

Chapter 7

Concluding Observations

District Administration was a bureaucratic or administrative body entrusted with the task of executing policies at the district level. DGHC was a politico-administrative body that aimed at promoting socio, economic, educational and cultural advancement of the people of Darjeeling hills.

District Administration operated at the district level while the DGHC operated at the sub-state level.

District Administration was the British legacy in India which had stood the test of time, so it was comparatively an older institution with more experience in the administrative field. Whereas DGHC was the result of a violent agitation of the 1980s in Darjeeling hills and a new experience, unique in the Indian politico-administrative system.

District Administration performed mainly regulatory work like collecting revenue and maintaining law and order while DGHC performed mainly developmental functions like education, rural development, etc.

The public celebrations of Republic Day (26th January) was done by the District Administration and the public celebration of Independence Day (15th August) was done by the DGHC.

The District Administration observed a holiday on Bhanu Jayanti (Nepali Poet Bhanubhakta Acharya's Birthday), while the DGHC observed a holiday on Giri Jayanti (Gorkhali Poet Agam Singh Giri's Birthday).

The regulatory functions/works of District Administration were: (1) Collecting revenue through Revenue Munshikhana, Registration, Certificate, Excise, Motor Vehicles Department, Compensation and Touzi. (2) Maintain Law and Order through control over Police Organizations in the district, control over Jail and Judicial Munshikhana. (3) Undertake Relief measures in times of calamity. (4) Control over matters relating to distribution of essential commodities under public distribution system. (5) Control over Passport Department. (6) Supervision of Protocol aspect of the district. (7) Smooth

conduct of election. (8) Dealing with Public grievances. (9) Make all financial transaction through the Treasury (including that of DGHC).

The development programs that District Administration undertook were ICDS, MPLADs, BAD and SC/ST loans.

After 1988 the District Magistrate's development functions were transferred to DGHC thereby weakening the position of the District Magistrate in the field of development. The District Magistrate's development role was reduced vis-à-vis DGHC. This in turn has reduced the status of the District Magistrate vis-à-vis DGHC.

The Government of India set up a Commission of Enquiry, known as Administrative Reforms Commission (ARC) in 1966 to examine the public administration of the country and make recommendations for reforms and reorganization where necessary. One recommendation it made was that the district administration should be divided into two classes (i) Administrative and (ii) Developmental. While the District Magistrate should be responsible for the administrative class the Developmental class should be transferred to the Panchayat Raj administration. This recommendation of the ARC seems to be compatible to the District Administration in DGHC areas and DGHC, for the district administration does mostly regulatory work (like in the pre-independence time) and a few developmental work also, whereas DGHC does mostly developmental work.

The developmental function/work of DGHC were: (1) Education (2) Forest (not Reserved Forest) including Parks and Gardens (3) Fisheries (4) Labor (5) Tourism (6) Rural Electrification (Power and Energy) (7) PHE (8) Small Scale and Cottage Industries (9) Vocational Training (10) Agriculture (11) Irrigation and Waterways (12) Animal Resource Development (13) Livestock (14) Water Management (15) Market Management (16) Public Works Department (17) Communications (Roads except National and State Highways) (18) Transport and Pool (19) Transport and development of Transport (20) Burial and Cremation Grounds (21) Establishment (22) General Services (23) Library Services (24) Sports and Youth Services (25) Supporting needy Monastries with recruitment.

However, since DGHC had only supervisory powers over the Municipality, urban development work did not come under the jurisdiction of the DGHC. For DGHC to have

become an effective development body the urban development functions could have been brought under its control. This could have removed the rural-urban dichotomy and introduced rural-urban continuum in the field of development, and enhanced the process of decentralization, democracy and development.

In the final analysis, regarding the powers/functions/departments of DGHC we can come to the following conclusions – that there has been:

1. Partial or absence of full transfer of powers/functions/departments to DGHC
2. No clear-cut transfer of powers/functions/departments to DGHC.
3. No logical and scientific transfer of powers/functions/departments to DGHC.
4. No effective transfer of powers/functions/departments to DGHC.
5. Half-hearted, haphazard and vague transfer of powers/functions/department to DGHC.

For example: (i) Even in those areas said to be transferred to DGHC, it did not exercise full control over them, example Education, Forest, Tourism, Labor, Rural Electrification, etc.

(ii) Education was transferred to DGHC but Higher Education and Technical Education were not transferred to it. Even in Primary, Secondary and Higher Secondary Education, powers of DGHC were encroached upon thereby reducing it to a mere Consulting Agency and Recommending Agency.

(iii) No effective powers were given to DGHC in Land and D.I.Fund Departments, and although the matter was referred to the State Government a solution was left pending.

(iv) Over Panchayat both the DGHC and District Administration had supervisory powers. This led to multiple line of administration that was expensive, time consuming and anarchic.

(v) DGHC had no power of supervision and control over Block Development Officer.

(vi) DGHC had supervisory power over Municipality on paper only as in reality it required an NOC (no objection certificate) to do any development work in Municipal area.

(vii) In Information and Culture only 3 Units were transferred to DGHC but not the whole Department.

(viii) Fishery Department was under DGHC but the Fishery Office of Kalimpong was not transferred to it.

(ix) Territorial Forest, Protected Forest, Tea Garden Forest were not transferred to DGHC although Non Reserved Forest was under DGHC.

(x) Regarding Health, Health and Family Welfare Department was transferred to DGHC while Office of Chief Medical Officer and his staff, Nurses' Training Centre, District Reserve Store were not transferred. Out of 3 Deputy Chief Medical Officer Health (CMOH) – Deputy CMOH I was transferred to DGHC while the other 2 were not transferred.

(xi) Tourist Department of DGHC had no Tourism Corporation of its own.

(xii) DGHC was totally ignored regarding executive powers in the Department of Transport.

(xiii) DGHC had no control over Laborers of Tea and Cinchona although Labor was a transferred Department.

(xiv) Backward Class Department was under DGHC but SC/ST Development and Finance Corporation that provided loans to SC/ST was under District Administration.

(xv) A question arises whether certain Departments of DGHC can qualify to be called Departments – like Prevention of Cattle Trespass, Burial and Cremation Grounds, Parks and Gardens.

(xvi) Even Fishery Department under DGHC lacks effectiveness as in the hills fishery is not widespread.

All these prove the existence of spurious decentralization. DGHC is an example of administrative proliferation and spurious decentralization.

The areas of overlapping jurisdiction between District Administration and DGHC were (1) Land and Land Reforms (2) D.I.Fund (3) Panchayat and Rural Development (4) Health (5) Information and Culture. To some extent there were overlapping jurisdiction between the two in Backward Welfare and Relief functions.

In areas of overlapping of jurisdiction between District Administration and DGHC there was cordial relationship between them because even there the sphere of activities were different. Example Panchayat and Rural Development under District Administration did administrative work but not development work. It provided Travel

Allowances, Dearness Allowances, Matching Grants, Remuneration of hill Gram Panchayats. It dispersed funds like Untied Fund, Fund under (12th) Finance Commission to Gram Panchayats in the plains and monitored their progress through stages. On the other hand the Panchayat and Rural Development under DGHC did development work through implementation of various Development Programs, with the Fund allotted to them by the State and the Centre.

Similarly Information and Culture under District Administration organized Government Programs, example Netaji Jayanti, Republic Day, Martyr's Day, Rabindra Jayanti, Bhanu Jayanti, etc. Through cultural programs (like dance drama, photo exhibition, essay competition, quiz competition) it created awareness to the general public (on environment, public health, elections, etc). This department was practically in touch with all departments and helped the State Government implement its policies. On the other hand the Information and Cultural Affairs under DGHC had its own cultural troops which would perform cultural programs for various occasions of DGHC and entertain tourists. At times cultural troops would be sent to other parts of India. The DGHC organized functions like Bonbo Festival, Giri Jayanti, Teacher's Day, Tourist Fests, etc.

Areas which solely belonged to District Administration like control over Police, collection of Revenue, control over Passport, holding of Elections, etc and in areas transferred to DGHC like Education, PHE, Animal Resource Development, Parks and Gardens, etc, the question of relationship between District Administration and DGHC being cordial did not arise as each had its separate function to perform which did not concern the other.

On the question of whether the relationship between District Administration and DGHC was conflictual, there was mixed reaction in those areas of overlapping of jurisdiction as well as in those areas where there were no overlapping of jurisdiction between District Administration and DGHC. DGHC's grievance and ire were directed against the State Government, although the State Government was represented at the district level by District Administration, the instances of open conflict between District Administration and DGHC were few but undercurrents of conflict, stress and tension

were present that led to DGHC's disillusionment and ultimately to the demand of DGHC being replaced by an alternative Council.

Although the competition between District Administration and DGHC were not manifest but latent competition was there. These were more political in nature but got itself expressed in the interaction between District Administration and DGHC. Example MPLADs was under District Administration. The M.P.s of the 12th, 13th and 14th Lok Sabha were from the Opposition Party to GNLF. So when they undertook development work under MPLADs like school buildings, roads, water lines, etc – these comprised the development works done under District Administration, but they posed as irritants to the ruling party of DGHC. In principle development works were not to be done on political lines but in practice this was not followed (by all the political parties).

The relationship between District Administration and DGHC was co-operative especially in areas of overlapping of jurisdiction between the two. But in areas where there were no overlapping of jurisdiction the question of co-operation did not arise.

District Administration and DGHC were mostly not interdependent on each other but at certain times they did work together, example in cultural activities like Teesta Ganga Fest (2005) and in Immunization Program the co-operation of both District Administration and DGHC was sought. DGHC was dependent on District Administration for law and order (legally) but politically District Administration required the support of GNLF (the ruling party of DGHC) to maintain peace in the hills. For during the agitation there was complete breakdown of law and order situation due to political unrest in the region.

District Administration and DGHC could not be co-equal for they had separate function/work to perform/do. They could not be superior and subordinate for the same reason. DGHC being an elected body did have an edge over District Administration. In areas of overlapping of jurisdiction District Administration and DGHC appeared parallel but even there as they had their own sphere of work distinct from the other, they could not be considered parallel.

Therefore it can be surmised that the relationship between District Administration and DGHC cannot be established permanently. The relationship cannot be rigid and

fixed. The relationship varied in degree and differed from department to department, from person to person and from time to time.

DGHC was a result of a democratic process where elections were held for three consecutive terms in 1989, 1993 and 1999, where the GNL Party emerged winners. The next election was due in 2004 but the DGHC's tenure was extended by six months for two terms. Therefore election was due in 2005, but the demand for an alternative Council in place of DGHC stalled the DGHC elections. Elections to Gram Panchayat were also stopped from June 2005 due to uncertainty regarding Sixth Schedule status. In this way democratic process of elections to DGHC, and Gram Panchayats were stalled in the DGHC areas from 2005 onwards. As a result no development work was done by the Panchayat from October 2005 onwards. The Panchayat's only work was to issue Birth Certificate, Death Certificate and Residential Certificate. Along with the development work the funds for development were also stalled. The Telegraph on 31 March 2007 (Absence of panchayats stalls development work; Funds there, not growth) reported that the DGHC is sitting tight on crores of rupees meant for development work in rural areas due to the "non-existence" of elected Panchayats in the hills. During the 2006-2007 financial year, the Panchayat and Rural Development Department of the DGHC had a sanctioned sum of Rs. 14.82 crore under the Sampuna Gramin Rozgar Yojna (SGRY). But the body has been able to spend only Rs. 1.09 crore during the same period. Similarly DGHC has also not been able to utilize Rs. 1.93 crore meant for the Indira Awaas Yojna (IAY).

Another Article by The Telegraph 10 April 2007 (Meet to decide on rural job fate) report a new scheme National Rural Employment Guarantee Scheme (NREGS) the implementation of which has become a problem because the Gram Panchayats are in a state of a limbo for the last two years. The multi-crore central scheme, which envisages providing at least 100 days of employment to jobless people in rural areas, requires the involvement of Panchayats, besides the State Governments and NGOs.

Not holding of General Council's Meetings on time, not making DGHC's Budget public, one dominant voice above the others in DGHC and stalling of elections of DGHC and Panchayats were undemocratic elements present in DGHC.

Regarding the development of DGHC areas the views of the BPL beneficiaries indicated that various Rural and Urban Development Programs were being implemented

in DGHC areas but that the infrastructure facilities and civic amenities were still lacking which considerably hindered and slowed down the pace of development in the hills. Development was moving at a snail's pace and the speed of socio economic progress was hardly inspiring. DGHC areas were backward in industrial and agricultural advance as well as in amenities of life. The lack of basic civic amenities/basic infrastructures in Darjeeling hills were considered to be the biggest failure by the beneficiaries. On the other hand the construction of Community Halls and the setting up and working of self-help-groups both in rural as well as in urban areas were considered to be a success.

Finally, inter alia, the study revealed that DGHC did not exactly fit into the description of 'District Government' although DGHC did possess one characteristic feature required by District Government, that is, DGHC was recognized as a political entity with various political parties contesting elections.

To the question whether DGHC was a Zilla Parishad with extended powers or was DGHC a glorified Panchayat? There were answers that supported the question as well as went against it. So it would not be completely correct to call DGHC a glorified Panchayat.

Then there were some similarities and differences between DGHC and District Councils under Sixth Schedule. The shortcomings of the District Councils under Sixth Schedule and the remedies suggested for their improvement were undertaken to show to the proposed new Gorkha Hill Council Darjeeling the loopholes and flaws of the District Councils under Sixth Schedule, so it could learn from the earlier mistakes of other District Councils, incorporate the remedies suggested, and become successful in its purpose as well as fulfill the long-time aspirations of self-government/self-rule of the hill people of Darjeeling.

Here it can also be suggested that the proposed new Council could benefit by a new demarcation of a district or a new territory carved out for it-self, consisting of the 3 hill sub-divisions of Darjeeling and the 16 Mouzas (or any other additional areas agreed upon). DGHC area could have a District Administration of its own corresponding to its territorial jurisdiction.