act according to the intentions of the centre. He is required to discharge the constitutional responsibility, they believe, and the constitution makers did not mention anything in support of the argument that the office of the Governor is the agent of the union government. In this context the role of the Governor as the agent of the centre assumes significance. Is the office of the Governor a mere agent of the centre? Is the Governor an effective link between the centre and the state in order to create a positive federal environment? Is he the constitutional head of the state? Multiple roles of the office of the Governor leave enough scope of speculation.

3.2 Governor's role as the nominated representative of the centre

The state government is an example of parliamentary form of government in miniature where the constitutional head is the Governor and the real executive is the council of ministers headed by the Chief Minister. Art. 163(1) makes it explicitly clear that the council of ministers will aid and advise the Governor in the discharge of his/her functions except the discretionary powers. Again, the essence of the Art.167, where it is said that the Chief Minister will communicate the administrative decisions taken by the state cabinet to the Governor, proves that it is the council of ministers is real executive while the Governor is the nominal head of the state. It is worth noting that the Governor will act as a real executive in cases of discretionary powers and if the state comes under the

President's rule. By and large, we are accustomed to see the Governor acting as the constitutional head of the state.

The Governor, as nominated by the centre, is likely to play the role of eyes and ears of the union government. After much heated debate in the Constituent Assembly, the nomination by the President was resolved in view of the apprehension of disintegration of the country. *“Also, nominated Governor instead of elected Governor, was also favored to not to fuel separatist provincial tendencies as also to ensure no extra election expenses”*. Pandit Nehru favoured nomination to get rid of the separatist tendency. But apprehensions were aired by the members of the Constituent Assembly that the nomination might be parochially utilized by the ruling dispensation at the centre. He is the link between the state and the central government. It was felt that reconstruction of the newly independent country would be possible if the coordinated effort by the centre and the state could be put into effect. It was the prevailing situation that made the constitution makers to support the nomination of the Governor by the President in order to act a coordinator of the national government. That's why the President appoints the Governor and removes at any time; even can send him to another state. The fathers of the constitution made some provisions which require that the Governor keep a liaison with the centre. The Governor keeps the union government apprised of the situation of the state, can send certain bills for Presidential assent. If the President rule is imposed under Art.356, he enjoys the enormous executive power of the state. Apart from these constitutional responsibilities, Governor can play a very positive role to promote the interest of the state. As the Governor enjoys the confidence of the centre, he can utilize this to safeguard the interests of the state. It is believed that the former Governor of Andhra Pradesh played instrumental role for Nagarjun Sagar project in that state.

But the post-colonial Indian parliamentary politics shows the chequered history in regard to the expectations of the founding fathers. The Congress regime up to mid-1960 did not flare up political controversy except in one occasion (Kerala). But the consolidation of the opposition forces at the state levels and the formation of the government by the regional parties brought the politics of the nomination of the Governor into the surface. The appointment and his role did add salt to the confrontational federalism since mid-1960. The image of impartiality of the office of the Governor gets blurred if the appointment made purely on the political consideration. Deviation from the standard constitutional behaviour of the Governor earns the wrath from the political opposition. Even recent instances substantiate the apprehension expressed in the Constituent Assembly. Supreme Court (*B.P. Singhal v. Union of India*) took strong exception of the controversy flared up

when in 2004 the newly elected central government removed the Governors of several states.

3.3 Recurring controversies about Governor's role

The office of Governor in India is meant to be an independent and apolitical institution under the Constitution of India. However, be it the Rajasthan political crisis of 2020 or the recently concluded West Bengal elections, the Governor has been in news for all the political reasons. It is due to the innumerable instances of misuse of the gubernatorial powers that the Governor has attracted infamous nicknames like 'Puppet', 'rubber stamp', and the 'agent of the Centre'. In recent past, some of the Chief Ministers have even advocated for the abolition of the post of Governor. Seen in this context, attempts are made to analyse the issues plaguing the office of Governor, after giving a brief overview of the office of Governor, and reviews of the Constituent Assembly debates on the subject to understand the intent of the framers of the Constitution regarding the creation of the post. Thereafter, the controversies relating to gubernatorial discretion along with Supreme Court's judgments on the same are discussed. Some possible reforms are also discussed.

The negative image of the state Governors as above all "an agent of the centre" has proved difficult to erase. After about quarter of a century (1990-2014) of relative calm, the Governor's role and powers have again become a controversial issue in Indian politics. This of course coincides with the appearance of a single party with a comfortable majority at the centre. During the last few years, the Governors of Karnataka, Madhya Pradesh, Kerala, Maharashtra and, of course, West Bengal have played their roles in such a way as to make them highly controversial without necessarily adding to the glory of the office. If we had thought that the sharp controversies around the constitutionality of governors' actions on many occasions during the 1960s and 1970s had unobtrusively created certain healthy conventions for Governors in later decades to follow, we have been proved wrong. The negative image of the state Governors as above all "an agent of the centre" has proved difficult to erase. The present controversies have been around the issues of selecting the Chief Minister, determining the timing for proving legislative majority, demanding information about day-to-day administration, taking apparently long time in giving assent to bills or reserving bills for the President, commenting adversely on specific policies of the state government and exercising powers of the Governor as the chancellor of state universities.

Various important and well-intentioned attempts were made both to understand the role of the Governor in our federal democratic set up and to recommend ways to make this institution conducive to strengthening center-state relations; for instance, the Administrative Reforms Commission of 1968, the Rajamanar Committee of 1969, Committee of Governors of 1971, Bangalore Seminar of Experts of 1983 and finally, the Sarkaria Commission of 1988. All of them more or less agreed on one point, that the image of the Governor as merely an agent of the centre sitting in state capitals and desperately seeking an opportunity to run down the state government when it is in the hands of a party opposed to the party ruling at the centre or trying to bring about a government of the same party as at the centre will deform our federalism and destroy our democracy. And all of them made extremely valuable recommendations to make the office of the Governor the “linchpin of the constitutional apparatus of the state.”

It is necessary to remember that the office of the Governor under the constitution of independent India is altogether different from the provincial Governors of the Maurya, Mughal or British empires. Governor's role and functions had been widely debated by some of the best minds in the Constituent Assembly like Dr. P.S. Deshmukh, T.T. Krishnamachari, H.V. Kamath, Pt. H.N. Kunzru, Alladi Krishnaswamy Ayyar, Rohini Kumar Chaudhury, Shibban Lal Sakshena, K.M. Munshi and of course, Dr. Ambedkar. Their understanding was that the proposed constitution was creating ‘responsible government’ in the states as much as at the centre — that is, responsible alone to the respective legislatures, that the states were indeed sovereign within their own domain, that the discretionary power, beyond the specific situations mentioned in the constitution, does not enable a Governor to override the state government. As Dr. Ambedkar had said, “I have no doubt in my mind that discretionary power is in no sense a negation of responsible government. It is not a general clause giving the Governor power to disregard the advice of his ministers in any matter in which he finds he ought to disregard.” Therefore, selecting a chief minister of his choice or creating/utilising opportunities for defections to change the party in power cannot be a Governor's job. As the Sarkaria Commission succinctly put it, his task “is to see that a government is formed and not to try to form a government,” which most Governors are seen be doing even to this day.

Many undesirable actions, from the standpoint of federal and democratic constitutional system that governors often at times engage in, could be the result of uncertainty of tenure that they suffer from. That is why many of the committees and commissions mentioned above examining the institution of the governor suggested fixed tenure in office.

They also recommended that chief ministers of concerned states should be consulted before appointing a governor. To end the monopoly of the centre in selecting its 'own man' as governor, the BJP, along with the left front government of West Bengal, had in the 1980s, even gone forward to suggest that the appointment should be made from a panel prepared by the state legislature and actual appointing authority should be the Inter-state Council, not the central government.

The constitution empowers the governor to reserve a bill for the President's consideration. This is an important 'discretionary power' which is necessary for the governor to make sure that state's laws fall within the framework of the constitution. But such gubernatorial interference would be necessary only very rarely and the expectation, contrary to the reality, is that its procedure should not be misused to 'cold storage' a bill fairly passed by the state legislature. The centre's interference with state legislative process was so much disliked by the BJP that in its submission to the Sarkaria Commission, it suggested that the centre before passing a bill even on an item in the Concurrent List should consult the states.

The constitution empowers the governor to ask for information on administrative matters from the chief minister. This provision was hotly debated in the constituent assembly with some members even calling it "very dangerous," for it would likely open the door for gubernatorial intervention in day-to-day state politics. Dr. Ambedkar forthrightly made his position clear on this: "The governor under the constitution has no functions which he can discharge by himself, no function at all." While the article "does not confer upon the governor the power to overrule the ministry on any particular matter," he has certain duties to perform, the most important of which is that he has "to advise the ministry, to warn the ministry, to suggest to the ministry an alternative and ask for reconsideration." "Good and pure administration" requires the governor to perform such duties, said Dr. Ambedkar.

Good and pure administration, that is what Dr. Ambedkar might have felt unnecessary to mention, was that the effective performance of these duties had a prerequisite, that the governor must, in the first place, help create a perception about himself within the government as well as among the citizens of the state that he cares for good and pure administration, and not for promoting the interests of the party ruling at the centre.

Governor as the chancellor of state universities is technically free to act on his own within, of course, the limitations imposed by the university statute. But then, as in principle,

the governor is an outsider to the state, he would not be conversant with local dynamics to handle the affairs of state universities. Hence, he will have to seek advice from local sources. It will be both inappropriate and unwise for the governor to lend his ears covertly to the local members of the party ruling at the centre rather than transparently seeking advice of the chief minister and other concerned ministers, as the Sarkaria Commission suggests.

It is indeed true that the insightful and responsible recommendations made by the committees and commissions examining centre-state relations have created widespread public sensitivity and opinion regarding various wrong doings of the centre through the office of the governor which have proved to be damaging for the essential federal structure in India.

The landmark judgment by the Supreme Court in *S.R. Bommai vs. the Union of India* (1994) effectively cautioned against the frequent use of Article 356 for removing state governments run by opposition parties. This drastically reduced the incidence of President's rule from 63 during 1971-1990 to 27 between 1991 and 2010 and this indeed has strengthened the federal structure to an extent. But there is no certainty that similar judgments would follow on other controversial issues in future.

None of the numerous reports and recommendations by the committees and commissions mentioned above has been taken for implementation by any government at the centre. The BJP being comfortably in power at the centre can indeed act upon its own demands for strengthening federalism made earlier, as mentioned above, but possibly change of location in power structure prevents it from doing so. Rather than using the governor's office as an instrument for controlling state politics by exploiting his tenurial insecurity, party loyalty or through pandering his ambition it is better for the country in the long run to respect such public opinion and to let the governor act on his sagacity and sound judgment. Whether informed public opinion would be able to organise itself to have a desirable impact on the politics of the day remains to be seen.

3.4 Conclusion

Faithful observation of the dual role – representative of the centre and the constitutional head of the state- can prove to be beneficial for the interest of the federal structure. The office of the governor can be a game-changer. There is no conflict between the two role expectations if 'He is thus a servant of the State but a representative of the centre (Sri

Prakasa, Hon'ble former governor of Maharashtra). For the healthy federal democratic polity in India demands in the post of governor on the one hand politically neutral personality and on the other, an active personality to act as a liaison between the centre and the state.

3.5 Summary

- In this unit the role of the Governor as 'eyes and ears' of the union government has been examined.
- This section has presented a critical analysis of the controversies about the role of the Governor in state politics.

3.6 Glossary

- **Controversy:** prolonged public disagreement
- **Linchpin:** a person or thing vital to an enterprise or organisation

3.7 Model questions

- Discuss the controversies related to the office of the Governor.
- Discuss the changing role of the Governor in India today.
- Examine the role of the Governor in Centre–State relations.
- Discuss the role of the Governor as the nominated representative of the centre.
- Examine the role of the Governor in federalism in India.
- Discuss the dual role of the Governor.
- What are the issues of controversies in regard to the role of the Governor in recent times? Discuss.
- Why is the governor considered the “linchpin of the constitutional apparatus of the state”? Discuss.
- What according to Dr BR Ambedkar does “good and pure administration” require? Discuss.

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Unit IV □ Chief Minister: Power and Position

Structure

- 4.0 Objectives**
- 4.1 Introduction**
- 4.2 Chief Minister: Appointment, tenure, removal, privileges**
- 4.3 Chief Minister: Power and Functions**
- 4.4 Position of the Chief Minister**
- 4.5 Chief Minister's role as Real Head**
- 4.6 Conclusion**
- 4.7 Summary**
- 4.8 Glossary**
- 4.9 Model Questions**
- 4.10 References**

4.0 Objectives

To understand & the examine :

- Appointment and removal of the Chief Minister
- Power and function of the Chief Minister
- Position of the Chief Minister
- Relation between the Chief Minister and the Governor

4.1 Introduction

The Chief Minister is the prototype of Prime Minister at the central level. One can get a glimpse of the image of the Prime Minister if he studies closely the Chief Minister in his state. It is he around whom the state administration revolves. He is the real executive of the state leading the state administration, forming his council of ministers, distributing the portfolios, advising the Governor, playing the role of the leader of the Bidhan Sabha

and most importantly shouldering the responsibilities of his party in electoral politics. The multifarious role Chief Minister plays in the state politics assumes significance for future also. Even some Chief Ministers performed so significant role that succeeded to portray their images larger than life. It is seen that a number of Chief Ministers in different states kept a lasting impact on the state politics. Sometimes the development trajectory and consequently the politics of the state took a sharp turn due to their performance. History will keep reminding us some of the powerful and popular Chief Ministers of different states like Dr. Bidhan Chandra Roy, Sri. Jyoti Basu, and Smt. Mamata Banerjee of West Bengal, Biju Pattanaik of Orissa, N T Rama Rao and N. Chandra Babu Naidu of Andhra Pradesh, M. K. Karuna Nidhi and Jayalalithaa of Tamil Nadu to name a few. The comfortable majority in the Bidhan Sabha provides an opportunity to the Chief Minister to play a handsome role for the development of the state. But the cobbling up of the support of different parties erects hindrances before him as he has to keep himself busy to satisfy every supporting coalition partners. So the Chief Minister of a coalition government faces difficulty in his performance than the single majority party.

4.2 Chief Minister: Appointment, tenure, removal, privileges

As earlier mentioned, that the Chief Minister is the prototype of the Prime Minister at the centre. As per the art. 164 of our constitution, the Governor appoints the Chief Minister. He/she must be the member of the State Legislature. The Governor can appoint any person who is not the member of the State Legislature as Chief Minister if he enjoys the majority support, but he has to be the member of the same within 6 months of his/her appointment. As the constitution is silent about the qualifications of the Chief Minister it leaves enough scope of manipulation regarding the appointment of the Chief Minister. Normally, the Governor is guided by the convention of the parliamentary system of governance that the leader of the majority party will be appointed as the Chief Minister. Even the consensus leader of the coalition of parties (pre-or post) is also appointed as the Chief Minister. But the problem arises when no party is in position to form government on its own and also fails to muster the support of the other parties. Even the situation becomes more complicated when two or more leaders stake claim to form the ministry. In this case the Governor seeks the advice of the Advocate General and waits for some time thereby giving the parties to thrash out the matter. If no party is in a position to form the ministry, then the Governor has no other alternative but to recommend to the President for the imposition of Art.356. West Bengal among other states bears the experiences of

President's rule (three times) in this regard from 1968 to 1971. The tenure of the Chief Minister is generally 5 years, but it depends upon the support of the majority members of Bidhan Sabha (lower house of the state legislature). He may tender his resignation before the Governor. His resignation implies the removal of entire council of ministers.

4.3 Chief Minister: Power and functions

The functions of the Chief Minister can be explained under the following heads :

- a) As the leader of the council of ministers
- b) As the leader of the Bidhan Sabha
- c) As the chief adviser of the Governor
- d) As the leader of his/her party

As the leader of the council of ministers

The Chief Minister is the leader of the council of ministers. He is regarded as the *primus inter-pares* – first among equals. Upon his advice, the Governor appoints other ministers. It implies that the Chief Minister finally prepares the list of the ministers after wide consultation. In reality he has to ensure the representation of the various sections of the society in the council of ministers. He has to give the younger leaders an opportunity to get prepared for future alongside the older leaders of the party. He is the sole authority to allocate or re-allocate the ministries or department among the ministers. Even he may ask any minister to resign or he may request the Governor to remove the minister from the post.

As he is regarded as the keystone of the cabinet arch, he decides schedule and the issues to discuss in the cabinet meeting. He presides over the meeting of the cabinet. Although the convention of the parliamentary form of government expects that every decision is to be taken by the majority support but that does not diminish the influence of Chief Minister. Rather it is the Chief Minister who sets the tone of the meeting and upon his command the fate of every agenda depends. Moreover, he communicates the decisions of the council of ministers to the Governor and places the advice of the Governor before the council for consideration. In fact he is bridge or channel of communication between the Governor and the council of ministers.

As the leader of the Bidhan Sabha

As the Chief Minister is regarded as the leader of the house, he is required to perform certain function in this capacity. He advises the Governor to summon the session, prorogue and dissolve the Bidhan Sabha. In consultation with the council of ministers, he chalks out the schedule of the session, prepares the agenda for discussion and resolution and the bills to be introduced. Being the sole spokesperson of the government, he defends all the decisions and policies of the government, he rescues the ministers from the onslaught of the opposition if situation arises, he selects the chief whip of his party to maintain discipline and conventions of the house, maintains a good rapport with the opposition for smooth functioning of the house.

As the chief adviser of the Governor

It is established parliamentary norm that the Governor will act according to the advice tendered by the Chief Minister. Upon his advice the Governor appoints other ministers, allocates the responsibility and removes any minister and dissolves the Bidhan Sabha. The Governor appoints certain officials like Advocate General, Chairman and other members of the State Public Service Commission on the advice of the Chief Minister. As earlier mentioned the Chief Minister plays the role of mediator between the Governor and the council of ministers.

As the leader of his/her party

The Governor appoints the leader of his party or the coalition as the Chief Minister, so he has to ensure the unity and integrity of the party or coalition both inside and outside of the house. He has to take care of the party discipline for the stability of the government. He has to supervise and take appropriate measures to formulate policies according to the party ideals or coalitions. Upon his personality and leadership, the party sails smooth in the election. He utilizes different public platforms to reach out to the people of the state, makes them understand about his government's policies. The people of the state depend upon the Chief Minister for their wellbeing.

4.4 Position of the Chief Minister

Chief Minister is regarded as the head or the real executive in the state. The framers of the constitution intended that the state government should be led by the Chief Minister. His role and performance uplift him to the position of real ruler of the state. But the

experience of different situations tells different stories about the position of the Chief Minister. His position becomes stronger when his party enjoys absolute majority in the State Legislature and the same political party rules at the centre also. But the leader of the majority party enjoys not so stronger position if his party is in opposition at the centre. The Chief Minister appears to be weak when his party does not enjoy majority singly in the Bidhan Sabha and his government depends upon the support of the coalition partners more. All the situations are enumerated below to understand the different positions of a Chief Minister

Stronger Chief Minister

The Chief Minister of a state appears to be stronger if his party holds majority in the state legislature and at same time his party is in power at the centre. Normally, the Chief Minister in this situation is the trusted lieutenant of the Prime Minister or the high command. Moreover, as history shows that the Governor of a state is selected by the ruling party from the party members or sympathizers, so it is expected that he will not create any hindrance before the Chief Minister, rather his purpose will be to cooperate with the state government. Chief Minister hence enjoys enormous power, the support of the MLAs is taken for granted, the opposition is hardly given due respect. Since independence, the people of India saw a number of powerful Chief Ministers having the blessings of the high command of his party. Dr.B.C.Roy and S.S.Roy of West Bengal, G.B. Pant and C.B. Gupta of U.P, can be mentioned as examples. The formations of council of ministers, allotment of ministry, even removal reflect his sole intention and supreme control. The functioning of the government bears the marks of his authority. His authority within the state prevails without any murmur of protest.

Strong Chief Minister

The position of the Chief Minister having the majority support in the Bidhan Sabha is strong enough. But as his party or coalition is not in power at the centre, so there may be hindrances created by the centre before the functioning of the state government. The Governor may not cooperate with the Chief Minister, even centre may create hurdle before the state administration. The Governor may be seen as hyper active in this context while in the first situation he plays at the hand of the Chief Minister. The threat may not come from the Bidhan Sabha but the expected cooperation from the centre and the Governor may not be available to the state government at the right moment. Tug of wars between both the governments is regular scene in Indian politics. In that case the Chief Minister is strong enough but compared to the earlier one, he is not so.

Weak Chief Minister

In the third situation, where the Chief Minister leads a coalition, he appears to be weak in formulating stable policies because of the fear of the losing the support of the alliance partners. He is seen more busy to keep the house together rather making any stable strong policies. On the other hand the centre may do the same treatment like in the second context. The Chief Minister works under the threat of dual swords- his own alliance partners and the centre. Ajoy Mukherjee in West Bengal in mid-1960s is the glaring example in this regard.

4.5 Chief Minister's role as Real Head

The Chief Minister is the leader of the Council of Ministers. With the passage of time, the position of Chief Minister has strengthened vis-a-vis his Council of Ministers. He has to assign portfolios among his ministers and can change such portfolios when he likes. He plays a coordinating role in the functioning of his Council of Ministers. He has to see that the decisions of the various departments are coherent. He has to lead and defend his Council of Ministers in the Assembly.

In short, he has to ensure the collective responsibility of the Council of Ministers to the State Assembly. The Chief Minister sets the agenda for the Cabinet and greatly influences its decisions. He takes decisions on important matters of coordination even though these are allotted to individual ministers. Moreover, the Governor appoints the Council of Ministers on the advice of the Chief Minister and the ministers hold Office during the pleasure of the Governor. As a result of these provisions, the Minister, in fact, holds office during the pleasure of the Chief Minister. This power of dismissing the ministers at will and the power to change their portfolios has greatly strengthened the power of the Chief Minister in relation to his ministers and ultimately the Council of Ministers.

It must also be realised that the power of the Chief Minister in relation to his Council of Ministers also depends on political conditions prevailing in the state. If a cohesive party has an absolute majority in the Assembly, the Chief Minister becomes very powerful and the ministers are afraid of him. His power is further enhanced in case of a statewide regional party for, in that case he is not subject to the discipline of the national leadership. The position of a Chief Minister gets weakened if he heads a coalition government or a faction-ridden party. In either case, he or she has to effect compromises to keep a balance among the coalition partners or various factions within the party.

Powers of the Chief Minister in Relation to the Governor : The powers of Chief Minister in relation to the Governor have not been mentioned anywhere in the Constitution. A convention was sought to be established whereby the Chief Minister could be consulted regarding the appointment of the Governor in his state. Even this has not been followed by the Union government in many cases.

The only other power, which can be indirectly inferred from the Constitution is the power to exercise executive power of the state in the name of the Governor. All the public appearances of the Governor and the speeches delivered by him on such occasions have to be in accordance with policy laid down by the Council of Ministers headed by the Chief Minister; the speeches of the Governor on ceremonial occasions and the annual speech before the Assembly have to be approved by the Cabinet.

Powers of the Chief Minister in relation to the Legislature

The Chief Minister is also the leader of the House. Apart from this formal position, the Chief Minister provides real legislative leadership to the House in the sense that -he sets the legislative agenda. The legislative measures are brought before the Assembly after the approval of the Council of Ministers headed by the Chief Minister. It is true that private members may also bring a Bill before the Assembly. But, that has a limited chance of success. Apart from the fact that it has the backing of the majority party, the private members do not have the wealth of information that is available to the government. Apart from setting up the legislative agenda, the Chief Minister has to keep the Assembly informed about the various activities of the government by answering questions, making statements, intervening in the debates, etc.

Powers of the Chief Minister in relation to the Executive

By virtue of being the head of the political executive, the Chief Minister controls the entire bureaucracy of the state. In this function, he is assisted by the Secretariat headed by the Chief Secretary. He approves all senior appointments like those of Secretaries, Additional/Joint/Deputy Secretaries, Heads of the Departments, Chairpersons and Managing Directors of Public Sector Undertakings, etc. Through his Cabinet, he controls their service conditions and disciplinary matters. He provides them leadership to ensure good performance and good morale. At the same time, he has to keep a watch on their performance through administrative channels as well as through his own sources like party workers, complaints from aggrieved persons and actual observation during tours.

4.6 Conclusion

The Chief Minister plays a very important and critical role in State administration. He advises the Governor on the summoning and proroguing of the State legislative's sessions. He has the authority to recommend to the Governor the dissolution of the legislative assembly at any time. The Governor is a state's de jure head, but de facto executive authority rests with the Chief Minister.

4.7 Summary

- In this unit we have studied the appointment, tenure and removal of the chief minister.
 - We have learnt about the role, power and functions of the chief minister
-

4.8 Glossary

- **Removal:** dismissal of someone from a position
 - **Council of Ministers:** usually composed of those government ministers who are responsible for the ministry
-

4.9 Model questions

- Discuss the powers of the Chief Minister.
- Analyse the position of the Chief Minister.
- Give a brief account of the appointment and removal of the Chief Minister.
- Mention the powers of the Chief Minister as the leader of the house.
- Write the powers of the Chief Minister as the leader of the Council of Ministers.
- Briefly mention the functions of the Chief Minister as the chief advisor of the Governor.
- Examine the powers of the Chief Minister in relation to the Governor.
- Discuss the role of the Chief Minister as the real executive head of the state.
- Distinguish between stronger Chief Minister and strong Chief Ministers.

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Unit V □ Speaker: Role and functions

Structure

- 5.0 Objectives**
- 5.1 Introduction**
- 5.2 Speaker: Appointment, tenure, and removal**
- 5.3 The post of Speaker: Neutrality and impartiality**
- 5.4 Speaker: Power and Functions**
- 5.5 Position of the Speaker**
- 5.6 The anti-Defection Act, 1985 and the Role of the speaker**
- 5.7 Conclusion**
- 5.8 Summary**
- 5.9 Glossary**
- 5.10 Model Questions**
- 5.11 References**

5.0 Objectives

To learn about the following :

- Appointment, tenure and removal of the Speaker
- Maintenance of neutrality
- Power and Functions of the Speaker
- Position of the Speaker

5.1 Introduction

In India the chairman or the presiding officer of the union legislature or the lower chamber of state legislature i.e. Bidhan Sabha is popularly known as Speaker following the British tradition of parliamentary democracy. The constitution makers did not think of alternative name for the post of the presiding officer other than the 'Speaker'. So the

chairman of the Bidhan Sabha is the Speaker of that state. Unlike the British tradition of the post of the Speaker emerging out of the well-established convention, ours is not based on the convention; rather the constitution makers of our country made explicit arrangements in the constitution about the appointment, tenure, removal and powers and functions etc. Article 178 of our constitution provides for a Speaker to preside over the sessions of the Legislative Assembly of an Indian state.

5.2 Speaker: Appointment, tenure and removal

The newly elected Bidhan Sabha members in the first session elect one member among themselves as the Speaker and another as Deputy Speaker. Speaker must be the member of the Bidhan Sabha. The tenure of the post of the Speaker is equivalent to that of the Bidhan Sabha. Generally the tenure is 5 years unless it is dissolved before the scheduled period.

The post of the Speaker may be vacant if he resigns or dies. He may be removed if the majority members of the Bidhan Sabha ratify the no-confidence motion brought against him. Such motion can be initiated 14 days before the discussion.

5.3 The post of Speaker: Neutrality and impartiality

The post of Speaker demands impartiality for the quality debate and discussion with regard to the strengthening of parliamentary democracy. But it is no denying a fact that India struggles to establish the requisite norms of neutrality for the post of speaker like its counterpart of Britain. Realising the importance of impartiality of the Speaker the constitution makers made some constitutional arrangements in this direction.

- 1) The speaker does not take part in any debate or discussion or any voting procedure of the Bidhan Sabha except casting ballot. It is expected that the speaker will maintain political neutrality in the house. Out of that expectation, the speaker remains aloof from such proceedings. But if there is deadlock by way of equal number of votes (for and against) on any proposal or motion, the speaker is required to end the deadlock by way of casting his vote. This is known as casting ballot.
- 2) His pay and allowance is made from the Consolidated Fund of the state for which no permission is required from the Bidhan Sabha;
- 3) His ruling is kept outside the jurisdiction of the courts;

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- 4) If the majority members want to remove him, 14 days prior notification is required before the actual discussion for his removal.

5.4 Speaker: Power and Functions

As the presiding officer of the Bidhan Sabha, the speaker has to perform certain functions like:

- a) Discipline and decorum maintenance in the house,
- b) preserving and promoting the privileges of the members,
- c) termination of the house membership,
- d) appointment of different committees
- e) certifying money bill,
- e) communication with the governor.

a) Discipline and decorum maintenance in the house:

Being the chairman of the house, the speaker looks into matter of smooth running of the session. He is the person to determine the daily agenda of the house i.e. the bills, proposals, questions, amendment and motions to be taken up for discussion in the house. His ruling in this regard is final and no question of legitimacy can be raised in any court. It is his discretionary power to review the earlier ruling. He orders the concerned minister to answer the questions raised by the members. House proceedings may be suspended for lack of quorum.

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|--|
| ✓ Quorum : Minimum number of members required for legitimate discussion in the legislature. In India it is one-tenth of the total members of the house. |
|--|

It is his primary responsibility to maintain tranquillity and discipline while session is on. Starting from sitting arrangement of the members to the closure of the session, he is to ensure discipline and decorum of the members. It is a well established norm for every member of the house to seek permission from the chair if anything to say before the members. The speaker prepares the sequence of the members along with the duration of their speech. If any derogatory remarks made in his or her speech, the concerned member will be asked to withdraw the same or the speaker orders to strike the remarks out from

that day's proceedings. Moreover, if any member creates nuisance in the house, the speaker takes several measures to maintain discipline. It is also a convention that if the speaker stands on his feet, all the members are required to take their seats. If this measure does not yield result, then he may call upon the names of the unruly member(s) in the house which implies that the security staff will take him away from the house. He may suspend the house proceedings for sometime if it seems impossible to continue smoothly.

b) Preserving and promoting the privileges of the members

Members of the house enjoy certain privileges like freedom of speech in the house. He/she will not be indicted in any court for the remarks made in the house or any committee of the house. No member of the house can be arrested or issued arrest warrant without the prior approval of the speaker. If any breaches of the privileges of the members or the dignity of the house hampered, the speaker takes appropriate measures to restore the same.

c) Termination of the house membership

Defection is a regular phenomenon in Indian politics; the very parliamentary ethos gets eroded by this disease. To arrest the wanton defection, an amendment (52nd) has been made in the representation act in 1985 and the speakers are empowered to determine whether the concerned member(s) ceases to be the member of the house. The Supreme Court in 1991 held that it can verify the ruling of the speaker in this regard.

d) Appointment of different committees

Committees are an integral part of the legislature. Lack of time, innumerable issues to discuss and resolve and large number of members create hindrance before the legislature to do justice to every single issue. To come out of the crisis, the legislature innovates committee system comprising the members of the house. The speaker appoints several committees, even selects the chairman of those committees.

e) Certifying the money bill

The speaker certifies the money bill. Art.199 (3) empowers him to resolve the dispute arisen in the nomenclature of a bill. In other words, if there is any controversy arisen whether a bill is money bill or not, it is the speaker to settle. His certificate is to be attached with the money bill when it will be sent to the other chamber or the Governor for consent.

f) Communication with the Governor

He maintains communication between the head of the provincial government i.e. the Governor and the house. He presents before the house the messages or any advice of the Governor. He communicates any proposal or information of the house to the Governor.

Besides, he is the executive head of his office. It is his responsibility to look into the problems of the employees. He conveys the message of the house to the concerned person on occasions like remarkable achievement, demise of great personality, or any unprecedented event. He represents his state in the national level speakers' conference.

5.5 Position of the Speaker

The post of speaker is very important in respect of parliamentary democracy. His ruling and the behaviour within the house transcend its boundary and make a rippling effect in party politics. The speaker is the embodiment of neutrality and integrity. A balance between the role expectation and the actual behaviour is needed for the protection of democratic ethos. But unfortunate examples of partisan political behaviour on the part of the speaker hampered the evolution of the parliamentary procedure within the state. Partiality in dealing with the political situation within the house does create political turmoil within the state politics. In some situations, the speaker was seen playing pivotal role in creating ruckus, in another situation he became a mere prey of party politics. In March 1968, Punjab speaker Sri Yogindar Singh Mann suspended the session for 2 months to avoid the no-confidence motion brought about against him. This created an unprecedented constitutional crisis in Punjab because it was the budget session and the state government would fall into financial crisis. Similarly, the speakers' ruling in West Bengal in 1967, in Tamil Nadu in 1971, in Kerala in 1982, in Andhra Pradesh in 1984, in UP in 1997 are the examples of partisan politics of the speakers. In those states speakers were seen to be playing at the hands of the political parties or any faction of the party. The stiff competition for capturing power leads to the maligning of the post of speaker. For the healthy parliamentary democracy, neutral role of the speaker assumes significance. The sooner the realization comes within the political circle the better will be the performance of the parliamentary democracy.

5.6 The Anti-Defection Act, 1985 and the Role of the Speaker

With the deteriorating political situation in the country the trend of political defections has once again acquired new dimensions in our federal set up and it brought to the limelight the loopholes in the Anti-Defection Law, 1985, enacted by the then Rajiv Government with a view to strengthening our political institutions. The political scenario further confirmed the misgivings and doubts expressed at the time of its passage about the utility of legislation and the role of the Speaker in dealing with the cases concerning the scope of the above-mentioned Act. It is now admitted that the Act has failed to achieve its purpose, viz-a-viz checking the unprincipled floor-crossing by our legislators and ensuring governmental stability both at the Centre and in the States of the Indian Union. The old game of the 'Aya Ram and Gaya Ram' has once again made a mockery of our democracy and even of the enactment of the 52nd Constitutional Amendment Act, 1985, because retail defections had been outlawed in it while wholesale defections have been legalized under this Act. For example, Mr. Chandra Shekhar with a group of 61 MPs left the Janata Dal, in a bid to oust the V. P. Singh Government and then formed the Janata Dal (S) Government but it did not attract the penalty laid down under the Anti-defection Law. The game of wholesale defection was termed as a 'split' in the Janata Dal and not political defections because of 1/3 strength of the original party in the Lok Sabha. The operation of 1/3 principle of the Act resulted into the ridiculous formation of a minority Government of the Janata Dal (S) backed by the Congress (I).

Speaker's Role Under the Anti-Defection Law :

The political scenario of instability as was obtained in country after the split of the Janata Dal in November, 1989 also called in question the impartiality and neutrality attached with the office of Speaker. Doubts were raised that the Indian Speakers, while handling the situation arising out of the dissident activities amongst the elected members and the 'split' caused in the Janata Dal, did not act judiciously and impartially. It was alleged by the opposition parties that the role of the Speaker of the Lok Sabha and the Speakers of Rajasthan, Gujarat, Uttar Pradesh and Bihar, in granting official recognition to the rebels of the break away group of the legislators was not a sign of impartiality, especially when they (defectors) had openly flouted the party whip. Their voting behaviour, contrary to the party whip, virtually incurred the disqualification as laid down in the Anti-Defection Law in 1985. The voice was raised that the Lok Sabha Speaker should have declared

them disqualified according to the spirit of the provisions of the Act. Different legislative parties moved their petitions lodging the complaints against the behaviour of the defectors and urged the Speaker to declare them as disqualified under the Anti-Defection Act, 1985.

Our recent experience has shown that Indian Speakers have not acted in an impartial and independent manner in dealing with the disputers of disqualifications of the legislators arising out of the 'split' of a party or violation of the party-whip on Confidence Motion and other cases of floor-crossings. The way in which the members of Legislatures changed their party-affiliations with a desire to grab power, has dragged the august body into fresh controversies. They have been alleged to have misused their powers entrusted to them under the Anti-Defection Act, 1985 and they have totally frustrated the very purpose of the Act, while exercising the powers under Para 3 of Tenth Schedule of the Act that recognizes the 'split' in the party caused by 1/3 members of that party and Para 4 that recognizes an elected member as the party-member. They were further alleged to have perverted the spirit of the Act, rendering it so obsolete in our federal polity, because their role has weakened the party loyalty as well as party discipline.

The manner in which the Lok Sabha Speaker, Mr. Rabi Ray, delivered his rulings relating to the issue of disqualification of the members of the Janata Dal (S), also shocked many. Serious concerns have been expressed and the voice was raised that the Act should be reviewed again in the light of its inherent weaknesses and flaws, providing checks on Speaker's powers to strengthen the political system of India. It was realised that those weaknesses have reduced it to a mockery in our set-up. The Anti-Defection Law was conceived as a measure of electoral reform with explicit purpose of putting a stop to political defections of over-ambitious members of legislatures from one party to another and eradication of the 'Aya Ram Gaya Ram' phase from our political system. The political turn-out that followed with the exit of the V. P. Singh Government at the Centre brought to the lime light new technicalities of the Act, especially when the issue of status of the break-away group from the Janata Dal was to be determined by the Speaker, as these members had been expelled from the party in two batches. It was noted with disgust how the spirit of the Anti-Defection Law was conveniently ignored by all concerned of the Lok Shbha to suit their convenience of power and how they failed to honour the law of Parliament which had enacted it in 1985. Instead, the game undermined our democratic institutions and rendered the second experiment of the National Front Government a failure in our political system.

5.7 Conclusion

The Office of the Speaker of Legislative Assembly is a constitutional one. The Speaker is the principal spokesperson of the House. He represents its collective voice and is its sole representative. The Speaker is described as the Legislative Assembly's "independent and impartial representative".

5.8 Summary

- In this unit we have learnt about the appointment, tenure and removal of the speaker.
- The powers, functions and position of the speaker has been explained

5.9 Glossary

- **Impartiality:** equal treatment of all rivals or disputants
- **Tenure:** the term for holding of an office

5.10 Model questions

- Discuss the position of the Speaker in respect to parliamentary democracy.
- What are the most important functions of the Speaker? Explain.
- Write a note on the appointment, tenure and removal of the Speaker.
- What is the role of the Speaker in termination of the house membership? Discuss.
- What is the role of the Speaker in the appointment of different committees? Discuss
- Explain the power and functions of speaker.
- Write a note on the post of Speaker.
- How is the neutrality of the speaker maintained? Discuss.
- How does the speaker maintain discipline and decorum within the house? Discuss.

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BLOCK II
HEADQUARTER ADMINISTRATION

Unit I □ Structure Of Secretariat

Structure

- 1.0 Objectives**
- 1.1 Introduction**
- 1.2 Meaning and Philosophy of Secretariat**
- 1.3 Structure of State Secretariat**
- 1.4 Organisational Structure of the State Secretariat of West Bengal**
- 1.5 Pattern of Departmentalization in State Secretariat**
- 1.6 Conclusion**
- 1.7 Summary**
- 1.8 Glossary**
- 1.9 Model Questions**
- 1.10 References**

1.0 Objectives

In this unit we will :

- Understand the meaning of the State Secretariat.
- Explain the Structure of the State Secretariat
- Discuss the Structure of the State Secretariat of West Bengal.

1.1 Introduction

The Constituent Assembly of India accepted the parliamentary form of government for new India and its provinces (States) also on the basis of British Constitution. In accordance with the form of government, the Governor is the head of the state and is advised by the Ministry –called Council of Ministers headed by the Chief Minister to conduct State's administration. But in fact, the Governor is the nominal head of the state and the Council of Ministers with the Chief Minister at the head is the real executive of the state under the Parliamentary system of government. The Council of Ministers with

the Chief Minister is responsible for their activities to the State Legislature. The business of a State Government is allocated to the Ministers. For the sake of administrative convenience and assistance to the Ministers every state has a 'Secretariat'. It is mainly located in the state capital where the offices of the Ministers are situated.

1.2 Meaning and Philosophy of Secretariat

The Secretariat is a staff agency of a state administration. It takes a crucial role to assist the Ministers in the fulfilment of their responsibility. The expression 'Secretariat' is used to refer to the summation of all departments of state government. A Ministry consists of two or more Departments and the departments are headed politically by the Ministers and administratively by the Secretaries as at the Centre. On the other hand, the Chief Secretary is the head of the entire State Secretariat. Here we should keep in mind that the secretary is the secretary to the State Government as a whole, not to the individual Minister. The secretary is normally, a senior IAS Officer (a generalist). But the Chief Engineer, secretary of the Public Works Departments is a specialist.

The administrative philosophy to which the secretariat system owes its existence is that policy making must be kept separate from policy execution. Several advantages are claimed in favour of such an arrangement:

- i) Freedom from operational involvement makes the policy making apparatus forward looking and allows it to think in terms of overall goals of government rather than narrow, sectional interests of individual departments.
- ii) Policy making receives the time and attention it deserves, if different set of persons are charged with the functions of policy making as well as its execution. This is because, policy making, is a serious exercise in drawing up what would be a future course of action. It should not be treated as less urgent than policy execution, which involves routine, day-to-day administration.
- iii) Secretariat serves as a disinterested adviser to the minister. It is important to remember that the secretary is the secretary to the government and not to the minister concerned, which ensures objective examination of the proposals coming from the executive departments. It enables a more balanced scrutiny of proposals.
- iv) Policy making must be separated from current administration and day-to-day implementation should be left to a different agency with executive freedom, which ensures delegation of authority.

It should be in order at this stage to portray the broad dimensions of the Secretariat's role in some detail.

This has many aspects. First, the secretary supplies to the minister all the data and information needed for policy formulation. Second, the secretaries sometimes provide the programmes, with content by working out their details, on whose strength ministers are voted to power. Third, the Secretariat assists ministers in their legislative work. Drafts of legislations to be introduced in the legislature by ministers are prepared by the secretaries. Besides, to answer questions in the Legislature, the minister needs relevant information; the secretary supplies this information to the minister. Secretary also collects information required with respect to the legislative committees.

Fourth, the Secretariat functions as an institutionalised memory. This means that the emerging problems require an examination in the light of precedents. Records and files maintained in the Secretariat serve as an institutional memory and ensure continuity and consistency in the disposal of cases. Fifth, the Secretariat is a channel of communication between one government and another, and between the government and such agencies as the Planning Commission and Finance Commission. Finally, the Secretariat evaluates and keeps track of execution of policies by the field agencies

1.3 Structure of State Secretariat

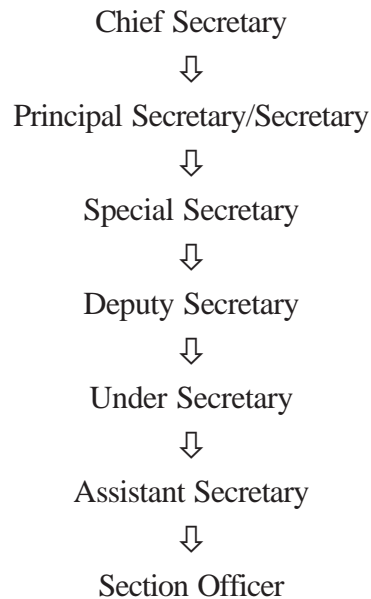
The secretariat is the nerve centre of a state administration. So, we need to know the structure of State Secretariat. The structure of all states-secretariat is not same in India. The number of secretariat departments differs from state to state. Generally their number varies from 10 to 40. But there are some common departments in most of the states' administration. The departments which are common to most of the states are mentioned below:

1. General Administration
2. Home
3. Finance
4. Revenue
5. Agriculture
6. Law
7. Forest

8. Jail
9. Labour and employment
10. Panchayati Raj
11. Public works
12. Irrigation and power
13. Education
14. Planning
15. Industries
16. Health
17. Cooperatives
18. Transport
19. Food and civil supplies
20. Excise and taxation
21. Local Self Government
22. Publicity and Information
23. Public Works
24. Tribal and Social Welfare
25. Housing
26. Social Welfare
27. Science and Technology
28. Rehabilitation

The secretariat consists of several administrative departments. Each department is divided into Officers and Office Staff. The Secretary, Additional/Special Secretary, Joint Secretary, Deputy Secretary, Under Secretary and Assistant Secretary are called Officers in a department. The secretary is the head of a department. Usually, each Secretary has to take charge of more than one department. As a result, the number of secretariat department would be more than the number of Secretaries. On the other hand, the Office staff comprises the superintendent (or section officer), assistants, upper division clerks

(UDCs), lower division clerks (LDCs), steno-typists and typists. They are also the permanent element in the Secretariat system. The secretariat department is divided into divisions, divisions into branches and branches into sections. The hierarchy of the Secretariat is given below:



Here one thing should be mentioned that apart from the Chief Secretary, all the Secretariat officers are subject to the well known tenure system. They are appointed in the Secretariat for only a fixed term.

1.4 Organisational Structure of the State Secretariat of West Bengal

Like other states of India, West Bengal has a State Secretariat to help the Ministers in the fulfilment to their roles. The state secretariat of West Bengal consists of several departments. Every department is headed politically by a Minister and administratively by a Secretary. The entire State Secretariat of West Bengal is headed by the Chief Secretary. According to the West Bengal Services (Secretariat Common Cadres) Rules, 1984, the State Secretariat of West Bengal is composed of the following departments.

- I. Home Department.
- II. Finance Department including Accounts Branch and Financial Advisers' offices

of R. R. and R., Food and Supplies and Development and Planning Departments.

- IIIA. Legislative Department.
- IIIB. Judicial Department.
- IV. Department of Land and Land Reforms.
- V. Department of Agriculture including Inputs Branch.
- VI. Department of Animal Husbandry and Veterinary Services.
- VII. Department of Forests.
- VIII. Department of Commerce and Industries.
- IX. Department of Labour.
- X. Department of Education including office of State Archives.
- XI. Department of Health and Family Welfare.
- XII. Department of Local Government and Urban Development.
- XIII. Department of Refugee Relief and Rehabilitation, Relief and Welfare, Scheduled Castes and Tribes Welfare Department.
- XIV. Public Works Department including P. W. Roads Department and Construction Board.
- XV. Department of Irrigation and Waterways.
- XVI. Department of Food and Supplies.
- XVII. Department of Development and Planning including State-Planning Board and Town and Country Planning Branch.
- XVIII. Department of Fisheries.
- XIX. Department of Cottage and Small Scale Industries.
- XX. Department of Excise.
- XXI. Department of Co-operation.
- XXII. Department of Housing.
- XXIII. Department of Panchayats and Community Development including Panchayats and C. D. Branches.

- XXIV. Department of Information and Cultural Affairs.
- XXV. Department of Public Undertakings.
- XXVI. Department of Power.
- XXVII. Department of Industrial Reconstruction.
- XXVIII. Department of Youth Services.
- XXIX. Department of Tourism.
- XXX. Metropolitan Development Department.
- XXXI. Department of Environment.

Now the following departments also are seen in West Bengal:

- Home & Hill Affairs
- Finance
- Health and Family Welfare

- Land and Land Reforms & Refugee Relief And Relabilitation
- Information and Cultural Affairs
- Personnel and Administrative Reforms
- Minorities Affairs and Madrasah Education
- Transport
- Irrigation and Waterways
- Public Health Engineering
- Public Works
- School Education

- Self-Help Group & Self- Employment
- Sundarban Affairs
- Technical Education, Tranning & Skill Development.
- Tourism
- Transport

- Tribal Development
- Urban Development & Municipal Affairs
- Water Resources Investigation & Development
- Women & Child Development & Social Welfare
- Youth Services & Sports
- Micro, Small & Medium Enterprises & Textiles
- North Bengal Development
- Panchayat & Rural Development
- Parliamentary Affairs
- Paschimanchal Unnayan Affairs
- Personnel & Administrative Reforms & e-Governance
- Planning, Statistics & Programme Monitoring
- Power and Non-Conventional Energy Sources
- Housing
- Industry, Commerce & Enterprise
- Information & Cultural Affairs
- Information Technology & Electronics
- Irrigation & Waterways
- Judicial Law
- Mass Education Extension & Library Services
- Agriculture
- Agricultural Marketing
- Animal Resources Development
- Backward Classes Welfare
- Consumer Affairs
- Co-operation
- Correctional Administration

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- Disaster Management and Civil Defence
 - Environment
 - Fire & Emergency Services
 - Fisheries
 - Food Processings Industries & Hoticulture
 - Food & Supplies
 - Forest
 - Higher Education, Science & Technology & Bio-Technology

A Secretariat department of West Bengal consists of different officers. They are appointed for a fixed tenure. An overall hierarchy of W. B state Secretariat officers is shown below:

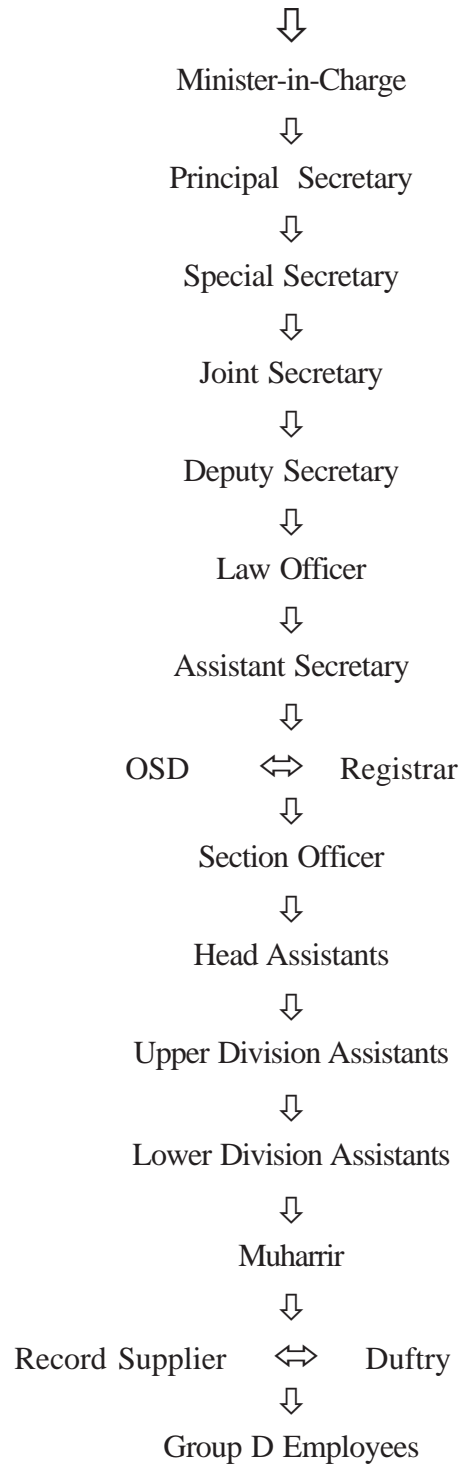
- Principal Secretary/ Secretary
- Special Secretary/Additional Secretary
- Joint Secretary
- Deputy Secretary
- Under Secretary
- Assistant Secretary

Apart from the abovementioned Officers, the following personnel are also the office component of the Secretariat. They are called Office Staff.

- Section Officers
- Head Assistants
- Upper Division Assistants
- Lower Division Assistants
- Steno-typists and Typists
- Group D Employees

Now we will try to understand the entire organisational structure of the State Secretariat of West Bengal through a picture of Labour department of this state.

LABOUR DEPARTMENT



1.5 Pattern of Departmentalization in State Secretariat

Each secretary is normally in charge of more than one department. The number of secretariat departments would therefore be larger than the number of secretaries. The number of secretariat departments, quite naturally, varies from state to state. Their number broadly ranges between 10 and 40 in different states. The number of departments in a particular state is not necessarily related to its size in terms of population. For instance, a small state like Mizoram had as many as 36 secretariat departments in 1987, the corresponding figure for Andhra Pradesh (which is a much larger state), was 19 in 1982

Larger number of departments, in particular states, would result from restricting the scope of the functions and charges of those which may be created. Partly, such increase in the number of departments may arise from the peculiar problems a particular state may face. There is a lot of criticisms about the work allocation existing in the secretariat departments, which are: First, work allocation is lop-sided in that some departments are burdened with more work than others. Second, allocation is far from rational even in terms of homogeneity of work. Not only are the subjects handled by a particular department too numerous and therefore unmanageable but these are also too heterogeneous, causing problems of coordination. These are further aggravated when charges of particular departments are incomplete in scope.

1.6 Conclusion

Secretariat is a most important part of a state administration in India. It is a nerve centre of any state administration. It takes a crucial role to help the Ministers in the fulfilment of their roles. The expression 'Secretariat' is used to refer to the summation of all departments of state government. Every Ministry consists of two or more Departments and the departments are headed politically by the Ministers and administratively by the Secretaries. The Chief Secretary is the head of the entire State Secretariat. The number of secretariat departments is not same in all states. It differs from state to state. Generally their number varies from 10 to 40. Each department is divided into two, such as- Officers and Office Staff. The Secretary, Additional/Special Secretary, Joint Secretary, Deputy Secretary, Under Secretary and Assistant Secretary are called Officers in a department. The secretary is the head of a department. On the other hand, the Office staff comprises

the superintendent (or section officer), assistants, upper division clerks (UDCs), lower division clerks (LDCs), steno-typists and typists. They are also the permanent element in the Secretariat system. Like other states West Bengal has a Secretariat to assist the Ministers to their works. It is located at Nabanna in Howrah. The Secretariat is also divided into different departments. Generally, a secretary has to take charge of more than one department and he is the administrative head of the department. On the other hand, the Chief Secretary is the head of the entire State Secretariat of West Bengal.

1.7 Summary

- In this unit the meaning and the administrative philosophy of the Secretariat has been explained.
- We have discussed the organizational structure of the state Secretariat with special reference to West Bengal

1.8 Glossary

Secretariat: a permanent administrative office especially a governmental one

Departmentalization: refers to the process of grouping activities into various departments.

1.9 Model Questions

- What is the legislative role of a secretariat?
- Discuss the significance of the 'Office'?
- What is the typical pattern of departmentalisation in the State Secretariat?
- What do you mean by the 'State Secretariat'? Write a note on the 'State Secretariat'.
- Evaluate the Organisational Structure of the State Secretariat of West Bengal.
- Discuss in brief the structure of the State Secretariat.
- What do you understand by the administrative philosophy of the Secretariat? Discuss.

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Unit II □ Functions of Secretariat

Structure

- 2.0 Objectives**
- 2.1 Introduction**
- 2.2 Functions of the Secretariat**
- 2.3 Criticism of State Secretariat**
- 2.4 ARC Recommendations**
- 2.5 Personnel and Administrative Reforms in West Bengal**
- 2.6 Conclusion**
- 2.7 Summary**
- 2.8 Glossary**
- 2.9 Model Questions**
- 2.10 References**

2.0 Objectives

In this unit we will :

- Discuss the functions of the State Secretariat.
- Explain the recommendations of the first Administrative Reforms Commission (ARC) of India.

2.1 Introduction

In a State of India, the Governor is the nominal head and the Council of Ministers with the Chief Minister at the head is the real executive of the state under the Parliamentary system of government. The Council of Ministers with the Chief Minister is responsible for their activities to the people of the state through the State Legislature. So, the Council of Ministers has to fulfil its responsibilities and duties for the welfare of the people. To fulfil their responsibilities and to assist them in administration, the State Secretariat takes a

crucial role. It is the nerve centre of a state administration. The word 'Secretariat' literally means the office of the Secretaries. The expression Secretariat is used to refer to the complex of departments. It is the top layer of the State administration. The Secretaries are the administrative heads and the Ministers are the political heads of the departments. The Chief Secretary is the head of the entire State Secretariat.

2.2 Functions of the State Secretariat

The State Secretariat is the apex organization of a state administration, therefore it takes an important role in the state government under the direction and leadership of the Chief Minister of the State. The Secretariat assists the State Government in policy making and discharging its legislative functions. It provides Secretarial assistance to the Ministers and also represents its departments before the committees of the Legislature. According to first Administrative Reforms Commission (ARC) of India (1966-70), the State Secretariat acts "as a memory and a clearing house preparatory to certain types of decisions and as a general supervisor of executive action."

Some important functions of the State Secretariat are given below:-

First, The Secretariat assists the Ministers in policy making and in modifying policies from time to time. The Secretariat provides different data, information and advices to the Ministers and the Ministers make policies with the help of these data.

Second, It also assists the Ministers in their legislative work to frame rules and regulations. The Secretariat makes legislative drafts for the Ministers to be introduced in the state Legislative.

Third, It helps to prepare the budget in consultation with the Finance Department.

Fourth, The secretariat makes policies and on the other hand, the directorate and other field agencies implement the policies. Here the function of the secretariat is to supervise the implementation of government policies by the Directorate and other field agencies.

Fifth, The secretariat not only supervises the implementation of various policies but evaluates the performance of different field agencies also. After evaluation it can suggest proper action, if required.

Sixth, It can impose control on public expenditure.

Seventh, One of the most important roles of the State Secretariat is to provide secretarial assistance to the different Ministers' Committees according to their need.

Eighth, It helps the Ministers in discharging their responsibilities to the State Legislature. Such as – answering Assembly questions.

Ninth, The State Secretariat acts as a think-tank of the state government by providing authentic information in respect of governmental policies and activities.

Tenth, It initiates measures to develop greater organizational competence.

Eleventh, State government has different departments. So, the secretariat has to coordinate the policies and programmes of the different departments. So, we can say that it acts as the chief coordinating agency in the State Government.

Twelfth, The State Secretariat appoints Heads of Departments and consequently establishes the work, salary, leave etc. of these officers.

Last but not least, the secretariat acts as the spokesman of the state government. It maintains contacts with the central government and other state governments.

In this regard, the Rajasthan Administrative Reforms Committee, 1963 can be mentioned. Under the chairmanship of Harish Chandra Mathur the Committee had prescribed the following functions which should be performed by the secretariat.

General:

1. All matters of general policy;
2. Inter-departmental co-ordination;
3. Matters involving the framing of new legal enactments or rules or amendments in the existing ones. Cases involving interpretation or relaxation of existing rules or government orders;
4. Correspondence with the Government of India and other governments;
5. All matters relating to the preparations or adoption of new plan schemes and important modifications in the existing schemes;
6. Review of the progress of plan schemes, both physical and financial;
7. Inspection reports and tour notes, recorded by the Heads of Departments;
8. All-India conferences and important conferences of state level;

9. Public accounts committee, estimates committee, assembly and parliamentary questions;
10. Delegation of powers;
11. Territorial changes and changes at headquarters;
12. Litigation notices under Section 80, Civil Procedure Code;
13. Appeals, revisions, etc. within the powers of the State Government.

Financial Matters:

1. Scrutiny and approval of development budget estimates, major appropriation of accounts, surrender of funds, and supplementary grants;
2. All proposals involving new items of expenditure;
3. Financial sanctions not within the competence of the Heads of Departments;
4. Sanction of expenditure from the Contingency Fund;
5. Writing off of cases beyond powers of Heads of Departments and audit objections regarding the offices of Heads of Department, etc.

Service Matters:

1. Approval of service rules and amendments thereto;
2. Papers relating to senior appointments/promotions/transfers of the Deputy Heads of Departments and above and cases of disciplinary proceedings against these officers;
3. Initial appointment of officers belonging to the state service and infliction of major punishments upon them;
4. Creation of posts, their extension and continuance, reemployment, resignation, special pay, allowances and pensions not within the powers of the Heads of the Departments.

2.3 Criticism of State Secretariat

The general complaint against the Secretariat is that it has been concentrating most of the powers. The executive heads of departments generally complain that even for a small matter they have to approach the Secretary for getting sanction. The reason for this

tendency is inherent in the Parliamentary form of Government. The Minister is responsible to the Parliament or the state legislature for omissions and commissions of the department under his charge. Hence, he has to keep himself informed of all the developments of his department. This leads to the concentration of functions in the Secretariat. Certain human and psychological factors are also responsible for this monopolization of power. But this type of concentration leads to inefficiency in the working of the Government. Second, the Secretariat being far away from the field are not aware of the problems in the field. Therefore, their examination of proposal put forth by field staff is not only superficial, but also leads to too many queries. This slow and tardy processing of the cases impairs the efficiency of the field agencies. Third, the postings in the Secretariat these days are important and attractive and the condition in the field is difficult. The field officers have to face political pressures and have greater chance of coming into conflict with the political masters, while the Secretariat officers have a very good existence. They work close to the centre of power and are able to develop better equation with them. Moreover, the Secretariat posts carry additional remuneration which make them more attractive to the officers; have better educational and medical facilities and other amenities. Therefore, most of the officers wish to remain in the Secretariat. By staying for a long period in the Secretariat these officers lose touch with the field and do not realise the field problems. It is, therefore, essential to have a balance between the field level and Secretariat level experience of the officers.

2.4 ARC Recommendations

The first Administrative Reforms Commission (ARC) of India (1966-70) in its Report on State Administration, Chapter III, suggested the following recommendations to develop the quality of the functions of the State Secretariat.

- i. The distribution of subjects as between different Secretariat departments should be so effected that such departments would deal with a particular segment of administrative activities. Such activities should be inter related and be more or less of homogenous character.
- ii. The number of the State departments should, in general, not exceed 13.
- iii. The basic scheme of grouping of subjects into departments should not be changed to provide for an increase in the number of ministers' portfolios. A change should be made only on the basis of proven administrative needs and after a thorough study. The situation in which the number of members in the Council of Ministers

exceeds the number of departments fixed on the basis of a rational plan should be met by putting in charge of some departments, Ministers of State and Deputy Ministers in addition to the Cabinet Ministers.

- iv. Executive functions which are at present performed by the Secretariat and which do not have a close bearing on policy making should be transferred to appropriate organisations.
- v. In departments dealing with specific subjects, there should be set up two “staff” cells, namely, (i) a combined cell on planning and policy; and (ii) a finance cell.
- vi. The new Department of personnel should be under the charge of the Chief Secretary and be placed under the Chief Minister.
- vii. There should be set up in each administrative department a Policy Advisory Committee with the Secretary of the department as its Chairman and the heads of all major executive departments as its members. The existing Secretariat personnel should be suitably oriented in the preparation of self-contained papers or memoranda setting out the problems, its different alternative solutions and the merits and demerits of each alternative.

2.5 Personnel and Administrative Reforms in West Bengal

The Personnel and Administrative Reforms Department is entrusted with the task of providing human resources to the various establishments of the Government of West Bengal from the Secretariat to the block level in appropriate positions as well as spearheading all E-Governance related activities in West Bengal.

- In consonance with the above major task, it also carries the onerous responsibility of managing the IAS, WBCS (Exe.) and West Bengal Secretariat Service cadres in all respects. Apart from placement of officers and staff, this department is also concerned with service matters and career prospects of the members of the aforesaid cadres in a holistic manner. The department discharges its functions through its eleven cells or branches.
- It is also the administrative department of important organizations such as the (i) Administrative Training Institute at Bidhannagar, (ii) the Vigilance Commission, (iii) the West Bengal Information Commission, (iv) the Lokayukta and (v) the Resident Commissioner’s office in New Delhi. The Administrative Training Institute

conducts regular training programmes for the officers and staff for capacity building and performance enhancement.

- As the nodal department for the implementation of the Right to Information Act, 2005, the P & AR Department strives to enforce transparency and accountability in the functioning of government machinery at various levels of the State administration. It also coordinates with other departments for speedy redressal of public grievances.
- Build core information infrastructure to support E-Governance in terms of State Data Center and State Wide Area Network; support infrastructure namely State Portal, e-Form and State Service Delivery Gateway (SSDG) and all other platforms and infrastructure for facilitating the realization of the vision of the State.
- Facilitate coordination among Government Departments, Academic Institutions and Industry for achieving E-Governance.
- In service training of officers and Staff of the Government at ATI and other reputed institutes.
- Implementation of administrative reforms as per decision of the State Government.
- Keeping Vigilance over the functioning of the officials.
- Maintenance of service records and accounts
- Disposal of public grievance petitions.
- Facilitate coordination among Government Departments for achieving excellence in IT and related sectors.
- Support the State Government Departments in adopting best practices, guidelines, policies and standards vis-a-vis implementation and use of ICT.

2.6 Conclusion

The Secretariat is the top layer of the State administration. It is the nerve centre of a state administration. The word 'Secretariat' literally means the office of the Secretaries. The expression Secretariat is used to refer to the complex of departments. The Secretaries are the administrative heads and the Ministers are the political heads of the departments. The Chief Secretary is the head of the entire State Secretariat. The State Secretariat takes an important role in the State Administration. Like the central counterpart, the

Secretary is the principal advisor to the Minister. The Secretariat assists the State Government in policy making and discharging its legislative functions. It provides secretarial assistance to the Ministers and also represents its department before the committees of the Legislature. According to first Administrative Reforms Commission (ARC) of India (1966-70), the State Secretariat acts “as a memory and a clearing house preparatory to certain types of decisions and as a general supervisor of executive action.”

2.7 Summary

- This section focuses on the functions of the state secretariat
- ARC recommendations and the personnel and administrative reforms in West Bengal have been explained

2.8 Glossary

- **Administrative Reforms Commission:** the committee appointed by the government of India for giving recommendations for reviewing the public administrative system in India

2.9 Model Questions

- Discuss the functions of the State Secretariat.
- Write a note on the recommendations of ARC on State Secretariat.
- Write an essay on Personnel and Administrative reforms in West Bengal
- Attempt a critique of State Secretariat
- What are the general suggestions prescribed by the Rajasthan Administrative Reforms Committee in 1963? Discuss
- Why is the Secretariat called the “Nerve centre” of a state Administration? Discuss
- How does the State Secretariat act as a think tank of the state government?
- Indicate the role of the State Secretariat as the apex organization of State administration.
- What are the policy suggestions proposed by the committee led by Harish Chandra Mathur in regard to financial matters?

2.10 References

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Unit III □ Relations between the Secretariat and the Directorate

Structure

- 3.0 Objectives**
- 3.1 Introduction**
- 3.2 Structure of the Directorate**
- 3.3 Functions of the Directorate**
- 3.4 Relations between the Secretariat and the Directorate**
- 3.5 Distinction between the Secretariat and the Directorate**
- 3.6 Conclusion**
- 3.7 Summary**
- 3.8 Glossary**
- 3.9 Model Questions**
- 3.10 References**

3.0 Objectives

In this unit we will

- Understand the meaning of the Directorate
- Explain the Structure and function of the Directorate
- Discuss the relations between the Secretariat and the Directorate
- Differentiate the Directorate from the Secretariat

3.1 Introduction

Directorate or Executive Department is one of the most important parts of state administration. It is the executive arm of a state government. A Secretariat is concerned with the policy-making while a Directorate is concerned with policy execution. According to Simon commission, the executive department “is an administrative unit, separate from

the Secretariat, which reaches its apex, usually, in a single officer like the Inspector-General of Police or the Chief Conservator of Forests, outside the Secretariat altogether. Such a head of department will usually be concerned principally with a single secretary to Government and a single.....Minister, for his orders and the funds which he has to spend.” The Directorate works under the supervision of Secretariat. So, the Directorates are different from the department of Secretariat. Excepting few cases, each secretariat department has a corresponding executive department or Directorate. The secretariat departments of finance and law do not have executive departments.

3.2 Structure of Directorate

The structure of Directorates depends upon the number of important subjects administered by the state. The heads of the departments are generally called Directors. For their assistance there are Additional Directors, Joint Directors, Deputy Directors and Assistant Directors. For smooth working of the departments they have been divided into headquarters, divisions and districts. Here one point should be kept in mind that the head of a Directorate may also be known as Commissioner, Director-General, Inspector-General, Registrar, Chief Engineer, Controller, and so on. The name of the Directorates and their Heads are mentioned in the following table.

Directorates and their Heads:

Sl. No. Directorates or Executive Departments	Designation of the Heads
1. Agriculture Department	Director of Agriculture.
2. Accounts of Treasuries Directorate	Director of Accounts and Treasuries
3. Animal Husbandry Department	Director of Animal Husbandry
4. Cooperative Department	Registrar of Cooperative Societies
5. Education Department	Director of Education
6. Employment Directorate	Director of Employment
7. Excise Department	Commissioner of Excise.
8. Forest Department	Chief Conservator of Forests
9. Housing Department	Commissioner of Housing.

10. Jail Department	Inspector-General of Prisons
11. Police Department	Inspector-General of Police.
12. Sales Tax Department	Commissioner of Sales Tax.
13. Labour Department	Commissioner of Labour
14. Industries	Director of Industries
15. Judicial Department	Advocate General, Registrar of High Court.
16. Irrigation Department	Chief Engineer (Irrigation).
17. Printing and Stationery Department	Controller of Printing and Stationery.
18. Fisheries Department	Director of Fisheries.
19. Information and Publicity	Director of Information and Publicity.
20. Land Record Office	Director of Land Records

3.3 Functions of the Directorate

The Directorate is an executive arm. As an executive arm of a state government the Directorate performs the following functions:

- a. To formulate the departmental budget.
- b. To act as a technical advisor to the Ministry.
- c. To inspect the execution of work of departmental district staff.
- d. To allocate grants as per rules, making budget re-appropriation within prescribed limits.
- e. To organise in-service training programme for the department's officers to improve their quality.
- f. To carry out the research and experiment programme to improve the Department's techniques of work.
- g. Making within approved rules all appointments, confirmations, postings, transfers, promotions of all subordinate officers including sanctioning of leave and making officiating arrangements.
- h. To exercise disciplinary power over all subordinate officers according to rules.

- i. To advise Public Service Commission concerning promotions and disciplinary actions.
- j. To sanction the attendance of officers at conferences, other than inter-state or Government of India conferences.

3.4 Relations between the Secretariat and the Directorate

Every state government has three main components to run the state administration smoothly. The three components are – the Minister, the Secretary and the Executive or Directorate. The Minister and the Secretary both constitute the Secretariat. In the secretariat the Ministers are the political heads and the Secretaries are the administrative heads. On the other hand, the Directorate is the executive head. The main function of the Secretariat is to make policies while the Directorate translates into action those policies. The Directorates have to perform their functions under the State Secretariat. So, we can say that the Secretariat and the Directorate are not the same component of the state administration. The Directorate or the executive department is an administrative unit, separate from the Secretariat. The Director is a specialist and the Secretary is the generalist civil servant, normally a member of the Indian Civil Service. The Directorates are the executive instrument of the Ministers and the Secretariat is the administrative advisers and assistants.

In the interest of good administration the both departments should work in the closest touch with each other. Their ideal relationship should be maintained during all times. But, in times of emergency and crisis, the relationship is naturally disturbed and with the centralization of authority the secretariat tends to become powerful. As a result, like the Centre the relationship between the Secretary and the Head of the Department has been a matter of debate and even controversy. The relationship should be based on the following general principles:

- i. Policy making should be main duty of the Secretariat and implementation of the policy should be done by the Directorate.
- ii. The secretariat should not interfere in the work of the Directorate unnecessarily.
- iii. The Directorate also should accomplish its responsibility according to the rules.
- iv. The Directorate should be given adequate powers and discretion to act effectively.

3.5 Distinction between the Secretariat and the Directorate

The Secretariat Department must be distinguished from the executive department. The Secretariat has the function of aiding, assisting and advising the political executive in arriving at policy choices. The heads of executive departments -who are known as director (although other nomenclature are also used to refer to them) -have the responsibility of implementing policies formulated by the political executive. Therefore, the secretaries assist in policy formulation whereas the directors' role lies in executing policy. Long ago, the Simon Commission had observed, that executive department 'is an administrative unit separate from the Secretariat, which reaches its apex, usually, in a single officer like the Inspector General of Police, or the Chief Conservator of Forests, outside the Secretariat altogether. Such a head of a department will usually be concerned principally with a single secretary to Government and a single . . . minister of his orders and the funds which he has to spend.'

Each secretariat department is in charge of a number of executive departments. This number varies over a wide range with some departments taking charge of a much larger number of executive heads than others. There is an average of 6 to 7 executive departments in relation to one secretariat department. However, it must be carefully noted that not all secretariat departments have executive departments attached to them. Some of the secretariat departments are engaged in advisory and controlling functions and therefore do not have executive departments reporting to them. Examples are Departments of Law, Finance, etc. The Secretariat and executive departments organisationally express the policy formulation and policy execution processes involved in the functioning of the government; the two may be looked upon as extensions of the personality of the Council of Ministers. The former is a policy-making organ, the latter a policy executing organ.

The secretariat department is normally headed by a generalist civil servant (drawn from the IAS), the executive department by a specialist. The specialist (the head of the executive department) functions under the supervision of the generalist (the secretary or the head of the secretariat department). This can be illustrated with some examples, Director of Agriculture, who is a specialist, in that he is trained in and holds a formal degree in agricultural sciences, would function under the supervision of the Secretary, Agriculture (a generalist, an IAS). The latter represents agriculture department at the secretariat level, whereas the Director of Agriculture represents agriculture department at the executive level. The director is the executive head of the agriculture department - the Directorate of Agriculture. Likewise, the home department in the Secretariat has the Director-General of

Police as its executive head of the department. Similar correlation exists between education secretary and education director, industries secretary and industries director, social welfare secretary and social welfare director, and so on.

We have emphasised the distinctness of the roles of the Secretariat and the Directorate by saying that, while the former is concerned with policy formulation, the latter is concerned with policy execution (or with administering policy or to put it yet more simply, the administration). The question which may, therefore, be asked is whether policy and administration are discrete processes. The answer is that at a conceptual level, the two are distinct; it is possible to identify, and define them as two clearly distinguishable phenomena. But at a ' practical plane, the two are inextricably interlinked, even tend to become indistinguishable and therefore, it is difficult to say where the policy ends and administration begins.

Policy is concerned with political choices and involves questions of broader values, whereas administration is concerned with implementing programmes emanating from particular policy decisions. Administration, therefore, involves such details of execution as framing organisational structures, staffing of organisations, coordinating activities, directing, controlling, motivating the personnel and so on.

That the two are dichotomous is the traditional view, which owes its origin to Woodrow Wilson's essay of 1887, 'The Study of Administration'. Politics, he said, is the proper activity of Legislature and other policy-making groups (e.g., political parties, cabinet, etc.). Administration is the sphere of administrators who carry out the policies stated in the laws. The context of the dichotomy was the civil service reform movement of the 1880s in the United States, which aimed to eliminate political interference in civil service. It was argued that civil service recruitment should, in the interest of administrative efficiency, be based on considerations of merit and fitness rather than partisan politics. In other words, politics should be kept out of administration. Max Weber further justified separation of policy from administration by arguing that the attributes of politicians are exactly the opposite of those of the civil servants. The essence of politics is to take a stand, to take personal responsibility for the policies decided on, and to admit the transitory nature of the political role. The essence of administration is to execute conscientiously the order of the political authority, even if it appears wrong to the administrator. The administrator is politically neutral. He simply does what he is asked to do and assumes no personal responsibility.

However, the complexities of governmental operations have increasingly required administrators to become involved in policy making or political decisions. As a result of

this, it is in practice found to be difficult to draw a clear boundary separating policy and administration, or to say where policy ends and administration begins.

Sources of Administrative Expertise.

There are several sources from which the modern day administrators have obtained a kind of 'expertise', which the politicians need to use when formulating policies as: (i) The administrators stay in office longer, (they are career civil servants) than the politicians, who come and go with elections, the former have opportunities of giving sustained attention to problems. From this, they gain an invaluable kind of practical knowledge that comes from the experience of handling these very problems day in and day out. This knowledge is conserved in records and transmitted to new generations of civil servants through training programmes. This monopoly of experience and practical knowledge coupled with continuity in office gives them a decisive edge over politicians in framing policies. (ii) The administrators are in possession of facts, figures, information and intelligence regarding the specific areas in which policies are to be framed. Politicians would need these data and statistics in formulating policies. (iii) Administrative expertise also comes pre-eminently from the fact that the governments of today employ a large variety of professionals (doctors, engineers, scientists, economists, etc.). They possess technical knowledge, which forms a vital, input in policy making. (iv) The advent of merit system has also helped to build up administrative expertise by attracting better talent in civil service and loosening the grip of politicians on civil service.

Administrators' Role in Policy Making

The increase in civil service expertise, together with the growth in the functions of government and growing complexity of administration, has resulted in an increasing dependence of politicians on administrators in the task of policy making. This is reflected in the following:

- i) Policy making exercise is done on the basis of facts, figures, information and data, which are supplied by the bureaucracy. In other words, politicians, in order to enhance the credibility of the policies, depend on the administrators' data support to their policies.
- ii) Civil servants based on their long administrative experience, tender advice to the lay politicians on the administrative, technical and financial feasibility of the various policy options under consideration.
- iii) Civil servants prepare the draft legislations (bills), which after ministerial approval, are placed before the legislature for its consideration. In other words,

administrators initiate the process of public policy formulation, which in its final form assumes the shape of an Act passed by the Legislature.

- iv) Administrators formulate policy through the exercise of administrative discretion. When an administrator is required to choose between alternative courses of action within a policy frame, he is said to exercise discretion. In this sense, administrators are described as supplementary lawmakers.

The actual content of policy becomes entirely a matter for bureaucratic determination. Here administrators actually decide how the power of the State shall be used in specific cases. In modern times, there has come about a tremendous increase in administrative discretion by virtue of an incessant increase in the volume of legislation to be enacted. Legislature is under the circumstances, compelled to confine itself to indicating broad framework of law, leaving details to be filled up by the administrative agencies.

The growing variety and complexity of laws to be enacted has further circumscribed the Legislature's competence. The legislators do not have the technical know-how and training to venture into the details of particular legislations. This further necessitates exercise of administrative discretion. And, at any rate, if the Legislature delves into the details of each law, this would be at the cost of other important duties and functions of the legislators and therefore an undesirable thing to happen. This, coupled with the assurance that it has the necessary means available to hold administration accountable to itself has, in fact, encouraged the Legislature in its attitude of not delving too deeply into the details of the enactments it formulates. And, it is not possible to work out the details of the enactments for another reason too. Ultimately, the policy is to be executed in the field where an administrator must necessarily face a bewildering variety of situations as he sets himself to the task of policy execution. For the law making agency, it is clearly not possible to visualise, at the point of legislation, the different variety of situations that may arise in the field. For this reason, once again, the policy makers must do no more than provide only broad guidelines in the legislations they frame.

3.6 Conclusion

Directorate or Executive Department is one of the most important parts of a state administration. It is an executive arm of the state government. It is separate from the Secretariat. The main function of the Secretariat is to make policy and on the other hand, a Directorate is concerned with policy execution. A Secretariat is a line agency while a Directorate is a staff agency. The Directorate is a specialist and the Secretary is the

generalist civil servant, normally a member of the Indian Administrative Service. The structure of Directorates depends upon the number of important subjects administered by the state. The heads of the departments are generally called Directors. For their assistance there are Additional Directors, Joint Directors, Deputy Directors and Assistant Directors. Directorates are the executive instrument of the Ministers and the Secretariat is the administrative advisers and assistants. It is said that the Directorates are the ‘Hands’ of the Ministers and the Secretaries are Ministers’ “ears and eyes”. But, like the Centre the relationship between the Secretary and the Head of the Department has been a matter of debate and even controversy. In the interest of good administration the both departments should work in the closest touch with each other.

3.7 Summary

- In this unit the structure and functions of the directorate have been explained.
- The relationship and the differences between the secretariat and the directorate have been discussed.

3.8 Glossary

- **Directorate:** a section of a government department in charge of a particular activity.
- **Line and staff:** The Line’s purpose is to work directly towards organisational goal whereas Staff advises and assists the Line.

3.9 Model Questions

- What do you mean by ‘Directorate’? Explain the functions of the Directorate.
- Evaluate the relationship between the Secretariat and the Directorate.
- Write a short note on the Structure of Directorate.
- What are differences between the Secretariat and the Directorate?
- Indicate the name of the Directorate and their heads.
- Discuss the role of the administrator in policy making.
- What are the three main components of state administration? Explain.

- Examine the sources of administrative expertise.
- Why is the Directorate considered as one of the most important parts of state administration?

3.10 References

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Unit IV □ Chief Secretary: Role and Position

Structure

- 4.0 Objectives**
- 4.1 Introduction**
- 4.2 Functions of the Chief Secretary**
- 4.3 Position of the Chief Secretary**
- 4.4 The Role of the Chief Secretary of a State**
- 4.5 Conclusion**
- 4.6 Summary**
- 4.7 Glossary/**
- 4.8 Model Questions**
- 4.9 References**

4.0 Objectives

In this unit we will –

- Understand the functions of the Chief Secretary
- Discuss the position of the Chief Secretary in the entire state administration

4.1 Introduction

The State Secretariat is the top layer of every State administration and the Chief Secretary is the executive head of the State Secretariat. He always keeps the charge of general administration department, which forms part of the portfolio of the Chief Minister. The Chief Minister selects the Chief Secretary from the senior IAS officers of the state cadre. But the Chief Minister keeps in his mind mainly three things before the selection of the Chief Secretary: seniority of the officer, service record and his trust on the officer. In this regard, the recommendation of the first Administrative Reforms Commission of India (1966-70) should be mentioned: “The Chief Secretary should ordinarily be the senior-most person, due regard being paid to merit. He should have a minimum tenure of 3 to

4 years. He should be relieved of routine and non-essential work and, where necessary, given appropriate staff assistance to enable him to ensure quick implementation of the Cabinet decisions and effective coordination in the policies and programmes of the State Government.” The office of the Chief Secretary is an institution unique to the states; it is without a parallel in the administrative landscape of the entire country. The Chief Secretary’s office has, for instance, no parallel in the Central government. The work he performs in relation to the state government is, at the Union level, shared by three high-ranking functionaries of more or less an equal status, i.e., Cabinet Secretary, Home Secretary, and Finance Secretary, This is a vivid reflection on the wide scope of the duties and powers of the Chief Secretary.

4.2 Functions of the Chief Secretary

The Chief Secretary performs the following functions:

- (i) **As the principal advisor to the Chief Minister:** The Chief Secretary is the principal adviser to the Chief Minister on all matters of the state administration. The Chief Minister consults with him in the matters of appointments to the senior posts of secretaries, special secretaries, deputy secretaries and heads of the departments.
- (ii) **As secretary to the cabinet:** The Chief Secretary is not only the chief advisor to the Chief Minister but also he acts as the Secretary to the State Cabinet. He is the administrative head of the State Cabinet Secretariat. As an administrative head of the State Cabinet Secretariat he attends meetings of the cabinet and its committees. He prepares the agenda of the meetings and keeps record of the minutes and the decisions of the cabinet meetings. He also takes an important role to implement the decisions taken in the meetings.
- (iii) **As the head of the civil service:** He is head of the civil servants in the state and their mentor. He deals with all matters regarding appointment, transfer and promotion of the senior civil servants. Thus, the entire staff of all the departments is under his control. As Philip Woodruff says: “The Chief Secretary was the channel through whom the orders of the governments were conveyed to their officers. He was traditionally the source of postings and transfers; to most district officers he was in fact the government.”
- (iv) **As the Chief coordinator:** The Chief Secretary is the chief coordinator of the state administration. Being at the apex of the State Secretariat, he is the chairman

of a number of high level committees and is a member of many others. Thus, he coordinates the activities of the entire secretariat.

- (v) **As channel of communication:** He is the principal channel of communications between his own State Government, on the one hand and on the other hand the Union Government and other State Governments. He communicates to the Central government and other state governments on behalf of his State Government
- (vi) **As the Secretary of the Zonal Council:** There are a number of zonal councils in the country. The Chief Secretary is the Secretary, by rotation, of the Zonal Council of which his state is a member.
- (vii) **As the head of certain Departments:** The Chief Secretary acts as administrative head of some important secretariat Departments. Such as - General Administration Department, Personnel Department, Planning Department, Administrative Reforms Department.
- (viii) **As Crisis Administrator:** In times of emergency or crisis, the Chief Secretary takes an important role. He constitutes the nervous centre of the State. He leads and guides the officers and agencies engaged in relief operations.
- (ix) **Residuary Functions:** The Chief Secretary also performs the following functions:
 - a. He exercises general supervision and control over the entire secretariat.
 - b. He acts as spokesperson of the state administration.
 - c. He also acts as the chief public relations officer of the state government.
 - d. He has to look after all the undistributed matters which are not given to the other secretaries.
 - e. He exercises administrative control over the secretariat building including allocation of rooms in it.
 - f. He is the conscience-keeper of the entire state civil servants.

In considering the position of the Chief Secretary, another fact needs to be taken note of. The incumbent of this office is not necessarily the seniormost civil servant of the state. This was at any rate the situation till 1973 when, for instance, in U.P., the Chief Secretary was junior in rank and seniority to the members of the Board of Revenue. Same was the case in Punjab, where he was junior to the Financial Commissioner. Since 1973, however, the office of the Chief Secretary has been standardised; its incumbent

since then has begun to hold the rank of the Secretary to Government of India and receives emoluments admissible to the latter.

How does the imposition of the Presidents' rule on a state affect the Chief Secretary's Office? Where the Centre does not appoint advisers during the President's rule, the Chief Secretary becomes clothed with the powers belonging to the Chief Minister. When, however, central advisers are appointed, it tends to inhibit the Chief Secretary in his administrative capacity because the former are drawn from the ranks of senior civil servants (senior to the state's Chief Secretary) as a result of which a hierarchical relationship becomes operative. In conclusion, it may be noted that a host of personnel matters and many other minute and unimportant administrative details consume a sizeable chunk of the Chief Secretary's time. The Administrative Reforms Commission is constrained to agree with the following observations of the Maharashtra Reorganisation Commission (1962-68) on the manner in which the Chief Secretary has become burdened with trivial details: ". . . it seems unfortunate that the highest official in the state has to sign gazette notifications of appointments, promotions, transfers leave; etc., that he has to spend time on minutiae of protocol, passports, etc." To rectify this situation, the ARC has recommended that this functionary be relieved of the work of routine nature as well as be provided with appropriate staff assistance. That alone will ensure speedy implementation of decisions and effective coordination of policies and programmes of the state government.

4.3 Position of the Chief Secretary

The Chief Secretary is the head of the entire State Secretariat, whose political head is the Chief Minister himself. He is the chief advisor to the Chief Minister and also acts as the Secretary to the State Cabinet. He is the kingpin of the State Secretariat. He is more than *primus inter pares* (first among equals). He is, in fact, the Chief of the Secretaries and leads, guides, and controls over all the Secretariat departments. He is generally the senior-most civil servant of a state. He is head of the civil servants in the state, their mentor and conscience-keeper. In accordance with the Andhra Pradesh Administrative Reforms Committee (1964-65), "he is the chief of the civil services and all governmental servants look to him to deal with all and every problems concerning their conditions of service and work." The office of the Chief Secretary is considered so important that it has been excluded from the operation of the tenure system. In practice, generally the Chief Secretary either retires as the Chief Secretary or moves to the Central Government to take up a more important position.

According to Mangat Rai, “The Chief Secretary’s job is not a technician’s or even a professional’s, he is not a knowledgeable engineer, nor even a first class magistrate, he is part of the process of government and in a democratic republic, part of the human process.”

The Chief Secretary takes an important role regarding appointment, transfer and promotion of the senior civil servants. The Maharashtra Reorganisation Commission (1962-68) recommended that the Chief Secretary should “be concerned only with matters relating to transfers, appointments and promotions of Heads of Departments and senior gazetted officers”.

The Rajasthan Administrative Reforms Committee (1963) has also recognised the importance of the office of the Chief Secretary. According to this Committee, “By virtue of his unique position as head of the official machinery and adviser to the Council of Ministers, the Chief Secretary has an extremely important role to play in the State administration. Apart from attending to the work of the departments which are directly under him, he should be in a position to effectively co-ordinate the work of different secretariat departments and ensure that there is a certain degree of uniformity in the policies adopted by State Government with respect to different departments.”

4.4 The Role of the Chief Secretary

Though the Chief Secretary is at the apex of the administrative hierarchy of a state, the Indian Constitution does not list his powers and functions. His functions are defined in the Rules of Business, which each state government frames for itself. These are amended from time to time. Some of the functions, however, have also evolved through custom and conventions.

Role in Policy Formulation:

The Chief Secretary of a state acts as the ex-officio Secretary to the Council of Ministers and, in that capacity, he is known as the Secretary to the Cabinet. His role in this capacity may be studied under the following heads:

Head of the Cabinet Secretariat Department:

The Cabinet Secretariat Department works under the overall control of the Chief Secretary with the Chief Minister acting as the political head.

The functions of the Cabinet Secretariat are also prescribed by the Rules of Business of each state. But, in broad terms, its functions are: providing secretarial assistance to the cabinet, ensuring the implementation of decisions, acting as the policy coordination centre, serving as a data bank of information, organizing conferences etc.

Each state government specifies certain matters, which have to be sent to the Chief Secretary for his endorsement or approval. For instance, the standing orders of the Cabinet Secretariat Department of Rajasthan provide that the following matters be sent to the Chief Secretary for his approval:

- (a) All papers relating to cabinet meetings.
- (b) Matters which affect centre-state and intra-state relations and the conduct of Zonal Council oil meetings.
- (c) Establishment matters, relating to Governor, C.M., ministers etc.
- (d) Matters relating to senior officers, conferences and regional meetings.
- (e) Parliamentary and Assembly questions relating to the Chief Minister /ministers.
- (f) Functions relating to census.
- (g) Approval of incentives to civil servants.
- (h) Medical aid to be given outside the state.

Work Pertaining to Cabinet Meetings:

The Chief Secretary decides whether the memo submitted by a particular department regarding the case to be discussed is adequately furnished with required facts and data. He is also responsible for the preparation of the agenda papers.

In his capacity as the ex-officio Secretary to the Council, he attends all the cabinet meetings and also of the sub-committees of the cabinet. He arranges for the recording of the decisions taken in the cabinet meetings and forwards a copy to the Governor, the C.M. and the council of ministers.

Participation in the Policy Formulation Process:

The Chief Secretary, while attending the meetings of the cabinet, may be asked to express his view on important matters. He acts as the main source of information and advice to the C.M. and other ministers. As the Secretary to the Council, he attends all the meetings of the cabinet.

His presence in the cabinet meetings becomes crucial because the ministers present are elected by the masses and, they are prone to be easily swayed by the winds of public opinion and, sometimes, only to please their constituency, they pressurize the C.M. to take decisions that might not be proper in the long run. Here, the Chief Secretary, with his long administrative experience, “may be in a position to strike a balance between the policy preferences of the politicians and their implementation ramifications.”

Role in the Follow-up of the Implementation of Cabinet Decisions:

When a decision is arrived at by the cabinet, it is the task of the secretary of the concerned department to implement that particular decision. Here, the Chief Secretary plays an effective supervisory role, as the most important cases of the various departments are sent to the Chief Secretary for final decision or for onward transmission to the C.M. or the concerned ministers.

All-important cases involving adoption of new schemes have to be approved by the Chief Secretary. He is also empowered to ask for any paper relating to any case of any department and such a request has to be complied with by the secretary of the department concerned.

In the Central Government, although the Prime Minister has a few ministries and departments under him, the convention regarding the Cabinet Secretary has been otherwise.

The Cabinet Secretary is not the administrative head of any specific executive departments except, of course, the Cabinet Secretariat. On the other hand, at the state level, the Chief Secretary is generally the administrative head of a few departments, the most important among them being General Administration, Personnel, Administrative Reforms and Planning.

There is no uniformity among the various states in regard to the administrative departments directly under the charge of the Chief Secretary. However, as a rule, only those departments, which have a crucial role in the coordination and supervision of state administrative departments/agencies, are given this status when a department works directly under the Chief Secretary, its overall influence increases substantially. Concomitantly, with a view to enhancing the status and influence of a department, it is brought under the charge of the Chief Secretary.

Traditionally, the Planning Department is placed under the Chief Secretary. In Rajasthan, for about four decades, the Chief Secretary functioned-.as the Planning Secretary and it

was only in 1992 that a separate post of Planning Secretary was created in the state. Even after the introduction of this change the overall responsibility of the Chief Secretary in matters of planning remains.

He represents the state at the national level consultations concerning the annual and the five-year plans. Besides, he continues to be the chairman of the Planning and Development Coordination Committees, which are instrumental in effecting interdepartmental/agency coordination for undertaking associated developmental activities.

In several states, the Chief Secretary continues to be the Planning Secretary and, in that capacity, he has to supervise the formulation and monitor the implementation of the plans and effect close collaboration of the Planning Department with the Finance Department and other executive agencies.

Another department that is generally placed under the charge of a state Chief Secretary is the Department of Personnel. It may be recalled that the Administrative Reforms Commission of India had recommended that the Department of Personnel of each state should be put under the charge of the Chief Secretary.

Accordingly, in a number of states, the Chief Secretary functions today as the Personnel Secretary. In that capacity, his role involves the following functions:

- (a) He is responsible for personnel matters of the state cadre officers of the IAS, the highest state service, and any other service described in the Rules of Business of the state. He deals with all matters relating to vacancies, appointments, transfers, placements, seniority, promotions and retirement of personnel of the higher civil services.

He also plays a crucial role in the promotion of state service officers to the IAS. All matters pertaining to determination of seniority of the above-mentioned officers are sent to him for consideration.

- (b) His approval is sought for amendments in service rules.
- (c) He is also generally consulted by the Chief Minister while making appointments to the posts of chairman and members of the State Public Service Commission.
- (d) As personnel Secretary, the Chief Secretary has to ensure that conduct rules are followed strictly by the state civil servants. Hence, cases regarding disciplinary

action against all the service mentioned under his charge are brought up before him. The decisions of the Chief Secretary on disciplinary proceedings against all-India service officers, heads of departments and other state civil service officers are generally endorsed by the Chief Minister.

- (e) He also writes the Annual Confidential Reports (ACRs) or performance appraisal reports (APRs) of the officers of all-India services posted in his state.
- (f) Some states have the office of the Lok Ayukta to examine complaints made by citizens against defaulting officers. The C.M. may consult the Chief Secretary while appointing the Lok Ayukta. The annual reports of the Lok Ayukta are routed through the Chief Secretary, before being sent through proper channel to the legislative assembly of the state.
- (g) He can intervene in matters involving staff welfare and service conditions of state government officials.
- (h) He is the overall in charge of training and career management of the Civil servants of the state. In Rajasthan, he also works as the chairman of the State Advisory Committee on Training and the Training Coordination Committee.

In certain states, a separate post of Personnel Secretary has been created. However, by virtue of being the head of the civil service, the Chief Secretary continues to be directly involved in the regulation of personnel administrative matters. A number of important cases relating to personnel matters are routed through the Chief Secretary before being sent to the Chief Minister, who generally happens to be the Minister for Personnel in the state government.

Another department, which in some states is directly under the Chief Secretary, is the Administrative Reforms Department that deals with the reorganization of the administrative machinery and revamping of procedures in government. Even when a separate secretary is in charge of this subject, the role of the Chief Secretary in matters of guiding, directing and monitoring administrative reforms remains crucial.

It may be mentioned that in most of the states in India, the Chief Secretary functions as the Secretary, General Administration. This department is responsible for taking care of the general administrative matters of different state government departments and provides miscellaneous facilities to the departments and officers.

This can be done effectively under the leadership of the senior most civil servants, whose judgment and controlling authority are trusted and accepted. The role of the Chief Secretary regarding general administration involves a number of tasks.

- (a) During visits of dignitaries to the state, he looks after all the necessary arrangements.
- (b) He chairs an expert body, which decides matters of awarding honours and distinctions.
- (c) He deals with matters relating to inter-state disputes.
- (d) The Chief Secretary can initiate changes in Rules of Business but, the final decision in this respect rests with the cabinet
- (e) Cases concerning grants-in-aid to NGOs engaged in social and cultural development are routed through him to the C.M.
- (f) All matters of housing accommodation and government buildings and circuit house fall under his jurisdiction.

These responsibilities of the Chief Secretary affect all the departments and, therefore, the role of the Chief Secretary as head of the General Administration Department remains of substantial significance.

The last but, by far the most important, function of the Chief Secretary is to coordinate the activities of the entire state government machinery.

4.5 Conclusion

Every State has a Chief Secretary who is the executive head of the entire State Secretariat, whose political head is the Chief Minister himself. The Chief Minister selects the Chief Secretary from the senior IAS officers of the state cadre. The Chief Secretary takes a crucial role in the state administration. He is the chief advisor to the Chief Minister and also acts as the Secretary to the State Cabinet. He is the king pin of the State Secretariat. He leads, guides, and controls over all the Secretariat departments. He is generally the senior-most civil servant of a state. He is head of the civil servants in the state, their mentor and conscience- keeper. He is the principal communicator between his Government and Central Government and other state Governments. He also plays an

important role in the administration of law and order and planning. As a Crisis Administrator the Chief Secretary plays a very significant role. At the end we can say that the position of the Chief Secretary depends on his personality, capability, efficiency, political sagacity and relation with the Chief Minister.

4.6 Summary

- This unit focuses on the role and functions of the Chief Secretary
- The uniqueness of the position of the Chief Secretary in state administration has been discussed

4.7 Glossary

- **Crisis:** A time of intense difficulty
- **Uniqueness:** The quality of being the only one of its kind

4.8 Model Questions

- Explain the functions of the Chief Secretary.
- Evaluate the position of the Chief Secretary in state administration.
- Write a note on Chief Secretary.
- Why is the position of Chief Secretary unique? Explain.
- What are the residuary functions performed by the Chief Secretary? Discuss.
- Examine the significance of the position of the Chief Secretary's office.
- Why is the Chief Secretary considered the principal channel of communication?
- Explain the 'crisis-administrator' role of the Chief Secretary.
- How does the imposition of the President's rule on a state affect the Chief Secretary's office?

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Unit V □ C.M.'s Secretariat

Structure

- 5.0 Objectives**
- 5.1 Introduction**
- 5.2 Composition of the Chief Minister's Secretariat**
- 5.3 Functions of the Chief Minister's Secretariat**
- 5.4 Evaluation of the Role of C.M.'s Secretariat**
- 5.5 Emerging patterns of relationship between the secretariat and non-secretariat organizations**
 - 5.5.1 The Status-quo Approach**
 - 5.5.2 The Bridging The Gulf Approach**
 - 5.5.3 The De-amalgamation Approach**
- 5.6 Conclusion**
- 5.7 Summary**
- 5.8 Glossary**
- 5.9 Model Questions**
- 5.10 References**

5.0 Objectives

In this unit we will

- Describe the composition of the Chief Minister's office of a state in India.
- Explain the role of the Chief Minister's office under the parliamentary form of government.

5.1 Introduction

The Chief Minister is the real executive of the state under the Parliamentary system of government. As a real executive authority, the Chief Minister plays a very significant

and crucial role in administrative and legislative system of the state. To fulfil these activities the Chief Minister has some helping hands - Chief Minister's Office (CMO) is one of them.

Chief Minister's Office (CMO) is a staff agency which provides institutional support to the Chief Minister in his official and policy making functions. It is an extra-constitutional body. It does not have any constitutional base. But this office holds prime position in every state's political set up in India. As Chief Minister occupies a pivotal position in state's political system and this office is attached to Chief Minister, it automatically increases in its power and stature. It is an official link between the Chief Minister and his Ministers, Governor and other departments of state administration.

5.2 Composition of the Chief Minister's Secretariat

The structure of Chief Minister's Office (CMO) is not same for all states in India. The structure of the CMO differs from state to state. Whatever be the structure of the CMO, politically Chief Minister is the head of the CMO and administratively the Chief Secretary. Additionally it consists of some Additional Chief Secretaries, Additional Secretaries, Principal Secretaries, some Joint Secretaries, Under Secretaries, Private Secretaries and so on. The personnel are generally drawn from the Civil Service.

5.3 Functions of the Chief Minister's Secretariat

The CMO is the most important part of every State administration in India. It plays a crucial role and performs different functions, such as –

- i. The CMO assists the Chief Minister in respect of his all responsibility as the head of the State government.
- ii. Dealing with the public relations of the Chief Minister is one of the most important functions of the Chief Minister's Office (CMO). Such as – the press, public etc.
- iii. It plays an important role in the process of decision-making at the top level of the State Government.
- iv. The CMO deals with all references that have, under the Rules of Business, come to the Chief Minister.

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- v. The CMO also helps the Chief Minister in the examination of cases submitted to him for orders under prescribed rules.
 - vi. It maintains the connection with the Governor, other Ministers and different departments in state administration, different state governments and Central Government.
 - vii. It also prepares answers of different questions raised in the State Legislature on general subjects.
 - viii. The CMO acts as the ‘think-tank’ of the Chief Minister.
 - ix. The CMO works as the main advisor on all important domestic matters.

After discussing the above mentioned powers and functions of the CMO, we can say that the CMO takes a very crucial role and has grown into a high profile body of a State Government. But, the role of the CMO is not static. It varies from Chief Minister to Chief Minister and State to State.

5.4 Evaluation of the Role of C.M.’s Secretariat

In the face of the growing responsibilities of the C.M., there is need for providing him with intensive and intelligent administrative assistance. Such assistance is provided by the Chief Minister’s Secretariat, which is accountable only to him. This organization ensures that the C.M.’s directives are implemented by various state and district agencies. In Rajasthan, the C.M.’s Secretariat was set up in 1951. It is headed by a secretary belonging to the selection/super-time scale of the I.A.S., who is assisted by deputy secretaries, OSDs, deputy directors, assistant secretaries, accounts officers, Statistical assistants and the Superintendent of Police (Vigilance). The C.M.’s Secretariat looks after the functions relating to the tours and correspondence of the C.M., redressal of public grievances, management of the C.M.’s benevolent funds, implementation of the C.M.’s assurances and monitoring.

The Secretary to the C.M., while providing administrative assistance to the C.M., keeps confidential documents and correspondence, accompanies the C.M. on important tours, takes follow-up action on cabinet decisions, appraises the C.M. of major developments and issues, helps him in the conduct of assembly work and supervises the staff of the C.M.’s Secretariat. Moreover, he writes informal notes on all important files going to the Chief Minister to facilitate his making decisions.

The post of the Secretary to the Chief Minister (in some states, he is called Principal Secretary to the Chief Minister), has acquired enormous status and influence in recent times. The rationale behind this phenomenon is the assumption that the Secretary to the Chief Minister is the alter ego of his boss, i.e. the Chief Minister. There have been occasions when the influence of a Secretary to the Chief Minister has been disproportionately more than that would be commanded by virtue of his seniority and status in the regular IAS hierarchy. In cases when even the Chief Secretary's real power is compromised and when other secretaries feel subservient to the C.M's Secretary, the situation would lead to envy, silent acrimony and even demoralization among the services. Therefore, the Secretary to the Chief Minister ought to be a person who is committed to the traditional civil service virtues of anonymity, impartiality and neutrality. And, the Chief Minister should also give the impression that he does not believe in bypassing the normal channels of authority and responsibility.

5.5 Emerging patterns of relationship between the secretariat and non-secretariat organizations

What might be a suitable pattern of relationship between the Secretariat and non-Secretariat organisation? On the question of evolving a suitable pattern, broadly three schools of thought are discernible. Each adopts a different approach. Neither yields a conclusive answer for, as we shall see in the ensuing discussion, it is possible to list arguments for as well as against the arrangement each proposes. Based on their dominant thrust, the three schools of thought or approaches may be referred to as the Status-quo Approach, Bridging the gulf Approach, and De-amalgamation Approach.

5.5.1 The Status-quo Approach

The Status-quo Approach favours the traditionalist system and holds that the Secretariat and the Directorates have well-defined roles in our administrative setup to which they should continue to stick. The approach is based on the traditional concept of staff-line dichotomy where the Secretariat performs the role of a Line Agency and the attached office that of the Staff Agency. The Status-quo Approach also accepts the traditional policy-administration dichotomy. The advocates of this approach believe that the relationship between the Secretariat and Directorates should be based on the following principles:

- i) Policy-making should be the responsibility of the Secretariat, and Policy implementation that of the Directorates.

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- ii) Subject to the rules governing the conditions of service, the Head of the Department should have fullest control over the personnel under him.
 - iii) The Secretariat Department should provide common services and undertake domestic housekeeping in respect of the Directorate(s) attached to it (for instance, the allocation of office accommodation).

5.5.2 The Bridging The Gulf Approach

As against the School advocating Status-quo Approach there is another, which advocates measures for bridging the gulf between the Secretariat and Non-Secretariat organisations.

Its protagonists suggest various devices for bridging the gulf. These include (i) the conferment of ex-officio Secretariat status on the heads of Executive Departments; (ii) the system under which a Secretary concurrently holds the office of the head of the Executive Department; (iii) the merger or amalgamation device under which an Executive Department is placed in a corresponding Secretariat Department; and (iv) a device, which is a variant of point (iii), involving, once again, merger or amalgamation, but under this device, the Secretariat Department is placed with the corresponding Head of the Department, rather than the other way around.

Amalgamation of Directorate with Secretariat

Terms like integration, merger and amalgamation have been interchangeably used to suggest an arrangement under which the distinction between the Secretariat and the Non-Secretariat Organisations is completely dissolved. Under this system, the office of the heads of the Executive Agencies is merged with the corresponding departments in the Secretariat.

The advocacy of amalgamation is based on the argument that the encroachment of the Secretariat into the executive functions is in any case, an established fact of the Indian administrative landscape. This is so because the political executive in India is unable to devote adequate attention to policy functions. Instead, it preoccupies itself rather quite excessively with matters of day-to-day nature (like appointments, promotion, and transfers). As a result, the Secretariat itself becomes involved in what are patently executive matters and which, therefore, should, in fact, fall in the domain of the Directorate, as ultimately the role of the Secretariat is governed by the role perceptions of the political executive. It is thus, argued that since the role of two agencies anyhow overlap, amalgamation would be both logical as well as desirable.

Arguments for Continued Amalgamation

Those who report favourably on the experience of amalgamation argue as follows:

- i) Amalgamation has obviated the need for examination of proposals independently by the Directorate and Secretariat.
- ii) It has cut down delays and ensured expeditious disposal of cases.
- iii) It has affected economy in establishment expenditure.

5.5.3 The De-amalgamation Approach

Arguments for De-amalgamation

The officials who recommend de-amalgamation give the following arguments:

- i) Although amalgamation permits much economy of time in that it does away with two parallel scrutiny of proposals, the experience has shown that, under the amalgamated setup, the quality of final proposals/schemes has declined, which frequently involves reconsideration. This, they point out, was not so when Directorate and Secretariat functioned separately.
- ii) Amalgamation has resulted in gradual removal of distinction between the functions of the Heads of Departments and those of the Secretariat.
- iii) Amalgamation has rendered objective examination of proposals and schemes at the Secretariat level difficult. The Secretaries have to write their notes on files in a guarded manner so as to avoid causing offence to the Head of Department. This extra caution often prevents a frank examination of the cases by the Secretariat officers.
- iv) Under the amalgamation schemes, the Head of Department remains stuck up in the Secretariat. S/he is not able to go on tours and inspections, which are her/his main obligations.

After studying the above stated approaches and recommendation of the second ARC, it can be stated that the Ministries/Departments should concentrate more on policy, planning and strategic decision-making; and implementation work should be given to adequately empowered Executive Agencies. The Second ARC has suggested, "... there can be no water-tight separation of the policy-making and implementation functions since Ministers are ultimately accountable to Parliament for the performance of their Ministries and departments in all respects." As per the Government of India (Transaction of Business)

Rules, all business allocated to a Department in the Government of India has to be disposed of under the directions of the Minister in-charge. It has been observed that the Ministers can discharge their responsibilities more effectively by supervising the performance of operational agencies from time to time rather than by taking direct control of routine functions. In the states, a major part of implementation work is done by the executive agencies. They are structured as departments, statutory boards, commissions, departmental undertakings and other parastatals. The Commission has pointed out that these bodies do not function as real autonomous agencies due to the centralised controls, and inadequate delegation of authority. While the necessity of delegating increased powers to the executive agencies is getting recognised and some states have delegated more powers to these agencies, the overall approach has been one of caution and hesitancy.

5.6 Conclusion

As a real head of the state the Chief Minister has to take a key role in administration and legislation of the state. In this regard, the Chief Minister's Office (CMO) takes an important role by giving secretarial assistance to the chief Minister. But the CMO does not have any constitutional base. It is an extra-constitutional body. Actually, the Chief Minister's Office (CMO) is a line agency. The composition of Chief Minister's Office (CMO) is not same for all states in India. The composition of the CMO varies from state to state. Generally, the Chief Minister is the political head of the CMO and the Chief Secretary is the administrative head. Apart from the Chief Minister and the Chief Secretary, there are some Additional secretaries, Joint Secretaries and Private Secretaries in the CMO. The main purpose of this office is to provide institutional support to the Chief Minister in his official and policy making functions. In fact, the role of the CMO is not static. It varies from Chief Minister to Chief Minister and State to State.

5.7 Summary

- In this unit the composition and functions of the Chief Ministers' Secretariat has been explained.
- We have evaluated the role of CM's Secretariat.
- Emerging patterns of relationship between the Secretariat and the non-Secretariat have been discussed.

5.8 Glossary

- **Evaluation:** making of assessment of something
- **Emerging:** becoming apparent or prominent.

5.9 Model Questions

- Evaluate the role of the Chief Minister's Office (CMO) in a state of India.
- Discuss the structure and functions of the Chief Minister's Seceratriat.
- Discuss in brief the emerging patterns of relationship between the Secretariat and non-Secretariat organizations.
- Discuss the various arguments in favour of CM's Secretariat.
- Discuss the de-amalgamation approach in regard to the relationship between Secretariat and non-Secretariat organizations.
- What is the dominant theme of the 'bridging the gulf' approach? Explain.
- Write a short note on the composition of Chief Minister's Seceratriat.
- What is the significance of the Secretariat of the Chief Minister.
- "The status quo approach is based on the traditional concept of Staff-Line dichotomy" Do you agree with the statement? Justify your answer.

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BLOCK III
FIELD ADMINISTRATION

Unit I □ Divisional Commissioner : Power and functions

Structure

- 1.0 Objectives**
- 1.1 Introduction**
- 1.2 Divisional Commissioner: Position and Scope of the Office**
- 1.3 Divisional Commissioner: A Controversy**
- 1.4 Divisional Commissioner: Power and Functions**
- 1.5 Necessity of Divisional Commissioner**
- 1.6 Conclusion**
- 1.7 Summary**
- 1.8 Glossary**
- 1.9 Model Questions**
- 1.10 References**

1.0 Objectives

- To understand the role of the Divisional Commissioner.
- To examine the power and functions of the Divisional Commissioner.

1.1 Introduction

Field administration is a decentralised State administration. The purpose of field administration is basically to bring the regulatory and service functions of the State 'nearer to the people'. There is also a demand for greater citizen participation in policy formulation and execution. For this purpose, a vast politico-administrative apparatus has been established. The State Government officers cannot transact their business from the Headquarters due to the long distance, magnitude of work, administrative cost, and time taken to communicate. Therefore, the field offices are the necessity for the efficient functioning of administration. The policies are translated into reality and programmes are

implemented at the field level. In India, the State level Departments and Ministries establishing a large number of field offices, delegate their power and functions to the field officers to implement the development programmes. The Divisional offices, wherever they exist, district offices, and local self-government institutions broadly constitute the component parts of the Field Administration. The offices of Field Administration are organised on the basis of historical traditions, political considerations, administrative convenience, technical requirements, development imperatives and the need for greater interaction between the administration and the community. At the field level, majority of people come into closer contact with the Government. It is also here that the people judge the quality and efficiency of the Government. The Field administration undertakes a wide range of activities associated with the life of community. Technological advances especially in the field of transport and communication have played an important role in the expansion of field administration. Most of the State Departments such as Public Works, Irrigation, Health, Education etc. are having their offices in the District, Sub- Divisions, and Blocks.

Administrative organisation at the sub-state level in the country is not uniform. Broadly, there are two different systems. Firstly, the State is divided into a few divisions, each division consisting of a few districts. In this system, the Divisional Commissioners are the Head of the Division and act as a link between the District Administration and the State Government. In the second system, where there are no divisions, the District Administration directly deals with the State Government without any intermediary in between. The Field Administration in the country falls in between these two systems.

1.2 Divisional Commissioner: Position and Scope of the Office

The Divisional Commissioner supervises the work of the District Collectors under his charge. He is the coordinator at the divisional level of a wide range of activities such as law and order administration, development administration, rural development as well as revenue administration. Therefore, the Divisional Commissioner occupies a place of special significance in the intermediate (regional) level administrative set-up.

Chequered Career of the Institution : The office of Divisional Commissioner in the country has had a chequered career. It has seen a succession of abolitions and revivals in various states since independence. Madhya Pradesh and (old) Mumbai states had abolished it in 1948 and 1950 respectively. However, both revived the commissionership - Madhya Pradesh in 1956 and Mumbai in 1958. Rajasthan abolished the institution in 1961. Uttar Pradesh went halfway, it reduced the number of Commissioners and enlarged their

geographic jurisdiction. Soon thereafter, however, it restored the status quo. Likewise, the commissionership was abolished in Maharashtra, but was subsequently revived.

The most important regional administrator is the Divisional Commissioner. He represents state government in the regional level. He acts as the supervisor of all the state government offices and activities situated in the division. The office of the Divisional Commissioner existed in all the states but some states had abolished this office after independence. In order to put the entire country under administrative control almost every state in India had long been divided into a number of Divisions. A group of three or four districts form a Division and a commissioner, an officer at high seniority, is in charge of the Division. This institution came into being in 1829 by the then Governor General Lord William Bentinck. India is a federation of states and union territories. For the sake of administrative convenience some states and union territories are further divided into Divisions which are made up of groups of districts. And each Division is put under the control of a Commissioner. A Division generally covers three to five districts.

Divisional Commissioners act as mediators between state administration from above and district administration from below. In the large sized and medium sized states Divisional Commissioners are considered as regional authority who supervises the functioning of government offices in the number of developmental activities on the part of the state. Divisional Commissioners have a big strategic role to play at the regional level. By this way the span of control of the state headquarters has been reduced.

Divisional Commissioner : Eligibility–Divisional Commissioners are usually selected from senior Indian Administrative Service officers from the state. Office bearers are generally either of the ranks of Secretary to the state government or principal secretary to the state government. Being a senior and experienced officer the Divisional Commissioner has the capacity to act as a friend, philosopher and guide to the district officials particularly the young IAS officers appointed as District Magistrates. Being a store-house of past experience and information his advice to the junior officers in the district level is likely to be more mature and comprehensive in nature. His is a dual role, regional representative of the state government and a ‘government’ in the Division.

1.3 Divisional Commissioner: A Controversy

Divisional Commissionership: A Controversial Office – Substantive Points of the Controversy: The office of the Commissioner has aroused much controversy. Two distinct schools of thought appear to have emerged, one in its defence and the other against it.

Those who support its cause argue that creation of a strong intermediate tier of administration would encourage decentralisation and bring state administration physically and psychologically closer to people at the grassroots level. Besides, improved coordination and supervision of the field establishment would be achieved. Those who argue against it and recommended its abolition maintain that the creation of an intermediate level of administration curbs the initiative and responsibility of the district functionaries. The States where the institution of Divisional Commissioners exists has not achieved any marked improvement in efficiency, or speed in disposal. Even 'coordination' does not appear to have achieved any worthwhile results. Besides, as the Ministers nowadays tour the districts frequently, as a result the problems of coordination are easily noticed. The Collector can easily get in touch with the Headquarters, in case of need, due to facilities for speedy communication. Thus, there is no need for referring matters to an intermediate authority.

We may now summarise arguments for and against the institution of Divisional Commissioners.

Arguments For:

The ARC Study Team in its Report on District Administration argues in favour of the office of the Divisional Commissioner on following grounds:

- 1) The Divisional Commissioner's presence will facilitate coordination of the regional level officers of the various development departments. Such coordination cannot be achieved at the State Headquarters because it is too distant for the purpose. Only an officer who has an intimate awareness of the problems of the region can do this effectively.
- 2) In large States like Uttar Pradesh and Madhya Pradesh, it is not possible to exercise effective supervision over Collectors unless a regionally based officer undertakes it.
- 3) The Commissioner's presence at the intermediate level will encourage delegation from the State level. This will make speedy disposal of cases possible as it makes administration more accessible to the public.
- 4) The Commissioner's presence can be used to provide more adequate guidance to the Panchayati Raj Institutions. He can also be utilised to facilitate coordination between the Panchayati Raj bodies, and Regional and State Level Agencies.
- 5) A regionally based officer of an adequate administrative experience will act as a catalyst for regional planning and implementation.

- 6) An administrator of the Commissioner's seniority and experience could perform a useful training role in respect of the young IAS and state civil service officers of the division.

Arguments Against

Arguments against the post of Divisional Commissioner as mentioned in the Bengal Administration Enquiry Committee are:

- 1) The activities of Government have grown too large and complex at the district level. As a result of which a division is no longer a suitable area unit for purpose of supervision. It is too large an area to be an effective unit of administration.
- 2) As authorities of supervision over districts and as appellate revenue bodies, commissioners are disproportionately expensive.
- 3) It is doubtful if, as an intermediate level of administration, the Commissioners have much useful role to perform or any specific contribution to make in the disposal of work. The post has been reduced to the position of a mere post office and contributes only delay in the dispatch of public business.
- 4) Commissioners are officers of wide and mature experience and as such their availability at the state headquarters would mean a fuller use of the valuable experience. Divisional administration fails to create a much useful preoccupation for officers of the Commissioner's seniority and experience.

1.4 Divisional Commissioner : Power and Functions

Broadly speaking Divisional Commissioner is the coordinator at the divisional level. The powers of commissioners may vary from state to state but basic functions are same across the states. At the outset it is to be acknowledged that junior officers at the district level are often subjected to political pressure from outside and therefore need the guidance and supervision of a seasoned administrator like the Divisional Commissioner. He is the co-ordinator of all activities connected with general administration including law and order, revenue administration and development administration.

The Divisional Commissioner usually performs following functions :

1. He acts as the head of the revenue administration in his jurisdiction and hears appeals against the orders of the District Magistrate.

2. He is the coordinator and supervisor of the work of all sections of public administration in his division.
3. He resolves differences arising between departments in his division.
4. In some of the states he has been given certain powers with regard to panchayati raj bodies.
5. He is often entrusted with the power to play a role in the municipal administration.
6. He exercises his control over the local government and administers the oath of the elected functionaries like Mayor, Zillah panchayet chairperson in many states.
7. He hears public grievances and gives its redressal.
8. He supervises the preparation of development budget of urban and local bodies etc.
9. He prepares annual confidential reports of officers of various departments of division and district level.
10. He exercises general control over all relief operations within his jurisdiction.
11. He examines police administrative reports.
12. He acts as electoral roll observer and accessibility observer during parliamentary and state assembly elections.
13. He possesses touring and inspectorial responsibilities.
14. He ensures integrity in the officials in his division. He also ensures that government officials behave properly with the public in keeping with the needs and ideals of democracy.

In addition to all these activities Divisional Commissioners have special role to play in the day to day administration at the division. The role of such senior officers become greater as the volume of business at state headquarters has been increased, departmental activities and agencies multiplied. The commissioner acts as the regional coordinator. He is an instrument of decentralized coordination at the district level. The activities of different departments of the government, especially those engaged in development programme are

interlinked. There arises a number of common problems which need immediate attention and resolution. Divisional Commissioner is intimately aware of the problems of the region and is able to find agreeable solutions to inter-developmental problems.

The Commissioner effectively supervises and inspects the work of district offices, both police and revenue. His position in the hierarchy of state administration is unique :

1. He is the channel of communication between districts and state government.
2. He is the coordinating authority for technical departments at the regional level.
3. He provides help, guidance and assistance to deputy commissioners.
4. He provides expert advice to state headquarters. His advice flows to both the government above and district and sub-district officers below.
5. Apart from all these activities the commissioner has special powers during crisis and emergency. He keeps a vigil on developmental activities going on in the districts of his division. His supervisory and coordinating roles include an overall supervisor of general administration, law and order, land reforms, land management, food and relief administration, and other activities in the division and implementation of plan and non-plan development schemes.

1.5 Necessity of Divisional Commissioner

After independence Divisional Commissionership came under a cloud and some people demanded that these posts should be abolished. Their opinion was that the intermediate tier between the state government and district should be abolished because this tier only retarded the despatch of public business. These experienced officers could be better utilized by the minister at the government headquarters. However those in favour of the post opined that its position should be strengthened so that the junior officers at the district level could function under the aegis of a senior leader. Those in favour of the posts claimed that a small state may function well without the post of a Divisional Commissioner. But in a large state with twenty or more districts the retention of these posts is a necessity. With the increase in the number of activities many departments of government have created the posts of divisional officers to reduce the span of control from state capital. By this way the commissioner acts as a buffer between the government

at the state level and the administration at the district level. This role is all the more necessary in a democracy.

1.6 Conclusion

After independence development becomes the sole concern of the government, both at the central and the state level. The allocations for development works and technical departments thereafter increased. Many new departments also had opened at the district level. As a result the shape of district administration has become a more complex pattern. Later with the emergence of the three-tier panchayati raj, the district administration has become a complex zone. Here the traditional tight bureaucratic frame has to negotiate with panchayati raj bodies. Now the role of the Divisional Commissioner has become more important than before. The role of a senior officer like Divisional Commissioner in the form of guidance, direction and expertise is enormous. For this reason Divisional Commissioner is the most important regional officer. He is the representative of the state government at the district level. The governmental functions are decentralized and vested in the office of the Divisional Commissioners. He provides effective leadership to the administration in the Division and properly feedback the state secretariat in framing the policies.

1.7 Summary

- The Division as an administrative unit comprising of four or five districts came into being in 1829 as a result of increase in scope of operations corresponding to the expansion of British territories.
- Each Division is put under the charge of a Divisional Commissioner.
- The Divisional Commissioner is a senior member of Indian Administrative Service and before his appointment as a commissioner, he should have gathered varied experiences, having served in different capacities in the state government.
- His power included control over revenue administration, maintenance of law and order, supervision of the development functions etc.
- He coordinates and supervises all the government departments of the Division.

- He also supervises local government institutions, preparation of budget. He prepares annual confidential reports of officers working within his Division.
- He acts as a channel of communication between districts and state government. He provides help, guidance to the District Magistrates and other officials.
- He provides expert advice to headquarters from the field.

1.8 Glossary

- **Commissioner:** A government official in charge of a department or district.
- **Coordination:** Integration of the efforts of the department to provide unity of action for pursuing common goals.
- **Field Administration:** The extension of central administration at the field level to implement government programs and policies.

1.9 Model Questions

- What are the objectives of studying the divisional administration?
- Discuss the role of Divisional Commissioner in the overall structure of state administration.
- Discuss the coordinating role of the Divisional Commissioner.
- Define Division. Discuss the position of the Divisional Commissioner in the Division.
- Divisional commissioner is the link between state government and the field administration – Discuss
- Discuss the powers and functions of a Divisional Commissioner.
- What is meant by the term ‘Division’?
- Discuss the necessity of Divisional Commissioner.
- What is the eligibility of a Divisional Commissioner?

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Unit II □ Evolution of District Administration

Structure

- 2.0 Objectives**
- 2.1 Introduction**
- 2.2 District Administration : its Evolution**
 - 2.2.1 Pre-British**
 - 2.2.2 British**
- 2.3 Later Developments : Sub Division-Block**
- 2.4 Conclusion**
- 2.5 Summary**
- 2.6 Glossary**
- 2.7 Model Questions**
- 2.8 References**

2.0 Objectives

- To explain the evolution of district administration in India with special reference to the pre independence period.
- To examine the basic features of district administration in independent India.

2.1 Introduction

District in one form or the other is the unit of local administration throughout the world. The name varies from country to country but the features remain the same. The basic feature of the district or the like is that it is a geographically distinct unit which contains most of the institutions and agencies of the state required by the local people inhabiting this particular area or administrative unit. District as a basic unit of field administration has been in existence through the ages. It is surprising to note that it has not changed substantially in India since the times of Mauryan era to Mughals to British era. Historically the district in some form or the other has been the most important unit of

administration in the Indian subcontinent. The British Parliament was the first legislature with respect to India in modern times. They created enactments and gave substance to the district administration. Hence this system continued and district in India is acting as the cutting edge of administration. This administration is headed by the District Magistrate. He is often called Deputy Commissioner or District Collector who acts as the eyes, ears and arms of the state government at the field level.

District administration is perhaps the most important feature of the overall administrative system of India. Through this local administrative structure the government implements its policies and the management of public affairs is ensured. Since district is a distinct entity which contains most of the agencies of the state, people inhabiting that area should be aware of this local administrative structure and its everyday functioning. Almost every territory, known or unknown, remote or well connected of India, forms part of districts. Here most of the people live, come into contact with innumerable mechanisms of governmental agencies and departments. District has virtually become the identity of the people living within the area. Within this geographical unit people feel the impact of administration, the difference between good and bad administration is made at this level. However administration at the district level has not been static and has evolved historically to meet the requirements of the day. The modern district administration is the creation of the British rulers. But Independence has indeed introduced far reaching changes in the functioning of the District Administration. Modern day Indian citizens should be aware of the evolution of District Administration in India.

2.2 District Administration : Its Evolution

District is the basic territorial unit of Indian administration. At this level people living in this unit come into direct contact with the administrative machinery. District is placed under the charge of a number of government officers and the leader of the whole administrative machinery is the District Magistrate or District Collector. As a unit of local administration various departments of state government like police, agriculture, health etc. are located in the district headquarters and their jurisdiction extends to every corner of the district. District as a basic unit of field administration has been in existence through the ages. It is surprising to know that it has not changed substantially in India since the times of Mauryan era to Mughals to British era. The district in some form or other has been the most important unit of administration in the Indian subcontinent.

2.2.1 District Administration in Pre-British India

District is a territory marked off for special administrative purposes. District or 'Janapada' is the basic geographical unit of administration in ancient India. The Manusamhita mentions that about one thousand villages were placed in the charge of an officer. However administration should be traced back to the Mauryan era when due to difficult communications the unwieldy empire were split into smaller and manageable administrative units. Each unit known as Rajuka was placed under the charge of an imperial agent. Rajuka roughly corresponds to the Collector of early British Raj. He exercised both revenue and judicial functions. During Mughal rule, a district was called Sarkar and it was headed by Karori- Faujdar, a military officer who functioned under the direct control of the Subedar. District or Sarkar was further subdivided into tehsils or talukas. There were almost 650 districts in India. Then the term Sarkar meant administration in its total manifestation. This concept was based on the delegation of authority to the man in charge of the local unit. During the Mughal era Suba or province was divided into Sarkars.

Each Sarkar consisted of several parganas. Apparently geo-political considerations were the main determinants in the shaping of a suba (province) and its lower divisions like sarkar. Mughal demarcations of territories in many cases were maintained subsequently during the British period, however in a new form.

2.2.2 The British Period

The District in its present form is largely the creation of the British Colonial administration in the 18th century during the administration of Lord Cornwallis (1786-1793). Even before Cornwallis The East India Company appointed collectors to supervise revenue collections. From then on the collector had become the pivot of district administration representing state authority at the district level. The idea of making the district the basic unit of local administration on a solid basis originated with the colonial rule but the system had some roots in the preceding Mughal Period. The Mughal kings, particularly Akbar subdivided entire country into Sarkars. But until the establishment of colonial rule there never existed settled and sustained administration discipline and strong supervision from above.

Administration at the Initial Stage

At the initial stage, the East India Company was not at all able to undertake administrative responsibilities. Company's interest was mainly limited to the superintendence of collection of revenue and the field administration was left in the hands of the native

satraps. A change in this system was first brought about in the year 1769 when the company's servants were entrusted with the duty to collect revenue in Bengal districts. These officials known as supervisors were appointed in the districts to supervise native collecting agency and also continued to gather detailed information of all sorts about the districts. This measure initiated by the Company had long term consequences for the future of district administration. These supervisors were the nucleus around which laterday district administration would be formed. These supervisors appointed by the company were the predecessors of future district officers.

During the Governorship of Warren Hastings the supervisors were appointed as Collectors. The primary duty of the Collectors was to collect revenue but at the same time they were also entrusted with the duty of delivering civil and criminal justice. In this way the collector was vested both with revenue collection and judicial powers and became the pivot of local administration.

2.3 Later Developments: Sub Division, Block

After several changes it was finally decided that the collectors to be made the permanent administrator of the district. From then on districts came to be regarded as the permanent unit of local administration and each district was placed under the charge of a collector.

But Lord Cornwallis separated the revenue and judicial functions and placed them in separate hands. The separation between two functionaries was called the Cornwallis school of district administration. This arrangement was the prevalent feature of Bengal administration. But subsequently another system was developed in Madras and Bombay. An eminent group of civilians like Munro, Elphinstone and others were in favour of investing all powers, judicial or executives in one functionary, namely the collector. The collector became a local governor with wide discretionary authority. The administrative reforms of 1829-31 demonstrated the triumph of the Munro school of administration over the Cornwallis school initiated in Bengal. This reform also aimed at district administration by creating the posts of Divisional Commissioner under whose guidance both revenue and judicial functions were to be performed by the district officials. By this way the District as collector's office had become the British rule incarnate at the local level. A description of the district administration and the district magistrate's role in it had been given by Sir William Wilson Hunter in his Report of the Indian Statutory Commission (1930). The district officers whether known as collector, magistrate or the like, he reported, was the

responsible head of the district. Their duties and responsibilities were numerous. Their functions were two-fold. They were entrusted with the duty to collect revenue from land and other local sources. They also performed the role of revenue and criminal judge. The District Collector's daily concerns included police, jails, education, municipalities, roads, sanitation, the local taxation. Hunter further wrote that he should be a lawyer, an accountant, a surveyor.

District administration gradually developed during colonial period as a decentralised state administration in India. The purpose of district administration was basically to bring the disciplinary state authority nearer to people. So most of the state government departments such as Public works, Irrigation, Health, Education etc. were having their offices in the district. Ramsay MacDonald (1866-1937), the first labour party Prime Minister of Britain compared the district administration of India with the tortoise on whose back stood the elephant of the government of India.

Since 1786 the district came to be the key unit of administration and it is continuing even today. Other administrative Mughal rule, in addition to Sarkars which were roughly equivalent to modern day districts, there were lower administrative units called parganas. During the British period administrative units lower than districts were not carved out in the settled areas. But the British policy makers felt the need for such subsequent lower units which should act as the link between districts and villages. For the better maintenance of peace and order it was considered necessary that a district should be further divided into sub-divisions.

It was not until 1838 that the Police committee, appointed by the Bengal government had in its report recommended further creation of subordinate magisterial jurisdiction to bring the administrative machinery nearer to the local people. By a regulation of 1843 the posts of Deputy Magistrates were created. In the year 1844 the creation of sixteen sub-divisional offices in Bengal was sanctioned on a purely experimental basis. The subdivisions were created but it took some time to establish a complete and thorough system of subdivisions. Even in 1856 there were only thirty three sub divisional offices. Later on with the object of increasing magisterial control over the police the rearrangement of subdivisions of the districts throughout the provinces was undertaken.

Each subdivision was placed under the charge of a sub-divisional officer. Rural areas in districts are later further divided into blocks. Each block is in charge of a Block Development Officer whose immediate superior is the collector and in some states the sub-divisional officer is his/her immediate superior. In fact after Independence rural development became one of the most central concerns of the Indian state. Development

administration was the priority of a democratic state and with this end in mind Indian policymakers had undertaken the task of uplifting the rural people in a giant scale. It was an attempt to bring about a social and economic transformation of village life through the efforts of the people themselves. The Block Development officer is the chief coordinator of all these developmental activities at the block level. For this purpose development blocks were created and the office of the Block Development Officers was launched in the year 1952. The officer in charge of block development had been entrusted with the duty to monitor development works at the block level.

District administration in India is the outcome of a gradual process and not a static one. The evolution of district administration in India clearly suggests that this administration of the field level of districts experienced many ups and downs during the long process of history of nearly two centuries. This field administration has undergone remarkable changes even after Independence and is still facing further changes as independence has brought about a change in the fundamental aims of district administration. With the creation of the blocks as the third tier of field administration at the district level the intervention of state in every corner at the district has become more deep. Now a network which starts at the central level goes down to Block levels for implementations and execution of social welfare programmes. After independence a vast programme of building a new modernized India relying on the wide network of administrative structures at the field level was undertaken by the policy makers. For this reason the allocations for development works and technical department, thereafter increased steadily. Many new development departments also had opened their offices at the district level. The post independence district administration, for this reason has become a complex system. Later with the emergence of the panchayati raj system, the representative of the local elected bodies took over the responsibility of welfare of the local people at the field level. District administration has thus evolved from a compact bureaucratic steel frame, to a much more fluid network of institutions.

Indian Constitution and District Administration

In independent India development and welfare became the primary concern of the Government. This major shift in its aims became a turning point for the intervention of state into economic and social field. But the original Constitution of India was silent on the pattern of district administration. There was no reference to district at all, only in article 233 which deals with District Judges and the sixth schedule provisions on District councils. Even the various central and state Acts deal with the subject indirectly. But it is

the responsibility of the administration at the field level to implement the development policies taken at the Central or State government levels. The makers of the Indian Constitution were aware of the importance of the administration at all levels particularly at the field level. There are constitutional provisions for the recruitment of administrative staff at all levels from top to bottom. District administration like the administrative structures at the higher level is an instrument through which welfare policies of the government reach the people. But the administrative steelframe developed and perfected during the colonial rule is so powerful that there always remained a gap between this structure and the people living in the field. In order to bridge this gap democratic measures were undertaken gradually by the makers of the Constitution and later day politicians and policy makers. At the initial stage local self government in the form of panchayats were incorporated in the Directive Principles of the State Policy of the Constitution. In a developing country like India where nearly 70% of its population are living in the rural areas and the majority of them are poverty-stricken, the role of panchayati raj, the chief instrument of local self government is of great importance. It is their institution, through which they can voice their demands and manage their day to day basic needs like health, education, water supply, roads, markets etc. Formal administrative structures at the district level only targeted the subject population as mere object of improvement, a trickle down process from above. But the local self government institutions would enable the local people to involve in the development process initiated by the state both at the central and state level. With this end in view, far reaching changes in the district administration have been brought about through two amendments, viz 73rd Amendment Act and 74th Amendment Act of 1992. These two acts accord constitutional status to local governments and provide for broader social participation of people in the field administration. Now the District Magistrate has to act in close collaboration with the Zilla Parishad, the sub-divisional officer acts as an aid to the District Magistrate. The Block Development officer has to collaborate with the Panchayat Samiti for the implementation of developmental activities in the area. Now the district administration is a complex and interacting web of field organizations.

2.4 Conclusion

The district as a unit of state administration has been in existence in the different phases of Indian history in some form or the other. The district is regarded as the most important administrative division in the country. The reason for the formulation of districts

during the British rule in India was mainly for the efficient collection of land revenue and maintenance of law and order. The district administration as an agent of the state assumes the responsibility of acting as a catalyst and functioning as a custodian, insurer, and a protector of the interests of the marginalized sections of the society.

2.5 Summary

- District is a basic unit of field administration throughout the ages. It has not changed substantially since the times of the Mauryan era to Mughals to British era.
- Through this structure the government implements its policies and it contains most of the agencies of government.
- In ancient India it was known as 'Janapad'. During Mauryan era this unit was known as 'Rajuka' and was placed under the agent of the king. During Mughal era a district was called 'Sarkar' and it was headed by Karori-Faujdar. This structure was maintained subsequently in the British period in a new form.
- Revenue collectors appointed by the Britishers were transformed into District Collectors around which district administration was built up.
- Lord Cornwallis separated the revenue functions and judicial functions and placed them in separate hands. Subsequently the District Magistrate was entrusted with both of the functions and became the sole authority at the field level.
- All government departments had their offices in the district.
- Later districts were further divided into sub-divisions.
- In order to implement development policies more effectively at the field level Blocks were created after Independence.
- Subsequently the passing of several amendments in the year 1992 has resulted in the formation of local self governmental bodies consisting of the representatives of the local people to operate side by side with the district administrative structures.

2.6 Glossary

- **Sarkar:** During Mughal rule district was called Sarkar.

- **Collector:** A pivot of district administration present in State Authority.
- **Decentralization:** dispersal of power and authority among the lower levels of the administrative system

2.7 Model Questions

- What are the objectives of District Administration in India?
- What were the features of local administration in pre-British India?
- Discuss the nature of district administration in British India.
- Discuss in brief the evolution of district administration in India.
- Discuss the evolution of district administration in British India.
- Discuss the nature of district administration in India after independence
- Give a brief note on local administration in pre-British India.
- What was the basic structure of local administrative mechanism of Mughal India?
- Define district administration.

2.8 References

- Indian Administration – Mohit Bhattacharya (2014) World Press, Kolkata.
- Indian Administration– S. Maheshwari (2018) Orient Blackswan.

Unit III □ Role of the District Magistrate

Structure

- 3.0 Objectives**
- 3.1 Introduction**
- 3.2 Recruitment of District Magistrate**
- 3.3 Powers and Functions of District Magistrate**
 - 3.3.1 As District Officer**
 - 3.3.2 District Magistrate as Coordinator**
 - 3.3.3 District Magistrate as District Collector**
- 3.4 District Magistrate as Liaison Officer and Returning Officer**
- 3.5 District Magistrate as Development Administrator**
- 3.6 Conclusion**
- 3.7 Summary**
- 3.8 Glossary**
- 3.9 Model Questions**
- 3.10 References**

3.0 Objectives

- To examine the role of District Magistrate in district administration.
- To explain the power and functions of the District Magistrate.

3.1 Introduction

The District Magistrate is a government officer in charge of general administration of an Indian district. The district magistrate is also responsible for collection of land revenue in the district and for this role he is also referred to as the district collector. Since he works under the supervision of the divisional commissioner, he is also known as the deputy commissioner. District magistrates are members of the Indian Civil Service or the

State Service, a legacy of the British rule. The district continued to be unit of administration at the local level after India gained Independence in 1947. His role remains unchanged. However his judicial powers are now transferred to district judicial officers. After, independence the district magistrates are entrusted with the additional responsibility of implementing various developmental programs in the districts. We come to know that the district magistrate who too recognized as the district collector is endowed with a large number of duties in the jurisdiction of the district. As such he is known to play a vital role as the coordinator of all the government offices of the district. The district magistrate has veritable roles to play both as a district magistrate, as a district collector and also as a deputy commissioner (as the executive of the district). We confront them with our everyday life and their modes of administration around us.

3.2 Recruitment of District Magistrate

A district magistrate is normally an Indian Administrative Service officer. He is drawn from two groups of officers- (a) directly recruited by the Union Public Service Commission (b) promotees from State Civil Services. The direct recruits are posted as magistrates after five to six years of service. The promotee members from State Civil Services generally occupy the post after promotion to the IAS which usually happens after two decades of service.

3.3 Powers and Functions of District Magistrate

The District Magistrate is an essential part of the general administration of state government. During the British rule he was the kingpin of the administrative system at the field level. Since independence field administration at the field level has undergone a series of changes arising largely from three major developments, namely, democracy, development and decentralization. Despite all these changes the district magistrate continues to be the pivot of district administration. He shoulders direct administrative responsibilities and other emerging duties. His primary duty is of course the maintenance of law and order in the district. He is also responsible for the implementation of development plans initiated by the government both at the central and state level. Since an Indian district is the microcosm of the whole state administration, various departments are present in the district and the district magistrate is the coordinator of all the departments situated at the district level. In fact the role of the district magistrate is multifarious- he maintains law and order of the district, he is the collector of land revenue and other taxes from the district, he directs the

development plans being implemented at the district, he plays the role of a buffer between citizens living at the district and the local administration, protecting one against the possible harassment by the other. Towards these ends, the district magistrate undertakes regular tours to different parts of the district. However due to changed circumstances (implementation of panchayati raj system) his power and prestige has been reduced. But in times of emergency the government instinctively turns to him for prompt action. His duties and responsibilities are largely undefined. One important point in this connection should be mentioned. The Constitution of India is committed to the separation of the judiciary from the executive. Under separation, the head of the magistracy in the district and sessions judge work directly under the High Court of the state. But the district magistrate continues to be responsible for law and order related problems.

The functions and responsibilities of a district magistrate are listed below:-

3.3.1 As District Officer

As chief district officer the district magistrate has the authority to make postings, transfers and grant leave of the gazetted officers within the district. He appoints the punishing authority in respect of ministerial and subordinate staff of the district collectorate. He is also the controlling, drawing and disbursing officer of the district staff and deals with their pension cases.

He prepares and presents the annual budget estimates and also the administrative report of the district. He prepares estimates of works in respect of revenue buildings and bears the responsibility for maintenance of all government buildings under the charge of the Revenue Department.

He is in charge of district treasury, and responsible for the security of the treasury. He plays the role of chairman of various local institutions, sometimes becomes the member of regional transport authority and other related committees. He issues tentative tour programmes of ministers and other dignitaries. He acts as the protocol officer in the district. He also compiles and submits annual administrative report of the district.

He supervises the proper conduct of civil suits in which state is a party. He gives appointment to government counsels and panels of lawyers in the district. He countersigns the grant-in-bills for various educational institutions. He acts as the principal agency of government in matters of general administration in the district and his primary responsibility is to look after the interests of the government in general. He is responsible for proper implementation of government orders. He trains junior officers in official procedures and

administrative work. He also ensures that public grievances against the administration in the district are properly and effectively dealt with.

3.3.2 District Magistrate as coordinator

A district magistrate's primary role is integration and coordination. The different departments in the district usually carry on their activities independently with other departments. He is responsible for effecting coordination in the works of all district level officers. He ensures that a degree of coordination is achieved among the departments. As there is a vibrant local government organizations in the form of panchayats, and the like, the coordinating function of the district magistrate has further been increased. The functions of these local bodies are now integrated with the district level departments and for this reason the district magistrate has to play the role of the coordinator among all these fronts. He supervises the functions of these local bodies and acts as a link between these local bodies and the state government.

3.3.3 District Magistrate as District Collector

The district magistrate is also called the district collector. As collector he performs several duties. The following is the list of his duties as district collector.

- 1) He is the custodian of all land records of the district. He is in charge of the administration of all government acquired land. He is responsible for the transfer of such lands to private or public bodies, selection of sites for the erection of government buildings.
- 2) He is responsible for conservation and development of his district. He supervises the maintenance of embankment or water course etc.
- 3) He enjoys some powers regarding land reforms. He can take charge of Estate or interest of any intermediary including a Zaminder vested in the state. He holds considerable powers regarding requisition of lands or premises for public purposes.
- 4) He determines the revenue rate from vested lands. He is responsible for the collection of land revenue and government dues from canal, forests, fisheries. He collects excise duties on drugs, narcotics and sales tax. He assesses the crop in the district and recommends relief to the victims of natural calamity. All other departments are directed to assist him in relief management. During emergencies like flood, earthquake, drought etc he takes up the role of the chief commander of entire district machinery.

3.4 District Magistrate as Liaison Officer and Returning Officer

The state government depends on the collector for maintenance of public order and successful implementation of development projects and policies. He maintains liaison with the state government and provides regular information to the authority above. Through the district magistrate the state government feels the pulse of the public life at the field level. He controls and supervises the subordinate magistracy. He orders magisterial postings during festivals. He promulgates orders whenever there is any danger of breach of public peace and tranquility. He disposes all the petitions and general complaints received from governments and others. He inspects district jails and expedites disposal of cases of under-trial prisoners. He reserves the power to grant superior classes to prisoners. He can release prisoners on parole. He deals with petitions from prisoners: As head of criminal administration of the district he controls and directs the action of the police. He submits annual crime report to the government. He appoints and punishes village Chowkidars. He inspects police stations every year.

He also looks into labor problems occurring in the district. He supervises and controls various local bodies, municipal bodies, notified areas, town areas etc. He recommends issue of passports and visas. The district magistrate supervises the work of probation officers. He enforces the Press Act and disposes declaration in respect of the press and newspapers. He recommends schemes for the development of forests and issues permits for the cutting of trees. He issues certificates for domicile, scheduled and backward classes, looks after political sufferers in the district.

The district magistrate also plays the role of Returning Officer to Parliamentary and Vidhan Sabha Constituencies and bears the responsibility for coordination of election work in the district.

3.5 District Magistrate as Development Administrator

After Independence the main concern of the Indian State is development and welfare of the people at large. The district magistrate is entrusted with the charge to manage all development activities going on at the district level. He is the chief executive officer of the Zilla Parishad. There are various schemes of development relating to agriculture, animal husbandry, irrigation, education, health and others. Both government departments and local bodies are engaged in planning and implementation of all development schemes at the field level. The district magistrate is responsible to facilitate development and inter

institutional problems in the course of development management in the district. Despite the overwhelming role of the political executives at all levels, the role of the district magistrates as development administrators is acknowledged by all parties across ideology, people and local bodies working at the field level.

The district magistrate is also the district census officer. He is responsible for conduct of census operations once in ten years. The census work requires more elaborate arrangements than election works. He appoints enumerators entrusted with the duty to perform census works. He also provides for their training and other arrangements for this purpose.

Moreover in addition to all these specified works many unspecified responsibilities are also to be performed by the district magistrate. He collects information in regard to matters including parliamentary questions concerning his district. He plays the role of public relations officer of the government, bears responsibilities relating to municipal administration. He acts as the liaison officer of the military authority and looks after the welfare of members of the armed forces.

The district magistrate is thus an overworked person. However he is the sole interpreter of government policies and the government in turn relies on his assessment to shape policies. For this reason he is broadly responsible and overburdened. His role in the district is indeed overwhelming and far reaching. He is trained to play the role of an expert. As an expert the district magistrate is professionally trained to judge every pros and cons of a policy decision. His strength lies in his thorough knowledge of administration, the laws, rules and regulations relating to his field of operation. However the field administration in the district has recently been complicated by the advent of democracy at the local level. The panchayati raj institutions and other bodies of local self government have come up recently as popular elected bodies charged with development at different levels. The political leaders belonging to these local institutions and the local political executives emerge as powerful contenders of administrative power at the district level. Now the supremacy of the district magistrate is facing many challenges from political executives. Some sort of institutional duality has actually created a situation of competition between the members of the sets of institutions, one permanent and the other fluid. This situation often gives birth to an atmosphere of confusion among the local stakeholders. Both institutions, permanent and fluid claim their shares in delivering services to the local people at the field. But in terms of resources and expertise the district magistrate and his

administrative machinery at the district level seems better placed than the local-self government institutions in the form of panchayats and the like. The latter often depend on the permanent executive for personnel, equipment and government fund. This sort of dependency on the part of the people's representative at the field level often gives birth to grievances against bureaucratic mode of functioning by the district magistrate and his office. So the field administration and the local self government bodies often come in conflict on the issue of former's rigidity and rule orientation. The impatient politicians navigating at the local level often consider the presence of the district administration and its head, the district magistrate as the stumbling block to speedy transactions in the interest of the public. In order to break free of this tussle between the two, it should be admitted that in a democratic setup policy formulation is the domain of the politicians but its implementation should be left to the administrator, particularly the district magistrate.

Despite all these problems and confusions at the field level, the district magistrate is still considered to be the pivot of all the activities administrative, developmental and otherwise. The office of the district magistrate is the single reference point on which the whole district administration revolves around.

3.6 Conclusion

The district magistrate is the apex of the district administration. He represents the government at the field level. He is entrusted with enormous powers and duties relating to local administration. However, since Independence district administration in India has undergone a series of changes arising largely from increasing democratization of the polity. Apart from traditional duties the district magistrate has to negotiate with the emerging trends in the forms of developmental democracy, populism and political uncertainty. He is still the pivot of district administration and shoulders the responsibility of administering the district.

3.7 Summary

- This unit focuses on the power, functions and responsibilities of the District Magistrate.
- The role and importance of the District Magistrate has been examined in detail.

3.8 Glossary

- **Pivot:** A person or thing that plays a central part in a situation or enterprise.
 - **Democratization:** Citizens' participation in the political process (political equality) and the acceptance of public contestation (political freedom).
 - **Implementation:** The process of putting a decision or plan into effect.
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3.9 Model Questions

- What do you mean by the term 'District Magistrate'? Discuss.
 - 'The office of the District Magistrate is a legacy of the British Raj'- Discuss the statement.
 - What are the primary responsibilities of a district magistrate?
 - Give a picture of the district magistrate and his office.
 - Discuss the role of the district magistrate as district officer.
 - Describe the powers and functions of a district magistrate.
 - Discuss the coordinating role of the district magistrate.
 - Discuss the changing role of the district magistrate in an Indian district.
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3.10 References

- Indian Administration- Mohit Bhattacharya (2014) World Press
- Indian Administration- S Maheswari (2018) Orient Black Swan

Unit IV □ Role of the Sub-divisional Officer

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- 4.0 Objectives**
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4.0 Objectives

- To understand the power and functions of the Sub Divisional Officer.
- To examine the role of the SDO in revenue administration and development programmes.

4.1 Introduction

Sub-division is a particular geographical territory within a district. During British rule for the purpose of deep and thorough going administrative control of the local level, districts were further subdivided in tehsils or sub-divisions and these units formed parts of whole district. For administrative convenience the district was divided in subdivisions. Each subdivision was headed by a sub divisional officer in the rank of a deputy collector. The sub-division continues to be the unit of administration at the local level after India

gained independence in 1947. The role of the sub-divisional officer remains unchanged. Apart from normal administrative responsibilities he is entrusted with additional responsibilities of implementing various developmental programmes in the subdivision. He directs the execution of works relating to revenue agency in the sub-division. The sub-divisional officer is entrusted with powers and responsibilities for the maintenance of law and order in his sub-division. We confront them with our everyday life and their modes of administration around us.

4.2 Recruitment of Sub-divisional Officer

A sub divisional officer is normally an Indian Administrative Service officer. He is drawn from two groups of officers- a) directly recruited by the Union Public Service Commission; b) promotees from State Civil services. However it should be noted that the recruits from the Indian Administrative Service are quite young in age and for them these posts are mere training posts, a stop-gap arrangement before larger responsibilities.

4.3 Powers and Functions of Sub-divisional Officer

Very much like the district magistrate the sub-divisional officer is a generalist area administrator. He represents state government in the subdivision. He is a link between the district magistrate and the people living in the sub-division.

The sub-divisional officer is in fact a miniature district magistrate in the sub-division. He possesses adequate powers to coordinate work in the sub-division. He exercises direct control over the tehsils and their staff. He is empowered to contact directly with government and other departments on routine matters. The sub-divisional officer maintains his office just like the district magistrate. His primary role is to inspect, test and supervise his subdivision. He gathers information relating to his sub-division and transmits it to his chief, the district magistrate. He also looks after the governmental and developmental activities being implemented in his sub-divisions.

The sub-divisions may be of two broad types- An 'office' type sub-division and a 'touring' type sub-division. In the office type sub-division the sub-divisional officer runs his office very much like a district magistrate or collector. Here the headquarter of the sub-division is located in the sub-division itself. In the touring type sub-division, the sub-divisional officer does not run an office. He makes occasional tours into various parts of the sub-division and gathers information about local affairs of the area. He acts as a

transmitting belt between his super-ordinate officials and the division. His core role in both of the types is same. His primary duty is to gather experiences from the field level, ascertain the villager's grievances and demands. The sub-divisional officer is indeed a valuable field-aide to the district magistrate and is an integral part of the district administration.

On behalf of the district magistrate the sub-divisional officer often acts as a returning officer in the parliamentary election. He is also the civil record keeper. In the sub-division he is the custodian of the law and order and in this capacity he is the link between the district magistrate and the district superintendent of police in the matters relating to law and order.

His duties like the district magistrate include revenue, executive and judicial work. In revenue matters the powers of the district collector have often been delegated to him under certain acts. His revenue duties include supervision and inspection of all matters from assessment to collection of land revenue, coordination of work of all officials in his subdivision, particularly in the departments of revenue, agriculture, animal husbandry and public health within his subdivision. His magisterial duties include liaison and coordination with police in the subdivision, watching over the relations between different communities and classes inhabiting within the sub-division. He also watches over the local festivals. He possesses ample powers under criminal procedure code and other laws to exercise effective supervision over law and order situation in his area. In his executive capacity he has the power to call for any of the records and registers dealing with crimes in his area from a police station. He commands closer contact with the local people. He keeps close relations with the local bodies and market committees.

He plays an important role in the rural development programmes initiated by the central and state governments. He needs cooperation and help from the government officials in the sub-division for the smooth running of administration and successful implementation of development schemes. For the elections to the Vidhan Sabha, he is generally appointed as returning officer for the constituencies fall within his sub-division. In the Lok Sabha elections he is generally appointed as assistant returning officer.

The sub-divisional officer possesses some power regarding land reforms, collection of revenue and taxes. He keeps the maps and land records and helps in the assessment and collection of land revenue. He also deals with the land related cases.

The sub-divisional officer also performs some local self-government functions. He coordinates the activities of the blocks within the sub-division.

4.4 Land and Revenue Administration

The district magistrate is the head of the revenue administration at the district level and is the custodian of government land and properties under his jurisdiction. In this area the sub-divisional officer has a role to play. As an aide to the district magistrate he assists him as a deputy collector of the sub-division. The revenue officers at the sub-division work under the direct supervision of the sub-divisional officer. In fact the sub-divisional officer is a miniature district magistrate in the sub-division. Under many revenue legislations he is invariably vested with powers of the district collector, to exercise within his jurisdiction. He also hears appeals as 'Collector' of the sub-division. He exercises direct control over the circle officers and his staff in his sub-division. He acts as an active link between the district magistrate and circle officers in his sub-division. He is the principal agent of the district magistrate in the sub-division.

4.5 The Sub-divisional Officer and the Development Programme in the Field Level

After the passing of several amendments in recent years the primary emphasis in district administration has to be on the implementation of development programmes in close co-operation and with the active support of the local people. And in this situation the sub-divisional officer under the direct direction of his immediate superior, the district magistrate has a great role to play. He strengthens and takes measures to improve the machinery of general administration in his sub-division. He establishes an appropriate agency for development in his area which derives its authority from the village community. He has a specific role to integrate activities of various development departments in his area. He links up, in relation to all development work of local self-government bodies with the administrative agencies of the state government.

In the past few years, the work of the district has expanded considerably and has become more complex than before. For this reason the role of the sub-divisional officer has been increased. Now his responsibility is not limited only to routine work and submission of reports to his higher authority.

The sub-divisional areas are now being strengthened in terms of administrative and developmental activities. As a unit in district administration the sub-division's importance is immense today. The district magistrate now is relieved of much routine work. For a great many transactions the people are spared of the trouble of traveling to district head-

quarters. The sub-divisional officers holding charge of sub-divisions secure field training in the exercise of responsibility and initiative. During their touring and field work they acquire intimate knowledge of the people living in the area. A close relationship between the state government and the local self-government institutions has been built up through the activities of the sub-divisional officers.

The sub-divisional officer also coordinates the activities of the blocks that fall within the sub-division. He is the link between the district magistrate and the block-development officers. He has also some regulatory functions. These functions include recommendation of gun licenses and other licenses. He makes a weekly confidential report regarding his area and transmits it to the district magistrate.

4.6 Duties of Sub Divisional Officer

The duties of the Sub Divisional Officer (Civil) within his Sub Division are almost similar to those of the Deputy Commissioner within his district. In all matters of administration, he has to be the Deputy Commissioner's principal agent. He is also incharge of various development activities going on in the Sub Division and is also responsible for co-ordinating the work of various departments. For that he has to tour the area to keep a watch on the development activities, the revenue administration as also the law & order situation in his Sub Division. Besides this he has to look after the grievances of the public and to attend to the problems arising out of the natural calamities. He supervises the work of Revenue agency in the Sub Division. There is no denying the fact that the job of a Sub Divisional Officer (civil) is independent in character to some extent. He is primarily responsible for everything that happens within his jurisdiction and must accordingly take his decisions to a large extent independently. Sub Divisional Officer (Civil) is conferred with various powers under the land revenue and tenancy acts. He also acts as Assistant Collector under the Punjab Land Revenue Act and Punjab Tenancy Act. He is also the appellate authority in cases decided by his subordinate revenue officers. The Executive Magistrate placed by the State Government as incharge of the Sub Division is termed as the Sub Divisional Magistrate Under section 20(4) Cr.P.C. and under section 23 Cr.P.C. the Sub divisional Officer like other Executive Magistrates of the District is subordinate to the District Magistrate and is responsible for the maintenance of law and order within the limits of his local jurisdiction. He enjoys very wide powers under section 107, 151, 109, 110, 133, 144, and 145 Cr.P.C. etc. He also hears court cases under these sections.

4.7 Conclusion

The administrative structure of the district in which the sub-divisional officer plays a major role in administering the sub-division is now in a fluid state. Now the local people and their representatives have a big role to play in the decision making process. The problem of striking a balance between rigid bureaucratic structure in the form of sub-divisional office and the officer and participation of local people occurs at the field level. An efficient sub-divisional officer can manage all the complicated affairs arising out of this situation. He brings his office and position closer to the people to implement the development programmes and at the same time supervises and monitors implementation of all these programmes at the field level. A few tehsils put together constitute a sub-division. A Sub-Divisional Officer heads the sub-division. He possesses both administrative and judicial duties. He is a magistrate as well as a revenue officer. In fact, his functions are analogous to those of the Collector at the district level.

His revenue duties are—regulation of details and resolution of disputes, doubts and difficulties regarding land revenue, supervision and inspection of all revenue matters, from assessment to collection, co-ordination of work in the departments of revenue, agriculture, veterinary and public health within the sub-division, appointment and dismissal of small revenue officials, collection and compilation of agricultural statistics.

His judicial duties comprise of decision of cases pertaining to land rights, enhancing, abating or commuting a rent, ejecting illegal sub-letting and deciding the question of the rightful ownership for a disputed land.

As a Magistrate First Class, he tries cases falling within his jurisdiction. He commits cases to sessions court. His quasi-judicial duties pertain to liaison and co-operation with the police in the sub-division, special precautions and actions in emergencies, appointments of mukhias, recommendations to the collector for grant of arms licenses.

His executive duties at the sub-division level become fairly important especially when in pursuance of Directive Principles; he is deprived of judicial duties. Supervising the police, deciding disputes of non-criminal character, appointing, promoting or transferring functionaries of the revenue department, maintaining closer contact with the public are his important executive duties.

Besides these functions, he is to perform developmental functions as well. The plans for grow more food, Community Projects and National Extension Schemes, abolition of social evils and superstitions, rehabilitation of refugees, etc., are some of the developmental

functions which S.D.O. performs at the sub-divisional level, in order to cater to the welfare concept of the state.

4.8 Summary

- Sub-divisional Officer is an administrative officer of a district sub-division.
 - Sub-divisions are the creation of the British Raj. Sub-divisions are important field administrative areas within districts.
 - A sub-divisional officer has an important role to play in his area which includes magisterial functions, disaster management, supervision of development activities of the area, land record, land reform functions and the like.
 - He supervises and guides the functioning of all local self-government bodies operating in the sub-division.
 - He acts as an aide to the district magistrate and supplies information about the sub-divisional area.
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4.9 Glossary

- **Subdivision:** an administrative division in Indian states below the level of a district.
 - **General administration:** ensure that all activities and their processes are functioning effectively and smoothly.
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4.10 Model Questions

- What is a Sub-division?
- Discuss the recruitment procedure of a sub-divisional officer.
- Discuss the primary role of the sub-divisional officer.
- Discuss the role of a sub-divisional officer as a link between district headquarters and the sub-division.
- Discuss the role of the sub-divisional officer in the development programmes in the sub-division.

- Describe the administrative functions of the sub-divisional officer.
- Write an essay on the role of sub-divisional officer.
- Do you think that the sub-divisional officer is only an aide to the district magistrate? Discuss.
- Discuss in details the powers and functions of a sub-divisional officer.

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Unit V □ Role of the Block Development Officer

Structure

- 5.0 Objectives**
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- 5.2 Recruitment of Block Development Officer**
- 5.3 Powers and Functions of Block Development Officer**
- 5.4 Dual Responsibility**
- 5.5 Democratic Decentralization and the BDO**
- 5.6 Administrative Role, Role during Emergency, Role in Development**
- 5.7 Some problem areas**
- 5.8 Conclusion**
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5.0 Objectives

- To study the power and various functions of Block Development Officer.
- To explain the role and responsibility of BDO in the process of democratic decentralization.

5.1 Introduction

The 'Block' as a unit of government below sub-division was created after independence to ensure development at lower level. Blocks were formed during the implementation of community development and national extension programme initiated by the government in the year 1952. The Block Development Officer or the BDO is the chief coordinator of development activities at the block level. He maintains close link with the sub-divisional

officer and the district magistrate, his immediate superiors. The block development officer takes into account the administrative framework of the block he is in charge of. He acts as an extension officer who is designed to carry out the educative role and programmes of the block representative and ensures whether the plans and programmes approved by the authorities are carried out with efficacy. He is subordinate to the deputy magistrate and to the sub-divisional officer.

Block areas were created during the first five year plan to facilitate and monitor development in the field area. With this end in view a large number of blocks have been created almost throughout India. Some blocks are more or less co-extensive in boundary with old tax collection area or 'Taluka', the block is a new unit with a new function and responsibilities. The BDOs play a key role in the administrative functions relating to community development.

5.2 Recruitment of Block Development Officer

The pattern of recruitment of the BDOs differs from state to state. However the basic practice is that he is the member of the state civil service. Usually they are appointed on the basis of routine tests and interviews conducted by the state civil service commission. In some states the recruitment of BDOs is done by promotion. Extension officers with few years of experience are often promoted to the post of BDO. In some states recruitment is done by the state Public Service Commission but sometimes the selection to the post of BDO is made from officers belonging to revenue, agriculture, cooperatives and panchayat departments. After the appointment the BDOs have to undergo a thorough training in extension work and the purpose of the training programme of BDOs is to make them effective instruments for bringing about changes in the life of the people.

5.3 Powers and Functions of Block Development Officer

The BDOs are a permanent part of the district administrative structure and his area of functioning is limited to the block level. The basic functions of a BDO are given below:-

1. He is the coordinating authority at the block level. He organizes efforts to ensure that the aims and objectives of development programmes are understood by the people in the block.

2. He exercises administrative control and supervision over the work of other officials posted in the block. He takes overall responsibility for formulating an integrated working plan for the block and also ensures the implementation of all development programmes taken at the block level. He also ensures proper utilization of funds placed at his disposal and maintains proper accounts and records in this regard.
3. He makes programmes in a manner that would ensure popular initiative and encourage people's involvement in the development process.

The new administrative set up has come up with the advent of democratic decentralization in this country. And the role of the BDO has become very important. He is the chief executive officer of the Panchayat Samiti. The Panchayat Samiti works under his direct supervision. As the chief executive officer of the Samiti, he signs and authenticates all letters and documents for and on behalf of this local self-government body. He also executes contract on his behalf. It is his duty to see that the plans and programmes of panchayat samiti are executed properly with efficiency. He supervises Panchayat activities at the block level.

He supervises and controls the work of the government staff. He also possesses some financial powers. He acts as the treasury officer of the Panchayat Samiti and has the power to draw and disburse funds lying with the Panchayat Samiti. He prepares the budget of the Panchayat, with reference to the levy of taxes and their recovery, recovery of loan advances and the like. He maintains regular accounts and it is his duty to remove the irregularities pointed out in the audit report.

Thus the BDO is not only concerned with development work of the block but also other related functions like regulatory functions, fiscal functions and business functions. The regulatory function of BDO is to look after the Panchayat Samiti's performance in the traditional activities like maintenance of sanitary conditions, licensing of trades, preventing encroachment on the village roads etc. The fiscal functions of the BDO arise from the fact that the local bodies must have to raise their resources. The resources include taxes, fines, fees and loans. BDO is there to keep a strong vigil on all these areas. He has the responsibility to ensure that the business of the panchayat samiti is carried out according to government rules and regulations. He gives the notices of Panchayat Samiti meetings, prepares the agenda and records the proceedings of the meeting.

5.4 Dual Responsibility

The BDO is an officer in the state-cadre and he is responsible to his superiors in the government. His primary responsibility is to ensure the conformity of the block programmes to the rules stipulated by the government. Similarly he is subordinate to the Panchayat Samiti and he has to carry out its decisions and resolutions. The BDO should have to play the role of a mediator between the two sets of bodies, one bureaucratic and other democratic.

5.5 Democratic Decentralization and the BDO

Under the democratic decentralization the collection of land revenue is largely entrusted to the Panchayat Samiti. Now the BDO has to play the role of land revenue collector and keeper of land records but under the instructions given by the democratically elected body, Panchayat Samiti.

However the BDO has to face situations arising out of political cleavages in the local self-government bodies of the area. Being a member of the permanent executive he has to paperwork, he submits a large number of reports to the district magistrate, other district officers and development commissioner.

As the chief executive officer of the Block he is to see that the plans and programmes approved by the government are being implemented effectively. His other responsibilities in this connection are following :

1. He signs contracts and authenticates all letters and documents for and on behalf of the Panchayat Samiti subject to the prior approval of the appropriate authority.
2. He draws and disburses money out of Panchayat Samiti fund.
3. He takes appropriate steps to remove irregularities pointed out by the auditors about Panchayat Samiti accounts.
4. He inspects on behalf of the Panchayat Samiti the financial condition of the Panchayat in regard to the levy of taxes and their recovery of loans and maintenance of regular account.
5. He helps Panchayats to draw up plans and see that they conform to the plans and priorities of the Panchayat Samiti. He also sees that the construction programmes undertaken by the Panchayat conform to the standards laid down and completed within scheduled time.

6. BDO exercises supervision and control over extension officers and other employees of the Panchayat Samiti.
7. He formulates annual budget and places it before the Panchayat Samiti, prepares the annual administrative report and quarterly progress reports for the consideration of the Panchayat Samiti and send all these to Zila Parishad and the state governments, all the resolutions and proceedings of the Panchayat Samiti to the Zila Parishad and the state governments.
8. He deals with all cases of fraud, embezzlement, theft or loss of fund or other property of the Panchayat Samity and takes appropriate actions.

As the secretary of the Panchayat Samiti, the BDO issues notices for the meetings of the Panchayat Samiti and standing committees under instructions from the Pradhan and Chairman of the respective committees. He attends all these meetings himself or authorizes a senior officer subordinate to him to attend such meetings. But he does not exercise right to vote while attending such meetings. He also looks into it that the minutes of such meetings are recorded and circulated.

5.6 Administrative Role, Role during Emergency, Role in Development

The BDO directs the execution of any work or act and incurring the expenditure upon it which normally, requires the sanction of Panchayat Samity or its standing committee. He also reports all such actions taken by him to the appropriate authorities.

As the Secretary of the Panchayat Samiti he gives advice regarding the legality and the various consequences of a proposed course of action. His administrative knowledge and experience gives him the opportunity to act as a moderator in Panchayat Samiti meetings. A competent BDO can win the trust and respect of the Panchayat Samiti members.

BDO as Leader of Development

The most important role of the BDO at the block level is to give leadership to all development work at the field. He acts as a coordinator of all activities and the staff under his control. But his main responsibility is to provide constant leadership to all the staff in the field of rural development. He educates the members of the Panchayat Samiti in taking right decisions in respect of the programmes to be undertaken in the block and

involve them in the implementation of the development programmes. His role may be classified under the following categories:-

1. Assessment of needs and resources of all the villages in the block is done by him with the help of extension officer, gramsevaks and other village level workers.
2. After assessment he has to plan various rural development programmes by taking into account its viability in terms of the availability of resources at his disposal.
3. In the line of programme planning he has to pool various resources to match the programmes before they are implemented so that the programmes are carried out successfully as per his plans.

In this regard to development management the BDO keeps track of different projects in his block, monitors performance and reports results to his higher authorities, the district magistrate and the Zila Parishad. He has to look into various rural development programmes which include rural works programme, rural water supply, food for work, public health, minor irrigation, agriculture development programme, primary school education, animal husbandry, rural employment and others. He also looks after special programmes like IRDP, Drought-Prone Area Programme, Jawahar Rozgar Yojna etc.

The BDO leads the block in a number of ways. He organizes staff meetings, helps extension officers and workers, locates and fosters leadership in villages. He organizes village people for development work, ensures team work through proper motivation among staff members working in the block, keeps the people living in the block informed around the block activities etc.

Finally the BDO looks after the general administration of the block and provides periodic information and reports to his higher authorities at the district level. He helps the elected representatives in their work. He accompanies the ministers and superior officers on tours. He looks after financial administration of the block. He prepares budget estimates for different development programmes at the block level. He obtains sanctions and pooling of the financial resources for the programmes. The target specific projects like tribal or SC/ST development work or beneficiary oriented projects are implemented and monitored from his office.

As the executive officer of the Panchayat Samiti the BDO deals with the political leaders and notables of the block area. He also resolves the political disputes and reconciles competing demands arising out of different political interests and attitudinal groups of the area. Conflict between the BDO and the local leaders are very common because he

often opposes illegalities occurring at the block level. He is in charge of the Panchayat Samiti and his main duty is to see that the block level developmental activities are carried out in proper manner and accounts are kept in proper order. Political pressures in respect of beneficiary selection, distribution of projects among different locations and release of funds on local influence are a daily experience of a BDO.

5.7 Some problem areas

We now take up certain problems connected with this office which tend to create difficulties in its smooth functioning. Among these the more pressing are two:

- (1) The frequent shift of B.D.O.s, from place to place or to other positions.
- (2) The lack of avenue for promotion.

Shift of Personnel

The frequent shift of B.D.O.s from place to place is obviously detrimental to the development programmes. When a person stays for a short period in a place he does not feel a sense of responsibility to the area in which he is placed. Also, he does not become emotionally involved in the programme. A development programme to be properly implemented needs staff with great zeal, enthusiasm, and patience. These qualities are not easy to develop when one is not involved emotionally in the programme.

Not only that the B.D.O. may not develop emotional involvement he may not even feel a sense of sufficient responsibility for the decisions taken or for implementing the decisions taken. In all probability, he will not be there to face the consequences.

The development programme can be effectively implemented when the person in charge has knowledge of the situation (resources — physical and social, the characteristics of the population, etc.). The situation can be understood only when a person has stayed long enough in an area. However, at present, by the time a B.D.O. begins to get a feel of the situation, he is often moved on to another area. This is likely to create frustration not only for the workers but also for the people. In the Panchayati Raj setup even the personalities of the members of the Panchayat Samiti have to be understood. Getting to know people takes time. Under these circumstances frequent shifts are likely to cause delay in the implementation of the development programme. Expert knowledge of any area or the people and their needs or the patterns of leadership and the functioning of various social institutions cannot be understood unless a person stays in an area for over a sufficient period of time.

One of the major incentives for a person to stay in a job is the possibility of promotion. For the B.D.O. there are hardly any avenues of promotion, particularly for those who have been recruited directly, and consequently the incentive to do good work is not very great.

Avenues of Promotion

Some thought needs to be given to the provision of avenues of promotion are:

- (1) Those having technical training may be given promotion in the departments concerned.
- (2) The B.D.O.s should be eligible for promotion as District Planning Officers, Deputy and Assistant Development Commissioners.
- (3) A certain percentage of the B.D.O.s should be eligible for promotion to the State Civil Service on the basis of their service record, aptitude, and capability; they may be assessed by the Public Service Commission after interviewing the candidates recommended by the Development Commissioner.
- (4) Academically better qualified B.D.O.s may be recruited as instructors in the training centres where the pay scale is higher.

5.8 Conclusion

It is not uncommon to find government functionaries with limited training and experience in the field level. It is also noticed from experience that more the development effort is directed from above, the less it is able to relate to the local people. The quality of the field personnel in terms of their knowledge, skills and commitment is a critical issue in the implementation of the development programmes in the rural areas. And the BDO should have emerged as an important centre of local planning and development combining the efforts of the state government and the panchayats.

5.9 Summary

- In this unit we have learnt about the recruitment process of the Block Development Officer, his power and functions.
- This unit also examined the multifarious roles of the BDO.

5.10 Glossary

- **Leadership:** the action of leading a group of people or an organisation.
- **Block:** an administrative division of a sub division under a district.
- **Politics:** the activities associated with the Governance of a country or area

5.11 Model Questions

- What is meant by Block?
- Discuss the formation of Blocks.
- Describe the recruitment procedure of Block Development Officer.
- Discuss the primary functions of a BDO.
- Discuss the relationship between BDO and Panchayat Samiti Members.
- Do you think that the BDO is the coordinator of the Block? Discuss.
- Discuss the role of a BDO in a block.
- Do you think that BDO is the leader of developmental programmes at the Block Level?
- Write an essay on the role of a BDO as an administrator in the Block.

5.12 References

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BLOCK IV
DISTRICT POLICE ADMINISTRATION

Unit I □ Organisation of the Police Administration

Structure

- 1.0 Objectives**
- 1.1 Introduction**
- 1.2 History of Police Administration in India**
- 1.3 Organization at Central and State Level**
- 1.4 Organization at Range Level**
- 1.5 Organization at District and Sub-district Level**
- 1.6 Conclusion**
- 1.7 Summary**
- 1.8 Glossary**
- 1.9 Model Questions**
- 1.10 References**

1.0 Objectives

- To understand the history of police administration in India
- To analyse the role of police administration at different level

1.1 Introduction

Police is one of the most ubiquitous organizations of society. Police refers to a body of officers representing the civil authority of government. English word police comes from Middle French 'police' (implying government, management, civil administration), which in turn derives from Latin word 'politia' (state, government), which itself comes from Ancient Greek word 'polis' meaning city. The term police first acquired its current meaning (a state power entrusted with law enforcement) around 1810. Police typically are responsible for maintaining public order and safety, enforcing the law and preventing, detecting, and investigating criminal activities. These functions are known as policing. Police are often

also entrusted with various licensing and regulatory activities. In fact, policing is much older than the creation of a specialized armed force devoted to such a task.

1.2 History of Police Administration in India

The activity of policing preceded the creation of the police as a distinct body by thousands of years. The first policing organization was created in Egypt around about 3000 BC. The Egyptian empire then was divided into 42 administrative jurisdictions; for each jurisdiction the Pharaoh appointed an official who was responsible for justice and security. He was assisted by a chief of police, who bore the title *sab heri seker*, or “chief of the hitters” (a body of men responsible for tax collecting, among other duties). As far as ancient India is concerned, there were officials by the name *Jivagribhs* mentioned in the Rig Ved and *Ugras*, mentioned in the Upanishads who appear to have been police officer. According to another important literary source – The *Arthashastra*, the Mauryan administration also had several important officers in charge of law and order like *Dauvarika* was responsible for the maintenance of law and order of the outer life of the palace, and *Antarvansika* was in charge of the peace and security in its inner life. The *Dandapala*, the *Durgapala* and the *Antapala* were essentially military officers who also discharged a good deal of police functions. The *Durgapala* in later times evolved into a Police Officer who came to be known as *Kotapala* and subsequently as *Katuala* (or *Kotwal*).

In medieval India, Sher Shah, the famous Indo-Afghan ruler effectively organized different branches of the administrative system including the police. He continued with the traditional principles of local responsibility and held the village headmen responsible for the safety of the area within the village. In the Pargana, the *Shiqudar* and *Amin* shared between them the responsibility of policing and a group of Parganas formed a Sarkar under a *Foujdar*, who was the principal police officer and also the commander of the local army. The head of the city police in urban areas was known as the *Kotwal*. He not only continued to supervise certain municipal duties and to enforce public morals but he was also the head of the criminal Court of a Sarkar. The *Kotwal*'s force patrolled the city at night and guarded the thoroughfares. He appointed a leading man as warden in every quarter who was responsible for seeing that no criminals were harboured by the people. The *Kotwal* maintained a register of the inhabitants of every quarter, kept himself informed of their activities and means of livelihood of the people in the city. He also took cognizance of every new arrival and departure in the city.

During the Mughal period, the Governor of a province was called the *Subhedar* and under him were the *Foujdars*, who were in charge of sub-divisions. Though the *Foujdar*

was mainly a revenue official, but he also had the responsibility of keeping the peace and dealing with robbers and other anti-social elements in his area. To help him in the police duties he had a number of *Thanadars* who were in charge of armed forces. The activities of the *Foujdars* and the *Thanadars* were confined to using military force for quelling rebellions and disturbances by bands of robbers. They did not investigate any criminal cases.

The present police system structurally and functionally owes its existing to the various Acts and Enactments promulgated by the colonial rulers. The present Indian Police System is based on the Police Act of 1861. The Indian Police Act of 1861 was drafted by the British colonizers as a direct consequence of the first war of independence to ensure the police system's subservience to the executive and to remain authoritarian in its contact with the public. Under the Police Act of 1861, the police was made subordinate to the executive government, and the same position continues even today. The Indian Police Act (IPA) of 1861 is still the basic governing instrument of the Indian police force. It lays down the structure and functions of the police departments in the country. The current administration of the police falls under the Indian Police Act (IPA) of 1861, the Indian Penal Code (IPC) of 1862; the Indian Evidence Act (IEA) of 1872; and the Code of Criminal Procedure (CrPC) of 1861. According to article 246 of the Indian Constitution and section 3 of the IPA, the police force is a state subject and not dealt with at central level. Each state government has the responsibility to draw guidelines, rules and regulations for their respective police forces. These regulations are found in the state police manuals. Under Article 246 of the Constitution of India, police and public order are made state subjects; hence the police in India is maintained and controlled by the state governments. Although, police administration is a state responsibility, the union government can make laws and amendments to basic police laws like Indian Penal Code, Management of Indian Police Service etc. The Central Government also assists the state governments in maintaining law and order through its reserve units, like the Central Reserve Police Force, Border Security Force, Railway Protection Force, Central Industrial Security Force etc. Central Bureau of Investigation (CBI) and Central Intelligence Bureau (CIB) also provide assistance to the state police organizations in the fields of law and order, security and administration of justice.

1.3 Organisation at Central and State Level

Article 246 (entry 2, List 11, Seventh Schedule) of the Indian Constitution enumerates police as a State subject. Police Administration, therefore, is a State responsibility. This

does not, however, minimise the role of Central Government in Police Administration. The Constitution itself enumerates a long list of subjects like All India Services, preventive detention, arms, ammunition, passports etc. in the union list. The Central Government's role in Police Administration is related to making laws on subjects included in Union and Concurrent lists and making amendments to the basic police laws like Indian Penal Code, the Code of Criminal Procedure, Evidence Act, etc. Administration of the States, policing the Union Territories, management of Indian Police Service, matters relating to arms and ammunition are also the responsibility of the Central Government. The Ministry of Home Affairs and the Department of Personnel plays the administrative and coordinating role. In maintenance of law and order, whenever required, the Central Government provides aid and assistance to the States. To discharge this function, the Central Government maintains a network of line and staff units all over the country. The Central Reserve Police Force, Border Security Force, Railway Protection Force, Central Industrial Security Force are some of the reserve units.

Similarly Central Forensic Institutes, Police Wireless and Sardar Vallabhbhai Patel Police Academy are the staff units at the Central level. These apart, there are Central Bureau of Investigation (CBI) and Central Intelligence Bureau (CIB) also to aid the Central Government. These agencies, under the control of the Central Government provide assistance to the State Police Organisation in the fields of law and order, security and administration of justice in the country. Rules and regulations have been formulated for the operation of these agencies in the States.

There are occasions when these rules are violated leading to tensions between the Central and State Governments.

At the State level, the Police Administration is more or less uniform throughout the country. The Chief Minister or Home Minister is largely responsible for policy and supervisory functions. The Home Department coordinates and supervises the Police Administration in the State. It acts as a link between Central and State Governments.

But the Inspector General of Police (IGP) or the Director General of Police (DGP) who is the Head of the State Police undertakes the real work. His office is called the Office of the IGP/DGP popularly called Chief Office. This office collects information and feeds it to the Government; advises political decision-makers like the cabinet and the ministers; supervises and controls line agencies. It organises training and acts as a clearinghouse of special police services. The IGP/DGP aids and advises the Government and exercises general supervision and control over the police department. He exercises administrative, personnel, and financial power. He provides leadership to the Police

Administration in the State. He is assisted in his duties of IGP by the Deputy Inspector General of Police (DIGs) and Superintendents of Police (SPs) and other staff. They head the specialised branches like intelligence department, crime branch, transport department, training, armed forces, general administration, law and order etc.

1.4 Organisation at Range Level

Many States are too big to be administered effectively and efficiently from a central point. It is not possible for the Head of the police that is the police chief or the DGP/IGP to keep in touch with the functioning of the entire organisation. Therefore, the police organisation in a State is divided into ranges for operational convenience. This is above the district and below the State level. This broadly corresponds to the divisional set up. Deputy Inspector General of Police heads each range. Each police range comprises a few districts. The number of districts in each range varies from 2 to 8 depending upon the size of the district, population, and importance of the district.

The DIG functions as a staff officer to the State police chief and as a line officer to the district police. His functions include periodic inspections, receiving and processing reports and returns from districts, and issuing instructions to the district police functionaries. A major function of the range DIG is to coordinate the activities of district police and also take measures for inter-district cooperation. He is personally responsible for the enforcement of discipline among the police personnel under his charge. He exercises power of transfer and discipline over certain categories of personnel. He keeps a watch on the crime situation in the district particularly over grave offences like dacoity, murder etc. He also exercises control over police funds. The range of DIG's functions, thus, includes personnel management, budgetary control and coordination. He is responsible for the maintenance of efficiency and discipline of his staff. He ensures uniformity of procedure and securing cooperation between the police functioning in the districts, Police Administration - Field and Local within his range. He has to ensure harmonious relations between the police and the executive Magistrate.

There are some criticisms about a range becoming a mere post office. It is criticised to be functionally superfluous. Some feel that inspite of range offices the workload of the State level offices has not been reduced and in fact it has been on the increase.

The National Police Commission recommended that DIG of the range should play a positive role in functioning of the districts under his control. He should act as coordinating authority between districts in his range and with those of the adjacent ranges. It also

recommended that he/she should be a sensitive judge of public opinion and play an important role in planning and modernisation of the force. The commission felt that to be effective, the range of DIG should not have more than five districts under his control. It also recommended that for adequate supervision, territorial Inspector General of Police should be appointed in large States. They should not have more than 15 to 20 districts or 4-5 ranges under his charge. The Armed Battalions of the range should also be placed under the operational charge of the territorial IGP. They should be delegated administrative, financial, disciplinary and other power. This will reduce the workload on the DGP and enable him to concentrate on higher matters of policy and administration.

1.5 Organisation at District and Sub- District Level

District is an important unit of the public administrative structure in the country. Almost all the State Government offices are located in the district. In Police Administration also district plays a pivotal role. All the laws and rules passed by the police are transformed into action at this level. District Police Organisation is responsible for the effective maintenance of law and order and control of crime. Police Administration at the district level is carried out by the chief of the district police, called Superintendent of Police, who is responsible for the maintenance of law and order, and other law enforcement activities. Technically, Superintendent of Police functions under the overall control of the Collector. He and his subordinate officers, in practice, enjoy operational autonomy in the discharge of their functions. The Collector as a District Magistrate is broadly responsible for preventive aspects; and the police is responsible for the control of crime, maintenance of law and order, etc. Police Administration below the district level is organised into divisions; divisions into circles; and circle into Police Stations. The organisation and working of Police Stations, marginally, varies between urban and rural areas.

District Police work under the Superintendent of Police. He is always a member of the Indian Police Service and wields a great amount of power and prestige in the district. He is accountable to the Head of the range police that is Deputy Inspector General of Police for the maintenance of law and order in his district. He is also accountable to the Director General of Police at the State Headquarters. The Superintendent of Police (S.P) is responsible for the efficiency, morale and discipline of the police force in the district. He collects information about various aspects from the entire district and communicates the same to the State Government along with his own assessment.

The Superintendent of Police is primarily responsible for the maintenance of law and order, and prevention of crime. He is empowered to take preventive measures to ensure peace in the district. He has to make adequate police arrangements during fairs and festivals as well as elections and agitations. If he apprehends untoward situations, he can advise the Collector to promulgate prohibitory orders and even to clamp curfew. He controls crime by patrolling, investigating and taking preventive measures. He also supervises the operations against crime and special branches working under him. He has many personnel and organisational responsibilities like adequate supply of arms, vehicles, uniform etc. He also has responsibilities regarding matters of training, promotion and discipline of the staff, maintaining financial property etc.

He is the link between police organisation and people's representatives at the district level. He maintains cordial and friendly relations with people. In the district where important urban centers are located, he has responsibilities of regulating traffic and receiving VIPs. Thus, the SP occupies a pivotal and a powerful position not only in the district police organisation but also in the District Administration itself. The Additional Superintendent of Police assists him. The latter helps him in his day-to-day general administration. Deputy superintendents of Police, Circle Inspectors of Police, Sub-Inspectors of Police, Head Constables and Police Constables assist him in the enforcement of law and order at various levels. To assist him in undertaking his functions professionals and technical units are also placed at his disposal. The organisation at the district level broadly consists of two wings namely the District Police Office (DPO) and the Field Organisation. The general administration of the entire police in the district is carried by the DPO. It works under the SP or ASP, who is in-charge of the office administration and also exercises general control and supervision. The office administration is carried out by several sections like crime and statistics, crime bureau, audit and accounts, equipments and stores, etc.

The DPO can be considered as the secretariat of the police and the nerve centre of the Police Administration in the district. To provide special assistance to the police, a number of field units function at the district level. The district armed reserve, the home guards, the women police, crime bureau, special branch, finger print unit, dog squad, transport unit are some of the field units supporting the district Police Administration.

Sub-division

For operational convenience, the district police organisation is divided into a number of sub-divisions. Police sub-division is a unit where police work is coordinated and

controlled. It is an intermediary link between police circles, police stations and the district police office. The police sub-division is under the charge of a Deputy Superintendent of Police or Additional Superintendent of Police. They are generally called Sub-Divisional Police Officers. The main work of the sub-division is to look into law and order matters, and discipline among the police force and other related matters at the sub-divisional level. A number of reports and registers relating to crime, security and other administrative aspects are maintained in the Sub-divisional office. The Sub-Divisional Officers are responsible primarily for the maintenance of law and order and crime control; collection and communication of intelligence; submission of periodic reports to the Superintendent of Police, inspection of Police Stations and Circle Offices. They also have an important public-relations role to perform. They act as a link between the Superintendent of Police and the Sub-Inspectors and Inspectors.

Circles

Sub-Divisions are further divided into police circles, which is a link between Police Stations and sub-division. This is the third tier in the district police organisation. Sometimes, the police circles are coterminous with taluka; sometimes with blocks; and sometimes they may not be in conformity with either of them. As there are no rules governing the formation of police circles, they vary in size from state to state and even in the state from circle to circle. The number of Police Stations in each police circle is determined on the basis of crime, population, area, topography, etc. Each circle may have 3 to 10 Police Stations. The Circle office facilitates smooth administration at the field level.

Police Administration

Inspector of Police is the Head of police circle. He is responsible for the maintenance of law and order, and control of crime. He has to promote discipline among the policemen. He guides, advises, and supervises the work of Police at the local stations and the men working there. He also investigates grave crimes with the administrative assistance of supporting staff. As is the case with the divisional office, several registers and records are maintained at the circle level. They include communication register, case diary, circle information book, annual review of crime, crime charts, criminal intelligence file, etc.

The Police Station is the lowest tier in the police organisation. It is here that the actual work of the police is undertaken. It is the basic and primary unit, which is responsible for the maintenance of law and order, prevention and control of crime and protection of life and property of the community.

1.6 Conclusion

In sum, it can be stated that the structure and mechanism of district police administration has been too static to face the dynamism of change. There is over centralization in the police organization at the district level. Today the police at the district level have to perform specialized and innovative functions but the old organizational structures have yielded little room for specialization and innovation in police department. Moreover, the changing context in the post-independence period presents a bewildering picture of the district police organization in which the Superintendent of Police (SP) is too high and too far away from the actual scene of police operations and the Sub-Inspector (SI) is inadequately qualified and ill trained to handle growing complex situations of changing India. There is an urgent requirement for autonomous, politically insulated and flat structures at the district level as far as police organization is concerned. For this to happen there is a need for a thorough overhaul and reorganization of the police machinery at all levels of hierarchy, especially at the district level.

1.7 Summary

- This unit presents a brief history of the role of police administration in India.
- In this section we have explained the organisation of the police system in India at various levels, such as central and state levels, range level, and district and sub district level.

1.8 Glossary

- **Central forensic institutes:** these are specialised institutes which provide various kinds of scientific aids to the police forces in the detection of crime

1.9 Model Questions

- Give an account of the history of police administration in India.
- Discuss police administration in India at the state level.
- Discuss the organisation of police at the district level.
- Describe the organisations and functions of a 'Range'.

- Discuss the rank structure in a Police Force.
- What is the importance of a police? Explain.
- What is the lowest tier of the police organisation in India? Indicate its functions.
- What are the duties of a sub divisional police officer? Discuss.
- Write a short note on the Indian police act of 1861.

1.10 References

- Anupam Sharma and Anupam Manhas, Police Administration in India : The Legal Development, (2015), Regal Publications.
- Administration of Police Training in India, K. M. Mathur (2013), Gyan Publishing House.

Unit II □ Superintendent of Police : Functions and Role

Structure

- 2.0 Objectives**
- 2.1 Introduction**
- 2.2 Power, Functions and Role of the Superintendent of Police**
- 2.3 Duties of Superintendent of Police**
- 2.4 Govt. of India Code of Conduct for Police**
- 2.5 Conclusion**
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2.0 Objectives

- To understand the power, functions and role of the Superintendent of Police
- To analyse the Government of India's code of conduct for police
- To describe the duties of the Superintendent of Police

2.1 Introduction

The District Police organization is represented by its chief, the Superintendent of Police (SP). He is always a member of the Indian Police Service and wields a great amount of power and prestige in the district. The volume of work which depends upon the size and special demographic characteristics of the district, generally determines the size of police network and the functions of the Superintendent of Police (SP). The Superintendent of Police (SP) coordinates the functions of the heads of the district police lines, district crime bureau, district special branch, district traffic branch and the district prosecution branch. As a police chief, he has to work in close liaison and collaboration

with his administrative seniors at the range and state headquarters. As the chief intelligence officer of the district, he collects special intelligence from the lower levels and communicates the same to his superiors. He also acts as a line agency on behalf of the state organization of the CID, which, in turn, may ask him to undertake certain special kinds of intelligence operations on the request of Union agencies like CBI. The SP always keeps the senior police officials of the government constantly informed about the incriminating activities of the saboteurs of peace and enemies of the state. He sends periodic information to the DIG (Intelligence) at regular intervals.

2.2 Power, Functions and Role of the Superintendent of Police

As a captain of his team, the SP has a critical say in the policies pertaining to recruitment, promotion, training programmes and disciplinary matters. He evaluates the performance of his administrative subordinates and takes disciplinary actions as and where needed. To affect discipline in the force he attends parades, gives personal interviews and recommends cases for promotion, punishment and transfers to his seniors. The SP thus looks after the service conditions of the junior police employees working under his charge.

He maintains financial propriety by observing rules and is expected to affect measures conducive to internal economy for the organisation. He supervises the office work of his civilian officials, who handle the inflows and outflows of all kinds of communications, horizontally as well as vertically. The functions of the SP further include various kinds of organisational and personnel responsibilities at the district level. He has to maintain an adequate supply of vehicles, arms, communications, equipments and other accessories like uniforms, etc., in a good shape. He inspects police stations within the jurisdictional limits of his district and provides for necessary physical conditions to keep his men working in a satisfactory state of morale and motivation.

In districts which territorially include big cities, the SPs have additional and special responsibilities such as regulation and control of traffic, and handling law and order situations like political and communal conflicts. In the event of a serious conflict, he is expected to make adequate police arrangements to cope with the situation and restore order and peace in the district. The district police headquarter controls the network of police stations spread all over the district. The superintendent of police, who presides over this organization, is the key functionary through whom the state government operates and the

police stations look to him for command, guidance and action. He is directly responsible for their efficiency, morale and discipline. The SP also is in charge of crime control in his district. This function of crime control is done in several ways like arranging effective police patrol in crime prone areas in the district, investigation of grave crimes and making and receiving special reports about these cases; and administrative supervision over his subordinates who keep constant vigilance, take preventive measures, and maintain up-to-date records of criminals in the district. The SP has to call for reports, supervise in person and visit the scenes of crime soon after their occurrence.

Democracy in the country has developed a new responsibility upon the SP and that is to evolve and maintain friendly and cordial police-public relations in the district. The aggrieved people are given special audiences and the co-operation of the political leaders of the area is sought. He has to act as a reconciliatory link between his junior police officers and the aggrieved parties, which hurl all sorts of accusations against the former. Some SPs maintain special research cells or police-public relations units in their organisations to keep their fingers on the pulse of the people. He organizes sports, tournaments, annual get-together and special meets to keep his district force in high spirits. He undertakes police welfare projects and provides incentives to his juniors for better performance. As head of the office, he is personally responsible for the correctness of cash and store accounts of his department.

2.3 Duties of Superintendent of Police

- 1) The Superintendent of Police should consider it a part of his duty, as far as possible, to give the sub-Divisional Officers the benefit of his personal guidance and instruction, whenever necessary.
- 2) As the Chief Police officer of the district, the primary duties of the superintendent of Police are to keep the force under his control properly trained, efficient and contented and to ensure by constant supervision that the prevention, investigation and detection of crime in his district are properly and definitely dealt with by the Police force under his command. He must, therefore, get to know all officers and men serving under him and see that they are properly trained. He must enforce discipline, if any, and encourage men who are promising and weed out those who are of no use to department. At the same time move constantly, be in touch both with his subordinates and with the public. He should pay surprise

visits to his Police Stations at regular intervals and check up whether officers and men are alert.

- 3) It follows that he should be free to tour the whole of his district systematically and regularly, and it is essential that he should inspect every Police Station and Outpost in his district once a year and also that he should halt at these places sufficiently long to enable him to get a thorough grasp of local conditions and crime and a full knowledge of his subordinates' work.
- 4) The Superintendent of Police must deal with crime as a whole studying the criminal problems of his district rather than visiting spasmodically scenes of offences, a duty which more properly falls upon the Sub-Divisional Officer. The Superintendent of Police, must however, visit scenes of really serious offences where organized crime is indicated or organized gangs are at work, as well as offences which affect markedly the general peace of the district.
- 5) The Superintendent of Police shall treat the Spl.IGP confidentially & frankly, give him all inspection & inquiries and consult him confidentially in all the difficulties and about all the short comings in the police work of his district.
- 6) Every superintendent of police should visit sick policemen in hospital regularly once a week at least. It is extremely desirable that every policeman should feel that this superior officer takes an interest in his welfare and such visits are calculated to ensure greater attention being paid to the men. Further, this practice enables the Superintendent to deal promptly with cases in which for any reason the disbursement of a sick policeman's pay has been delayed.

Duties of Additional Superintendent of Police

The Additional Superintendent of police should give the SDPOs under him, guidance and instructions, whenever necessary. He is responsible for the general supervision of the divisions under him. In absence of Superintendent of Police he will be responsible for the district force. He should ensure by constant supervision that the prevention, investigation and detection of crime in his jurisdiction are properly and efficiently dealt with by the police station under his command. He should enforce discipline and redress grievances. He should pay surprise visit to the police stations.

He should keep vigil whether officers and men are alert. He should deal with crime as a whole studying the criminal problems. He should also visit scenes of serious offences reported in his jurisdiction.

Duties of Sub-Divisional Police officers

- 1) An Assistant or Deputy Superintendent of police in charge of a sub-division will be responsible for all crime in his charge, and will visit all scenes of serious offences as laid down in the standing orders. Under the general orders of the Superintendent of Police, he will be responsible for the efficiency and discipline of the officers and men in his division and will hold detailed inspections of Police Stations and Outposts in this charge at regular intervals at least once a year.
- 2) In addition to the above, Sub-Divisional Officers will be responsible for the inspection of public conveyances playing for hire in their charges, inspection of explosives, arms and ammunition, shops, taking musketry practices, etc. and the many other duties that fall to the lot of a Sub-Divisional Officer in the ordinary course of his work.
- 3) Sub-Rule (6) of Rule 24 in the matter of visiting sick policemen in hospitals applies also in the case of Sub-Divisional Officer.

Duties of Home Dy. S. P.

- 1) The home Dy. SP. is a Senior Officer of the Superintendent of Police office. As the services of the Sub-Divisional Police are utilized for crime and visiting of all scenes of serious offences in their charges, it is essential that the headquarters town and the actual Police Head- quarters as well as the Head Police office should be under a responsible officer to deal with any sudden emergency that may arise and to see that the work is properly done in the absence of the Superintendent of police.

The duties of the Dy.SP. will be :

- a) To supervise the work in the correspondence and accounts branches.
- b) To dispose of routine correspondence and miscellaneous work.
- c) To supervise the work of the town and Headquarters police during the absence of the Superintendent of Police.
- d) To check initial account papers.

2.4 Govt. of India Code of Conduct for Police

Code of conduct for police in the country which was adopted at the Conference of the Inspectors General of Police in 1960, is as follows :

1. The police must bear faithful allegiance to the Constitution of India and respect and uphold the rights of the citizens as guaranteed by it.
2. The police should not question the propriety of necessity of any law duly enacted. They should enforce the law firmly and impartially without fear or favour, malice or vindictiveness.
3. The police should recognize and respect the limitations of their powers and functions. They should not usurp or even seem to usurp the functions of the judiciary and sit in judgement on cases to avenge individuals and punish the guilty.
4. In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.
5. The prime duty of the police is to prevent crime and disorder and the police must recognize that the test of their efficiency is the absence of both and not the visible evidence of police action in dealing with them.
6. The police must recognize that they are members of the public, with the only difference that in the interest of the society and on its behalf they are employed to give full time attention to duties which are normally incumbent on every citizen to perform.
7. The police should realize that the efficient performance of their duties will be dependent on the extent of ready cooperation that they receive from the public. This, in turn, will depend on their ability to secure public approval of their conduct and actions and to earn and retain public respect and confidence.
8. The police should always keep the welfare of the people in mind and be sympathetic and considerate towards them. They should always be ready to offer individual service and friendship and render necessary assistance to all without regard to their wealth and/or social standing.

9. The police should always place duty before self, should maintain calm in the face of danger, scorn or ridicule and should be ready to sacrifice their lives in protecting those of others.
10. The police should always be courteous and well mannered; they should be dependable and impartial; they should possess dignity and courage; and should cultivate character and the trust of the people.
11. Integrity of the highest order is the fundamental basis of the prestige of the police. Recognizing this, the police must keep their private lives scrupulously clean, develop self-restraint and be truthful and honest in thought and deed, in both personal and official life, so that the public may regard them as exemplary citizens.
12. The police should recognize that their full to the potential to the State. It is best ensured only by maintaining a high standard of discipline, faithful performance of duties in accordance with law and implicit obedience to the lawful directions of commanding ranks and absolute loyalty to the force and by keeping themselves in the state of constant training and preparedness.
13. As members of a secular, democratic state the police should strive continually to rise above personal prejudices and promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women and disadvantaged segments of the society.

Police is an important instrument who is responsible for maintaining peace and order in the country. A country is able to live peacefully, without insecurities if the police performs its functions and duties efficiently and effectively. Police Act 1861 and Model Police Act, 2006 specifies the administration, role, duties and powers of Police Department. Further, The code of Criminal Procedure, 1973 empowers police officers to conduct investigation, make arrest including preventive arrest, requires attendance of witnesses, etc.

2.5 Conclusion

Thus, the functions and duties of a SP in a district are fairly wide, varied and far-reaching. They make him a central person in the district administration. His main functions are certainly preservation of peace and prevention of crime but the ancillary roles that

grow around these major functions like collection of intelligence, traffic control, inculcation of healthy public relations, make him a really powerful district officer who occupies a pivotal position in district administration.

2.6 Summary

- We have learnt about the role of the Superintendent of Police as the chief of the district police administration.
- We have analysed the power, functions and duties of the Superintendent of Police.
- We have learnt about the code of conduct for the police.

2.7 Glossary

- **Code of conduct:** a set of rules outlining the norms, responsibilities and the proper practices of an individual or a post.
- **Social responsibility:** an ethical framework in which an individual is obligated to work.

2.8 Model questions

- Discuss the power and functions of the Superintendent of Police in India.
- Analyse the role of the superintendent of police as the chief of the district police administration.
- Discuss the Government of India's code of conduct for police.
- Describe the duties of the superintendent of police.
- What are the responsibilities of police as mentioned under the model Police Act 2006.
- What is the significance of the post of the superintendent of police? Explain.
- Examine the role of the SP in regards to the control of crime in the district.
- What is the role of the SP in the police-public relations in the district?
- Indicate the role of the SP as a line agency.

2.9 References

- Anupam Sharma and Anupam Manhas, Police Administration in India : The Legal Developments, 2015, Regal Publications.
- K. M. Mathur, Administration of Police Training in India, 2013, Gyan Publishing House.

Unit III □ District Magistrate and Superintendent of Police : Relations

Structure

- 3.0 Objectives**
- 3.1 Introduction**
- 3.2 Relations between District Magistrate and Superintendent of Police**
- 3.3 Police Commissionerate System and the Dual System**
- 3.4 Conclusion**
- 3.5 Summary**
- 3.6 Glossary**
- 3.7 Model Questions**
- 3.8 References**

3.0 Objectives

- To explain the relationship between the District Magistrate and the Superintendent of Police.
- To understand the Dual System and the Commissionerate System of control.

3.1 Introduction

The District Magistrate is the pivot of district administration, representing, as he does, the government in its totality within his territorial jurisdiction. Each district is in charge of a District Magistrate who is the main link between the State Government and the people and the de-facto chief executive and administrator of the area under his charge. The District Magistrate is the principal representative of the State Government in the district in whom all threads of local administration are concentrated, directly or indirectly.

The District Magistrate is responsible for the maintenance of law and order in the district, in which task he is assisted by the district police force. There is no denying that the problems of law and order have now become more complex and difficult. Strikes

and demonstrations usually take a violent turn without much provocation. In addition to these, there is the problem of political violence which acts as the direct threat to peace and security. Since these problems have a far-reaching effect on our society, the authority in charge of law and order should not only be responsible for the maintenance of law and order, but should also have an organization to study and understand the causes of discontent which result in lawlessness. Moreover, the situation demands that nothing should be done to weaken the law and order machinery in the district. In this context, the relations between the District Magistrate and the Superintendent of Police need to be examined. This question was initially examined by the Indian Police Commission of 1902-03. The Indian Police Commission of 1902-03, which was presided, over by Sir Andrew H.L. Fraser, examined the question of relationship between the District Magistrate and the Police. According to the Commission, the object of Act V of 1861 “was to make the Superintendent primarily responsible for the administration of the district police. But the police force was to be an efficient instrument at the disposal of the District Magistrate for the prevention and detection of crime. Therefore the work of the Superintendent must be done under the general control and direction of the Magistrate and subject to his orders. It was essential to preserve the responsibility of the District Magistrate for the general success of the criminal administration of the district, and to afford him prompt means of ensuring the obedience of the organised constabulary to his lawful orders. The Commission further observed: “The police force, though bound to obey the Magistrate’s orders in regard to criminal administration, should be kept as far as possible departmentally distinct and subordinate to its own officers. And the District Magistrate should avoid acting so as to weaken the influence and authority of the Superintendent.” The Commission came to the definite conclusion that “in the interests of the people the police must remain under the general control and direction of the District Magistrate.” The then Government of India agreed to the views of the Commission on the question of relations between the District Magistrate and the police.

Subsequently, several other Police Commissions, including the West Bengal Police Commission of 1960-61, have also considered this question. Under section 4 of the Police Act of 1861, (Act 7 of 1861), the administration of the police in a district vests in the District Superintendent of Police under the general control and direction of the District Magistrate. Thus, while there can be no doubt that police administration in a district vests in the District Superintendent of Police, the Act mentions that his powers will be subject to the general control and direction of the District Magistrate. The relations between the

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

It is incumbent on the Superintendent of Police to afford the District Magistrate all possible assistance in the criminal administration of the district and to keep him informed of all matters affecting the peace of the district. An important part of the District Magistrate's duty is to inspect the police stations of his district. He is to exercise constant supervision over the prevention and detection of crime, for the proper conduct of which he is ultimately responsible. The District Magistrate writes the confidential character rolls of the Superintendent of Police and other gazetted police officers in his district. Working under the overall supervision of the DM, the SP looks after the problems of law and order and that of the administration of crime and vice in the district. The SP is empowered to take all sorts of preventive measures, if a breach of peace is apprehended in the district. To avoid untoward situations, he may advise the DM to issue prohibitory orders and even to clamp curfew, if the situation so warrants. In the event of actual breach of peace, he is expected to make adequate police arrangements to cope with the situation.

In post-independence period, at least four Commissions, namely, the Police Commissions of Uttar Pradesh (1960-61), West Bengal (1960-61), Bihar (1961), and Punjab (1961-62), have gone into this question and all of them are generally of the view that there should be no change in the relations between the District Magistrate and the police. The West Bengal Police Commission of 1960-61, under the Chairmanship of K.C.Sen, was of the following opinion: "We think it important that the District Magistrate's position, as the officer ultimately responsible for the Police administration in his district, should not be whittled away or allowed to be whittled away in any manner, although he may have many other duties to attend to." The First Administrative Reform Commission also had similar views in regard to the relations between the District Magistrate and the police. According to the First Administrative Reforms Commission- "the District Magistrate as the head of the regulatory administration in the district should exercise general supervisory control over the police organisation in the district. Except in an emergency, he should not interfere with the internal working of the police administration." It may be observed here that the provisions of law which vested in the District Magistrate's general powers of control over the district police are as valid today as they were when enacted

in 1861. In other words, the existing relations between the District Magistrate and the police in his district continue unchanged.

3.2 Relations between District Magistrate and Superintendent of Police

For the purpose of efficiency in the general administration of the district, it shall be lawful for the District Collector-cum-District Magistrate, in addition to the provisions of the Criminal Procedure Code and other relevant Acts to coordinate the functioning of the Police with other agencies of the district administration in respect of the following :

- (a) matters relating to the promotion of land reforms and the settlement of land disputes ;
- (b) matters relating to an extensive disturbance of the public peace and tranquility in the district ;
- (c) matters relating to the conduct of election to public body ;
- (d) matters relating to the handling of natural calamities and the rehabilitation of the persons affected thereby;
- (e) matters relating to situations arising out of any external aggression;
- (f) any similar matter not within the purview of any other department and affecting the general welfare of the people of the district;
- (g) serious fire accident causing death, injury and loss to the properties calling for immediate relief measures ; and
- (h) for removal of any serious public grievance and removal of serious encroachments by the orders of the Court or the Government or the Railway authorities.

The District Magistrate may call for information of a general and special nature as and when required from the Police or any other agency connected with the general administration of the district. The Superintendent of the concerned district shall render all the requisite and available assistance to the District Collector-cum-District Magistrate having jurisdiction. In case of the matters relating to the regions, the Superintendent of Police and the Sub-divisional Magistrate in-charge of the sub divisions will combine and work together to do the needful.

Coordination means to combine or integrate harmoniously for the purpose of carrying out the above functions. The District Magistrate and the Superintendent of Police and their SDMs and DSPs shall also adhere to the following :

- (i) The District Magistrate shall not interfere in questions of recruitment, transfer, internal economy, organisation and with the administrative, disciplinary and other details of the force. The District Magistrate, when exercising his powers, shall also refrain from any action likely to weaken the authority of the Superintendent of Police. The relationship between the DM. and the SP should be that of two colleagues working at a common end.
- (ii) The Superintendent of Police shall cooperate with the District Magistrate for the purpose of coordination, as specified above. Utmost harmony, coordination and cooperation of the two functionaries alone can secure the maintenance of public peace in the areas.
- (iii) The maintenance of personal contact by meetings, consultations and joint visits or tours, whenever possible between the D.M. and SP will contribute the most to the fulfillment of their joint function of preserving law and order.
- (iv) All communications between the District Magistrate and the Police, shall be conveyed through instructions and orders.
- (v) For the purpose of speedy security proceedings U/s 107 & 110 Cr. P. C., for the maintenance of the peace of the area, the Sub Divisional Magistrate and the Superintendent of Police concerned shall exhibit their joint efforts and energy.

The relative responsibilities and powers of the Magistracy and the Police in the event of an emergency arising out of a Law and Order problem are covered under the provisions of the Criminal Procedure Code. Under sections 129 and 130 of Cr. P. C., it is open to a Magistrate or to an Officer in-charge of a Police Station to disperse by force an unlawful assembly or a riotous mob. The force which may be used on such occasions may be any kind of force appropriate to the occasion and will include the use of fire arms. But, it should only be the minimum force necessary under the circumstances. Fire should not be opened by the Police otherwise than under the specific direction of a Magistrate except under extreme situations in self-defence, when the justification for opening fire would be open for scrutiny and the responsibilities for it would lie on the Police.

It may be noted that the above instructions act as a safeguard also. In case of an inquiry on the necessity to open fire, etc., it is the decision of the Magistrate that is under inquiry and the Police will have no responsibility as long as they have followed all the instructions implicitly.

The construction of references to the term “Magistrate” within the meaning of Section 3 Cr.P.C. will distinguish the power and functions of the Judicial and Executive Magistrate. The function exercisable by a “Magistrate” relates to matters.

- (a) Which involve the appreciation or shifting of evidence or the formulation of any decision which exposes any person to any punishment or penalty or detention in custody pending investigation, inquiry or would have the effect of sending him for trial before any court, they shall subject to the provisions of the Code of Criminal Procedure be exercisable by a Judicial Magistrate.
- (b) Which are administrative or executive in nature, such, as the granting of a licence, the suspension or cancellation of a licence, sanctioning a prosecution or withdrawing from a prosecution, they shall be exercisable by an Executive Magistrate.

3.3 Police Commissionerate System and the Dual System

Historical Background

- Policing is based on the Police Act of 1861.
- Under the colonial system, the dual system of police administration was introduced.
- The overall in-charge of a district or region was the District Collector and the Superintendent of Police (SP) reported to him.
- The primary objective of the British was revenue collection in rural India. They needed a force that could support this objective and unleash tyranny and oppression when needed to suit the objective. The worst of officers from the British police were sent to India. So there was a need to put them under the District Collector. That system continued to post-Independence period.

- The British also brought the Police Commissionerate System first in **Kolkata** and followed it in **Mumbai and Chennai Presidencies**. The system was introduced even before the Police Act of 1861
- The commissionerate system is considered a step toward police reforms.

Directions of the Supreme Court in Prakash Singh vs Union of India

- In 1996, a petition was filed before the Supreme Court that raised various instances of abuse of power by the police and alleged that police personnel perform their duties in a politically partisan manner.
- The Supreme Court issued its judgement in 2006, ordering the centre and states to set up authorities to lay down guidelines for police functioning, evaluate police performance, decide postings and transfers, and receive complaints of police misconduct.
- The court also required the minimum tenure of service be guaranteed to key police officers to protect them from arbitrary transfers and postings.

Police Commissionerate System

- Delhi turned into a commissionerate during 1977-1979.
- National Police Commission's 6th report released in 1983 recommended the commissionerate system in cities with a population of 5 lakh and above as well as in places having special conditions.
- In 2005, Draft Model Police Act, framed by a committee, set up by the Home Ministry also made a similar recommendation saying metro cities and major urban areas with a population of 10 lakh or more should have commissionerate system.
- As of January 2018, the system has been implemented in 61 cities across 15 states in the country. (BPRD data, 2018).

Constitutional/Legal Provisions

- Under the 7th Schedule of the Constitution, Police is under the State list.
- Political executive (i.e., ministers) has the power of superintendence and control over the police forces to ensure their accountability.

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- The centre is also allowed to maintain its own police forces to assist the states with ensuring law and order. Therefore, it maintains seven central police forces and some other police organisations for specialised tasks such as intelligence gathering, investigation, research and record-keeping, and training.
 - The centre is responsible for policing in the Union Territories. It also extends intelligence and financial support to the state police forces.
 - State police forces generally have two arms: civil and armed police.
 - The civil police are responsible for day-to-day law and order and crime control.
 - Armed police are kept in reserve until additional support is required in situations like riots.
 - Civil police forces broadly adhere to the hierarchical structure.

Dual System

- The state government exercises control and superintendence over the state police forces.
- At the district level, the District Magistrate also gives directions to the Superintendent of Police and supervises police administration.
- The powers such as issuing orders for preventive arrests or imposition of Section 144 cr PC are vested in the DM.

Commissionerate System

- In some metropolitan cities and urban areas, however, the dual system has been replaced by the commissionerate system to allow for quicker decision-making in response to complex law and order situations, rising population and rapid urbanisation.
- The police have a greater say in resolving land disputes. However, removal of encroachments and other land-related problems would need the presence of a Magistrate to lead the police.

Differences between the Dual System of Control and the Commissionerate System

Dual System	Commissionerate System
Dual command structure over the district police means that control and direction over the police vests with the SP (head of district police) and the District Magistrate (executive).	Unified command structure with the Commissioner of Police (rank of the Deputy Inspector General or above) as the sole head of the force within the city. Allows for quicker response to law and order situations.
Separation of powers of the DM (e.g. Issues arrest warrants and licenses) and the police (e.g., investigate crimes and make arrests).	Powers of placing the magistracy concentrated in Commissioner. Directly accountable to the state government and state police chief.
Less concentration of power in the police, and accountability to DM at the district level.	Lesser accountability to the local administration.
SP is assisted by Additional/Assistant/ Deputy SPs, Inspectors and constabulary.	Commissioner is assisted by Special/Joint/ Additional/ Deputy Commissioners, etc. Inspector downwards rank structure is the same.

Need for Commissionerate System

- Commissionerate system is considered the most authoritative system of policing, not only in other progressive countries but also in the states of the country.
- The system brings greater power and responsibility on the Police system and the possibility of passing the buck on Magistrates is eliminated.
- It is considered essential in cities with a large population.
- Now, suggestions are being made that it should be implemented at least in the cities with a population of 20 lakh.
- Big cities generally throw law and order problems and other problems viz., student agitations, caste-communal problems, labour agitations, agitations related to laws passed by the governments.
- This requires very specialised handling and requires coordination at every stage. There can be a difference of opinion between officials. Hence, these multifarious, complicated issues need unity of command.

- In the present case of UP, Noida shares borders with the National Capital which already has a commissionerate system, after the implementation of the commissionerate system in UP, there would be better coordination in policing.
- Moreover, in Mumbai, the system has been proved successful in handling complex issues of Mumbai which also had faced the problem of the underworld.
- Even in the commissionerate system, unfettered power is not given to the police. Police are answerable to ministers and courts.

Concerns

- When the system is introduced, initially, there can be adjustment and understanding issues. Certain legacy issues and other issues like delegation of authority and better integration will have to be addressed.
- In some states like UP, the police already have immense power. Questions are raised quite often on the functioning of the cops. People are generally scared of the police and the cops have also failed to win public confidence.
- People largely trust the civil administrative officials and feel more comfortable in interacting with them because they create balance in society.
- Further, there are several occasions when protests are of a civil nature and can be dealt with by the District Magistrate. Police action in such matters can complicate the situation.
- This system works better in states where the literacy ratio is higher and people have wide knowledge about law and their fundamental rights.

Way Forward

- The Commissionerate system brings great power to the Commissioner of Police hence it calls upon a degree of restraint in using power, which in the present scenario has not been necessarily demonstrated.
- Therefore, the selection of Commissioner becomes crucial. An officer who has a wider knowledge of handling crime, investigation in the complex urban-centric milieu and has the capacity to both restrain and increase power will do well.
- We can say that the system gives more powers to the police force and the officers but also added responsibility to ensure that those powers are handled in

a responsible manner. As it is rightly said, “With great power comes great responsibility.”

- An efficient commissionerate system would result in better detection of crime, the better quality of investigation, increased conviction rate, protection of the rights of people, and decline of the crime rate.

3.4 Conclusion

India’s existing police system suffers a series of deficiencies from problems relating to a police organization, environment, infrastructure, and understaffing, to obsolete weaponry and intelligence gathering techniques to a shortage of manpower, to corruption, the police force in the country is not in good shape.

Therefore, there is an urgent need for holistic police reforms. Since, Police, Law and Order are subjects of state list, the government can start by urging all states to implement the recommendations given by the supreme court in Prakash Singh case.

3.5 Summary

- This unit discusses the various dimensions of the D.M. – S.P. relationship in Indian administration.
- This section also examines the Police Commissionerate System and the Dual System of control.

3.6 Glossary

- **Commissionerate System** : In the Commissionerate System the Commissioner of Police (C.P.) is the head of a unified police command.
- **Dual System of Control** : In this system the Superintendent of Police (S. P.) has to work with District Magistrate (D. M.) for supervising police administration.

3.7 Model Questions

- Discuss the nature of relationship between the District magistrate and the Superintendent of Police in India.

- What were the important observations of the West Bengal Police Commission of 1960-61 in regard to the relationship between the D. M. and S.P. ? Explain.
- Discuss the differences between the Dual System of control and the Commissionerate System in the context of D.M.–S.P. relationship.
- What were the recommendations of the Indian Police Commission 1902-03, about the relations between the District Magistrate and the Superintendent of Police ? Discuss.
- What are the views expressed by the first Administrative Reform Commission in regard to the relation between District Magistrate and the Police ?
- Examine the role of the D.M. as the head of the regulatory administration in the district.
- What are the urgent needs of the district level police structure for handling growing complex situations in changing India ? Discuss.
- Examine the needs for the Commissionerate System.
- What are the Constitutional/Legal provisions for the D.M. – S.P. relationship in India ?

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Unit IV □ Police and the Public

Structure

- 4.0 Objectives**
- 4.1 Introduction**
- 4.2 Relationship between Police and the Public**
- 4.3 Concept of people friendly police**
 - 4.3.1 Characteristics of people friendly police**
- 4.4 Community Policing**
 - 4.4.1 Varieties of Community Policing**
- 4.5 Conclusion**
- 4.6 Summary**
- 4.7 Glossary**
- 4.8 Model question**
- 4.9 References**

4.0 Objectives

- To understand the relationship between police and the public
- To explain the concept of people friendly police
- To understand community policing

4.1 Introduction

Police image in a society depends on the degree of equanimity it has with public expectation. The expectations of the public are changing with time. As far as the police are concerned, the public is not a homogeneous entity. It is composed of many diverse and at times opposite interests. There is a challenge in front of the police to meet these expectations. A healthy police-public relationship is vital to secure the desired measure of public involvement in the police operations to make it acceptable to society. The very basis of the law and order in the society is public support, without the support of the

public; no government can maintain law and order in the society. Moreover, no policeman can succeed unless he gets public support. Thus, according to Radelet, police-public relations imply, “the reciprocal attitude of the police and the public to the expected and performed tasks of the police, and to involve general public relations, community services and community participation.” The British Institute of Public Relations explained public relations as “the process of establishing and maintaining mutual understanding and appreciation between an organization and its public, through effective two-way communication.” Today India is going through a very difficult phase when the country is convulsed by lawlessness of unprecedented magnitude. Unfortunately, a healthy relationship between the police and the public is still to be established as far as India is concerned. Compared to police in developed countries, the Indian Police has failed to fulfill the need and aspiration of the people of India.

4.2 Relationship between Police and the Public

The relationship between the police as an organization and the public in general, must be based on mutual trust, understanding and mutual regard for each other. There is no place of arrogance, lack of co-operation, exploitative attitude and apathy towards other’s feelings or point of view.

The bases for the police-public relationship, as it exists today, are the Indian Police Act of 1861, which was enacted as a result of the recommendations made by the Indian Police Commission of 1860. The present police set-up, as is well known, is what we inherited from the British rulers from the time of the country’s independence. Since then no worthwhile changes have been made in either its organization or working methods. The British had organized the police to serve their colonial interest and evidently it cannot be suitable for a country which is committed to a democratic way of life and which has adopted the ‘Rule of Law’ as the guiding principle of independent India. Therefore, there are allegations that the police in India continues to be essentially colonial in character. The Indian police still continue to look after the interest of the ruler, in this case, the political party in power. In such a context, it becomes more important for the police to protect the government rather than the public. All these may ultimately lead to the use of the police as a powerful instrument of oppression against the people.

In present time, public distrust and enmity to the police are very great. Surveys conducted in India reveal a number of important factors in regard to the worsening of the police-public relations. One important cause of distrust is the harshness of the police, their rough manners and their lack of courtesy. Partisan law enforcement and political

interference in the day-to-day working of the police is another factor responsible for the loss of public confidence and respect of the police. The behavior of the police with the public is still very arrogant and discourteous. Today, democratic countries including India are haunted by the specter of rising crime and lawlessness. People seem to feel that the police are not able to provide adequate protection to them and control crime due to various factors like corruption, political pressure and a covert nexus with the crime mafias which was brought out by the N.N. Vohra Committee Report of 1993 which observed - “The nexus between the criminal gangs, police, bureaucracy and politicians has come out clearly in various parts of the country. The existing criminal justice system, which was essentially designed to deal with the individual offences/crimes, is unable to deal with the activities of the Mafia....” Police as the law-enforcement agency have a duty to see that they do everything to see that the people in a democratic society enjoy their human rights freely. The improper use or the misuse of power and authority by the police has been found to be causally responsible for the denial of some of these inalienable rights of man in the past and even today. In doing so, some police officers do not understand that they are violating the human rights of the people for whose welfare and protection the service is created and maintained. It has also been observed that police use to violate fundamental rights of people like torture in police custody leading to custodial deaths.

4.3 Concept of people friendly police

In this context one needs to talk about the concept of ‘People friendly police’. ‘People friendly Police’ has not been succinctly defined. It can be deduced that people friendly police behaves with the public in a friendly manner. It is participative in approach and involves the people in its operational working. It keeps the public at the centre stage. It is democratic in nature and has corroborative approach. It works in a fair and non-discriminatory manner. It promotes transparency in the working of the police and makes it incorruptible. It shows alacrity to the people in need by extending prompt help thereby standing true to the message: “we are always with you”. The police by the very nature of their origin need to be a people’s police. Their job is not only to protect and to help their fellow people but also to protect their fellow people against the government or against any other authority if the government or that authority acts illegally.

4.3.1 Characteristics of ‘People Friendly Police’:

1. People friendly police adopts participative approach and involves people in crime detection.

2. Impartial treatment is meted out to all sections of society by the people friendly police.
3. It has a humanistic approach. It is supportive, sympathetic and caring and approaches all human beings compassionately.
4. People friendly police responds promptly to the citizens' complaints and comes into action very swiftly.
5. People friendly police is trustworthy and the people bank upon it.
6. Since people friendly police is not frightful, people approach it without any inhibitions.

All the above mentioned attributes of a people friendly police organization in India can be achieved through Community Policing. Police are a part of community. It is the community that maintains the police and to serve the community the police exist. Good police public relations therefore, play a vital role in any society and more so in a democratic society like ours where the police need the continuous support, respect and approval of the citizen for their functioning. Accordingly, a good community police relations programme which aims emphasizing the mutual interdependence of the two in the maintenance of law and order as well as in the prevention and detection of crime is a necessity. Good program aims at developing natural respect and understanding between the police and the people and promotes an atmosphere conducive to greater public cooperation and eventual police effectiveness. Community policing will go a long way in meeting the changing expectations of the public. Community policing is a philosophy which supports the systematic use of partnerships among police and the community to address the conditions such as crime, social disorder and fear of crime. The success of community policing depends upon the partnership among police and the community, so the police must develop positive relationships with the community. The United States Department of Justice defines Community Policing as – “a philosophy that promotes organizational strategies in the community to combat potential situations that might create public safety issues.” Community policing involves the use of partnerships between municipal agencies, businesses, individual citizens, non-profit groups and the media in order to develop methods to police the community. These organizations work together to address criminal matters and reduce crime. Instead of simply leaving it to the police force, community policing revolves around a philosophy that the entire community can help take measures to prevent crime.

Bureau of Police Research and Development (BPR&D) in India has referred it as “normal policing of a society in consultation, cooperation and partnership with the

community at large”. According to bureau the objectives of community policing are “To minimize the gap between police and public to such an extent that the policemen become an integrated part of the community they serve and they earn the acceptance and trust of the community leading to impulsive cooperation from people in crime prevention and security in local area and resulting in a lasting partnership between the police and the community”. As for the mission of community policing the Bureau recommends “To prevent and detect crime, maintain order and ensure safety and security of the community in partnership with the people and to provide the community efficient, transparent and responsive law-enforcement machinery which perpetuates the rule of law”.

4.4 Community Policing

Community policing has three key components –

1. **Community Partnerships:** - Collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police.
2. **Organizational Transformation:** - The alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving.
3. **Problem Solving:** - The process of engaging in the proactive and systematic examination of identified problems to develop and evaluate effective responses.

This concept brings the police and community into a closer working relationship and improves the level of mutual trust and respect among the police and the citizens.

4.4.1 Varieties of Community Policing

Several approaches to policing have been associated with community-oriented policing so far. Broken-windows policing, zero-tolerance policing, and problem-oriented policing are, among others, regarded as varieties of community-oriented policing strategies. While all listed styles of policing generally engage with the community, there are still differences regarding their normative and disciplinary approaches regarding the community as well as to what extent the communities are actually involved in the provision of security.

Broken-windows policing spread across the United States during the 1980s and has been mainly inspired by a seminal article by Wilson and Kelling on strategies of how to overcome diffuse fear of crime. The authors refer to the metaphor of a broken window

to explain the increasing urban dilapidation in combination with rising criminality and insecurity. Wilson and Kelling hypothesize that if a windowpane is broken and no one repairs it soon, remaining windows of the same building will be broken as well since the apparent lack of maintenance might lead to the conclusion that breaking windows of that building will have no consequences for the respective perpetrators at all. Moreover, if, as the argument of Wilson and Kelling continues, the absence of consequences and an associated lawlessness remain for these kinds of delinquences, defiance of the law will increase and spill over to the whole neighbourhood. As a reaction, the authors conclude, average citizens will increasingly generate diffuse fear of crime on the streets and move away to safer places in the city. The neighbourhood in question, however, will sooner or later be lost.

The broken-windows thesis that vandalism and disorder leads to an increase of crime has been disputed within the research community. Moreover, it has been objected that particularly ethnic minorities would disproportionately and unjustifiably become labelled as “troublemakers” and therefore targeted by police officers while following the broken-windows approach. Moreover, adolescents, members of ethnic minorities, or homeless persons could become criminalized by spending time in areas designated for public use since loitering might be perceived as disorderly behavior. Hence, implementing the broken-windows approach might lead to an immense loss of trust into the actual objectivity and impartiality of the police on behalf of the affected citizens. While the broken-windows approach seems plausible in theory, implementing it would require a highly professional and impartial police force. Otherwise, the proactive character of broken-windows policing could turn quite quickly into repressive policing similar to the zero-tolerance approach.

This zero-tolerance policing is subsumed by Burke as a proactive and assertive policing concept, having its theoretical underpinnings in the broken-windows approach. In contrast to the broken-windows thesis of Wilson and Kelling, however, zero-tolerance policing aims not only to reduce the diffuse feeling of insecurity on behalf of the residents, but also to reduce criminality in the long run. Within criminological theory, policing in New York City is widely regarded as paramount example for zero-tolerance policing when the then-mayor Giuliani heralded the start of a rigorous prosecution of any kind of crime to contain the exuberant crime rates in the metropolis during the late 1990s. Hard-line policing of any petty offense aimed therefore at calling a halt to a normalization of existing law violation in everyday life and at bringing criminals to justice. One of the main objectives of zero-tolerance policing was also to discourage any potential copycat from engaging in criminal activities. Similar to the community policing narrative, zero-tolerance policing proponents claim that this policing approach is backed up by the majority of residents and covers the

very security needs of its respective community. In fact, the rigorous policing against any form of crime according to the zero-tolerance approach enjoyed popularity and was received favourably in wide areas of New York City.

However, Lum, among others, cautions that zero-tolerance policing might also lead to a normalization of inappropriate behaviour by police officers, such as harsh treatment of citizens, which might often be disproportional to the respective offence. This behaviour of police officers towards citizens might not be desirable in a political pluralist country. And while Knights admits that zero-tolerance policing might have public appeal by reducing crime rates, he doubts the long-term effectiveness of this approach. Tackling underlying social causes for criminal behaviour and establishing sustained lines of communication between the police and residents will not be achieved through hard-line policing alone, as he argues. Rather, zero-tolerance policing might sooner or later lead to cleavages along social and ethnic lines of society. Again, as Taylor concurs, zero-tolerance policing will, at the end of the day, benefit the wealthier parts of society, while ethnic minorities, adolescents, and the socially weaker parts of society get into the focus of policing measures.

4.5 Conclusion

Community policing can address many common yet community and social issues: child and women safety, transportation of school children, domestic violence, traffic challenges, and neighbourhood and other issues. The police officials must be properly equipped with proper attitude and skills to handle community policing. Community policing would also make the public and police understand each other better. Police officials, especially those dealing with the public regularly, must realise that they are part of the society and the society has empowered them. Citizens also should be encouraged to participate in this endeavour.

4.6 Summary

- This unit focuses on the relationship between public and the police
- We have highlighted the ideas of people friendly police
- This section also presents the notion of community policing and its key components

4.7 Glossary

- **Community policing** : it is a strategy of policing that focuses on developing relationship with community members
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4.8 Model Questions

- What do you understand by the concept of people friendly police ? What are its characteristics ? Discuss.
 - Discuss the relationship between police and the public with special reference to India.
 - Write a note on community policing.
 - What are the factors responsible for the worsening of Police – Public Relations in India ?
 - What are the bases for the police – public relationship in India Today ? Discuss.
 - Why is a healthy Police vs Public relationship necessary ? Explain.
 - Write a short note on the Bureau of Police Research and Development in India.
 - Indicate the objectives of community policing.
 - Discuss the key components of community policing.
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Unit V □ Issues Confronting the Police Administration

Structure

- 5.0 Objectives**
- 5.1 Introduction**
- 5.2 Political Interference in the Police Organization**
- 5.3 Violation of Human Rights by the Police**
- 5.4 Corruption within the Police Force**
- 5.5 Poor Working Conditions and Low Salary of Police Officials**
- 5.6 Inadequate Modernization of Police Force**
- 5.7 Conclusion**
- 5.8 Summary**
- 5.9 Glossary**
- 5.10 Model Questions**
- 5.11 References**

5.0 Objectives

To understand some issues confronting the police in India, such as, political interference in police organisation, violation of human rights, corruption within the police force, poor working conditions and low salary of police officials, inadequate modernization of police force.

5.1 Introduction

The police in a democratic country like India should be (1) independent from the political parties in power and interest groups and accountable to the law and the community; (2) effective and efficient in performing their mission, defined as providing security and justice to citizens; and (3) equally accessible and responsive to all citizens especially the marginalized sections of the society. Unfortunately, this picture is far from

that which prevails in India. Several instances from the past like the police excesses during the National Emergency (1975-1977) or the partisan role of the police during the anti-Sikh riots of 1984, the steep rise in the level of politicization of the police force, increase in police corruption and the violation of human rights by the police force in different parts of the country have collectively led to the fast erosion of public trust in the institution of police in India. Some of the issues confronting the police in India are as follows –

5.2 Political Interference in the Police Organization

In a democracy, power vests with the people. This power is exercised through its elected representatives who have the mandate to govern them for a specific period. The civil servants (permanent executive) by virtue of their knowledge, experience and understanding of public affairs assist the elected representatives (political executive) in formulating policy and implementing them. Law and order is a state subject in Schedule 7 of the Indian constitution. Therefore, police across the country continue to be subordinate to the state government executive and are nowhere an independent or autonomous institution. This has been the bone of contention in recent times. Since the police are answerable to the state executive and the political party in power, the police invariably get politicized. The watershed in the history of India's administration, both the civil service and police, was the national emergency declared by former Prime Minister Indira Gandhi in 1975. The misuse of government machinery especially the police during national emergency to stifle the opposition through indiscriminate arrests contributed to an unprecedented level. It led to the politicization of the police force in India. This unhealthy trend of excessive political interference in the police administration continues even today. It has become an unwritten norm that the Chief of Police will be changed after every state assembly election to suit the vested interest of the newly elected political party. This often demoralizes the police force who is seen to succumb to political pressure. Moreover, an honest police officer, is often coerced to toe the political lines of the political party in power by subjecting him to administrative action by way of transfer or suspension on the basis of an alleged complaint taken up for inquiry. While suspension acts as a great humiliating factor, a transfer disrupts Police officer's family and children's education. Therefore, the police deliberately become ineffective and untrustworthy because of its subordination to the political class.

Over the last thirty years, the situation has worsened due to criminalization of politics. Today many candidates across the political spectrum are contesting elections with the help of criminals and mafias; and now, increasingly, these criminals are getting elected themselves. The Second Administrative Reforms Commission in its report 'Ethics in Governance' acknowledged this fact and observed – "The opportunity to influence crime investigations and to convert the policemen from being political adversaries to allies is the irresistible magnet drawing criminals to politics." The police personnel are often pressurized by these legislators with criminal antecedents to neglect or close an ongoing investigation against them. The police investigation officers as well as the public prosecutors are under tremendous pressure not to present a strong case in the courts against them. This is the more dangerous side of political interference, where rule of law and the existence of democratic institutions are being threatened. To survive in such a system, police personnel feel compelled to surrender to political influence in their work. This in turn gravely affects the police work, and specifically the criminal investigations.

5.3 Violation of Human Rights by the Police

The Indian Police Act, which was enacted in 1861, is the central law governing the police in independent India. The Indian Police Act of 1861 was legislated by the British right after the revolt of 1857 to make the police force more subservient to the executive and to remain authoritarian towards the public. After independence, though amendments have been made to this law, the basic structure remains the same. Unfortunately, the police in India are not directly accountable to the Indian citizens. Absence of structures of accountability outside the police organization has made it more imperious. This has led to the steady rise in the violation of human rights of citizens by the police force in recent times. Complaints against the police officials for harassment, coercive corruption, custodial death, physical abuse, rape, threats, psychological humiliations, false encounters and assault are on the rise. For instance, as a response to an RTI application to 'First-post', the National Human Rights Commission acknowledged that a total of 894 deaths in judicial custody and 74 deaths in police custody have been recorded in India in 2017. The letter, signed by the joint registrar (Law) of the National Human Rights Commission, stated that Uttar Pradesh leads the chart of deaths in judicial custody by a significant margin, with 204 deaths recorded in the period between 1 January, 2017 and 2 August, 2017. The state was followed by Punjab with 76 deaths and Bihar with 64 deaths.

5.4 Corruption within the Police Force

The police system in India was designed to a strict hierarchical and military structure, based on the colonial distrust of the lower ranks. The decision making authority continues to be with a few high placed police officers, while the police constables merely followed orders. After independence, the nature of the political system drastically changed but the police system still remains almost intact. It is these colonial attributes like a hierarchical structure, lack of organizational transparency and accountability to the citizens that have perhaps led to the growth of corruption within the Indian police system.

Transparency International in its report - “Daily Lives and Corruption: Public Opinion in South Asia” in 2010-11, pointed out that the police is seen as one of the two most corrupt institutions in India; the other being political parties. Therefore, police service in India is viewed with certain suspicion and apprehension. One encounter various types of corruption in the police department in India starting with bribes to protection money for protection of those involved in illegal activities, to internal pay-offs for getting posting in lucrative money-making departments within the police organization. To quote Arvind Verma – “Corrupt practices are now part of the Indian police system and are found in every department, in every rank and in every police institution including training colleges. The malaise has spread all over the country and in every aspect of policing.”

5.5 Poor Working Conditions and Low Salary of Police Officials

Police officers are often underpaid compared to the amount of power they have. The salaries of junior policemen like constables in India are very low. Leslie Palmier, in his comparative study of the control of bureaucratic corruption in Hong Kong, India, and Indonesia identified poor salaries as one of the important factors giving rise to corruption in these countries. Leslie Palmier had pointed out that “if the official is not to be tempted into corruption and disaffection, clearly there is an obligation on the government to provide or at least allow such benefits as will ensure his loyalty; one might call it an implicit contract.” He concluded by saying that “adequate pay” was an “essential ingredient in reform”. In addition, many police officers especially in the paramilitary divisions usually live in appalling conditions and under tremendous stress. For instance, India’s largest paramilitary, Central Reserve Police Force (CRPF) is losing more personnel to suicides, poor working conditions and stress levels than the enemy’s battles. These personnel are

fighting militants in North-East India and Jammu and Kashmir under very exhausting conditions with some not having access to even basic amenities like toilets and fresh water. These conditions take their toll on the psychology of the personnel which is driving many to commit suicide. Between 2012 and 2014, 370 paramilitary troopers committed suicide because of mental stress. The diseases like malaria, HIV and heart attacks amount 1,131 deaths in the last five years, while the Maoists have killed only 323. In the last few years, there has been steep rise in premature retirements in CRPF. The premature retirements in 2013 were at 4,186 which rose over 6,000 personnel in 2014, almost 20 exits per day. Unless salaries increase and working conditions improve, it would be impossible to obtain good performance from policemen.

5.6 Inadequate Modernization of Police Force

In addition to these systemic problems, the resources, technology, weapons and procedures available to the police have not kept pace with the times. Today the criminals and crime syndicates have access to much greater fire power, faster transport, better communications, and in general far superior technology and speed in decision making. Revolution taken place in the nature of crime and when jurisdictional issues have become of vital significance with an era of globalization, the existing problems of police force have been further multiplied in manifold ways. Worldwide the rapid economic development, consumerism, globalization have given rise to new crimes, new modus operandi, and new kinds of criminal behaviors. The use of modern techniques, use of machines and computers has thrown new challenges before police force in any country, including India. Facilities at the Police Station level are important to make them effective. Accommodation, facilities and modernisation are important areas, which need critical evaluation as well as reform. The police forces are not in a position to match these criminal gangs given the many inadequacies in their functioning. Given the growth of cyber and other computer related crimes, computer forensic has been the major challenge before not only the police force but also the Indian criminal justice system. Therefore modernization, update training and sensitization to modern challenges to Indian police force are also utmost essential.

5.7 Conclusion

While there is no denying the fact that the police in India play very important role in the process of governance, law and order administration in India needs to be restructured.

A long-term perspective plan is needed to re-organize the entire police administration in India. Proper process of recruitment of police officials, reorientation of the training programmes should take place so that the police administration can become more responsive and effective to meet the challenges of 21st century India. Care should be taken to attract the talented persons into the police force by making the service conditions more attractive. Moreover, the police officers should have clearly demarcated powers and should not be over-burdened with trivial functions. Every police officer should be better equipped so as to enable him to respond to the dangerous situations like terrorism. In conclusion, the police force should be kept free from the process of politicization and corruption so that it can serve better the people of India.

5.8 Summary

- This unit focuses on the rise in the level of politicization of the police force.
- We have discussed the increase in police corruption.
- The violation of human rights by police force is dealt with.
- This section highlights the salary issues and proper working conditions of the police.

5.9 Glossary

- **Police** - The police are a constituted body of persons empowered by a state to enforce the law, to ensure the safety, health and possessions of citizens, and to prevent crime and civil disorder. Their lawful powers include arrest and the legitimized use of force. The term is most commonly associated with the police forces of a sovereign state that are authorized to exercise the police power of that state within a defined legal or territorial area of responsibility.
- **Crime** - A crime is an illegal action or activity for which a person can be punished by law. According to criminologist Paul Tappan it is “an intentional act or omission in violation of criminal law ..., committed without defense or justification, and sanctioned by the state as a felony or misdemeanor.”
- **The Bureau of Police Research and Development (BPR&D)** – It was set up on 28 August 1970 in furtherance of the objective of the Government of India for the modernization of police forces. It has evolved as a multifaceted,

consultancy organization. At present it has 4 divisions – Research, Development, Training and Correctional Administration.

- **Human Rights** - Human rights are rights inherent to all human beings, regardless of gender, nationality, place of residence, sex, ethnicity, religion, color or any other categorization. Thus, human rights are non-discriminatory, meaning that all human beings are entitled to them and cannot be excluded from them. Of course, while all human beings are entitled to human rights, not all human beings experience them equally throughout the world. Many governments and individuals ignore human rights and grossly exploit other human beings.
- **Cyber Crime** - Cybercrime, or computer-oriented crime, is a crime that involves a computer and a network. Cybercrimes can be defined as: “Offences that are committed against individuals or groups of individuals with a criminal motive to intentionally harm the reputation of the victim or cause physical or mental harm, or loss, to the victim directly or indirectly, using modern telecommunication networks such as Internet (networks including chat rooms, emails, notice boards and groups) and mobile phones (Bluetooth/SMS/MMS)”. Cybercrime may threaten a person or a nation’s security and financial health. Issues surrounding these types of crimes have become high-profile, particularly those regarding hacking, copyright infringement, unwarranted mass-surveillance, child pornography, and child grooming.

5.10 Model questions

- What are the major issues confronting the police administration in India in recent times ?
- How would you explain the politicisation of the police force in India ?
- Write an essay on the corruption in the police system in India ?
- “Adequate pay is an essential ingredient in reform”- Lesley Palmier. Do you agree with the statement ? Give reasons for your answer
- Why is adequate modernization essential for police force in India ? Discuss.
- Write a note on human rights violation by the police in India.
- Write a short note on criminalization of politics in India.

- What should be the role of the police in a democratic country like India ? Discuss.
- What are your suggestions to make the police administration more responsive and effective ? Discuss.

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Notes
