

Subsidiarity in District Administration

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District administration is the cutting edge of State Administration as well as field operational tool to achieve the Goals of State and Union Government. District is the basic unit of administration in India. The Oxford Dictionary defines it as a territory marked off for special administrative purpose¹. A district is generally named after the largest town or city of the territorial area of the concerned district. Therefore, a district is an administrative unit in the hierarchy of administration which consists of a number of territorial areas, namely, villages, towns and cities. Hence, the word 'District Administration' means the management of the tasks of government as it lies within an area legally recognized as a district.

Being the operational or functional part of government this level carries a variety of affairs such as regularity, co-ordination and development. This tool is taken as guaranteed solution of every problem at field or local level. The primary concern of the district administration is to **ensure public safety, the protection of citizens and all their rights**. It comprises the maintenance of law and order and the administration of criminal and civil justice. In the field of **revenue administration**, it has a significant role that includes **land revenue, irrigation charge**, agriculture income, tax levied, excise duties, entertainment tax etc. Along with these, the administration of treasury, land reforms, land acquisition, land management, land records, pollution control, VIP protocol, Socio-Economic programs execution, Election, monitoring of the Panchayatiraj Institutions and Rural Development Schemes, BPL survey, Public Distribution System, rescue operation in flood, fire, Draught etc. also fall within the ambit of the district administration.

All the development policies and programmes in the field of Agriculture cooperation and industry along with the special programmes launched to strengthen and develop weaker sections of the society are implemented by the district administration vigorously². One of the major roles of the district administration is to ensure people's participation in planning and execution of development of schemes. It's one of the major functions involves the ensurance of the supply of essential commodities to the people living in remote villages. It has also got the responsibility to help people in times of natural calamities and disasters. Generally, the district administration has the following features.

1. It is at district level that the state government comes into contact with the people.
2. District administration is a field work as opposed to staff or secretariat functions.
3. The problems at the district level are local relating to the district.
4. At district level, policy formulation ends and the implementation begins.

5. The District Officer is the last agent of the state government and the 'man of the spot'

for any activity or incidence in the district; and

6. At the district, there is functional aggregation of units. A large number of departments

have their field agencies located in the district.

The overall administrative structure presently prevailing at the district and sub-district levels in the country consists of the following three components

Administration of regulatory functions under the leadership of the Collector and

District Magistrate, such as law and order, land revenue / reforms, excise, registration, treasury, civil supplies and social welfare.

1. District / Sub-district level offices of the line departments of the State Government and their agencies, such as PWD, irrigation, health, industries etc.
2. Local bodies (Panchayati Raj Institutions and Municipal bodies) which, after the 73rd and 74th amendment of the Constitution, have become the third tier of government.

With the constitutionally mandated establishment of Panchayati Raj Institutions and Municipal bodies, it has become necessary to re-examine and re-define the role of the district administration or Office of Collector. It is imperative that the devolution of decision making to local levels should face no impediments. It is equally imperative that the unique administrative experience, expertise and credibility of the office of the District Collector built up over a period of two hundred years are properly utilized. According to SS Khera, "The District Administration is the Total Functioning of Government."³

Office of collector is the main element of District Administration and plays the key role to achieve the goals of Government. In present scenario the district administration plays the role for revenue, law & order, general administration, development, protocol, calamities, election and whatever is not defined, is entrusted to this. So the Collector is the kingpin of district administration, and its' office is the government at local level. He named after by various titles such as keystone of the arch of district administration, agent of government, eyes and ears of the government, voice and hands or working arms of government, mainspring of development, general manager of all government activities and the tortoise on whose back stands the elephant of government etc. for his role.

The post of District Collector has been the most important feature of field administration in India for the last two hundred years. Before Independence, when the economy was primarily agrarian, the Collector as head of the land revenue, administration also enjoying wide powers under criminal laws. He was considered as the ultimate guardian

figure - responsible for the well-being of residents in his jurisdiction - the representative of the British Empire, capable of doing anything and everything. In the post-Independence era, when the economy diversified, and the pace of industrialization and growth of tertiary activities picked up, other functionaries too gained in importance. But, even now, in most parts of the country, excepting metropolitan/mega cities, the Collector is the most recognized face of the administration; he is considered to be the principal representative of the government at the district level, who could be approached to solve virtually all problems ranging from land disputes, to scarcity of essential commodities, to inadequacy of relief in times of crisis, to community disputes and even to issues of family discords. The District Collector has three major functions namely revenue, magisterial and developmental. Apart from these major functions, a large number of miscellaneous functions are also entrusted to him by State and Central governments like conduct of elections, dealing with calamities, supervising local government institutions, etc. Collector was mainly entrusted with revenue administration, however, since Independence with the considerable change in the nature of the state from police rule to development and welfare, his role have shown a shift in the direction of development as he implements all the development programmes. Since he is a Generalist, he coordinates the activities of overall departments under Specialists like Engineers, doctors, etc. by holding meetings among them at periodic intervals. He is also acting as the Friend, Philosopher and Guide of the Panchayati Raj Institutions.

The foremost task of a District Collector, as the head of the **revenue administration** of the district, is the **assessment and collection of land revenue**.

- To maintain land records
- To collect land revenue
- To collect rural statistics
- To collect other government dues
- To distribute and recover *taccavi* loans
- To implement land reforms
- To exercise the power of land acquisition officer, that is, acquiring land for purpose of colonization, industry, slum clearance, etc.
- To look after the **welfare of the agriculturists**.
- To make an **assessment of losses of crops** and recommend **relict** during natural **calamities like fire, draught and flood etc.**
- To pay rehabilitation grant
- To hear **appeals against the orders of lower authorities**.
- To manage government estates.
- To pay **Zamindari Abolition compensation**
- To supervise treasury and sub treasury
- To enforce Stamp Act

Maintenance of law and order in the District Administration

In this capacity the District Collector has got the responsibility of maintaining law and order in his district. **Three elements of the district administration** are involved in this task: the police, the judiciary and the jails. As a District Magistrate a district collector performs the following functions:

- Control and supervises the subordinate magistracy.
- Inspects the jails.
- Grants superior classes to prisoners.
- Orders **imposition of section 144** of the Criminal Procedure Code in case of threat to public peace.
- Submits an annual criminal report to the [government](#).
- Controls and directs the action of district police.
- Enforces Entertainment Tax Act and Press Act.
- Grants, suspends or cancels various kinds of licenses like arms, hotels, explosives, etc.
- Prosecutes offenders under **the Factories Act and Trade Mark Act**.
- Orders disposal of unclaimed property.
- Supervises and control local bodies.
- Recommends schemes for the development of [forests](#).

Co-coordinator of Different departments of the District Administration

Prior to the independence, the district collector used to function like the coordinating agency in overall charge of every significant official activity in the district. After independence, several departments of technical nature, such as **public health, public works, [agriculture](#), [irrigation](#), [education](#) and [cooperation](#)**, were set up. These departments are headed by specialists and are not under the supervision of the collector any more.

Although the independence of these departments in their functioning has weakened, to some extent, the role of the collector as a coordinating agency, the entire team of the district administration has to work with a sense of dedication in the same manner as a soldier on the battle front. The district collector, still the commander of the district administration, has to organize and coordinator, must provide breathing space to each agency of the district administration, remove bottlenecks, establish the truth of the various departments in himself and bring out unity of purpose.

Other Functions of the Collector in the District Administration

Besides the above described works, the collector performs many other functions; some of the important ones are:

- He conducts [census](#) operation every 10 years.
- He functions as the returning officer and coordinator of election work of Parliament and Constituencies of Legislative Assembly(VidhanSabha) at district level.
- Grants old age [pension](#) and house building loans.
- Supervises and controls municipalities in the district.
- He is responsible of small savings schemes and contributions to the **National Defense Fund (NDF)**.
- He functions as the chairman of several committees such as **the family planning committee, public grievance committee, planning committee, soldier welfare fund committee, etc.**
- Acts as a protocol officer.
- Preparation of district gazetteers and protection of ancient monuments.
- Superintends over all other branches of district administration.

He plays the role:

1. As Collector, he has to collect land revenue.
2. As District Magistrate, he has to maintain law and order in the district.
3. As District Officer, he has to deal with the personnel matters like salary, transfer, etc. within the district.
4. As Development Officer, he is responsible for the implementation of rural development programmes.
5. As the Returning Officer, he is the chief for the elections to the Parliament, the State Legislative Assembly, and the local government in the district. Hence, he coordinates the election works at the district level.
6. As the District Census Officer, he conducts the census operations once in ten years.
7. As the Chief Protocol Officer, he has to protect the VIPs in their tour and stay in the district.
8. As the coordinator, he supervises the district level other functionaries and departments.
9. He presides over the District Plan Implementation Committee.
10. He acts as the official representative of the state government during the ceremonial functions in the district.
11. He acts as the Public Relations Officer of the state government.
12. He acts as the Crisis Administrator in chief during the natural calamities and other emergencies.
13. He supervises and controls the local government institutions.
14. He handles the work pertaining to civil defense; and
15. He is responsible for civil supplies, food and other essential commodities.

Hence, the District Collector is the multi-functionary in the district level. In fact, the work-load functions are more to a collector due to the welfare state policy in which the

government has to implement a large number of programmes for the people. Actually, the office of the District Collector is very much prestigious. The District Collector is the hero of the district administration. The other important district level functionaries are following.

1. Superintendent of Police
2. District Medical Officer
3. District Health Officer
4. District Forest Officer
5. Assistant Registrar of Cooperative Societies
6. District Agricultural Officer.
7. District Industries Officer
8. District Judges
9. Backward Class Welfare Officer
10. Superintendent of Jails
11. District Labour Officer

As stated above, the widespread functions of the District Collector without well-defined roles result in lack of clarity and diffusion of the Collector's responsibilities. There has been constant debate as to whether the District Collector who represents the Centre and states be a part of this or he should simply supervise as the minds of the rural people are constantly suspicious towards them. This causes a lot of problems in effective administration and implementation of programmes. Another aspect to this debate is that with so much of responsibility, the District Collector will be distracted from his other major functions like law and order, etc. after the establishment of PRIs / ULBs as the third tier of government. The Administrative Reform Commission (ARC) is of the view that there is need to redefine the role and responsibilities of the Collector in a clear manner because the office of the collector and its widespread and vaguely defined functions are affecting the followings

1. There is need to realign the functions of the Deputy Commissioners/ District Collector so that he concentrates on the core functions such as land and revenue Administration, maintenance of law and order, disaster management, public distribution and civil supplies, excise, elections, transport, census, protocol, general administration, treasury management and Coordination with various agencies/ departments.
2. The Commission reiterates its recommendations regarding the Land Title Management System made in its eleventh Report on e-Governance. It should be one of the primary duties of the District Collector to perform the task envisaged in the aforesaid recommendations.
3. There is need to strengthen the compliance machinery at the district level to enforce provisions of the RTI Act and to reduce the element of delay and subjectivity in the functioning of the lower level formations of the

government. This should be done by creating a special RTI Cell in the office of the Collector, whose functions should be reviewed by the Collector at regular periodicity.

4. Officers may be posted as District Magistrates early in their career, but in complex and problem-prone districts an IAS officer should be posted as DM only on completion of 10-12 years of service. e) Steps should be taken to ensure that the Collector plays an effective coordination role in activities and programmes of other departments at the district level.⁴

Another aspect to this debate is that with so much of responsibility, the DC will be distracted from his other major functions like law and order, etc. In the era of LPG and IT revolution the aspirations of public is, at high pitch. The governmental organizations and systems are being insufficient to supply the public demands. New paradigms such are NPA, NPM, MBO, Entrepreneurship government, Corporate Governance etc. are at verge of test to fulfill common man demands and use as administrative tool for future challenges. For the sack of survival Public Administration has to solve the problems of common man, has to perform better to meet the needs of democracy, and has to develop the tools to save the mankind.

Need of Subsidiarity

Moreover, the more powers that are invested in government, and the more powers that are wielded by government, the less well does government discharge its primary responsibilities, which are

- (1) Defense of the commonwealth,
- (2) Protection of the rights of citizens, and
- (3) Support of just order.⁵

Although there is a debate going on that whether we need office of district collector or not, it plays a vital role in the district administration as the bridge between union-state and local government. Therefore there is no question of removing the post of district collector. There are some flaws in the district administration system but reiterating the recommendations on the issues of personnel management, performance and outcome evaluation, effective citizen centric administration, use of information technology, process re-engineering etc. made above, it is believed that if these recommendations are expeditiously implemented where applicable to the district administration would make India developed with bottom up approach and better outcome.

District administration is passive:

- District administration is overburdened with miscellaneous functions as well as supervisory.

- Co-ordination with other district functionaries uses a lot of energy, time and resources. The other district functionaries are being inactive in initiation and decision making.
- District collector presides over about 50-60 district committees, so meetings of different committees at collectorate on day today is common.
- Development process needs a different enthusiasm and mindset. It is not a routine work. After 73rd and 74th constitutional amendments it demands a separate structure and monitoring wing so district administration is not able to cop up with the pace.
- RTI, Public Services Guarantees Act, Sugam Portal, CM Portal, District Public Grievances and Vigilance Committee, Jan Sunwai, Citizen Charters, SarkarAapkeDwar, LokAdalat, NyayAapkeDwar, Sanitation Mission etc. have opened new fronts for district administration.
- Bureaucratic hurdles, lack of missionary attitude.

Passive features of district administration

- Problems of land ownership, land revenue, land acquisition, mutation, path to farms, boundaries of farms, seemagyan etc. are most in number in Public Grievances.
- Law and order is not in good health due to agitations, protest, dharana-pradarshan, jam, encroachment of land, road, & public property etc.
- Crime index is rising due to no checks on murder, extortion, rapes, violence against women, robbery, chain snatching, stealing etc.
- People are standing in queue for caste, domicile, income certificates, licenses for different trade activities and jobs, various permissions etc.
- Minimal success of development scheme.
- Poor Public participation in governmental programmes and projects
- VIP culture in district administration
- Long waiting period for administrative approvals
- Favoritism in Land allotments and awards on basis of caste and lobbies
- Subordinative behavior towards line departments and district functionaries.
- Bureaucratic resistance to delegation of power to PRIs
- Elitist behavior and biasness among the bureaucrats and government officials

Remedies for passive district administration

- Freedom of decision making in line offices
- Separation of Police functions from collectorate functions
- Noninterference in Health, Education and Local Bodies

Redistribution of powers and job profile:

- Subsidiarity : Complete powers to line offices

Subsidiarity: Meaning

The principle of subsidiarity holds that a larger and greater body should not exercise functions which can be carried out efficiently by one smaller and lesser, but rather the former should support the latter and help to coordinate its activity with the activities of the whole community. This principle defines *subsidiarity* as the idea that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level.

In other words, it means the State shall take action only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the communities - Society- and can therefore, by reason of the scale or effect of the proposed action, be better achieved at the State level. It means that policies should always be made at the lowest possible level, and that the higher level should only legislate when there is unanimous agreement that uniform regulation is necessary.

One of the key principles of Catholic social thought is known as the principle of subsidiarity. This tenet holds that nothing should be done by a larger and more complex organization which can be done as well by a smaller and simpler organization. In other words, any activity which can be performed by a more decentralized entity should be. This principle is a bulwark of limited government and personal freedom. It conflicts with the passion for centralization and bureaucracy characteristic of the Welfare State.⁶

Subsidiarity is a principle of social organization that holds that social and political issues should be dealt with at the most immediate (or local) level that is consistent with their resolution.

The [Oxford English Dictionary](#) defines subsidiarity as "the principle that a central authority should have a subsidiary function, performing only those tasks which cannot be performed at a more local level".⁷

Decentralization, or decentralizing governance, refers to the restructuring or reorganization of authority so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiarity, thus increasing the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of sub-national levels.⁸

Subsidiarity is one of the most important principles applicable in the analysis of the functional division between central and local governments. According to the principle of subsidiarity, government functions should be performed at a lower level unless local

government fails to cope with them and the performance of said functions at a higher level would be more efficient. It is thus essential to identify criteria for determining whether a certain function should be elevated to a higher level of government.

Subsidiarity describes the principle of making decisions and taking action at the lowest, smallest possible level of authority. It is the conservative principle that gives power back to local institutions and de-emphasizes the brute force of the national government. In the light of Subsidiarity the functions done by District administration should be restructured and reconstructed. Restructuring the district administration may be the initiation in this context. We have to redesign the system, restore the functions and revise the responsibilities at functionary level. Subsidiarity at district level may be the boon for administration as well as to governance. As it comprises to that decisions should be taken at the lowest possible level, or closest to where they will have their effect.

High points of Subsidiarity

The principle of *subsidiarity* holds that a larger and greater body should not exercise functions which can be carried out efficiently by one smaller and lesser, but rather the former should support the latter and help to coordinate its activity with the activities of the whole community.

- Decentralized governance,
- Restructuring of authority To create co-responsibility between central, regional and local levels
- Increasing overall quality and effectiveness
- Guarantee of independence for a lower authority
- Sharing of powers between several levels of authority
- Boost to federalism
- De-emphasizing and diminishing the force of central government

Parameters for Subsidiarity in District Administration

1. Role of District Collector:

- There is need to realign the functions of the Deputy Commissioners/ District Collector so that he concentrates on the core functions such as land and revenue Administration, maintenance of law and order, disaster management, public distribution and civil supplies, excise, elections, transport, census, protocol, general administration, treasury management and Coordination with various agencies/ departments.
- A well-defined set of exclusive activities both statutory as well as non-statutory as a functionary of the State Government should be added in his job profile.

- His job profile should also include the general work of coordination with various departments / agencies of the State and the Union Governments at the district level and

2. Modernizing the Office of the District Collector:

- Grievance & Public Feedback Cell-Grievance redressal of citizens and implementation of citizen charters should be an integral part of the Collector's office.
- Management Information Systems / IT tools /E-Governance for effective monitoring and evaluation of programme/projects which are directly under the charge of the Collector, there needs to be computerized/MIS attached to his office.
- A Vigilance Cell should be there.
- Tours Inspection Notes and Institutional Memorize, Civil Society& Media Cell should be there.

3. Functional and Structural Reform:

- Formation of Institutions of Local Governance at the District Level.
- Each district should have a District Council comprising of representatives of both rural and urban bodies.
- The District Collector should have a dual role in this government structure. He should work as the Chief Officer of the District Council and should be fully accountable to the District Council on all local matters.
- The District Officer would also be fully accountable to the State Government on all regulatory/other matters not delegated to the District Government.

4. Other Reforms:

- There is need to strengthen the compliance machinery at the district level to enforce provisions of the RTI Act and to reduce the element of delay and subjectivity in the functioning of the lower level formations of the government. This should be done by creating a special RTI Cell in the office of the Collector.
- Officers may be posted as District Magistrates early in their career, but in complex and problem-prone districts an IAS officer should be posted as DM only on completion of 10-12 years of service.
- Steps should be taken to ensure that the Collector plays an effective coordination role in activities and programmes of other departments at the district level.

Conclusion:

The division of functions between central and local governments is a question yet to be solved. Economies throughout the world, especially those of developing nations, are gradually decentralizing by transferring government functions to lower levels. There is a

growing need for a comprehensive analysis of how government functions should be divided. On the one hand, optimal division may vary between countries due to unique local circumstances. On the other hand, scientific research is not intended to discover a factual answer but rather an algorithm for evaluating functions regardless of such factors as a country's size, system of government, and the like. The principle of subsidiarity is oftentimes stipulated in national legislation. Yet, its implementation framework is not always clear. Yet, no criteria or system of monitoring and assessment are defined, so it is unclear whether the process is systematic and justified.

This paper is intended to elicit and substantiate criteria that should be used as a basis for the division of functions between the District Administration and local government departments according to the principle of subsidiarity.

Steps for Subsidiarity:

- **Decentralization:** Decentralization is the process of transferring decision making power closer to the people. It includes the power division in different levels. If a department works at three layer then the first layer works at state, second at division and third at District. It shows that this department is quite adequate to accomplish its duties. Such type of department should not controlled by District administration in sack of Governance. Redistribution of affairs from district administration to their parental department or concerning organization as protocol to police, development to DRDO, pension schemes to pension department, welfare schemes to Social Welfare and Empowerment Department, is the starting point to change complex nature of district administration and leads to Good Governance.
- **Effective Delegation** of Certain Duties to local level by following Principle of Subsidiarity. Monitoring by state Government is another factor that privileges District Administration to control and questioning the other department for their performance in different plans and projects. Acquainting such power the district administration make to stands the other departments on their toes. Departments such as Agriculture, PWD, Irrigation, SWE, Minority, Education, medical etc. should go free hands in functioning their duties. In spite of District Administration monitoring there should be Departmental Internal Audit Agency for work performance in such departments.
- **Social Audit:** *Social audit generally refers to engagement of the stakeholders in measuring the achievement of objectives under any or all of the activities of a government organization, especially those pertaining to developmental goals. The basic aim here is to have an understanding of an activity from the perspective of the vast majority of people in society for whom the institutional/administrative system is designed and to improve upon it.* There

should be social Audit of district Administration in reference of Peoples' satisfaction based upon land reforms, allotment and revenues cases, projects finalized and approved in DMFT funds, planning and Proposals of Development etc. so the District Administration should play the role in Administrative capacity.

- **Encouraging Citizens' Participation, installing Suggestion Box, robust feedback mechanism and prescribed timeline for delivery of service. This is initiation for democratic setup in administration. Many time the situation demands public opinion and support for trust in administration. Then district administration should issues the call and support from public inform of talks, conversation, summit, presentation in public for their role and function, march and exhibition of work done etc. This tendency will provoke the district administration to Subsidiarity.**
- **Simplifying, Redesigning, Rationalizing Process of BPL Selection, pension approval from SWE department, allotment of lands by Local Bodies to various groups, institutions and Communities, certificates like income and caste from Statics Department, etc.**
- So these 'Window of Hope' with the following innovations
 - A Single Window System with decentralization of service delivery at the block level
 - Re-engineering of complex government processes to suit the needs of the DAPs
 - All facilities provided free of cost at a 'camp' site to attract the poorest of the poor
 - Mobilization of funds through convergence and Public –Private Partnerships to ensure 100% follow-up action.

Restructuring of collector's power

- Separation of police, Protocol to Police
- Only revenue functions, General Administration, Election, Census with collector
- Strengthen Line offices
- Law & order, magistracy power to administrative courts
- Separation of development projects & Welfare Schemes
- Registration, treasury and excise to Finance Deptt
- New bureau for Disaster Relief at district level
- Office of collector should be redesigned in Bureau which comprises

Revenue wing : Revenue, land settlement, allotment,

Co-ordination wing: General adm, Representation,

Statics wing: Census, election, certificates, licenses

Public Point: PDS, RTI, civil society, PRO

Subsidiarity in District Administration will

- **Reduce** – overburden
- **Quality** – improving the quality of services
- **Goal oriented line Offices** : missionary attitude
- **Choice** – for the users wherever possible
- **Standards** – specifying what to expect within a time frame
- **Value** – for the taxpayers' money
- **Accountability** – of the service provider (individual as well as Organization)
- **Transparency** – in rules, procedures, schemes and grievance redressal

Leads to Good Governance

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