

CALCUTTA RESEARCH STUDIES

No. 4

District Administration
in Metropolitan Calcutta

FRANK J. TYSEN

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GENERAL EDITOR: LESLIE GREEN
INSTITUTE OF PUBLIC ADMINISTRATION, NEW YORK

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FRANK J. TYSEN

Research Fellow in Urban Studies

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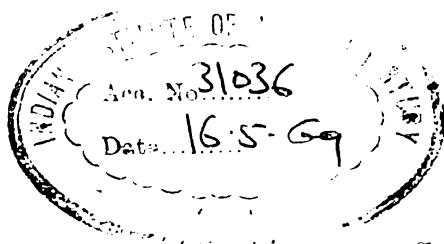
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Note

In this study, all statistics above 99,999 are given in lakhs and crores. One lakh=100,000 and is depicted as 1,00,000. One crore=10,000,000 and is depicted as 1,00,00,000. The unit of currency used is the Rupee. One Rupee=0.21 (approx.)



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FOREWORD

The Institute of Public Administration, New York, is a private, non-profit organization, chartered under the laws of the State of New York to improve public administration practices, sponsor research in government problems, and conduct educational programmes. Since the end of the Second World War, the Institute has concentrated its efforts on policy problems of urban government, on regional and national problems arising from urbanization and metropolitan growths, and on problems of administration in developing nations. The current series of research studies records the results of work undertaken in and around Calcutta by teams of graduates from Indian, American and British Universities. The teams have been engaged on an international urban studies programme operated by the Institute in close association with the Calcutta Metropolitan Planning Organization, and financed by the Ford Foundation.

This programme has had the two main aims of training research workers in urban studies and of assisting the Calcutta Metropolitan Planning Organization. These twin objectives have been pursued by agreeing projects with that Organization designed to serve both ends. At the same time, the Institute has hoped generally to further the public interest in India by its examination of social, economic and governmental problems in the country's largest urban complex.

Although specific acknowledgements are made in the preface to the present study, I am happy to acknowledge in this foreword the generous financial aid of the Ford Foundation, and the ready response of members of the Calcutta Metropolitan Planning Organization and Ford Foundation advisory group to that Organization whenever approached for assistance by the Institute's research personnel.

LESLIE GREEN

PREFACE

This report grew out of efforts to compile a manual on Government in Metropolitan Calcutta which has now been completed. No systematic and comprehensive information could be discovered on the jurisdiction, functions and responsibilities of the District Magistrate and Divisional Commissioner in West Bengal, or on the organization of district administration in Metropolitan Calcutta, and a great deal of field work was necessary to complete this section of the manual. In view of the importance and complexity of the administrative machinery investigated, and of the wealth of data collected, it was decided to make the fullest use of such research by publishing a separate study.

The main objective of the study is to provide an up-to-date description of the operation of district administration in Metropolitan Calcutta for use by practitioners and students of government and administration concerned especially with the area under investigation, and by persons having a more general interest in public administration in India.

Despite the important position which district administration holds within the Indian administrative framework, surprisingly little has been written about it. Those interested in analysing its role have undoubtedly felt handicapped by the variations displayed from State to State, and by the lack of detailed studies of its operation in individual States. Possibly for these reasons, most works on district administration have been occupied with either its history or its broad principles, and there thus appears to be a real need for a series of thorough studies on the role it plays in the several States of the Union, so that a basis may be provided for a more penetrating analysis of district administration in India as a whole. It is the author's hope that this report will have contributed to such a goal by constituting a first step towards a more detailed investigation of district administration in West Bengal.

As the second objective of this study is to serve to some extent the reference needs of persons having a more than average interest in district administration, a large number of footnotes have been included, many of which are to facilitate cross reference. For the same reason, the contents have been duplicated in certain instances, e.g. several explanatory notes accompanying Chart No. 2 re-state information contained in Chapter III. In addition, in Chapter IV the District Magistrate's jurisdiction, functions and responsibilities have been stated in such a way as to correspond closely to the original statutory language, and in each case reference has been made to the relevant Government manuals, or acts and codes, and major rules. However, amending acts, relevant orders, circulars and, in some cases, rules have generally been omitted, although their contents have been incorporated in the District Magistrate's duties set out in that Chapter.

In describing the District Magistrate's activities in Chapter IV, particular emphasis has been placed on those activities which relate to land-use planning and development,

as one of our purposes is to assist the Calcutta Metropolitan Planning Organization. It must be stressed, however, that the contents of this chapter are to be considered representative rather than exhaustive. The preparation of a thoroughly comprehensive list of the District Magistrate's functions and responsibilities not only falls outside the intended scope of this report, but is virtually an impossible task. Such an undertaking would necessitate a careful scrutiny of all Union and State acts, codes, rules, regulations, circulars and standing orders of the last two centuries. In fact, the research required for the present study turned out to be a good deal more time-consuming than was ever expected.

District administration is affected by frequent changes, both in its powers and its organization. The charts included in this report have been brought up-to-date as of May, 1963, and the text as of December, 1963. A few changes which have occurred since these two dates are indicated in the footnotes. These changes include (a) the separation of the judicial and executive functions, soon to be implemented in West Bengal; (b) the re-organization of rural local government, in particular *vis-à-vis* development; (c) the recent re-organization of State development administration according to directives laid down by the Union Government; and (d) in the case of a number of engineering directorates, the abolition of the requirement that the District Magistrate submit a confidential report on their district-level officers (which may indicate a trend towards greater independence from control by the District Magistrate on the part of such directorates). The exact importance of these changes is as yet difficult to gauge.

The nature of district administration is such that it is subject to differing interpretations and does not easily lend itself to precise description and chart-making. To further complicate matters, its structure and procedure are perpetually in a state of flux. As a result, it is not always simple to obtain agreement on these aspects of district administration among its practitioners, and, in several instances, the author has had to decide which interpretation seems to him most adequately to reflect reality. He thus wishes to make it clear that none of the many persons to whom he is indebted for assistance in the preparation of the report is to be held responsible in any way for its contents. He alone is responsible for its final shape, and for any errors or omissions.

In acknowledging the help given to him, the author is first of all grateful for the encouragement and guidance he received from Dr. Leslie Green, Senior Specialist in International Urban Studies of the Institute of Public Administration, New York. Secondly, large portions of the report—in particular Chapter III which deals with the organization of district administration, and Chart No. 2 accompanying this chapter—would not have been possible without the generous cooperation which the author received in numerous interviews with the District Magistrates and Divisional Commissioners of the districts under study, and from the members of their staffs, officials of the Board of Revenue, Department of Land and Land Revenue, and members of the Home (General Administration) Department. The author is especially indebted to the Divisional Commissioner of Burdwan Division, Mr. V. S. C. Bonerji, I.A.S.; the District Magistrate of Hooghly, Mr. G. Gomes, I.A.S., and his Confidential Assistant, Mr. N. Som; the former District Magistrates of Howrah and Nadia, Mr. M. N. Chaudhuri, I.A.S., and Mr. D. Bandyopadhyay, I.A.S., respectively; Mr. M. N. Roy

Choudhuri, W.B.C.S., Assistant Secretary of the Calcutta Metropolitan Planning Organization; Mr. K. C. Sivaramakrishnan, I.A.S., Additional District Magistrate, Asansol; and Mr. Nitish K. Sen Gupta, I.A.S., Additional Deputy Commissioner, Darjeeling. The last two persons were kind enough to read the final draft, and their suggestions were most helpful. Particular thanks are due to the former Additional District Magistrate (General) of 24-Parganas, Mr. S. Sen Gupta, I.A.S., his Office Superintendent, Mr. B. Chatterjee, and other members of his staff for the frequent help which they ungrudgingly gave to the author, and to the former Personal Assistant to the Commissioner, Presidency Division, Mr. S. M. Ganguli, W.B.C.S., whose repeated aid included reading the final draft. The majority of the above persons read parts of earlier drafts of the report, so that its contents have benefitted greatly from their knowledge and insight.

Assistance was also given by Mr. Mohit Bhattacharya, Mr. M. M. Singh and Mr. Abhijit Datta, IPA research fellows. It is difficult to assess the value of their help, as these three colleagues command a substantial knowledge of the government of Metropolitan Calcutta which they never failed to make available. The author is further indebted to Mr. Bhattacharya and Mr. Singh for the chart of the West Bengal Government, which they prepared for the companion work, 'Government in Metropolitan Calcutta: A Manual', *Calcutta Research Studies, No. 1, 1964*. Thanks are also due to Mr. A. K. Chakravorty, Librarian of the West Bengal Secretariat Library, whose efforts to provide the author with various library facilities went far beyond the call of duty; to Mr. T. Lahiri of the Geography Section of the Calcutta Metropolitan Planning Organization, for information given concerning the geography of the districts; to Mr. H. H. Bhattacharya, Land Planning Section, Calcutta Metropolitan Planning Organization, for the preparation of Figure 1; to Mrs. Ruby Advanio and Miss Penelope Lovery for typing numerous drafts during the hottest time of the year, much of it spent in an exceedingly humid office; and to Mrs. Beryl Loader for general secretarial assistance.

Calcutta, June, 1964.

F.J.T.

THE DISTRICTS OF 24-PARGANAS, NADIA, HOWRAH AND HOOGHLY:
THEIR SUB-DIVISIONS AND DISTRICT HEADQUARTERS, 1964

INTERNATIONAL BOUNDARY ————
 DISTRICT BOUNDARIES - - - - -
 SUB-DIVISION BOUNDARIES
 CALCUTTA METROPOLITAN DISTRICT BOUNDARY ————
 CITY OF CALCUTTA ■■■■■ DISTRICT HEADQUARTERS ●

SUB-DIVISIONS

- | | | |
|----------------------|-------------------|---------------------|
| ① KRISHNAGAN (SADAR) | ⑥ BASRHAH | ⑫ SERAMPORE |
| ② RAMAGHAT | ⑦ ALIPORE (SADAR) | ⑬ ARAMBAGH |
| ③ BONGAON | ⑧ DIAMOND HARBOUR | ⑭ CHINSURAN (SADAR) |
| ④ BARRACKPORE | ⑨ ULUBERIA | |
| ⑤ BARASAT | ⑩ HOWRAH (SADAR) | |

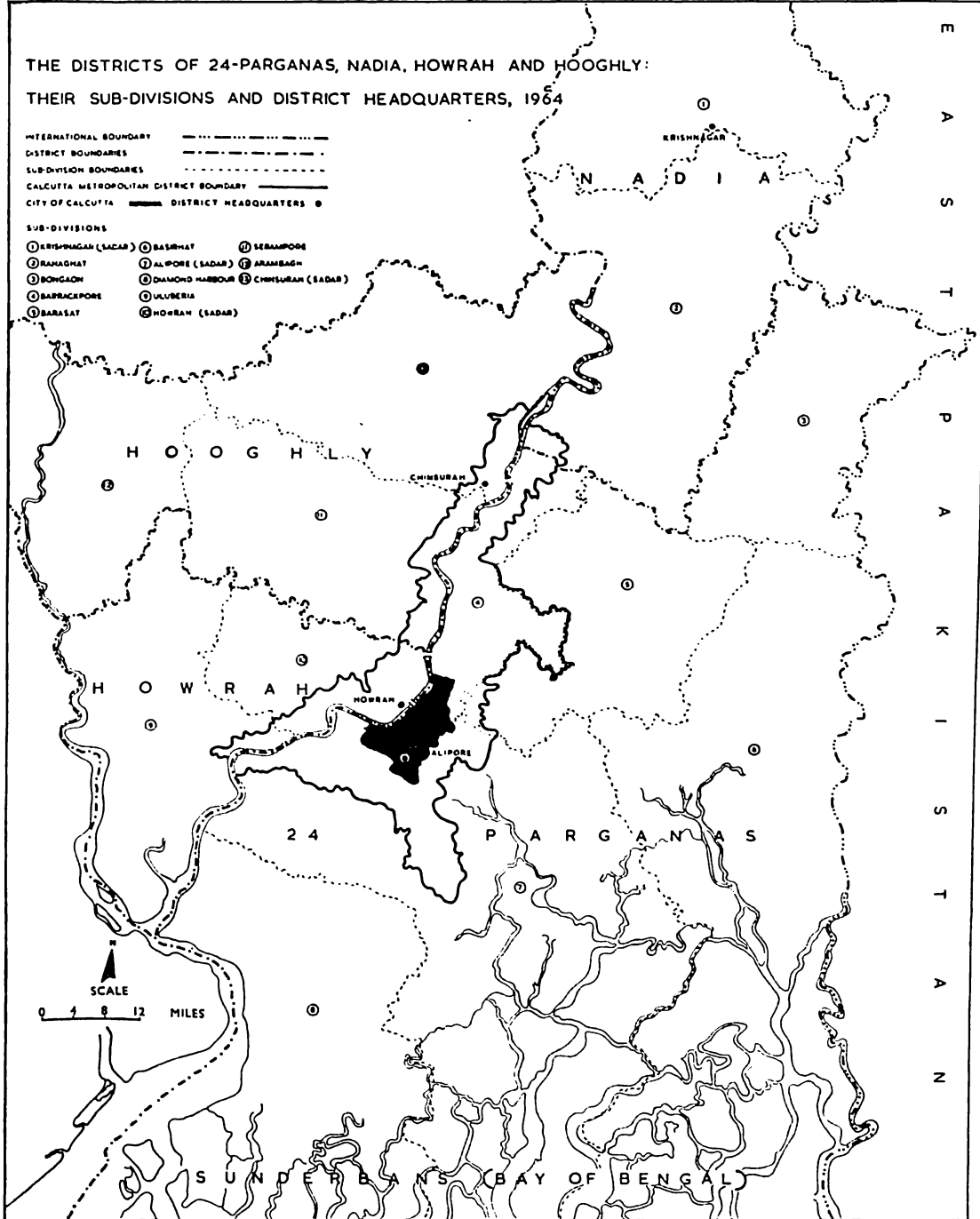


Fig. 1

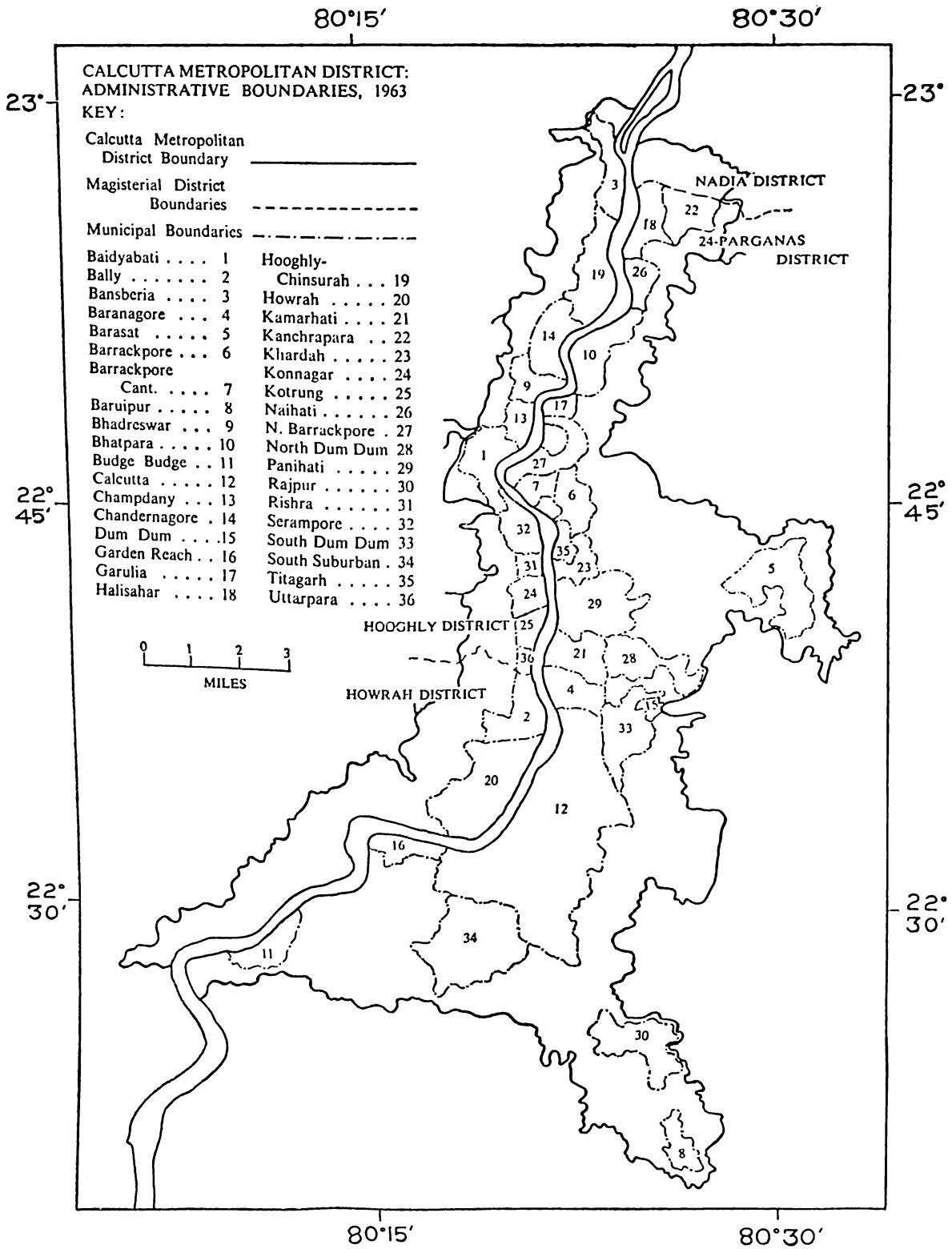


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THE DISTRICT AS AN ADMINISTRATIVE UNIT

The Concept of District Administration

To many a foreign observer, the concept of district administration in India tends to be confusing. France probably uses the most similar type of administrative system, the Prefecture, which has in fact been credited with influencing the British in shaping district administration in India. With the exception of a few former Presidency towns, such as Calcutta, Madras and Bombay, each Indian State is divided into districts, of which there are now about three hundred. Their average size is 4,000 square miles, their average population is 10,00,000, and they are often characterized by a certain topographical unity.

At first sight, an American might compare an Indian district to the county unit as it exists in most parts of the United States. Both are political sub-divisions of a state, essentially rural in character, and both carry out certain functions on behalf of the State Government. The similarity stops here, however, as the American county generally has some type of elected government, whereas the Indian district is always headed by an appointed official belonging to the Indian Administrative Service¹, who is posted by the State Government concerned. In West Bengal, he is referred to as the District Magistrate, Collector or District Officer²; but his title varies from State to State. This official is the chief district representative of the State Government and, in several respects, of the Union Government.

The District Magistrate in West Bengal exercises a wide array of powers and responsibilities affecting the entire district, including the municipalities³ located within it (but excluding Calcutta city⁴ in the case of the District of 24-Parganas which

¹ Officers appointed before Independence belong to the old Indian Civil Service (I.C.S.); officers appointed after Independence belong to the Indian Administrative Service (I.A.S.). The I.C.S. has been merged with the I.A.S., but I.C.S. members continue to serve under the same conditions which were applicable to them before Independence.

² In the Districts of Cooch Behar, Darjeeling, Jalpaiguri and Purulia, he is generally called the Deputy Commissioner.

³ In West Bengal, the District Magistrate has certain supervisory and inspection powers *vis-à-vis* the municipalities, and he may suspend their orders and resolutions as described in Chapter IV, Section 6, *Local Self-Government*. Nevertheless, the municipalities enjoy a certain degree of self-government under the Bengal Municipal Act, 1932. This act endows them with the authority to construct and maintain roads and official buildings; to provide for street-lighting, water supply, drainage and conservancy services, dispensaries, maternity centres, ambulance services (not in all municipalities), vaccinations and inoculations, registration of births and deaths, supervision of markets, inspection of food and drugs, ferry services (not in all cases), and primary education (including grants-in-aid to other educational institutions and to public libraries). For a more detailed discussion of municipalities within the Calcutta Metropolitan District, see M. M. Singh, 'Municipal Government in the Calcutta Metropolitan District: A Preliminary Survey', *Calcutta Research Studies No. 2, 1964*; Abhijit Datta and David C. Ranney, 'Municipal Finances in the Calcutta Metropolitan District: A Preliminary Survey', *Calcutta Research Studies No. 3, 1964*.

⁴ Although for general purposes of district administration the area of Calcutta city, i.e. the Corporation, does not fall under the jurisdiction of any magisterial district, the District Magistrate of the District of 24-Parganas has several responsibilities affecting Calcutta city, such as the management of lands belonging to the State Government, the collection of land revenue and overdue public demands, and the initiation and trial of criminal cases in some parts of Calcutta. Many of

surrounds the former). If one insists on a comparison, American county government may be more fruitfully compared to the West Bengal district boards⁵, which are elected bodies with district-wide responsibilities in the non-municipal areas⁶ of a district. These boards might be characterized as rather weak county governments. Their financial resources are quite meagre and the scope of their functions is very limited⁷. They are primarily responsible for the maintenance of roads, the operation of ferries and various public health and sanitation measures.

Thus, in West Bengal there are in fact two layers of district-wide government: (i) a district administration, headed by the District Magistrate who is an appointed official not subject to popular control, and (ii) district boards, made up primarily of elected members. The district boards, however, are definitely subordinate to the District Magistrate, who has certain supervisory and inspection powers⁸, and who, in addition to various other powers, may suspend their orders and resolutions. If a district board is incompetent, the District Magistrate may be appointed by the State Government as its chairman, which position he held permanently at one time, and if a board is superseded he may be given complete charge of it. Without doubt, the District Magistrate is the most important Government officer in a district. A multitude of both Union and State acts, codes, rules, regulations, circulars and standing orders give him substantial powers in almost every field of Government activity. Within a district he is responsible for law and order, land and land revenue matters and development activities under the Five Year Plans, and it is his duty to coordinate and supervise practically all the remaining Government functions.

The Development of District Administration

Brief as it may be, no discussion of district administration in India can be complete

the remaining functions which, in the districts, are the responsibility of the District Magistrate, are generally exercised in Calcutta city by the Commissioner of Police, the Collector of Calcutta or the Land Acquisition Officer. See also Chapter IV.

⁵ According to the Bengal Local Self-Government Act, 1885, under which district boards are established, the number of board members are to be determined by the West Bengal Government. These members are to be elected periodically by those who either pay cess or the union rate, or who are educated up to a certain standard. For each district, the West Bengal Government is to appoint a chairman, who, *inter alia*, administers various duties subject to control by the board. Under the Zilla Parishads Act, 1964, district boards in West Bengal are to be replaced by new bodies entitled zilla parishads, to be elected indirectly. Behind the creation of these new bodies lies the intention of strengthening rural government. In addition to the powers now exercised by the district boards, they will be given several new powers, such as the responsibility of formulating and executing development schemes in rural areas. The Divisional Commissioner or officers deputed by him will have the power of inspection and supervision of the zilla parishads. See also Mohit Bhattacharya, 'Rural Self-Government in Metropolitan Calcutta', *Calcutta Research Studies* No. 5, 1964.

⁶ For purposes of rural self-government, the non-municipal areas covered by district boards are further divided into unions which function under the Bengal Village Self-Government Act, 1919. Each union elects a board which is responsible for sanitary and conservancy services within its area, for supervising the work of the village police, and for undertaking measures for the improvement and development of cottage industries. Union boards, however, are being replaced by panchayats which have increased powers of self-government, as set forth in the West Bengal Panchayat Act, 1956. As of December, 1962, panchayats envisaged in this Act had been established in only three police stations within the Calcutta Metropolitan District, namely, in Baruipur (24-Parganas), Chakdah (Nadia), and Polba (Hooghly). See Bhattacharya, *op. cit.*

⁷ See footnote no. 5.

⁸ See Chapter IV, Section 6, *Local Self-Government*.

without considering at least a few particulars of its history. District administration to-day is a mixture of usages of the past, adaptations by the British, and modern concepts and needs. Anyone hoping to obtain a thorough understanding of the peculiar position which the District Magistrate now holds within the administrative structure will undoubtedly find it necessary to devote some attention to the historical development⁹ of district administration.

The use of districts for administrative purposes is deeply rooted in India. There is evidence that some kind of district was in use as early as 300 A.D. The present-day character of the district, however, seems to have been established by the Moghuls in the late 16th Century. A century later, the British East India Company utilized the existing administrative machinery and adapted it to its own purpose. The forerunner of the present-day district official originated in 1772, when Warren Hastings appointed District Officers in Bengal for the dual purpose of collecting revenue and dispensing justice. Especially, a need for the orderly collection of land revenue was a major reason for the creation of the modern collector. By 1857, when the sovereign power of the British East India Company passed into the hands of the Crown, the district had undergone numerous changes, but it had been firmly established as a formal administrative unit, and the company collector had become a Government official.

During the nearly one hundred years of British rule, many changes took place in the powers of the District Officer. At the height of his influence, he was directly responsible for practically everything that went on in his district. In addition to his traditional responsibility for public order, revenue collection and the administration of justice, he was responsible for such diverse matters as education, public works, forests, jails, public health and sanitation. But, as many of these functions grew technically more complex, special departments of State were established to administer them, and his position with regard to many Government responsibilities shifted from one of direct involvement to one of supervision and coordination.

After Independence, the District Officer's powers seemed to be weakening still further, but new forces were in the making which, in fact, were to add greatly to his importance. The introduction of provincial autonomy by the British in 1935 had made it possible for popular demands to exercise greater influence upon the direction of Government activities, and eventually resulted in a greater emphasis upon rural development. The District Officer, who thus found himself in charge of implementing new rural functions, became even more deeply involved in such development activities when, after Independence, this trend culminated in the ambitious Five Year Plans. In 1955, he became the district coordinator for all development and extension programmes; and, as new programmes have been initiated and new problems have arisen, his load has tended to increase. For instance, after Partition he became responsible for the management of evacuee property; the breaking up of the Zamindar¹⁰ land system made him responsible for a whole array of matters connected with land reform;

⁹ See the bibliography at the end of this study for works containing a more detailed historical treatment of district administration.

¹⁰ See Chapter IV, footnote no. 24.

and during the emergency caused by the Chinese aggression in 1962, he was made responsible for civil defence. Furthermore, all signs seem to indicate that new responsibilities will continue to be placed on his shoulders. For example, the District Officer is already being mentioned as a possible zoning authority should the increasing concern for land-use planning in India be translated into reality.

District administration, then, is very much a live institution in modern India. To-day, the District Officer is endowed with a wide and important range of executive, administrative, judicial, and quasi-legislative authority which is the residue of a long period of development. It is true that, with Independence, his position witnessed an important, basic change; and that, as a student of district administration has recently remarked, "From time to time there have been changes, additions and subtractions in the duties of the District Officer. But on the whole, his duties have expanded while his powers have diminished."¹¹ Nevertheless, the continuation of his office, hardly seems in doubt, if only because of its long tradition and the resulting prestige which it still enjoys in the eyes of the inhabitants of his district.

Divisional Administration

As in several other States, in addition to districts, West Bengal has established areal units called administrative divisions. A much later development than the district, in West Bengal a division is headed by an official called the Divisional Commissioner and provides an intermediary between the State Government and a number of District Magistrates. The Divisional Commissioner supervises the work of the District Magistrates within his division, and coordinates many of the Government activities in these districts. He acts as an appellate authority, and he has several original statutory functions, especially concerning local self-government bodies.

In India as a whole, considerable disagreement exists about the need for the Divisional Commissioner. He has been referred to as a fifth wheel, and in several States his position has been eliminated. Yet, in at least one State, divisions were re-established after first having been abolished, and it is argued that Independence has increased the need for such an officer. Undoubtedly, with the departure of the British, many young and relatively inexperienced officers were promoted as heads of districts, and the posting of senior civil servants as Divisional Commissioners greatly assisted an orderly transition from pre-Independence to post-Independence. In addition, the latter have since then been of considerable help in promoting and perpetuating sound practices of district administration.

¹¹ Haridwar Rai, 'The Changing Role of the District Officer (1860-1960)', *Indian Journal of Public Administration*, Vol. IX, April-June, 1963.

THE FOUR DISTRICTS OF METROPOLITAN CALCUTTA¹**Introduction**

For the administration of the functions and responsibilities described in this report, West Bengal, with the exception of the city of Calcutta², is divided into three divisions: Presidency Division, with its headquarters in Calcutta, Burdwan Division, with its headquarters in Chinsurah, and a recently-created division in northern West Bengal, with its headquarters in Jalpaiguri. Each division is itself divided into a number of magisterial or revenue districts, which are further divided into sub-divisions.³ The latter, in turn, are broken down into thanas, circles, tahsil blocks and development blocks⁴.

The Calcutta Metropolitan District, as defined by the Calcutta Metropolitan Planning Organization, extends over parts of four magisterial districts (referred to below as districts), which together have jurisdiction over some 405 square miles, or approximately 92 per cent of the total area of the Metropolitan District, and which contain 36,48,711 people, or 55 per cent of its population. These districts are 24-Parganas,⁵ Nadia, Howrah (not to be confused with Howrah Municipality), and Hooghly, with headquarters in Alipore, Krishnagar, Howrah and Chinsurah respectively. The first three districts belong to Presidency Division, and the last one forms part of Burdwan Division.

24-Parganas

The District of 24-Parganas, which encloses the western and south-western portions of the Calcutta Metropolitan District, is one of the largest districts in India. It shares its northern boundaries with the District of Nadia and with East Pakistan. The latter also forms its eastern boundary. In the south, it borders on the Bay of Bengal, and in the west the River Hooghly separates it in north-south sequence from the Districts of Hooghly, Howrah and Midnapur. According to the 1961 Census, the population of 24-Parganas is 62,80,915. Its total surface covers 5,639 square miles,⁶

¹ Most of the information in this chapter is derived from the District Handbooks of 24-Parganas, Nadia, Howrah and Hooghly, which are periodically published by the West Bengal Government Press. These handbooks contain a wealth of descriptive and statistical information on the districts. The Census of India is another useful source for this type of information, since much of its data is arranged according to districts.

² See Chapter I, footnote no. 4.

³ See Figure 1, p. x, for the names and locations of the sub-divisions in each of the four districts of Metropolitan Calcutta.

⁴ See Chapter III under the heading *Sub-divisions, Thanas, Circles, Tahsil Blocks and Development Blocks*.

⁵ The District of 24-Parganas is scheduled to be divided into two districts, namely, a southern part (Alipore) and a northern part (Barasat), but this bifurcation was postponed indefinitely after the Chinese aggression in 1962.

⁶ This figure is based on surveys by the Director of Land Records and Surveys, West Bengal. According to the Surveyor General of India, however, the District of 24-Parganas extends over 5,292 square miles. In the 1961 Census, the surface is given as 5,285 square miles. Since similar differences obtain in respect of other districts, in the rest of this report only the figures given in the 1961 Census of India are used.

of which 1,630 square miles are located in the Sundarbans, an area consisting of tidal channels, rivers, creeks and islands, many of which are swampy morasses. The part of 24-Parganas which falls within the Calcutta Metropolitan District generally consists of relatively higher delta land interspersed by areas of lower elevation. It almost surrounds the area falling under the jurisdiction of the Calcutta Corporation, and is devoted to both agricultural and industrial uses. It has a surface of 272 square miles, of which 95 square miles consists of municipalities.⁷ The remaining non-municipal area is composed of 29 square miles of urbanized land and 148 square miles of strictly rural country-side. The population of the whole of the portion falling within the Calcutta Metropolitan District is 21,23,977.

Nadia

The District of Nadia is located immediately north of 24-Parganas, with which it shares its southern boundaries. It borders the District of Murshidabad in the north and north-west, and East Pakistan in the north-east. In the west, the River Hooghly separates it from the Districts of Burdwan and Hooghly in north-south sequence. According to the 1961 Census, the population of the district is 17,13,324, and its 1,514 square miles comprises generally flat agricultural land. Only the southern-most 9 square miles of Nadia falls within the Calcutta Metropolitan District, however. This area consists wholly of non-municipal urbanized land and has a population of 4,616.

Howrah

The District of Howrah, which until recently belonged to Burdwan Division, is now a part of Presidency Division. It is the smallest district in West Bengal, and is located immediately west of Calcutta city and the District of 24-Parganas on the opposite bank of the River Hooghly, which forms its eastern and south-eastern boundary. On the northern side, the district borders on Hooghly District, with which it also shares part of its western boundary. The remainder of its western boundary, as well as its southern boundary, is formed by the River Rupnarayan, which separates it from Midnapur District. According to the 1961 Census, Howrah District has a population of 20,38,477, and it covers 575 square miles of flat land. The western portion of the district is mainly agricultural, whereas the eastern strip located along the River Hooghly is quite heavily industrialized. Sixty-one square miles of this eastern portion is included within the Calcutta Metropolitan District, and comprises 13 square miles of municipalities, 17 square miles of non-municipal urban areas and 31 square miles of rural areas. The total population of the portion of Howrah District falling within the Calcutta Metropolitan District amounts to 9,18,128.

Hooghly

Hooghly District is the only district of Burdwan Division forming part of the Calcutta Metropolitan District. It is situated directly north of Howrah District, with which it shares its southern boundary. On the east, the River Hooghly separates it from the Districts of Nadia and 24-Parganas in north-south sequence; it shares its

⁷ Not necessarily composed of only urbanized land.

northern boundary with Burdwan District; and it is bounded in the west by the Districts of Burdwan, Bankura and Midnapur, in north-south sequence again. According to the 1961 Census, Hooghly District has a population of 22,31,418, and it extends over 1,216 square miles. The larger part of the district consists of flat, agricultural land, but the extreme western area is characterized by undulating and rocky uplands. The 63 square miles of Hooghly District falling within the Calcutta Metropolitan District consists mainly of a highly-urbanized and industrialized strip bordering the Hooghly. This area comprises 30 square miles of municipalities, one square mile of non-municipal urban areas and 32 square miles of rural territory. The total population of the area falling within the Calcutta Metropolitan District amounts to 6,19,390.

DISTRICT ORGANIZATION IN METROPOLITAN CALCUTTA

NOTE

Since the term District Magistrate appears to be most frequently used in West Bengal, this study exclusively uses this title, *even where the law refers to the official concerned as Collector* (e.g. in the case of land and land revenue matters and licensing), *or District Officer*. This plurality of titles arises because several different functions and responsibilities are vested in a single office-holder.

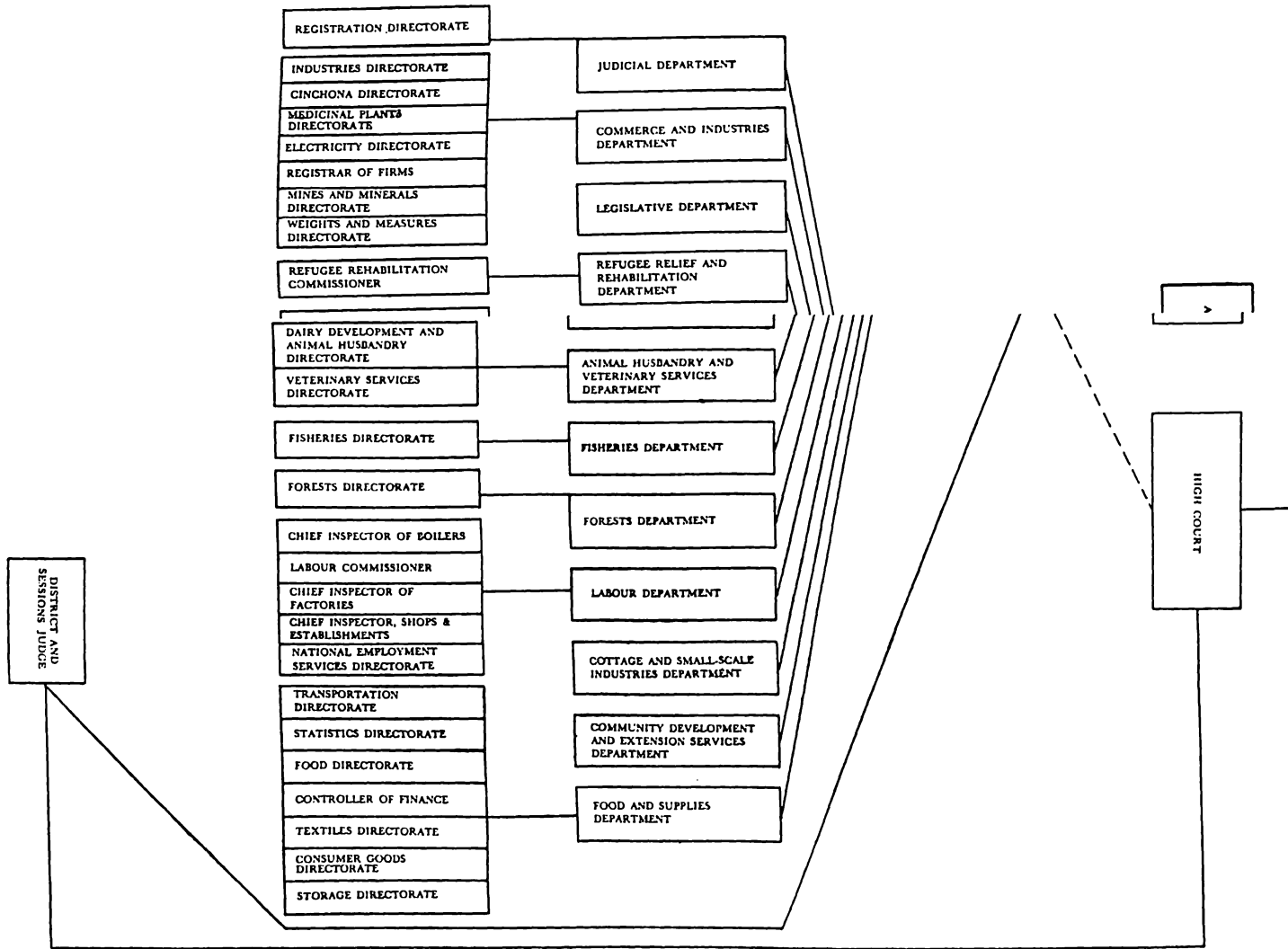
The District Magistrate and the State Government¹

In one way or another, the District Magistrate is normally involved in an estimated 90 per cent of all Government activities taking place in his district. After all, he is *the* district representative of the State of West Bengal, and of the Union Government in so far as Union functions are to be performed by the State. A cursory glance at Chapter IV will reveal a wide variety of functions which numerous laws and rules require him to carry out. Whatever powers he has not been specifically endowed with are covered by Rule 9 of the West Bengal Board's Miscellaneous Rules, 1955, which states, "A Collector (District Magistrate) has power to act in all matters not reserved by any law or order for the orders of higher authority." Under certain circumstances, such as emergency situations, the District Magistrate can become a virtual dictator of the district as various laws and rules empower him to requisition the services of every agency of the Union or State, including organizations of a private-cum-public nature.

If one asks the question, "To whom is the District Magistrate responsible for all these functions?" the answer will most likely be simply, "To Government." But behind that answer lies hidden one of the most complex organizational structures anywhere. To paraphrase a foreign observer: To be responsible to Government is to be responsible to everyone, and to no-one in particular. For an organization chart adequately to reflect all existing relationships, in particular the informal ones between the State Government and the District Magistrate, it might easily resemble the blueprint for some complicated piece of electronic equipment. Therefore, the accompanying organization chart of the West Bengal Government, Chart No. 1², has been purposely left incomplete and shows only the major formal relationships between the District Magistrate and the State Government, which consist of three lines of control and accountability ultimately connecting the District Magistrate with the Cabinet. This simply means that, in the final analysis, the Cabinet controls the District Magistrate through the various State Ministers who are its members, and the Chief

¹ For an explanation of the relative positions and status of Ministers (Ministries), Secretaries (Departments) and Directors (Directorates), see Chart No. 1, p. 9.

² The author is indebted to Mohit Bhattacharya and M. M. Singh, who prepared this chart for *Government in Metropolitan Calcutta: A Manual*, op. cit.



Secretaries. In practice, the District Magistrate will not have many dealings with the Cabinet as such, but he will certainly meet with Cabinet Ministers.

The Chief Secretary is undoubtedly the single most important State official exercising control over the District Magistrate. The Chief Secretary's own department, the Home (General Administration) Department, is *inter alia* in charge of the members of the Indian Administrative Service (IAS)³ assigned to West Bengal, in so far their postings, transfers, promotions, and discipline are concerned. The District Magistrates and Divisional Commissioners, being members of the IAS, therefore fall under the direct control of the Chief Secretary, who takes the ultimate decisions in these matters, subject to approval by the Chief Minister. In carrying out his functions with regard to law and order, the District Magistrate is under the control of the Chief Secretary, and the latter, as the chief coordinator of Government activities at the State level, supervises the work of the District Magistrate as coordinator of Government activities at the district level. In Chart No. 1, this relationship with the Chief Secretary is represented by a straight line connecting the District Magistrate *via* the Divisional Commissioner to the Home (General Administration) Department.

In so far as the District Magistrate's land and land revenue functions are concerned, *via* the Divisional Commissioner he falls under the control of the Department of Land and Land Revenue through its responsibility for the administration of certain acts⁴ and rules. Within this department is located the Board of Revenue, which controls the District Magistrate through the Divisional Commissioner in so far as it is in charge of the residue of land and land revenue administration. It further acts as a final appellate court in all revenue matters, as well as in all disciplinary and service matters concerning the clerical staff⁵ in the offices of the District Magistrate and Divisional Commissioner who have been posted by the latter officers. The Board is composed of one member, who is *ex officio* Secretary to the Land and Land Revenue Department, and who is almost equal in rank and status to the Chief Secretary. The one and the same person thus heads both the Board and the Department, and, in recent years, the former has assumed so many functions of the latter that the 1960-61 Pay Committee of the Government of West Bengal recommended its abolition and the transfer of its few remaining functions to the Board.⁶ The opinion has been expressed that this would certainly be a more logical way of administering land and land revenue matters. In Chart No. 1, the one and the same line represents the relationship between the District Magistrate and the Department of Land and Land Revenue, and the relationship between the District Magistrate and the Board of Revenue, in both cases through the Divisional Commissioner.

A third major concern of the District Magistrate is development matters. In this

³ See Chapter I, footnote no. 1.

⁴ These Acts include: (1) Bengal Tenancy Act, 1881; (2) India Land Acquisition Act, 1894; (3) West Bengal Premises Requisition and Control Act, 1947; (4) West Bengal Land Development and Planning Act, 1948; (5) West Bengal Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorized Occupation of Land Act, 1951; (6) West Bengal Evacuee Property Act, 1951; (7) West Bengal Estates Requisition Act, 1953; (8) West Bengal Premises Tenancy Act, 1956.

⁵ Not to be confused with the officers posted to the district offices by the Home (General Administration) Department or by the various directorates.

⁶ Government of West Bengal, *Report of the Pay Committee of West Bengal, 1960-61*, (Alipore, 1961), p. 253.

connection, the Development Commissioner,⁷ who is an *ex-officio* Secretary of the Development Department, controls the District Magistrate directly and not through the Divisional Commissioner, although the latter is generally informed of all important development matters. At the State level, the Development Commissioner is responsible for securing the co-operation of the various departments for the preparation and implementation of development schemes, and the District Magistrate functions in a coordinating capacity at the district level. In exercising this responsibility, he is assisted by a Special Officer, Planning and Development, also referred to as District Development Officer, and he is advised by a district development council⁸.

In addition to the District Magistrate's general coordinating duties and his major responsibilities for law and order, land and land revenue matters and development matters, he has numerous other functions described in Chapter IV. These relate to local self-government, licensing, relief, tribal welfare, civil records, census, elections, and press matters, which he has to carry out on behalf of the respective directorates and departments. In performing these functions, he is responsible in each case to the particular directorate or department concerned. In general, communications with a directorate, or a commissioner who is *ex officio* a secretary of a department, will be direct unless matters of policy or finance are involved, when communications with a commissioner of a department will be routed *via* the Divisional Commissioner. In the case of departments, however, communications from the District Magistrate to a secretary, joint secretary, deputy secretary or assistant secretary will be routed *via* the Divisional Commissioner, while only communications from such officers to the District Magistrate will tend to be direct (and, even so, the Divisional Commissioner will usually be informed of all important policy matters). It follows that, if all the possible relationships between the District Magistrate and the State Government were to be indicated on Chart No. 1, a profusion of lines would result and the clarity of the chart would be destroyed. For this reason, the lines of communication have been omitted in respect of the functions listed in this paragraph.

⁷ In early 1964, the development administration in West Bengal was reorganized according to Union Government directives. A number of new positions were created, which include those of the Commissioner, Town and Country Planning, and the Commissioner of Agriculture and Community Development. All the incumbents of these new posts are *ex officio* secretaries of their respective departments, and they now also exercise direct control over the District Magistrate. A further result of the reorganization was the transfer of the community development functions from the Development Commissioner, now entitled Development and Planning Commissioner, to the Commissioner of Agriculture and Community Development. Even if these new positions had been created before the completion of Chart No. 1, for the sake of simplicity their relationship with the District Magistrate would still not have been indicated. For the same reason, the role of other *ex-officio* departmental secretaries, e.g. the Refugee, Relief and Rehabilitation Commissioner, is omitted. Chart No. 1, however, does show the relationship between the District Magistrate and the Development Department, in which the Development and Planning Commissioner is located, since the latter Commissioner is the major State coordinator of development activities. Despite the transfer of some of his responsibilities, he continues to exercise this coordinating function, although one is to be cautioned that the detailed implications of the recent organizational changes in State development administration have still to be worked out.

⁸ Consisting of both official and non-official members, it includes the chairman of the district board, the chairmen of the municipalities in the district, the Superintendent of Police, the president of the district school board, one representative of union boards or panchayats from each thana (police station), the local Members of the West Bengal Legislative Assembly and Legislative Council, and of the Union Parliament and Council of States, district-level officers of departments concerned with development schemes, SDOs, and persons from private life appointed by the State Government.

As mentioned above, the Divisional Commissioner stands between the District Magistrate and the Board of Revenue, and Departments with which the District Magistrate is concerned. Both his supervisory and appellate powers are covered as follows in Rule 3 of the West Bengal Board's Miscellaneous Rules, which applies to the powers of officers under the West Bengal Board of Revenue, ". . . A higher authority has all the powers of any lower authority, and, further, may with or without appeal, modify or reverse any orders passed by a lower authority, unless by any law, the orders of the lower authority are final." One of the main functions of the Divisional Commissioner is to inspect annually the offices of the District Magistrates and Sub-divisional Officers. In many cases, a law or rule requires the District Magistrate to obtain the approval of the Divisional Commissioner before he can take a certain action, and proposals to the Board of Revenue or any department of the State Government initiated by the District Magistrate must be channelled through the Divisional Commissioner. In addition to exercising several other statutory functions, the latter also serves as the coordinating authority at the divisional level.

The District Office

The four district headquarters of the Districts of 24-Parganas, Nadia, Howrah and Hooghly, located respectively in Alipore, Krishnagar, Howrah and Chinsurah, form the nucleus of all major Government activities affecting these districts. In the immediate surroundings of the offices in which the District Magistrate and his staff are located, or even within the same complex of buildings, one may find the district-level officers of many West Bengal departments and directorates and of the Union Government. Court-houses are situated in the same vicinity, and the Sub-divisional Officer of the Sadar⁹ Sub-division and his staff may generally be found within the buildings which house the District Magistrate's staff.

In each office of the four District Magistrates will be located, first of all, one or more Additional District Magistrates, who are IAS officers who have been posted to the district by the Home (General Administration) Department. They are charged with the supervision of a part of the district office duties, for which they are responsible to the District Magistrate. The Districts of Nadia, Howrah and Hooghly each have two Additional District Magistrates¹⁰, one of whom is generally referred to as ADM (General) and the other as ADM (Estate Acquisition). The latter supervises all land and land revenue matters, ranging from the management of Government estates to the compensation of ex-intermediaries. The ADM (General) has the supervisory responsibility for most of the residue of district administration, excluding those functions which statutorily may be performed only by the District Magistrate. As it is much larger than the Districts of Nadia, Howrah and Hooghly, the District of 24-Parganas has five Additional District Magistrates, namely, an ADM (General), an ADM

⁹ The Sadar Sub-division of each district is that sub-division in which the district headquarters is located. But, in the case of 24-Parganas, the district headquarters is situated in Alipore, which is now within the city of Calcutta.

¹⁰ Extra Additional District Magistrates may be appointed in times of emergency. For instance, during the height of the Chinese border troubles in the winter of 1962-3, plans were initiated to post an Additional District Magistrate (Civil Defence) in each of the districts of West Bengal.

(Judicial), an ADM (Compensation and Development) and two ADMs [Estate Acquisition (Management)]. The ADM (Judicial), exercises administrative control over the trying magistrates¹¹ and undertakes some of the work which is done in other districts by the ADM (General). The ADM (Compensation and Development) supervises development activities, and shares some of the estate acquisition work.

In varying degrees subordinate to the District Magistrate, there are at least four different groups of district-level officers: (i) officers who have been posted to the district office by the Home (General Administration) Department; (ii) officers belonging to various directorates, but working under the day-to-day supervision of the District Magistrate; (iii) directorate officers who are subject to the dual control of the District Magistrate and their respective directorates; and (iv) directorate officers who are nearly equal in status to the District Magistrate but, in the final analysis, are still subject to his control as well as to the control of their respective directorates. Since the first and second groups of officers are subject to the same type of control by the District Magistrate, they have been placed together in the organization chart of district administration (Chart No. 2, p. 25), and his control over them has been indicated by unbroken lines.

The first group of officers, who are posted to the district office, are generally members of the West Bengal Civil Service (WBCS) or West Bengal Junior Civil Services (WBJCS). They are collectively referred to as deputy magistrates and/or deputy collectors, or sub-deputy magistrates and/or sub-deputy collectors, but each of them has a specific title indicating with which particular aspect of the district office duties he has been charged. Some of the most prominent ones are: Special Officer, Planning and Development; District Compensation Officer; Land Acquisition Officer; Administrative Officer, Evacuee Property Management; and Land Reforms Officer. All of them are responsible to the District Magistrate through the appropriate ADM. To quote an example, the Land Acquisition Officer in a West Bengal district is a deputy collector or sub-deputy collector posted under the West Bengal Land and Land Revenue Department; he belongs to either the WBCS or WBJCS; and he is in charge of the acquisition of land for public purposes, for which he is responsible to the District Magistrate through the ADM (General).

A few words must be said about how the District Magistrate is able to control the ADMs and deputy magistrates and/or deputy collectors, and sub-deputy magistrates and/or sub-deputy collectors, who have been posted under him by the Home (General Administration) Department. As previously indicated, substantial control over members of the district office is exercised by this branch of the Home Department, since it has the major responsibility for the posting, transfer, promotion and discipline of all IAS, WBCS and WBJCS officers. Nevertheless, the District Magistrate has to write annual confidential reports on the conduct of his subordinates, and as these reports are used for purposes of job evaluation and promotion, they constitute an important tool of control in his hands.

The second group of district-level officers consists of directorate officers who fall

¹¹ See Chapter IV, Section 2 (b), *Administration of Justice*.

under the District Magistrate's direct supervision, such as the Excise Superintendent, Superintendent of Jails, District Commander of the West Bengal National Volunteer Force, District Tribal Welfare Officer, District Panchayat Officer, and Publicity Officer. These officers operate subject to his day-to-day control, he submits their confidential reports to their respective directorates, and they are generally unable to act without his consent. For instance, the District Commander¹² of the West Bengal National Volunteer Force belongs to the West Bengal National Volunteer Force Directorate, but only the District Magistrate can call up his unit. As regards the Excise Superintendent, according to Section 9 of the Bengal Excise Compilation, Part II, 1958, "There shall be a Superintendent of Excise in every district, . . . who shall exercise the powers and perform all the duties conferred and imposed upon a Collector (District Magistrate) by the portion of the Act specified below (Bengal Excise Act, 1909), in subordination to the Collector, and subject to the general control of the Excise Commissioner." In short, as a member of the Excise Directorate, the Superintendent of Excise discharges excise responsibilities on behalf of the District Magistrate, and his daily contact, therefore, will be with the latter officer and not with the Excise Commissioner.

The third group of district-level officers comprises primarily directorate officers¹³ who are subject to control both by their respective directorates and by the District Magistrate. Examples of officers within this category are: District Controller, Food and Supplies; District Agricultural Officer; District Industrial Officer; District Social Education Officer; Assistant Labour Commissioner; and District Fishery Officer. As many as twenty-two district-level officers of this type are to be found in each of the four districts under study. In Chart No. 2, the relationship of these officers with their respective directorates has been indicated by broken lines, and the control which the District Magistrate exercises over them is represented by unbroken lines. The directorates are in charge of postings and discipline, but their supervisory activities are generally of a technical nature. The District Magistrate, as the sole coordinator of Government activities within his district, and in particular of development matters, exercises control over them in a non-technical sense. He must be informed and consulted by the directorate officers in all important decisions.

Rule 31 of the West Bengal Board's Miscellaneous Rules, 1955, specifically states,

"The District Officer (District Magistrate) should be kept informed of all important problems, activities and developments, in connection with the administration of every department of Government, so that he has an accurate overall idea of the current Government activities in every sphere of the life of the community. All departments of Government should issue necessary instructions to their departmental officers at district level requiring them to keep the District Officers informed regarding all such matters. The District Officer should, for instance, be informed and if necessary, consulted by the departmental officers whenever important decisions are received from a Government department and also whenever important proposals or reports are sent up to Government by them."

¹² The District Commander is generally a part-time, honorary appointee.

¹³ At least one Union official, the District Savings Officer, falls into this category, but the District Magistrate maintains friendly contact with various other Union officials in the interests of mutual co-operation.

A student of administration, writing about the position of these district-level officers *vis-à-vis* the District Magistrate, remarks:

“. . . although they have independent powers and are technically responsible to their department superiors at the state capital, they are instructed to consider the Collector (District Magistrate) to the District as more than equal. They are expected to consult him on all non-technical aspects of their activities, and abide by the Collector's directions and instructions. Differences of opinion between the Collector and the district head of another department or (directorate) are fatal to the speedy implementation of any project; for its execution should await the final disposal of the matter at the highest executive level or the Ministry.”¹⁴

In view of the above, it should not be surprising that the human and organizational skills of the District Magistrate are at a premium. As students of district administration have pointed out, the effectiveness of Government efforts in a district will greatly depend upon his powers of persuasion, his talent to maintain a well-travelled, two-way street of both formal and informal communication, his ability to provide for a sufficient exchange of information and ideas, and his aptitude in utilizing such coordinating tools as consultations and meetings. The over-all performance of Government efforts in a district stands much to gain from a District Magistrate who is a good coordinator. Not only will he be able to see to it that Government activities do not overlap, or worse, that they do not operate at cross-purposes, but he may also ensure the optimum use of Government resources by pooling them, and may thus avoid much wastage.

His personal skills are especially important because the exact relationship between him and the directorate officers serving at the district level are ill defined. To make matters even more confusing, this relationship varies with each individual case, both as to time and place. Perhaps the only general rule which may be formulated about the degree of control he will exercise over a particular directorate officer at a given time, links increased frequency of contact between the two officers and greater intensity of control by the former over the latter, tempered according to the status of the directorate officer. This status is indicated in many ways, but especially by differences in salary. For instance, a District Industrial Officer in West Bengal can earn yearly as much as Rs. 9,000, whereas the maximum annual income of a District Fishery Officer is only Rs. 3,600.¹⁵ No doubt, therefore, of the two officials, the District Industrial Officer will usually enjoy more independence from control by the District Magistrate, because the latter will be willing to accord him such independence on account of his higher status. Nevertheless, if and when necessary, e.g. in the case of a crisis of one kind or another, the District Magistrate will certainly further extend his control over the District Industrial Officer, and the confidential report always constitutes an important tool of control in the former's hands.

As regards frequency of contact being an indication of the intensity of control

¹⁴ P. N. Narayanan, *The Role of the District Collector in Indian Administration with Special Reference to Madras*, Ph.D. dissertation, Department of Government, Cornell University, 1956; p. 135 (unpublished).

¹⁵ Further information about the salaries of West Bengal Government employees may be found in *West Bengal Services (Revision of Pay and Allowance Rules, 1961)*, Finance Department, Government of West Bengal.

which the District Magistrate may exercise over a particular directorate officer, analysis at once shows wide variations in frequency. In a particular year, the District Magistrate will have daily contact with one directorate officer, but will not see another officer more than a few times. In the following year, he will see the former much less frequently and the latter much more often. What then are some of the factors which determine how often the District Magistrate has contact with a particular directorate officer? First of all, the social and economic characteristics of a district are important determinants. No two districts are alike; each district has its own characteristics and peculiar problems. In a predominantly agricultural district, such as Nadia, the District Magistrate will tend to have a close working relationship with the District Agricultural Officer, whereas in a more industrialized district, such as Howrah, he will tend to have more dealings with, say, the Assistant Labour Commissioner. Secondly, the prevailing emphasis placed by the State Government on a particular area or programme will generally intensify the contact between the District Magistrate and the directorate officer concerned. For instance, a decision by the State Government to initiate a scheme to increase the output of fish will undoubtedly increase his contact with the District Fishery Officer. He will be charged with the district-wide implementation of the policy, although decisions concerning the technical aspects of pisciculture will be the concern of the Fisheries Directorate. Thirdly, the District Magistrate's personal interest in a particular aspect of Government activity will result in increased frequency of contact with the directorate officer concerned. If he has a burning concern for educational matters, he may very well allocate a disproportionate amount of his supervisory time to the District Inspector of Schools. Fourthly, a directorate officer may himself invite more frequent contact with the District Magistrate. For example, a District Savings Officer may be eager to achieve his quota in savings deposits in the district to which he has been posted by the Union Government. If he is successful in persuading the District Magistrate to assist him, the latter may be able to whip up local support by appealing at certain meetings on behalf of the District Savings Officer, and so on.

The fourth group of directorate officers is distinguished from the previous group by the greater independence its members enjoy from control by the District Magistrate, on account of their having a status almost similar to his. For this reason, the group has been placed on the same level as the District Magistrate in Chart No. 2. The officers in this group comprise the Superintendent of Police; the Chief Medical Officer of Health; the Divisional Forest Officer; the Executive Engineers of the Directorates of Public Works, Roads, Irrigation and Waterways, Public Health Engineering, and Housing; and the Executive Engineer of the Construction Board. The directorates to which these officers belong exercise a mixture of administrative and technical control over their subordinates and, in Chart No. 2, the lines connecting these officers with their respective directorates are thus unbroken instead of broken. Broken lines would signify mainly technical control as exercised by the respective directorates over the third group of district-level officers.

The District Magistrate still exercises a certain amount of general administrative control, however, based largely upon his persuasive powers, but usually backed by

the confidential report.¹⁶ If necessary, as was pointed out earlier in this chapter, the District Magistrate can become the virtual dictator of his district. More likely than not, he will have more dealings with the Superintendent of Police than with any other officer of this group. As a member of the Indian Police Service (IPS), the Superintendent of Police is the prestigious head of the district police force, who is responsible for the internal discipline and management of his force, ranging from matters of leave to pensions, with which the District Magistrate as a rule is not to interfere. But the latter may, if necessary, call on the Superintendent to act in order to preserve the peace and prevent crime, and the Superintendent has to keep him informed on these matters. A regular working relationship also generally exists between the District Magistrate and the Chief Medical Officer of Health, since the latter is the district authority in all public health matters, and this relationship can be counted on to increase in intensity during epidemics and other major health threats. Moreover, although, in the execution of his functions, the Chief Medical Officer of Health has control over the District Health Officer and the District Medical Officer, the District Magistrate may in fact deal directly with each of them.

As regards the other officers in this group, the Executive Engineers of the various directorates are likely to become especially important to the District Magistrate during the undertaking of district projects by their respective departments, and the frequency of the Divisional Forest Officer's contact with him varies according to the extent of Government forest holdings within the district. Since, however, with the exception of 24-Parganas, where the Sunderbans are located, there is little forest land in any of the districts under discussion, the degree of contact between the District Magistrates and Divisional Forest Officers involved is in practice limited in such districts.

Sub-divisions, Thanas, Circles, Tahsil Blocks and Development Blocks

All four districts are divided into a number of sub-divisions,¹⁷ ranging from two in Howrah District to six in the District of 24-Parganas. Each sub-division is headed by a Sub-divisional Officer (SDO) who is a member of the Indian Administrative Service or West Bengal Civil Service, but is appointed and posted by the Home (General Administration) Department¹⁸ and falls under the direct control of the District Magistrate who writes his confidential report. For all practical purposes, a sub-division is a miniature district with the SDO acting as District Magistrate.

Three types of officers are to be found at the sub-divisional level. The first type is

¹⁶ Here, it should be pointed out that, although the District Magistrate generally submits an annual confidential report on officers posted within his district for submission to their respective directorates and departments, the importance of the report varies according to the category to which a particular officer belongs. For instance, whereas his negative comments on an Additional District Magistrate or one of his Deputy Collectors and/or Deputy Magistrates could easily be deadly, the same comments concerning an officer of another service cadre, such as the Indian Police Service in the case of the Superintendent of Police, would probably not carry the same weight. Early in 1964, a change was effected as a result of which the District Magistrate no longer submits confidential reports on Executive Engineers of some of the directorates, e.g. the Public Works Directorate and the Irrigation and Waterways Directorate. At least one informed observer sees this change as an indication of a trend towards greater independence from the control of the District Magistrate in the case of district-level officers belonging to technical directorates.

¹⁷ See Chapter II, footnote 3.

¹⁸ Which also handles matters of transfer and discipline.

made up of the sub-divisional equivalents of the deputy magistrates and collectors posted at the district level. Usually belonging to either the West Bengal Civil Service or the West Bengali Junior Civil Service, they are, e.g., the Sub-divisional Compensation Officer and the Sub-divisional Land Reforms Officer. The second type is solely represented by the Sub-divisional Publicity Officer, who is a member of the Publicity Directorate but is subject to day-to-day supervision by the SDO. In both cases, communications concerning their duties, especially with regard to the technical aspects, can take place between these sub-divisional officers and their district-level counterparts (a relationship which is indicated in Chart No. 2 by broken lines).

The third type consists of directorate officers posted at sub-divisional level who are subject to the same kind of dual control as their equivalents at the district level. Whereas the district directorate officers are each subject to control by their particular directorates on the one hand, and by the District Magistrate on the other, the sub-divisional directorate officers are subject respectively to control¹⁹ by their particular district-level equivalents and by the SDO. (In Chart No. 2, the first type of relationship is again represented by broken lines, and the second one by unbroken lines). A major exception to be noted concerns the Assistant Engineers of the Directorates of Public Works, Roads, Irrigation and Waterways, Public Health Engineering, and Housing, and of the Construction Board, and the Sub-divisional Health Officer, the Sub-divisional Medical Officer, and the Sub-divisional Police Officer. In addition to the technical control which the district-level officers of these various directorates exercise over their sub-divisional counterparts, they share substantial administrative control with the SDO by virtue of the greater independence which they enjoy from the District Magistrate at the district level, and this relationship is therefore represented in the organization chart by unbroken lines.

To facilitate police administration, each sub-division is divided into a number of thanas, also called police stations. In the sub-divisions of the four districts under study, the number of thanas ranges from three to eleven and their size varies according to population density. They tend to be smaller in the more populated areas and larger where the area is less densely populated. For instance, within the District of 24-Parganas, several thanas in the Sunderbans area are each larger than the entire Barrackpore sub-division which, being quite heavily populated, itself contains no less than nine thanas. Each police station is headed by a police officer with the rank of sub-inspector, who is charged with the preservation of law and order and the investigation of crimes within the thana area. He functions subject to the control of a Circle Inspector of Police who, in turn, is responsible to the Sub-divisional Police Officer. The latter, however, is found only in important sub-divisions (generally industrial ones) where the work-load is heavy, and the Circle Inspector of Police himself thus often has charge of an entire sub-division. All of the police officers mentioned are appointed and posted by the Inspector General of Police.

¹⁹ In exercising control over officers posted at the sub-division level, the SDO does so in his position as chief representative of the District Magistrate. Unlike the District Magistrate, he cannot write confidential reports or, for instance, sanction an officer's tour schedule. However, he may report about a particular officer to the District Magistrate, who may incorporate this in his confidential report.

For purposes of land and land revenue administration, sub-divisions are further divided into circles, which, in turn, are divided into tahsil blocks. The size of these circles and tahsil blocks is based upon the average amount of annual revenue to be collected. In the District of 24-Parganas, for instance, there are thirty-one circles, each yielding an annual revenue of Rs. 10 lakhs²⁰ or more, and these circles together are made up of over one thousand, four hundred tahsil blocks, each yielding an annual revenue of between Rs. 8,000²¹ and Rs. 12,000. A circle is headed by a Junior Land Reforms Officer, who is under the supervision of the Sub-divisional Land Reforms Officer. The latter himself is ultimately responsible to the District Magistrate *via* the SDO and the ADM (Estates Acquisition). Each Junior Land Reforms Officer is assisted by a Circle Inspector (not to be confused with the Circle Inspector of Police) whose main function is to supervise the accounts of the tahsil blocks and the work of the tahsildars who head these blocks. The tahsildars man the grass-root positions of the entire land and land revenue system. They collect and keep accounts of Government dues, they maintain registers for the collection of rents with the names and addresses of all tenants, and they keep other registers for purposes of land registration.

For the implementation of the community development programme, each sub-division is divided into development blocks,²² which do not correspond in any way with the tahsil blocks. The establishment of development blocks takes place in three stages: a pre-extension stage of one year, which is confined mainly to a survey of the villages and to a certain amount of agricultural development, followed by two five-year stages of intensive development. For example, Hooghly District is now covered in its entirety by seventeen development blocks, each of which contains an area of about one hundred villages with an aggregated population of approximately 66,000. These seventeen blocks consist of three pre-extension blocks, nine stage-one blocks and five stage-two blocks. Each development block is headed by a Block Development Officer (BDO). He is a sub-deputy magistrate or sub-deputy collector, who is appointed and posted by the Development Department, but who is subject to day-to-day control by the SDO (although, as will be seen below, the BDO may deal directly with various directorate officers). The SDO is in turn responsible to the District Magistrate, who, as pointed out earlier, is responsible for the development and extension activities at the district level. In exercising this responsibility, the SDO is advised by the sub-divisional development committee of the district development council.²³

At the block level we find, first of all, extension officers belonging to half-a-dozen directorates who are again subject to dual control (represented in Chart No. 2 by broken and unbroken lines). Through their district-level officers or sub-divisional officers, the directorates supervise the extension officers primarily in connection with

²⁰ One lakh is 1,00,000.

²¹ Rs. is an abbreviation of Rupees.

²² Municipal areas or urban areas with a population of one lakh or more are not intended to be organized as a development block, or to be included in one.

²³ This committee is composed of members of the district development council appointed from the sub-divisions, the sub-divisional heads of departments concerned with development schemes, the block-level officers and nominees of the District Magistrate. See Bhattacharya, *op. cit.*

the technical aspects of their work, and the BDO is in charge²⁴ of the over-all co-ordination of their activities, assisted by a block development committee.²⁵ For routine matters he may correspond with the district-level superiors of the extension officers but, when deviations from established practices and policies are concerned, he may correspond with the District Magistrate *via* the SDO, or even directly with the respective directorates. Secondly, in each block there are a large number of gramsevak and gramsevika, who are multi-purpose workers appointed to help villagers to solve their problems as envisaged under the community development and extension programme. They are usually placed in charge of between five and ten villages comprising an anchal panchayat²⁶ (or village republic) area. The posting is done by the BDO, who is also in charge of their supervision. The gramsevak is the male village worker who has to be, in the first instance, an agricultural expert, as agriculture is the main concern of the average village. But he also has to have a working knowledge of a wide variety of other subjects, such as health, animal husbandry, cottage industry and sanitation. The gramsevika is the female counterpart of the gramsevak. She is to help the women in the villages to utilize their capacities in a more rational and effective fashion. Again, the field of work seems to be all-inclusive, as it ranges over problems of nutrition, personal hygiene, literacy, child care and home-making. Even sports, recreation and cultural activities are judged to be important among her many concerns, as they are expected not only to be personally beneficial but also to create a consciousness of community.

²⁴ Prior to the establishment of development blocks in the Metropolitan District, there used to be a set of officials entitled Circle Officers. They functioned as multi-purpose representatives of the SDO for one or more thanas (police stations), in particular in so far as liaison with the rural population was concerned, and one of their responsibilities was the inspection of union boards or panchayats. Their functions have now been taken over by the Block Development Officer, who will henceforth carry the additional title of *ex officio* Circle Officer.

²⁵ This committee consists of both official and non-official members, and includes local members of the district board and representatives of the union boards or panchayats. See Bhattacharya, *op. cit.*

²⁶ See Bhattacharya, *op. cit.*

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Explanatory Notes on the Organization Chart of District Administration in Metropolitan Calcutta

1. The District Magistrate, in discharging his responsibilities as coordinator of all Government activities at the district level, and in undertaking various specific functions (see text for details), exercises control over a great number of district-level officers, which control is indicated by unbroken lines. Wherever a district-level officer belonging to a particular directorate is also controlled by such directorate, this relationship is represented by a broken line. While such relationship generally extends to control and accountability in technical matters only, in some instances the elements of administrative control may be substantial.

The District Magistrate, in turn, falls under the control of the Chief Secretary, both as coordinator of Government activities in his district and as the person responsible for maintaining law and order in it. When undertaking his land and land revenue functions, the District Magistrate is supervised by the Department of Land and Land Revenue, and by the Board of Revenue located within that department. When coordinating development activities in his district, the District Magistrate is subject to the control of the Development Commissioner,¹ and, in this particular case, the line of control and accountability by-passes the Divisional Commissioner.² For the performance of his various other duties, the District Magistrate is in each case responsible to the particular directorate or department concerned.

2. Either these officers belong to the Collectorate (district headquarters), or they are officers of various directorates who are subject to greater administrative control by the District Magistrate than those district-level officers belonging to directorates who are subject to dual supervision.

3. This line connects the District Magistrate with district-level officers whose status is roughly similar to his own, so that they enjoy greater independence from the control of the District Magistrate than the other district-level officers belonging to directorates.

4. These directorates have been placed in the same box only as a space-saving device. For reasons of space, their respective Executive Engineers have also been placed in one box, which procedure has again been followed for the Assistant Engineers at the sub-divisional level. The titles of the Engineers correspond with the names of their respective directorates, except in the case of the Executive and Assistant Engineers of Rural Water Supply, who belong to the Directorate of Public Health Engineering.

5. The Directorate of Dairy Development and Animal Husbandry, and the Directorate of Veterinary Services, both form part of the Department of Animal Husbandry and Veterinary Services.

6. These deputy magistrates, who initiate and try criminal cases, are under the administrative control of the Sub-divisional Officer, who is responsible for the organization and distribution of the judicial work among them. Ultimately, judicial appeals lie to the District and Sessions Judge, who operates under the supervision of the State

¹ See also Chapter III, footnote no. 7.

² See, however, p. 12.

High Court (and who, by the end of 1964, is to be made responsible for the organization and distribution of the judicial work among the trying magistrates).

7. Land reform is highly dependent upon the work of the Settlement Officer, who is charged almost wholly with the making of major land surveys. The Settlement Officer is not controlled by the District Magistrate, however, but is responsible to the Board of Revenue *via* the Director of Land Records and Surveys.

8. A Sub-divisional Police Officer, assisted by several Circle Inspectors of Police (not to be confused with the Circle Inspector who assists the Junior Land Reforms Officer) is usually found only in important sub-divisions (generally industrial ones) where the work-load is heavy. Otherwise, a Circle Inspector may be in charge of an entire sub-division.

9. The District Magistrate has power of appointment and dismissal over chowkidars and dafadars. Whereas the day-to-day supervision of the village police is exercised by the panchayats, for purposes of crime detection and crime control they fall under the supervision of the Superintendent of Police through the officer in charge of the local Police Station. As far as the remaining police force is concerned, day-to-day supervision is within the province of the Superintendent of Police, who is subject to general control by the District Magistrate.

10. Sub-divisional Veterinary Officers are generally in charge of Veterinary Hospitals located in the sub-division.

11. In districts where the work-load of a probationer is relatively small, he will generally be stationed at the district level. As the work-load increases, however, this officer, along with supplemental officers, may be stationed at various sub-divisions according to need.

12. Divisional Forest Officers with responsibilities in Metropolitan Calcutta are resident in 24-Parganas, Nadia and Burdwan. Each division is divided into a number of ranges which are generally smaller than sub-divisions.

13. A District Soldiers', Sailors' and Airmen's Board is located in 24-Parganas. Howrah and Hooghly share a joint board, and Nadia shares a board located in Burdwan with several other districts.

14. The Districts of 24-Parganas and Hooghly each have their own Inspectors of Schools, but Nadia and Howrah each share one with other districts.

15. The Assistant Labour Commissioner operates at district level in Howrah, and at sub-divisional level in Hooghly (Chandernagore) and 24-Parganas (Barrackpore). The latter also covers Nadia.

16. An Inspector of Shops and Establishments is posted at the district level in all four districts affecting Metropolitan Calcutta, and 24-Parganas has a supplemental Inspector who is stationed at Barrackpore sub-division.

17. Employment Exchanges are headed by either Employment Officers or Assistant Employment Officers, according to their work-load and irrespective of whether the exchange is located at district or sub-divisional level. In both Howrah and Hooghly, the exchange is located at district level, but in Howrah it is headed by an Employment Officer, and in Hooghly an Assistant Employment Officer is in charge. The District of 24-Parganas has an important employment exchange in Barrackpore

sub-division headed by an Employment Officer, and Nadia shares an exchange with Murshidabad headed by an Assistant Employment Officer who is stationed in the latter district.

18. Deputy Controllers have been posted at the district level in Howrah and 24-Parganas, and in Barrackpore sub-division (24-Parganas). Sub-divisional Refugee Relief and Rehabilitation Officers may be found at the sub-divisional level in 24-Parganas, and at district level in Howrah and Nadia.

Chart No. 2

**DISTRICT ADMINISTRATION IN WEST BENGAL
(METROPOLITAN CALCUTTA), MAY, 1963**

(For Notes, See pp. 22-4)

1875
S. D.
L. H.
M. H.

THE DISTRICT MAGISTRATE AND DIVISIONAL COMMISSIONER

1. INTRODUCTION

This Chapter describes *seriatim* and in detail the jurisdiction, functions and responsibilities of the District Magistrate and the Divisional Commissioner. It is necessarily no more than a compilation of powers and duties drawn from the relevant acts, codes, rules, regulations, circulars and standing orders, whether contained in Government manuals or not, and arranged under major headings. Equally necessarily, it follows as closely as possible the original statutory language and makes reference to the documents concerned, except in the case of amending acts, orders, circulars and certain rules, only the contents of which have been incorporated in so far they have modified or added to the major governmental concerns of the District Magistrate and Divisional Commissioner.

The Chapter does not pretend to be exhaustive. A thoroughly comprehensive list of district and divisional functions and responsibilities would be virtually an impossible task, calling for a close scrutiny of all legislative and administrative documents produced over the last two hundred years. Nevertheless, it is felt that the information codified below is sufficiently extensive to cover all the major activities of the District Magistrate and the Divisional Commissioner, and especially those activities concerned with the planning and development of the Calcutta Metropolitan District.

Before turning to specific duties and powers, a word may be said about the general jurisdiction of the District Magistrate and Divisional Commissioner. As regards the former, it has already been indicated that the District Magistrate's powers are quite substantial, Rule 9 of the West Bengal Board's Miscellaneous Rules, 1955, stating "A Collector (District Magistrate) has power to act in all matters not reserved by any law or order for the orders of higher authority." As regards the Divisional Commissioner, who stands between the State Government and the District Magistrate, his functions are generally supervisory and appellate with regard to those powers exercised by the latter. Rule 3 of the West Bengal Board's Miscellaneous Rules, 1955, cited above and applying to the powers of officers under the Board of Revenue, states, "... A higher authority has all the powers of any lower authority and, further, may with or without appeal, modify or reverse any orders passed by a lower authority in a matter primarily within the competence of the lower authority, unless, by any law, the orders of the lower authority are final." In addition, the Divisional Commissioner coordinates many of the Government activities of the district within his division, and he has several original statutory functions (especially concerning local self-government bodies) which are indicated below in each case under those headings to which they apply.

2. LAW AND ORDER

(a) **Preservation of the Peace**

The District Magistrate is responsible for maintaining his district in a state of

peace, and for taking such action as he deems necessary during any crisis or emergency which may arise. For these purposes, various powers have been allotted to him under the India Criminal Procedures Code, 1898, India Preventive Detention Act, 1950, and the Defence of India Act (and Rules), 1962; he has control¹ over the Superintendent of Police as provided for in the India Police Act, 1861; and he may call up any unit of the National Volunteer Force, as laid down in the West Bengal National Volunteer Force Act, 1949. In the case of riots, outrages and other events of political and administrative importance, he must immediately notify the Divisional Commissioner and other authorities involved, to be followed by a more detailed report.

(b) Administration of Justice²

The District Magistrate is responsible for initiating and trying criminal cases³; according to the West Bengal Magistrates' Inspection Manual, 1925, he is also responsible for the organization and distribution of the judicial work among trying magistrates⁴ with the aim of securing economy of time and efficiency. He generally exercises these functions through the SDO and must see to it that, from the very beginning, the cases are guided towards expeditious disposal, and are handled in strict conformity with the India Penal Code, 1860, the India Evidence Act, 1872, and the India Criminal Procedure Code, 1898.

(c) Anti-Corruption Enforcement

The District Magistrate has several responsibilities with regard to anti-corruption enforcement, as may be found in the West Bengal Enforcement Manual, Part I, 1952, including the exercise of powers ranging from the utilization of scarce resources such as food-grains, to the ability to detain individuals whenever the security of the State is involved.

(d) Jail Administration

In conformity with the Bengal Jail Code, Vols. I and II, 1937, based on the Indian Prisons Act, 1894, the District Magistrate has general control over the Superintendent of Jails, who is in charge of the day-to-day administration of the district jails. If the Superintendent is absent or ill, the District Magistrate must himself take temporary charge of the jail, and he may take complete control of the district jail if he considers this necessary, provided he reports his reasons at once to the Inspector General of

¹ The Superintendent of Police is responsible for the internal discipline and management of his force, with which the District Magistrate as a rule is not to interfere.

² For this function, the city of Calcutta, except for that part which falls under the authority of the Chief Presidency Magistrate as defined in the India General Clauses Act, 1899, falls under the jurisdiction of the District of 24-Parganas.

³ Appeals lie to the District and Sessions Judge who is empowered by the India Criminal Procedure Code, 1898, and who operates under the supervision of the State High Court. Two different responsibilities are combined within the office of District and Sessions Judge, just as one person functions both as District Magistrate and Collector. In his capacity as District Judge, he is concerned with civil suits; as Sessions Judge, he deals with the trials of criminal cases.

⁴ By the end of 1964, the District and Sessions Judge is to be made responsible for the organization and distribution of the judicial work among the trying magistrates, as a result of the implementation of the separation of the judiciary and executive in West Bengal.

Prisons. He may also depute any gazetted officer to take charge. In the case of a central jail which also serves as a district jail, the District Magistrate has identical powers and duties in regard to those prisoners belonging to his district.

The Divisional Commissioner may appoint non-official visitors⁵ and honorary (religious) teachers to various jails.

3. LAND⁶

(a) Records,⁷ Surveys and Administration

(i) Records

As laid down in the Bengal Survey and Settlement Manual, 1935, the District Magistrate is responsible for the maintenance of land records, including records of rights, plot indexes, accounts of boundary disputes, statistical information and settlement⁸ records. These records are especially important for collection of rent, land-acquisition proceedings, embankment works, irrigation and drainage schemes and boundary changes. Records of rights are considered essential registers for land revenue collection.

In the case of embankment works, settlement records supply information which is necessary to assess the cost on the tenants who have benefitted by such works. For areas in which irrigation or drainage schemes have been proposed, settlement records provide such needed information as the class of lands and the names of owners and occupiers. Revisional settlement maps, which have been prepared in connection with records of rights and which indicate the boundaries and location of each plot held by tenants, are particularly useful to re-lay boundaries under Section 45 of the Bengal Survey Act, 1875. Rule 198 of the West Bengal Board's Miscellaneous Rules, 1955, requires the District Magistrate to maintain registers of (a) all lands used for public purposes, and (b) of the lands in the occupation of municipalities, district boards, local boards, union boards (and panchayats). The West Bengal Government Estates Manual, 1953, requires him to maintain a register of those unoccupied sections of Government lands in which the public has rights, and which therefore cannot be leased, e.g. roads, drinking tanks, embankments and wells.

(ii) Surveys and Disputes

In accordance with the Bengal Survey Act, 1875, upon direction by the Board of Revenue the District Magistrate is to make land surveys⁹ by establishing proper

⁵ Private persons who periodically inspect the jail to which they have been appointed, in order to submit their comments to the State Government.

⁶ For the management of lands belonging to the State Government and the collection of land revenue, Calcutta falls under the jurisdiction of the District of 24-Parganas.

⁷ The District Magistrate will supply at cost the records of privately-held lands.

⁸ Initial settlement occurs when new land is taken into use. The land is surveyed, and the soil is classified. Maps are prepared for the record-of-rights, the land is next assessed for the purpose of determining the land revenue, after which an agreement can be made with an interested person for the use of the land, in exchange for which he is to pay the land revenue.

⁹ Major land surveys are usually undertaken by the Settlement Officer, who is an official of the Directorate of Land Records and Surveys. The Bengal Survey and Settlement Manual, 1935, stipulates, "In all operations the Settlement Officer should keep the Collector informed of the progress of important settlement operations in his district, and should consult him regarding

boundaries, provided that adequate provision has been made for objections to be incorporated in his decision. Under certain circumstances, when proper ownership is difficult to establish, the District Magistrate may take possession of the land in dispute. The Bengal Survey and Settlement Manual, 1935, requires him to keep the boundary marks in good repair, and to replace them when missing. As provided in the Bengal Land Revenue Settlement Regulation, 1822, he is to settle disputes over the possession of land and premises, including orchards, pasture grounds, wells, tanks, fisheries and crops, wherever such disputes are likely to terminate in a breach of the peace.

With regard to *disputes which are likely to arise concerning recently-formed alluvial lands, the District Magistrate may, under the Bengal Alluvial Lands Act, 1920, attach such lands, demarcate them with boundary pillars and manage them himself, or appoint a receiver who is subject to his control. He is to survey and map the area concerned as soon as possible, and cancel his order of attachment if he is satisfied that no dispute exists or is likely to arise. In the case of conflicting claims, he is to examine such claims for reference to the Civil Court.*

(iii) Administration

In conformity with the West Bengal Government Estates Manual, 1953, the District Magistrate is charged with the management of *khas* lands¹⁰ (i.e. lands belonging to the State Government, and referred to below as Government lands) which consist largely of agricultural lands, although they include non-agricultural lands¹¹. He is to propose the settlement¹² of Government lands, and the transfer of such lands to other Government departments, subject to sanction of these actions by the Board of Revenue. The Divisional Commissioner makes recommendations on proposals for the transfer of Government lands from one department of the State Government to another, and for their transfer between the Central and State Governments. He may make recommendations to the Board of Revenue on proposals by the District Magistrate for the sale or lease of Government lands (at full market value) to local or other public bodies, or to private industries. Where the land is not part of a *khas* estate (and therefore normally not under the jurisdiction of the Board of Revenue), but is in the charge of another department of the State Government, the Board of Revenue may ask such department to transfer the land to its jurisdiction, provided there is no objection to this proposal. Once the land has thus been transferred, disposal can take place in accordance with the above Manual.

Plans for the construction or alteration of buildings which are under his charge and located on Government lands must be approved by the District Magistrate, after important points of principle so that the Collector may be able to express his own views". As provided in the same manual, the District Magistrate is to discharge the functions of the Settlement Officer if no such official has been appointed.

¹⁰ See also Section 3 (b) (iii) *Development*, Section 3 (c) *Reform*, and Section 3 (e) *Revenue*.
¹¹ Non-agricultural Government lands (town *khas* lands) may be found in both Calcutta and Howrah Municipality. As pointed out in footnote no. 6, Calcutta falls under the jurisdiction of the District of 24-Parganas for this purpose; Howrah Municipality, by virtue of its being included in Howrah District, naturally falls under the jurisdiction of that district.

¹² Settlement here includes any type of arrangement concerning Government lands which is made between the State Government and a third party, e.g. lease of such lands to interested persons.

he has obtained the consent of the Calcutta Corporation or of any other municipality in which the holding is located. His permission is needed for the removal of stones, river-sand, limestone, and such-like materials from Government lands at rates determined by him. He may let leases for fishing in tanks and closed channels, or engage in the direct management of such fishing places. As provided in Rule 199(2) of the West Bengal Board's Miscellaneous Rules, 1955¹³, the District Magistrate, as president of a committee consisting, *inter alia*, of the Civil Surgeon, Executive Engineer, and an officer representing the department concerned, has charge of the selection of sites for civil buildings. Should the committee become dead-locked, the Divisional Commissioner is to decide.

As laid down in the West Bengal Non-Agricultural Tenancy Act, 1949¹⁴, under certain conditions and upon the application of the tenant, the District Magistrate is to direct the conversion of agricultural land into land to be used for non-agricultural purposes (e.g. housing), to which the provisions of the Act thereafter apply.

(b) Conservation and Development

(i) Conservation

Under the Bengal Embankment Act, 1882¹⁵, the District Magistrate is to ensure that any embankment or water-course which is necessary for the protection or drainage of the neighbouring land, is properly maintained by officers of the appropriate State departments. Upon his own initiative, or upon application of the interested parties, he may propose to the Divisional Commissioner needed repairs to and any changes in the alignment of a water-course which is necessary to ensure proper drainage; and if the State Government authorizes such works, he is to have them executed.¹⁶

If delay in the execution of any work appears to pose grave dangers to life and property, the District Magistrate may have the needed work executed before authorization has been obtained. The Divisional Commissioner determines the time schedules for instalment payments for embankment works, and he may authorize the District Magistrate to initiate proceedings concerning embankment works wherever lands, which are likely to be affected by such works, are located in different districts. According to the Bengal Tanks Improvement Act, 1939, the District Magistrate is responsible for ensuring that irrigation tanks are properly maintained. With regard to tanks which have fallen into disrepair, he may order those persons having control over such tanks to bring about the necessary improvements. If such improvements fail to materialize, he may proceed to take possession of any tank (for no longer than twenty-five years), and may himself carry out the necessary work, or authorize a local authority or co-operative society to take possession and execute the needed improvements. Under

¹³ See also the Bengal Public Works Department Circular of April 21, 1917.

¹⁴ For the purpose of this Act, Howrah Municipality is excluded from Howrah District since the Act does not apply to the areas of either the Calcutta Corporation or Howrah Municipality.

¹⁶ "Every public embankment and every public water-course, and all land, earth, pathways, gates, berms and hedges belonging to or forming part of, or standing on any such embankment or water-course, and every embanked tow-path maintained by the State Government, shall vest in the State Government".

¹⁸ See also Section 3 (a) (i) *Records*.

certain conditions, surrounding lands may be acquired if they are necessary for carrying out the repair work. The District Magistrate decides upon the area to be irrigated, the alignment of the irrigation system and the priorities for the available irrigation capacity. He also determines the rent to be received by the owners of the tanks and surrounding lands, who may later regain their property under certain conditions.

Under the Bengal Development Act, 1935, the District Magistrate may order any person or persons living in a particular area to modify or restrain artificial obstructions which prevent the free passage of water necessary for irrigation purposes or for proper drainage, provided the State Government has declared that the inhabitants of such area shall be bound by such orders.

(ii) *Development*¹⁷

In conformity with the India Land Improvement Loans Act, 1883, the District Magistrate may grant loans¹⁸ (repayable in instalments) to individuals for such purposes as the improvement of lands, construction of wells, and reclamation and clearance. The India Agriculturalists' Loans Act, 1884, authorizes loans for relief of distress, purchase of seeds and cattle, and other agricultural purposes not specified in the Land Improvement Loans Act. Under both Acts, the District Magistrate is to determine whether the need exists, the availability of sufficient security, the amount to be advanced and the terms of repayment. According to the Bengal Loans Manual, 1918, he may grant suspension of instalments due, subject to approval by the Divisional Commissioner, and the West Bengal Government's Manual for Relief of Distress, 1959, directs him to make known to those prone to distress, the willingness of the Government to grant loans under the above Acts.

As laid down in the Bengal Agricultural and Sanitary Improvement Act, 1920, the District Magistrate, acting upon application by individuals or local authorities, is to propose schemes for the improvement, or prevention of deterioration, of agricultural or sanitary conditions. He must, however, be convinced that such works are necessary, and that they will be minor schemes which are mainly agricultural in character. Once these conditions have been met, he is to direct the District Executive Engineer to draw up plans, which he may approve or modify before submitting them to a committee appointed by the Divisional Commissioner for its consideration. Once a scheme has been accepted by this committee, the Divisional Commissioner must submit it to the State Government, and upon acceptance by the latter, the District Magistrate is to direct the Engineer to execute the work, and to apportion the cost among the interested parties, such as applicants, landowners, tenants, local authorities and the State Government.

As provided in the West Bengal Government Estates Manual, 1953, the District Magistrate is placed in charge of the initial settlement of Government lands¹⁹. The

¹⁷ See also Section 3 (a) (i) *Records*, Section 3 (d) *Acquisition and Requisition* and Section 8 (a) *Relief Works*, for the District Magistrate's functions under the West Bengal Land Development and Planning Act, 1948.

¹⁸ As specified in the Bengal Loans Manual, 1918, the District Magistrate may grant loans up to Rs. 2,000, and the Divisional Commissioner may grant loans exceeding that amount.

¹⁹ The most extensive Government estates are to be found in the District of 24-Parganas.

Manual specifies that no new settlement of large areas may be made without a definite plan which makes adequate provision for banks, wells, roads, grazing land and dwelling sites for the settlers. The District Magistrate is to let all short-term leases not exceeding five years, which do not carry the right of renewal, and he is also in charge of all initial settlements of long-term leases, subject to approval by the Board of Revenue. He may also submit to the Board of Revenue important improvement schemes for Government lands, and upon the Board's approval of such schemes²⁰, he must take steps to obtain the administrative approval of all other competent authorities.

The District Magistrate is responsible for proposing the establishment of a new *hat*²¹ or market, where it is needed to serve the tenants of Government lands. Before submitting such a proposal, he must ensure that the market area is properly planned, that adequate provision has been made for public facilities, such as the sinking of tubewells (to ensure the supply of good drinking water), the digging of tanks to cover the water supply for other purposes, the construction of sheds, roads, and sanitary conveniences and the planting of trees, and that the plans allow for possible future extensions. He may lease market areas at rates to be approved by the Divisional Commissioner, or engage in their direct management. In accordance with the Bengal Waste Lands Manual, 1936, he also exercises certain powers regarding the settlement of wastelands by suitable settlers.²²

(c) Reform

Under the West Bengal Estates Acquisition Act, 1953, the District Magistrate, upon publication of a proper notification²³, is to take charge of the estates and interests of intermediaries²⁴ which have been vested²⁵ in the State. The ex-intermediaries are entitled to receive in cash an annual *ad-interim* payment of one-third of the approximate net annual income of their former estates. The District Compensation Officer, who is directly responsible to the District Magistrate through the Additional District Magistrate (Estate Acquisition), is to make payment of *ad-interim* compensation pending the preparation of the final compensation assessment roll by the Settlement Department within the Collectorate (district headquarters). The final compensation roll contains information concerning the gross and net income of each estate within a notified area, and the amount of compensation payable to each ex-intermediary.

²⁰ The Divisional Commissioner is authorized to approve improvement works up to Rs. 5,000.

²¹ A *hat* is a market held at frequent intervals, usually weekly or bi-weekly, for which more or less permanent facilities have been erected on land set aside for such purpose. It generally accommodates both shops and street vendors.

²² The most extensive wastelands are located in the Sundarbans, within the District of 24-Parganas but outside the Calcutta Metropolitan District.

²³ See Section 4 of the West Bengal Estates Acquisition Act, 1953.

²⁴ This term, which includes Zamindars, refers to the class of persons who at one time stood between the State Government and the tenants, both the agricultural tenants (*rai-yats*) and non-agricultural tenants, and who collected rent from these tenants of which they paid part to the State Government. The abolition of the Zamindars has substantially increased the work-load of the District Magistrate concerning matters of land and land revenue. Whereas the District Magistrate previously dealt with relatively few intermediaries, he is now involved with hundreds and thousands of cultivators regarding matters of land and land revenue ranging from the collection of land revenue to agricultural loans.

²⁵ See Section 5 of the West Bengal Estates Acquisition Act, 1953.

According to the West Bengal Land Reforms Act, 1955, Government lands and interests therein, unless otherwise directed by the State, are to be managed²⁶ by the District Magistrate, subject to rules made by the State Government. He has a number of responsibilities regarding the property rights of the *raiyyats* (agricultural tenants) and *bargadars* (share-croppers), including the determination of the revenue rates of lands held by *raiyyats*.

(d) Acquisition and Requisition²⁷

In conformity with the West Bengal Land Acquisition Manual, 1951²⁸ (based on the India Land Acquisition Act, 1894), and upon application by the interested Government department, the District Magistrate initiates and carries out the acquisition of land for Government projects²⁹ and other public purposes³⁰, and for certain housing projects³¹ undertaken by companies or co-operative societies. Without authorization by the District Magistrate, it is illegal for any Government officer to occupy land for official purposes.

When the interested Government department, local body or company has selected the land it wishes to acquire, the District Magistrate proceeds with the preliminary investigation, on the basis of a map or plan with a description of the property furnished by the intended user, to decide how much of the site should be acquired. The District Magistrate holds enquiries, collects the necessary information and prepares rough estimates of costs, after which he submits his recommendation to the State department concerned³², together with a draft notification giving the description of lands recommended for acquisition. If the latter approves of the District Magistrate's recommendation, it requests the Land and Land Revenue Department to publish the notification in the Calcutta Gazette. At the same time, the District Magistrate must post public notices of the intended acquisition in conspicuous places in the locality concerned. For a period of thirty days thereafter, objections in writing may be filed

²⁶ See also Section 3 (a) (iii) *Administration*.

²⁷ Acquisition involves an actual transfer of ownership, whereas requisition gives right to possession without transferring the title (Durga Das Basu, *Shorter Constitution of India* (3rd ed.), S. C. Sarkar and Sons, Ltd., Calcutta, 1960).

²⁸ See also Chunilal B. Barfivala, *Handbook of the Law of Land Acquisition* (4th rev. ed.), Local Self-Government Institute, Bombay, 1957.

²⁹ Land may be acquired for Government projects for the Union Government, the State Government, and local authorities such as municipalities and district boards. In the case of local authorities, land may be acquired for them on behalf of private institutions for specified public purposes such as educational, cultural and recreational activities.

³⁰ This covers land acquired for use by private companies and co-operative societies for such purposes as have been interpreted by the Courts as purposes benefitting the public generally. Recent Government of India Rules (announced June 26, 1964) concerning the acquisition of land by private companies have as their object, *inter alia*, that such acquisitions are made sparingly and only where a company has failed to acquire land through private negotiation, and that acquisition of good agricultural land is to be avoided as much as possible. See also this section under the West Bengal Land Development and Planning Act, 1948, and the West Bengal Waste Lands (Requisitioning and Utilization) Act, 1952.

³¹ Land may be acquired for industrial concerns employing over one hundred workmen for the erection of houses for workmen and of amenities directly connected therewith, and for the construction of some works likely to be of public use.

³² When land is to be acquired for a private company or co-operative society, the State department concerned will generally be the Commerce and Industries Department. If land is needed for housing projects to be undertaken by companies or co-operative societies as described in footnote no. 30, the department concerned is the Housing Department.

with him. If any objection is submitted, he holds hearings and, upon their termination, makes a final recommendation to the Divisional Commissioner, who submits it to the department concerned for its approval, after adding his own views.

If the department concerned wishes the acquisition proceedings to be continued, the next step includes the publication of a draft declaration in the Calcutta Gazette by such department, in consultation with the Department of Land and Land Revenue. Next, the District Magistrate is to have the property marked out and measured; he is to give public notice to the occupants and all other interested persons that the Government intends to acquire the land, and that it will accept claims for compensation; and he is to enquire into any objections with regard to the measurement, land value and claims of interested persons. Upon termination of the hearings, he makes his final decision on the actual area to be acquired, the compensation payable, and the apportionment to be made among the interested persons. If the property is urgently needed and consists of waste or arable land³³, the Department of Land and Land Revenue, upon fulfilling certain conditions, may waive the privilege of objections after public notification, and order the District Magistrate virtually to take immediate possession. In all other cases, he may take possession after the expiry of a specified period, and if he is impeded in taking possession, he may enforce surrender of the property.

The District Magistrate must ensure that land records, such as the records of rights, the village or city survey map, and the land register, are properly corrected after a particular area has been acquisitioned. Being usually in possession of full information³⁴ regarding land-acquisition projects, he is to find ways to acquire compact blocks for different projects, if such is desirable. If he is unable, after consultation with the local representatives of the departments concerned, to arrange at once for the necessary funds, he is to report the matter through the Divisional Commissioner to the Department of Land and Land Revenue. If possible, this Department will then attempt to make arrangements, by modifying the departmental programmes or otherwise, to provide the funds required for simultaneous acquisition. When land once acquired is no longer needed for the purposes originally intended, the user must request the Department of Land and Land Revenue to resume control of such lands for subsequent disposal. This Department is then to issue orders through the Divisional Commissioner to the District Magistrate to dispose of the lands as prescribed in the above Manual.

The District Magistrate is to acquire land for development schemes as laid down in the West Bengal Land Development and Planning Act, 1948.³⁵ Under this temporary Act, which is to be periodically extended, the Department of Land and Land Revenue, upon suggestions made by the land planning committee constituted under the Act, can authorize any company or local authority to prepare a development scheme for

³³ If waste or arable land is required for temporary use, the District Magistrate can procure such land with the prior approval of the Department of Land and Land Revenue, by giving notice to the interested persons with whom he is to settle the amount of rental compensation.

³⁴ Not only by virtue of his responsibilities regarding land acquisition, but also because of his presidency of the district site-selection committee for civil buildings.

³⁵ Which applies to all of West Bengal except Calcutta, and which has primarily been utilized for the rehabilitation of refugees from East Pakistan.

an area which it has previously decided to notify. Such schemes may include the establishment of towns, model villages and agricultural colonies, the creation of better living conditions in urban and rural areas, and the improvement and development of agriculture, forestry, fisheries and industries. If the land planning committee approves of a particular plan, the Department of Land and Land Revenue will order the District Magistrate to acquire the land.

In accordance with the West Bengal Waste Lands (Requisitioning and Utilization) Act, 1952, the District Magistrate may, upon application by a public servant, local authority, company or co-operative society, commence proceedings to requisition wastelands³⁶ for public purposes. Upon being convinced that a particular wasteland is needed, he must, by notification in the Calcutta Gazette, require all interested persons to show cause why such property should not be requisitioned. If, upon termination of the time limit as specified in the notification, he has heard no satisfactory objection as to why the wasteland should not be requisitioned, he is to issue an order for requisition within a certain period. After the land has been requisitioned, he is to transfer it to the intended user, who must utilize the land for public purposes against such payment and under such terms and conditions as the District Magistrate may determine.

Under the West Bengal Land (Requisition and Acquisition) Act, 1948—which is a temporary act to be periodically extended and which is intended primarily for State Government projects³⁷ aimed at the maintenance of essential services and supplies, the creation of better living conditions in urban and rural areas, and the provision of facilities such as communications, transport, irrigation and drainage—the District Magistrate, properly authorized, may requisition the needed land after notifying the owners and/or occupants of such land, and he may take actual possession without prior payment of compensation. If the land is needed for permanent use, the District Magistrate must forward various particulars concerning it to the Divisional Commissioner, after which acquisition is to proceed in accordance with the above Manual.

As provided in the West Bengal Premises Requisition and Control Act, 1947—another temporary act which is to be periodically extended—the District Magistrate may be directed by the Department of Land and Land Revenue to take action to requisition certain premises considered needed for public purposes.³⁸ He may order such premises to be vacated, have articles removed from within such property, and have repairs made which he may charge against payable compensation. He is to settle the amount of rental compensation with the owners, and to collect the rent. If there are several owners, he is to determine the distribution of compensation among them, and if the premises are wrongfully used, or sub-letted by the official users without

³⁶ These consist of any lands classified in the records of rights published under the Bengal Tenancy Act, 1885, and includes any land or water area which, in the opinion of the State Government, has not been adequately used in the production of crops or fish for a continuous period exceeding two years, but does not include land forming part of any homestead, farmhouse, burning or burial ground, or any place of worship.

³⁷ In very exceptional cases, the provisions of this Act may be applied to local authorities.

³⁸ Premises to be used by the Union Government are to be requisitioned under the India Requisitioning and Acquisition of Immovable Property Act, 1952. The procedure followed is similar to that under the West Bengal Premises (Requisition and Control) Act, 1947.

proper authority, he may have the space vacated, subject to the approval of the Department of Land and Land Revenue.

(c) **Revenue**

See 'Land Revenue and Taxes' under Section 4 *Revenue*.

4. REVENUE

(a) **Land Revenue³⁹ and Taxes**

In accordance with the West Bengal Land Reforms Act, 1955, the District Magistrate is responsible for determining the rate of land revenue, and for the annual collection thereof from tenants of land formerly held by intermediaries⁴⁰. He must quarterly pay a portion⁴¹ of the land revenue thus collected to the District Board for its use for roads and public works. As laid down in the West Bengal Estates Manual, 1953, the District Magistrate is to collect the rent⁴² and cesses⁴³ from tenants of Government lands, and the income from the lease of grazing rights, the sale of forest products and similar sources. In the case of crop failures or other natural calamities, he may grant remission or abatement of rent due in all Government estates up to Rs. 1,500 a year. When the amount to be remitted exceeds Rs. 1,500, but does not exceed Rs. 5,000, he may sanction remission after reporting the fact to the Divisional Commissioner, who may grant remission in excess of Rs. 5,000 provided he reports such remission to the Board of Revenue.

The District Magistrate collects the primary education tax⁴⁴ in accordance with the Bengal (Rural) Primary Education Act, 1930⁴⁵. In addition to collecting this tax, which is a real estate or property tax, the District Magistrate has various responsibilities regarding the chowkidari or union rate, levied on the heads of each household and used for the remuneration of village policemen. He must ensure that the union board prepares a list of persons eligible to pay the chowkidari or union rate as the case may be⁴⁶, and he must approve of this list.

(b) **Excise, Stamp and Other Duties**

In accordance with the West Bengal Excise Compilation, Part II, 1958 (based on the Bengal Excise Act, 1909), the Dangerous Drugs Act, 1930, and the Dangerous Drugs Rules, 1939, the District Magistrate periodically collects excise revenue from the manufacture, storage and sale of intoxicants, certain drugs and narcotics. And, as provided in the Bengal Stamp Manual, 1931, based upon the India Stamp Act,

³⁹ *See* footnote no. 6.

⁴⁰ *See* footnote no. 24.

⁴¹ *See* also West Bengal Cess Manual, 1953.

⁴² Rate determined by the Settlement Officer of the Directorate of Land Records and Surveys.

⁴³ *See* footnote no. 41.

⁴⁴ At a rate established in the Bengal (Rural) Primary Education Act, 1930.

⁴⁵ This Act does not apply to any municipalities or municipal corporations (such as Calcutta). The West Bengal Municipal Primary Education Act, 1963, now provides for free primary education in all municipal areas other than Calcutta. A bill, which will also cover Calcutta, is envisaged for introduction in the State Legislature at a future date.

⁴⁶ *See* Section 16 of the Village Chaukidari Act, 1870, and Section 38 of the Bengal Self-Government Act, 1919.

1899, he determines and collects stamp duties chargeable on impounded documents⁴⁷ referred to him by the various State departments, or which have come to his attention in other ways. Under the Bengal Development Act, 1935, the District Magistrate is to fix the amount of improvement levy for any specified area in accordance with rules made under the Act, provided the State Government has notified such area to be subject to an improvement duty⁴⁸. He must periodically prepare and publish the names of all persons liable to pay such duty and the amounts for which they are responsible; and he must notify these persons of their liability to pay the duty. The District Magistrate also collects a wide variety of licence fees (*see* Section 7 *Licensing*).

(c) Defaulters

Under the Bengal Public Demands Recovery Act, 1913⁴⁹, the District Magistrate is responsible for collecting overdue public demands, whether payable to himself (such as land revenue) or to any other Government body (including the Government of India). Public demands⁵⁰ may consist of taxes, fees, fines, excises and Government loans. When it has been established that a particular public demand is due, both the debtor's movable and immovable property may be attached and sold; and, as a last resort, he may be arrested. However, in order legally to establish this fact, a certificate must be filed with the Certificate Officer of the Collectorate (district headquarters) by the requiring Government department or officer⁵¹. The Certificate Officer is to sign such certificate if he is satisfied that the demand is due, and that recovery suit is not barred by law.

5. COMMUNITY DEVELOPMENT AND EXTENSION⁵²

In conformity with the West Bengal Manual on the Community Development Programme, 1958, the District Magistrate controls and coordinates all development activities under such programme. In addition, he has certain specific functions with regard to development blocks into which each district is divided for development purposes. Before a development block⁵³ is established, the District Magistrate must make recommendations to the Development Department concerning its location; as chairman of the district site-selection committee for administrative headquarters of development blocks, he is in charge of selecting sites for the permanent headquarters

⁴⁷ Documents to which the proper value of stamps has not been affixed may include bonds, insurance policies, mortgage deeds, sale certificates and share transfers.

⁴⁸ Such notification may be issued when the State Government is satisfied that a particular area has benefitted or is likely to benefit from an improvement work, as recommended by a resolution of the West Bengal Legislative Assembly.

⁴⁹ For the purposes of this Act, Calcutta city is considered to be included in the District of 24-Parganas.

⁵⁰ For a complete list of acts which provide for the recovery of dues in West Bengal under the certificate procedure, *see* Appendix C of the Bengal Practice and Procedure Manual, 1940.

⁵¹ If the defaulted payment is owed to the District Magistrate, he is responsible for filing the certificate after "every reasonable allowance" has been given for payment (West Bengal Government Estates Manual, 1953).

⁵² *See* Chapter III for a discussion on the organization of community development and extension at the district, sub-division and block levels.

⁵³ *See* Chapter III, footnote no. 21.

of the blocks; and he is responsible for taking the necessary steps to form block advisory committees, from which members may be removed by him.

Community development covers all aspects of social and economic development in rural areas. It aims to improve agricultural practices and techniques, to benefit animal husbandry through the better breeding of cattle and poultry, to extend the cultivation of fish and to develop afforestation programmes. It endeavours to provide better facilities for rural credit and for the marketing of the products of the rural population, and to encourage the co-operative movement. It seeks to expand areas under all forms of cultivation by repairing and constructing tanks, canals and wells, and by assisting the rural population in reclaiming wastelands. Another important goal lies in training people in the principles of hygiene and public health, with an emphasis on preventive measures, on the popularization of facilities such as sanitary latrines, and on the provision of sufficient sources of potable drinking water. A large part of the programme consists of educational objectives, including the improvement and expansion of facilities for regular primary and secondary education and the development of social (adult) education, with the aims of encouraging community consciousness, of increasing the individual's capacity to accept new ideas by attempting to eliminate illiteracy, and of providing an education in citizenship. Better communications are envisaged by the improvement of existing roads, and the building of new ones to link isolated areas, in some cases using voluntary labour from the villages. Cottage industries are to be stimulated by introducing new tools, and by providing needed training and loans; and a building programme, thus far limited, is concerned with the construction of administrative quarters and staff housing⁵⁴ for development personnel.

6. LOCAL SELF-GOVERNMENT⁵⁵

Either the District Magistrate or the Divisional Commissioner has the power to inspect any immovable property used or occupied by, or work in progress under the orders of, union boards (according to the Bengal Village Self-Government Act, 1919), district boards (under the Bengal Local Self-Government Act, 1885), and municipalities⁵⁶ (as laid down in the Bengal Municipal Act, 1932). He must ensure that the proceedings of such local authorities are in conformity with the law and rules, he is to be given access to all relevant books, proceedings and records, and he may suspend the orders and resolutions of such local authorities (in accordance with the provisions of the respective Acts) if he feels that their execution is likely to cause public injury or a breach of the peace; provided that, in the case of union boards, if such suspension is initiated by the District Magistrate, it is subject to approval by the Divisional Commissioner, and if it concerns a district board or a municipality, the

⁵⁴ The State Government has initiated an aided self-help programme for brick houses in villages. Under this scheme, the villager is expected to make his own bricks and to build his house under the technical guidance of Government experts.

⁵⁵ See also Singh, *op. cit.*, Bhattacharya, *op. cit.*, Datta and Ranney, *op. cit.*

⁵⁶ The Act reserves to the State Government the right to appoint a Director of Local Bodies to exercise all the powers of the Divisional Commissioner under the Act.

State Government must approve it. The District Magistrate may settle certain territorial disputes among union boards, and among panchayats, and the Divisional Commissioner is to make recommendations to the Department of Local Self-Government and Panchayats concerning the settling of certain types of territorial disputes between the municipalities and other local bodies, which include union boards, panchayats and district boards.

The District Magistrate or the Divisional Commissioner has the following additional powers concerning union boards⁵⁷, (village) panchayats, district boards and municipalities:

(a) (Village) Panchayats⁵⁸

As laid down in the Village Chaukidari Act, 1870, (which is being replaced), the District Magistrate is to approve the appointment and dismissal⁵⁹ of chowkidars (village policemen), which power has been delegated to the SDOs. He also has various responsibilities concerning assessments and collections of the local rate. If a (village) panchayat has failed to exercise its powers of assessment, he may order such to be done, and may himself make an assessment if no action is forthcoming within a reasonable time. He may revise assessments if an erroneous assessment comes to his attention; and if the collection of the rate is inefficient or chowkidars are not regularly paid, he may appoint a tahsildar to collect the rate, and to exercise all powers of rate collection vested in the (village) panchayat.

(b) Union Boards⁶⁰

In accordance with the Bengal Village Self-Government Act, 1919, the District Magistrate, after considering the views of the union board concerned, determines the number of dafadars and chowkidars (village policemen) to be employed in a union, their salary and whatever equipment they will need. He has the power of appointment and dismissal⁶¹ of dafadars and chowkidars; he may appoint persons to collect rates if the salaries of dafadars and chowkidars are in arrears; and union board budgets must receive his sanction (and the approval of the district board). He must ascertain if the estimate of the union rate has been correctly arrived at, and may order new elections to be held if a union board is incompetent. The Divisional Commissioner may supersede a union board, appointing a person or authority to exercise all the powers and duties of the board during the period of supersession in such a manner as he may direct. The District Magistrate may, upon his own initiative or upon application of

⁵⁷ The union boards, the most prevalent and smallest units of rural self-government in West Bengal, are being replaced by panchayats which will have increased powers of self-government, as set forth in the West Bengal Panchayat Act, 1956. The panchayats established under this Act should be distinguished from the old panchayat system, of which remnants are still in existence and which consisted primarily of villages (referred to under Section 6 (a) as village panchayats) with scarce powers of self rule, as set forth *inter alia* in the Village Chaukidari Act, 1870. See also Chapter 1, footnote no. 6.

⁵⁸ See footnote no. 57.

⁵⁹ The (village) panchayat generally nominates the chowkidars for appointment, but the District Magistrate may override such nomination; the (village) panchayat may also initiate dismissal proceedings.

⁶⁰ See footnote no. 57.

⁶¹ A union board may initiate dismissal proceedings.

interested parties, change any conviction or compensation made by a union bench (local court), the members of which are appointed by the Divisional Commissioner⁶², or may direct the retrial of any case by another court.

(c) District Boards⁶³

Under the Bengal Local Self-Government Act, 1885, the District Magistrate is to submit the annual budget of the district board to the Divisional Commissioner, whose sanction to this budget and to the board's educational estimate must be obtained. If a district board is incompetent, the District Magistrate may be appointed as the chairman by the State Government (and any other officer may be appointed as administrator to act as chairman); and if a board is superseded, he may be given complete charge of it.

The appointments to the district education committee, which are to be made by the district board, must be approved by the Divisional Commissioner. He is to approve district board plans designed to ensure an adequate water supply by providing for the construction, maintenance or repair of water works, or the purchase or lease of any water work or water. He may approve plans for the establishment of a common dispensary or hospital by two or more district boards, and he is to approve the manner in which the costs are to be distributed between them. He is responsible for setting a limit to district board expenditures for the prevention or mitigation of the effects of famine or distress in the form of relief works (including irrigation projects), the maintenance of hospitals and orphanages, and the rendering of medical assistance and gratuitous relief. And he may, with the permission of the Union Government, direct the district board to take a census.

(d) Municipalities⁶⁴

As laid down in the Bengal Municipal Act, 1932, the Divisional Commissioner is to consider, upon appeal, the apportionment of expenses of works ordered by municipal commissioners for needed drainage facilities and for hillsides in danger of erosion. He is to sanction municipal drainage projects and water works costing under Rs. 10,000⁶⁵, and he is to set a ceiling to the budget expenses of municipal commissioners⁶⁶. He is also responsible for dividing municipalities into wards, and for appointing assessors.

7. LICENSING

(a) Transport

According to the India Motor Vehicles Act, 1939, and the Bengal Motor Vehicles Rules, 1940, the District Magistrate grants drivers' licences and registers motor vehicles and motor cycles. Public and private carriers are licensed by the Regional

⁶² See Government Notification No. 56173, July 10, 1937.

⁶³ See Chapter I under the heading *The Concept of District Administration*, and footnote no. 5.

⁶⁴ See Chapter I, footnote no. 3, and this Chapter, Section 10 (b) *Elections*.

⁶⁵ See Rule 3 (3) of the Rules for the Preparation, Submission, and Execution of Projects for Water-Supply, Sewerage or Drainage under the Bengal Municipal Act, 1932.

⁶⁶ See Rule 161 of the Municipal Account Rules under the Bengal Municipal Act, 1932.

Transport Authority (RTA) in each district, of which the District Magistrate is chairman (except in the District of 24-Parganas, where the Calcutta, RTA also has jurisdiction over the district and is headed by the Director of Public Vehicles, West Bengal, with the District Magistrate of 24-Parganas serving as a member). The Regional Transport Authority is empowered to issue permits authorizing the use of motor vehicles for public transit, and to approve the area of operation, routes to be followed, location of stopping points, number of daily services, time-table, fares, maximum number of passengers, maximum weight per vehicle, and standards of comfort. It may also cancel the permit.

(b) Entertainment Licences

In conformity with the Bengal Places of Public Amusement Act, 1933, the District Magistrate grants licences for the operation of places of public amusement, including those where games are allowed. If he considers any game to be against the public interest, he may temporarily suspend the playing of such game pending the opinion of the State Government. He may direct that a place of public amusement be closed when it is operating without a licence or is injuring the interests of nearby residents. As laid down in the West Bengal Cinemas (Regulations) Act, 1954, he may grant licences to cinemas and other places where films are shown publicly, and he may suspend or prohibit the showing of any film which is likely to cause a breach of the peace. In accordance with the India Dramatic Performances Act, 1876, and subsequent Government orders, he is to maintain a register of objectionable plays⁶⁷, and to observe Government orders with regard to the prohibition of such plays⁶⁸.

(c) Dangerous Trades and Uses

In accordance with the Petroleum and Carbide of Calcium Manual, 1954, based upon the India Petroleum Act, 1934, the Petroleum Rules, 1937, and the Carbide of Calcium Rules, 1937, the District Magistrate issues licences for the storage of dangerous petroleum⁶⁹ in quantities of under sixty gallons, and for the storage of non-dangerous petroleum in quantities of under five thousand gallons⁷⁰. He issues licences for the storage of one type of carbide (which is not intended to generate acetylene) in quantities of under two hundred and fifty pounds in weight⁷¹, and under the India Explosives Rules, 1940, based on the India Explosives Act, 1884, he issues licences for the manufacture, possession and sale of explosives in amounts of under twenty-five pounds or, in the case of gunpowder, under thirty pounds in weight,⁷² and for their transport within the limits of municipalities and cantonments. In addition, he is to be kept informed of the location of stores of explosives.

⁶⁷ See Government of India Order No. 4659 P., April 16, 1920.

⁶⁸ See Government of India Order No. 2429 P., March 26, 1913.

⁶⁹ Other than petroleum which can be used in an internal combustion engine.

⁷⁰ Licences for the import and storage of larger quantities of both dangerous and non-dangerous petroleum are issued by the Chief Inspector of Explosives, Government of India.

⁷¹ For larger amounts, and in all other cases, licences for the storage of carbide are issued by the Chief Inspector of Explosives, Government of India.

⁷² For larger amounts, licences are issued by the Chief Inspector of Explosives, Government of India, after a "No Objection" certificate has been issued by the District Magistrate.

According to the India Dangerous Drugs Rules, 1939, the District Magistrate grants licences for the manufacture, possession, sale and transport of manufactured drugs, and he grants chemist's licences. Under the India Opium Act, 1878, and the Bengal Opium Smoking Act, 1932, he issues licences and passes respectively for the sale and transport of excise opium; he may issue permits to opium smokers,⁷³ and he may at any time undertake an investigation concerning any offence against the Bengal Opium Smoking Act, 1932. According to the India Arms Rules, 1951, (based on the Indian Arms Act, 1878), he grants and renews⁷⁴ licences for the possession and use of arms for specified purposes, and for the transport of such arms under certain conditions.

(d) Intoxicants

In conformity with the West Bengal Excise Compilation Part I, 1951, and Part II, 1958, the Excise Licensing Board, of which the District Magistrate is either a member or chairman, issues licences or passes for the manufacture,⁷⁵ storage, sale and transport of intoxicants ranging from country spirits to *ganga* (an opium-like vegetation). Before issuing a retail licence, the board permits objections to be heard, and may close retail shops if this action is necessary to preserve the peace. The board may grant the exclusive privilege for the manufacture or sale of any country liquor or intoxicating drug within a specified area; the District Magistrate as well as officers of the Excise Department may enter and inspect all establishments where the manufacture and sale of liquor takes place; and the board issues brewery licences with the sanction of the Excise Commissioner, who grants distillery licences which may be annually renewed by the board.

(e) Waterways and Embankments

As laid down in the West Bengal Government Estates Manual, 1953, the District Magistrate grants licences for the exclusive right of fishing in tidal rivers⁷⁶ up to an annual rental of Rs. 500, and the Divisional Commissioner sanctions leases up to Rs 10,000⁷⁷. The District Magistrate issues licences for any construction or excavation involving the bed of a navigable river⁷⁸ or channel, which may be needed to build such structures as jetties, wharves, landing places and drop walls.

⁷³ Provided that such a person can produce a medical certificate testifying to his addiction.

⁷⁴ Licences for guns and rifles are renewed by the District Magistrate; licences for revolvers and pistols are renewed by the SDO.

⁷⁵ Or in the case of *ganga* the cultivation thereof, or in the case of *tari* (palm wine) the tapping thereof.

⁷⁶ The State Government has the exclusive right to fisheries in all navigable rivers since it has the absolute right of control over the channels and beds of navigable rivers, except where it has transferred such rights to private proprietors or corporations.

⁷⁷ The Board of Revenue grants licences for amounts above Rs. 10,000.

⁷⁸ Applications for encroachments on the River Hooghly must be dealt with in accordance with Government Order No. 12284—88 L. R., December 27, 1926 (which may be found in Appendix X of the West Bengal Estates Manual, 1953), except for the portion of such river which falls within the limits of the Port of Calcutta i.e. from Konnagar to Budge Budge. Applications for any construction or excavation which affects such latter portion of the Hooghly should be made to the Commissioners of the Port of Calcutta, who must submit such applications to the Union Government for sanction under Section 83 of the Calcutta Port Act.

(f) Miscellaneous

In accordance with the West Bengal Government Estates Manual, 1953, the District Magistrate licenses vendors operating in *hats*⁷⁹ located on Government lands.

8. RELIEF

As provided in the West Bengal Manual for Relief of Distress, 1959, the District Magistrate and the Divisional Commissioner are to be acquainted with any situation which causes either acute or chronic distress, and thereby necessitates some kind of relief work or assistance, which is to be administered by the District Magistrate. The latter should keep himself informed of agricultural statistics, which may serve as an index to possible agricultural deterioration; by keeping continuously aware of the prevailing climatic conditions, he may be able to gain insights concerning possible ill-effects which such conditions may create; and by keeping a close check on weather forecasts, he may be in a position to prevent surprise disasters. He should know which areas are likely to be flooded, and which embankments need strengthening, and, when distress is imminent (and, if possible, before), he must furnish a full report to the State Government.

(a) Relief Works

According to the West Bengal Manual for Relief of Distress, 1959, the District Magistrate, with the help of the District Executive Engineer, or in the case of departmental works with the help of the technical officers of the directorates concerned, is to plan village relief works, which he is to put into operation as soon as the first signs of distress appear. Such works may consist of the construction or repair of village roads, tanks, embankments, drainage works, minor irrigation works, channels and tubewells (which may be sunk during a drinking-water emergency). In drawing up the village works programme, the District Magistrate must consider their relationship to all other development activities.

(b) Relief Assistance

In conformity with the West Bengal Manual for Relief of Distress, 1959, the District Magistrate is to arrange for the preparation of lists for each village indicating those persons eligible for gratuitous relief, and he is to select the agency to distribute such relief. Under the various provisions for special relief for artisans, he either makes grants to them, or provides at cost raw materials and tools, or makes loans. He may also make loans up to Rs. 600 to individuals for such purposes as rebuilding a burned-down home. He is to ensure that cattle do not die from starvation, and if such threat is present, he is to make liberal advances to farmers for the purchase of fodder; and he may recommend the suspension or remission of rent in the case of crop failures or other calamities, in those areas where the Divisional Commissioner has declared such measures to be applicable because of extensive distress or famine. With the sanction

⁷⁹ See footnote no. 21.

of the State Government, he determines the number of destitute homes to be established (in the management of which he is actively to participate); and, during the period of distress, he is to act as a temporary guardian of homeless children, and with the sanction of the State Government, is to establish State orphanages.

(c) Refugee Property

As laid down in the West Bengal Evacuee Property Act, 1951, the District Magistrate may remove persons who are wrongfully using or occupying any evacuee property, and he may take measures to protect and preserve any evacuee property which is not properly being cared for.

9. TRIBAL WELFARE

In accordance with the Constitution of India, the District Magistrate has various responsibilities concerning the welfare of scheduled tribes. As provided in the West Bengal Manual for Relief of Distress, 1959, he must plan special relief projects for scheduled tribes, which are to be put into operation when natural or man-made calamities are causing distress; and his permission is also needed for the sale or transfer of any land owned by tribal people.

10. CIVIL RECORDS, CENSUS⁸⁰ AND ELECTIONS

(a) Civil Records, Census and Citizenship

As laid down in the Bengal Records Manual, 1943, the District Magistrate is to maintain records of births and deaths, and to keep such records for a period of thirty years. In conformity with the India Census Act, 1948, he is to conduct a decennial census under the instructions of the State Census Superintendent; and, as provided in the India Citizenship Act, 1955, he processes naturalization applications, and may grant citizenship.

(b) Elections

In accordance with the India Manual of Elections Law, 2nd Edition, 1957, based on the Representation of People Acts, 1950 and 1951, and the Representation of People Rules (Preparation of Electoral Roles), 1956, and the Representation of People Rules (Conduct of Elections and Election Petitions), 1956, the District Magistrate acts as the Electoral Registrations Officer who is responsible for preparing and keeping up-to-date the electoral role for Council (of States) constituencies. The SDO serves as the Electoral Registrations Officer for State Assembly and Union Parliament constituencies.

The District Magistrate acts as the Returning Officer for Assembly constituencies which contain two or more sub-divisions, for Parliamentary constituencies and for some Council constituencies, and the Divisional Commissioner is the Returning Officer for the remaining Council constituencies. The SDO is the Returning Officer

⁸⁰ See also Section 6 (c) *District Boards*.

for Assembly constituencies located within his sub-division. Whoever acts as Returning Officer has various responsibilities in connection with the holding of elections and their proper conduct, and he is allowed, if necessary, substantial control over all Union and State officials posted within his area of jurisdiction. He is responsible for giving public notice of elections, and for inviting nomination papers, which he must scrutinize. With the prior approval of the Election Commissioner, he is to determine the location of polling places and to appoint a presiding officer for each place to keep order therein, and to ensure that the polls are fairly conducted. And he is to supervise the counting of votes and to declare the results.

As provided in the Bengal Municipal Act, 1932, the District Magistrate determines⁸¹ the dates of elections for municipal commissioners. As Electoral Registrations Officer for municipal constituencies,⁸² he is responsible for preparing and keeping up-to-date the electoral role for municipal constituencies.

11. MISCELLANEOUS

(a) Advertisements and Signs

Under the India Motor Vehicles Act, 1939, the District Magistrate may be empowered by the State Government to remove any advertisement or sign which he considers to hinder the visibility of traffic signs by its location, or by its similarity in appearance.

(b) Ancient Monuments

According to the India Ancient Monuments Preservation Act, 1904, the District Magistrate, with the sanction of the Union Government, may purchase, accept as a gift or take a lease on, any monument which has been declared protected by the Union Government (by notification in the Official Gazette). After sanction by the Union Government, he may also propose to an owner of an ancient monument to enter an agreement with such Government for the preservation of the monument. The District Magistrate may grant permission for the moving of any sculptures, carvings, images, bass reliefs and the like.

(c) Cemeteries

As laid down in the India Ecclesiastical Rules, 1913⁸³, if no church committee, lay trustee or resident chaplain is available, the District Magistrate is to take charge of cemeteries. He is to ensure that such cemeteries are in good order, that trees are planted, that monuments remain in good repair, and that endowment fees for multiple stone monuments are deposited.

⁸¹ In the case of the first election of a newly-constituted municipality, or when a municipality fails to elect its commissioners within the statutory period, or when an election is invalidated by a court and new elections are to be held, the election dates are to be determined by the State Government.

⁸² Based on West Bengal Government Orders of June 24, 1963, which replaced the chairman of municipalities as the Electoral Registrations Officer for municipal constituencies by the District Magistrate.

⁸³ See Government of India Notification No. 212, May 10, 1913.

(d) Electricity Works

In so far as electricity works⁸⁴ such as transmission lines and pipes need to be constructed on private property, the District Magistrate is to acquire the necessary property and he must fix the compensation to be paid by the licensed electricity suppliers to the persons affected.

(e) Ferries

In accordance with the Bengal Ferries Act, 1885, and subject to direction by the Divisional Commissioner, the District Magistrate exercises control over such non-municipal and non-district-board public ferries as the Divisional Commissioner may establish. The latter may also discontinue such ferries. As the leasing authority, the District Magistrate, with the approval of the Divisional Commissioner, arranges for the supply of boats, makes rules for the management of ferries by lessees, lets leases by public auction⁸⁵ or cancels them and determines the rates of charges. When he engages in direct management, he makes arrangements for the supply of boats and for the collection of tolls, and he is in charge of the immediate supervision of the Executive Engineer who is entrusted with the charge of the ferry service. The Divisional Commissioner may order the management of a public ferry to be vested in a district board, which must then exercise the powers of the District Magistrate under the Act, and he is responsible for approving the rates of charges for municipal ferries proposed by the commissioners of a municipality, and for the rates of other public ferries.

(f) Hospitals and Dispensaries⁸⁶

Applications for grants from the State Government for any dispensary are to be made through the Divisional Commissioner, and he makes appointments to a committee for the management of hospitals and dispensaries.

The Divisional Commissioner is to approve the nominations for a manager or managing committee for a certain type of dispensaries, and he may remove members of such a committee once they have been appointed.

(g) Printing Presses and News Media

Under the Press and Registration of Books Act, 1867, and the Press Law Repeal and Amendment Act, 1922, the District Magistrate is responsible for the registration of printing presses and for recording any change of ownership; he must ensure that all books and newspapers bear the name of the publisher and printer (in the case of newspapers the name of the editor), and the place of publication and printing. He must also ensure that the Superintendent of Police brings to his notice the publication of books, pamphlets, papers, notices, posters and placards in contravention of such Acts, and he must in turn notify the departments concerned.

⁸⁴ See Government Notification No. 1302, July 15, 1920; See also India Electricity Act, 1910.

⁸⁵ He does not have to take the highest bidder, provided sufficient reasons are recorded.

⁸⁶ See the Manual of Rules for the Management of Hospitals and Dispensaries under the supervision of the Government of Bengal, 1926.

12. LIST OF COMMITTEES, BODIES AND ORGANIZATIONS OF WHICH THE DISTRICT MAGISTRATE IS EITHER CHAIRMAN, PRESIDENT OR MEMBER

Many of the committees, bodies and organizations listed in this section have been established to provide the District Magistrate with advice in carrying out his functions and responsibilities. Besides various Government officials, they often include private citizens who are both well-qualified and civic minded.

(a) The District Magistrate of 24-Parganas, Nadia, Howrah and Hooghly will generally be *Chairman* of the following committees, bodies or organizations:

1. District Agricultural Committee
2. Committee for Allotment of Quarters under Rental Housing Schemes for State Government Employees
3. District Crop Competition Committee
4. District Development Council
5. District Employment (Advisory) Committee
6. District Evaluation Committee
7. Family Planning Committee
8. District Health Committee
9. Foundry Planning Committee (Development)
10. District Land Purchase Committee (Scheduled Tribes)
11. District (Working) Committee of National Foundation for Teachers' Welfare
12. District Planning and Executive Committee, District Industrial Organization (or Estate)
13. Indian Red Cross Society, District Branch
14. District (Food and) Relief (Advisory) Committee
15. Site-Selection Committee for Administrative Headquarters of Development Blocks
16. Site-Selection Committee for Health Centres
17. District Small Irrigation and Tank Improvement Committee
18. District Small Savings (Advisory) Committee
19. Village Volunteer Force District Committee
20. District Welfare Committee for Scheduled Castes
21. District Welfare Committee for Scheduled Tribes
22. District Regional Transport Authority⁸⁷

(b) The District Magistrate of 24-Parganas, Nadia, Howrah and Hooghly will generally be *President* of the following committees, bodies or organizations:

1. District Library Association
2. District Minorities Board
3. (One or more) District Rifle Club(s)
4. Selection Committee for Rehabilitation of Goldsmiths

⁸⁷ The District Magistrate of 24-Parganas is a member and not the chairman of the Calcutta Regional Transport Authority which has jurisdiction over his district. The Director of Public Vehicles, West Bengal, is the chairman. See also Section 7 (a) *Transport*.

5. Site-Selection Committee for Civil Buildings
6. Site-Selection Committee for Deep Tube Wells⁸⁸
7. Site-Selection Committee for Power Pumping Schemes
8. District Advisory Council of Social (Adult) Education
9. District Soldiers', Sailors' and Airmen's Board
10. District Sporting (or Sports) Association⁸⁹
11. District (Advisory) Committee for West Bengal National Volunteer Force
12. District Youth Welfare Council

(c) The District Magistrate of 24-Parganas, Nadia, Howrah and Hooghly will generally be a member or chairman of the District's Excise Licensing Board. He may be a member of the Land and Town Planning Study Group of the Calcutta Metropolitan Planning Organization, and of the (State) Smoke Nuisances Commission.

(d) The District Magistrate of 24-Parganas, Nadia, Howrah and Hooghly *may* be President or Chairman of:

1. Ambulances
2. Central Co-operative Banks
3. Civic Associations
4. Destitute Homes
5. Diet Committees of Hospitals
6. Diet and Visitors' Committees (or Boards) of Jails
7. District Shelters' Advisory Committees
8. (Some of the) Educational Institutes, Schools and Colleges
9. Hospitals' Advisory Committees

⁸⁸ In some districts this responsibility falls upon the public health committee.

⁸⁹ In Hooghly District, the District Magistrate is vice-president; the Commissioner of Burdwan Division serves as president of the Hooghly District Sports Association.

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¹ The report of a field study project on district administration in Sabarkantha District, Gujerat, undertaken by the Planning Commission in collaboration with the Gujerat Government, is expected to be released in July, 1964.

² A more comprehensive work on district administration by this author, carrying an identical title, was published by the Asia Publishing House shortly before the release of this study.

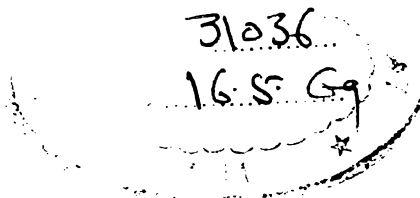
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