

SOS POLITICAL SCIENCE & PUBLIC ADMINISTRATION

M. A PUBLIC ADMINISTRATION IV SEM

RURAL LOCAL ADMINISTRATION : WITH DUE REFERENCE TO M. P

UNIT-IV

TOPIC NAME-CHIEF EXECUTIVE OFFICER & COLLECTOR

Introduction-

The chief executive officer (CEO), who is an IAS or a state civil service officer, heads the administrative machinery of the Zilla Parishad. He may also be district magistrate in some states. The CEO supervises the divisions of the parishad and executes its development schemes.

Functions of the Chief Executive Officer (CEO) -

The Chief Executive Officer shall perform the following functions :

1. exercise all the power specially, imposed or conferred upon him by or under the Act or under any other law for the time being in force
2. control the officers and official of, or holding office under, the Zilla Panchayat subject to the general superintendence and control of the Adhyaksha and such rules as may be prescribed;
3. supervise and control the execution of all works of the Zilla Panchayat;
4. take necessary measures for the speedy execution of all works and developmental schemes of the Zilla Panchayat;
5. have custody of all papers and documents connected with the proceedings of the meetings of the Zilla Panchayat and its committees;
6. draw and disburse monies out of the Zilla Panchayat Fund; and
7. Exercise such other powers and discharge such other functions as may be prescribed.
8. The Chief Executive Officer shall attend meeting of the Zilla Panchayat and shall have right to attend the meeting of any committee thereof and to take part in the discussion but shall not have right to move any resolution or to vote.

Powers of chief Executive officer-

In exercise of the powers conferred by the sub-section (1) of Section 95 read with Section 72 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published and required by the sub-section (3) of Section 95 of the said Act, namely :-

1.Short title.- These rules may be called the Madhya Pradesh Panchayat (Powers and Functions of Chief Executive Officer) Rules, 1995.

2.Definitions.- In these rules, unless the context otherwise requires,-

(a) "Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);

(b) "Chief Executive Officer" means the Chief Executive Officer of a Zila Panchayat or Janpad Panchayat as the case may be;

(c) "Section" means Section of Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);

(d) "Panchayat" means the Zila Panchayat or a Janpad Panchayat as the case may be.

3.Save as otherwise expressly provided by or under the Act, the executive power for the purposes of carrying out the provisions of the Act shall vest in the Chief Executive Officer, who-

(a) shall exercise all the powers specifically conferred upon him by or under the Act, or under any other law for the time being in force;

(b) shall lay down the duties and supervise and control the officers and servant of the Panchayat subject to the general superintendence of the President and in accordance with rules made by the State Government;

(c) subject to the provisions of Sections 44 and 47 and rules made thereunder, shall convene the meeting of Panchayat and its Standing Committee and maintain proceeding thereof;

(d) shall attend meeting of the Panchayat and its Standing Committee unless prevented by a reasonable and sufficient cause;

(e) may lender information or clarification in respect of any matter under discussions in the meeting of Panchayat;

(f) shall take action to implement the resolutions of the Panchayat;

(g) have custody of all papers and documents connected with proceedings of meeting of Panchayat and its Standing Committees;

(h) shall furnish the returns, statements, estimates, statistics or other information relating to the administration of Panchayat;

(i) shall report within three days from the date of meeting of Panchayat or Standing Committee all such cases to the prescribed officer where in his opinion any act or execution of any order or resolution of Panchayat or of the President or of the Chairperson of any Standing Committee is not in accordance with the provisions of the Act or the rules framed thereunder or any directions or instructions issued by the State Government under the Act.

3. Subject to the provisions of the Act and the rules made thereunder, the Chief Executive Officer of Panchayat,-

(i) may call for any information, return, statement or report from any officer or employee holding office under the Panchayat or from any other district office of any department;

(ii) may sanction leave of absence to employees of Panchayat in accordance with the rules made for this purpose;

(iii) may during the absence on leave or on transfer of any officer, make temporary provisions for holding charge and the discharge of the functions of the office;

(iv) may call an explanation from any officer or employee of holding office under the Panchayat;

(v) shall supervise and control the execution of all activities of the Panchayat;

(vi) shall take necessary measures for the speedy execution of all works and development scheme of Panchayat;

(vii) initiate or conduct proceedings, civil or criminal on behalf of Panchayat;

(viii) shall assess and give the opinion confidentially every year on the work of the official servants holding office under the Panchayat and forward it to President;

(ix) may draw and disburse money out of the Panchayat Fund, as per the financial Rules made in this regard;

(x) shall prepare annual development plans and budget and ensure efficient execution of schemes included for all matters relating to the accounts of Panchayat;

(xi) shall examine every proposal sent by Janpad or Gram Panchayat as the case may be, for imposition of a tax mentioned in Schedule II of the Act as per provision of Section 77 (2) of the Act;

(xii) shall publish under his signatures all regulations and bye-laws made by the Panchayat;

(xiii) shall ensure against loss of money or property of the Panchayat in possession or charge of employees of the Panchayat in the discharge of the duties and to place before the Panchayat or Standing Committee empowered;

(xiv) shall examine and report on any of the matters regarding delegation of powers by the Panchayat to any of its authorities with a view to ensure that action proposed is in accordance with the rules or executive instructions issued by the State Government to this behalf;

(xv) shall immediately report to the President every case where danger to life or extensive damage of property of residence of the district has been caused by natural calamity and where any damage has been caused to the property of the Panchayat shall also take immediate suitable action under instructions from Panchayat;

(xvi) shall take steps to remove any defect or irregularity brought to the notice of the Panchayat in the course of audit of its account.

4. The Chief Executive Officer shall also exercise all such powers and perform such other functions and duties as may be delegated to him by Panchayat or assigned by the State Government.

5. Any order of the Panchayat shall only be valid when it is issued under the seal and signature of the Chief Executive Officer.

6.Repeal.- All previous rules on the subject shall stand repealed on the date of final publication of these rules in the Madhya Pradesh Gazette.

Collector-

The position of District Collector was created by Warren Hastings in 1772. The main functions of the district collector were to supervise general administration, to collect land revenue and to maintain law and order in the district. He was the head of the revenue organization. He was responsible for registration, alteration, and partition of holdings; the settlement of disputes; the management of indebted

After the independence of the country, the judicial powers of the collector were transferred to the judicial officers of the district. With the launch of Community Development Programme, the collector was also entrusted with the additional work of implementing the government's development programmes in the district.

Role and Function of District Collector

The role played and the functions performed by the District Collector in district administration can be studied under the following heads.

Revenue Administration:

Historically, collection of revenue has been the first charge (function) of the District Collector as the very title Collector signifies. He is still the head of revenue administration in the district. He is responsible for the collection of revenue to the state government through the Board of Revenue or Revenue Tribunal in Maharashtra and Gujarat or Financial Commissioner in Punjab, Haryana and Jammu & Kashmir. As the head of revenue administration in district, the Collector is responsible for the following functions:

- 1.To collect other government dues.
 - 2.To distribute and recover taccavi loans.
 - 3.To maintain land records.
 - 4.To collect rural statistics.
 - 5.To exercise the power of land acquisition officer, that is, acquiring land for the purpose of colonisation, industry, slum clearance, capital construction and so on.
 - 6.To implement land reforms.
 - 7.To look after the welfare of the agriculturists.
 - 8.To make an assessment of losses of crops and recommend relief during natural calamities like fire, drought and flood.
1. To supervise treasury and sub-treasury.
 2. To enforce Stamp Act.

3. To pay rehabilitation grant.
4. To manage government estates.
5. To hear revenue appeals against the orders of lower authorities.
6. To pay Zamindari abolition compensation.

Law and Order Administration :

The maintenance of law and order in district is the principal duty of the District Collector. Before Independence, the District Collector acted as both, the Executive Magistrate and the Judicial Magistrate. As an Executive Magistrate, he was responsible for the maintenance of law and order and as a Judicial Magistrate, he was responsible for the trial of criminal and civil cases by interpreting the laws. After Independence, the judiciary has been separated from the executive in accordance with Article 50 of the Directive Principles of State Policy of the Indian Constitution. As a consequence, the role of Collector as a judicial magistrate came to an end. This function has been handed over to a new functionary called the district judge who works under the direct control of the State High Court.

The District Collector in his capacity as the district magistrate (i.e. executive magistrate) is ultimately responsible for the maintenance of law and order in the district. For this purpose, the district police force headed by the District Superintendent of Police is kept under the control, supervision and direction of the district magistrate. The Indian Police Act of 1861 vests the police administration of the district in the District Superintendent of Police under the control of the district magistrate. Thus there is a system of dual control of law and order administration in the district, that is, control by the district magistrate and control by the departmental line headed by the Director General of Police.

The District Collector in his capacity as the district magistrate performs the following functions:

1. To control and supervise the subordinate magistracy.
2. To issue orders when there is threat to public peace and order under section 144 of the Criminal Procedure Code.
3. To dispose all the petitions received from the government and others.
4. To release prisoners on parole.
5. To inspect the jails.
6. To submit an annual criminal report to the government.
7. To grant, suspend or cancel many kinds of licenses like arms, hotel, explosives, petroleum and others.
8. To grant superior classes to prisoners.
9. To supervise and control local bodies.
10. To control and direct the action of district police.
11. To enforce Entertainment Tax Act, and Press Act.
12. To call the armed forces to aid and assist the civil administration to deal with any abnormal situation in the district.
13. To prosecute offenders under the Factories Act and Trademark Act.
14. To order disposal of unclaimed property.
15. To recommend schemes for the development of forests.

Development Administration:

Before Independence, the developmental role of a Collector was, not that important as British India was a 'police state' concerned mainly with the regulatory administration. After Independence and with the initiation of development planning strategy, the developmental role of a Collector became significant. He has become a pivotal figure in the implementation of development programmes. However, the position in this regard is not same in all the states. Broadly, there have emerged two distinct patterns of development administration in the district. One is the Tamilnadu, Rajasthan and other states' pattern and the other is the Maharashtra and Gujarat Pattern.

In the first pattern the Collector is made responsible both for regulatory and development administration. As such, he looks after revenue, magisterial and developmental activities in these states. All the district level officers engaged in the implementation of development programmes function under the supervision, guidance and leadership of the Collector. Even though, in technical matters they function under the control and supervision of their respective departments, in the actual implementation of their development programmes they are placed under the administrative control of the District Collector. In many states, the Collector is also designated as the District Development Officer and is authorised to write the Annual Confidential Report of the District level officers engaged in the development administration.

In the second pattern found in Maharashtra and Gujarat, the Collector is made responsible only for regulatory administration. The development administration in these states is made the responsibility of the Zila Parishad. All the District level officers engaged in the implementation of development programmes function under the administrative control and supervision of the Zila Parishad. For this purpose, the Zila Parishad has appointed the District Development Officer (or

chief executive officer) who also belongs to the IAS. By this arrangement, the Collector is relieved of his responsibility in the developmental field.

An important dimension of the role of the Collector in the developmental field is his association with the District Rural Development Agency (DRDA). It should be noted here that the chief role of a Collector in the field of development administration is that of coordination—coordinating the activities of district level officers engaged in the implementation of development programmes.

However, the 73rd Constitutional Amendment Act of 1992 and the consequent Panchayati Raj Acts of 1993 and 1994 of various states have reduced the role of Collector in development administration.

Other Powers and Functions_In addition to the above, the Collector also performs the following functions:

- 1.He acts as the Returning Officer for elections to parliamentary and state assembly constituencies. Hence, he coordinates the election work at the district level.
- 3.He acts as the District Census officer. Hence, he conducts the census operations once in ten years.
- 4.He acts as the Chief Protocol Officer in a district.
- 5.He presides over the District Plan Implementation Committee.
- 6.He acts as the official representative of the state government during ceremonial functions in the district.
- 7.He acts as a kind of buffer between citizens and administration in the district.
- 8.He supervises the municipal administration in the district.

9.He acts as the Public Relations Officer of the government.

10.He acts as the crisis administrator-in-chief during natural calamities and other emergencies.

11.As a head of district administration, he deals with personnel matters of the district staff.

12.He is responsible for civil supplies–food and other essential commodities.

13.He handles work pertaining to civil defence.

14.He maintains liaison with military authorities and looks after the welfare of both serving andretired members of the armed forces.