

## Relationship between the State Government of West Bengal and Panchayat Raj Institutions

Santu Bhaluk<sup>1</sup> and Dr. Ramsiya Charmkar<sup>2</sup>

<sup>1</sup>Research Scholar Department of political Science, R.N.T University, Bhopal, M.P, INDIA.

<sup>2</sup>Professor Department of political Science, R.N.T University, Bhopal, M.P, INDIA.

<sup>1</sup>Corresponding Author: santupolsc@gmail.com



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### ABSTRACT

The relationship between the State Government of West Bengal and the Panchayat Raj Institutions (PRIs) is a crucial aspect of governance and decentralized administration in the state. The Panchayat Raj system, rooted in the Constitution of India, promotes self-governance and ensures the participation of rural communities in decision-making processes. In West Bengal, this system plays a significant role in advancing development and democracy at the grassroots level. West Bengal has been a pioneer in implementing the Panchayat Raj system. The state conducted the first Panchayat elections in 1978, establishing a framework for grassroots democracy. This move was aimed at empowering local institutions and enabling them to address rural development challenges effectively. The state government devolves powers, functions, and financial resources to PRIs, allowing them to execute a wide range of activities, including planning and implementation of programs related to agriculture, health, education, and infrastructure. Both cooperation and tension characterize the relationship between the state government and Panchayat Raj Institutions. On the cooperative side, the state provides policy direction, financial support, and oversight to ensure the effective functioning of PRIs. The Panchayati Raj and Rural Development Department of West Bengal plays a pivotal role in coordinating between the state and the local bodies, facilitating the flow of funds, and implementing various schemes. However, tensions can arise due to political dynamics and issues related to autonomy and accountability. The influence of political parties within PRIs sometimes affects the decision-making process, leading to allegations of partisanship in governance. Moreover, the dependence of PRIs on state funds often reduces their autonomy, necessitating a delicate balance between directive control by the state and self-governance by the PRIs. Efforts to strengthen this relationship continue, with initiatives focusing on capacity building, transparency, and enhancing fiscal autonomy for PRIs. By embracing technology and fostering greater community participation, the state aims to make PRIs more effective and empower rural populations. In conclusion, the relationship between the State Government of West Bengal and Panchayat Raj Institutions is dynamic and multi-faceted. While there are challenges and areas for improvement, the collaborative efforts between the state and local bodies have contributed significantly to grassroots governance and rural development in West Bengal.

**Keywords-** Local institutions, Zilla Parishad, Panchayat, State Legislature, Constitution.

Whatever the form of government, should the local Panchayat institutions be fully autonomous? The extent of government control over the Panchayat Raj institutions has been the subject of debate and has been mentioned earlier. Whatever the form of government, local institutions are not co-equal or subordinate to the general or regional government, but are subordinate to them. Local institutions cannot be truly independent. For then they would become states and their powers would not be limited to the local area but would go beyond it. It is self-evident that the Panchayat Raj institutions in West Bengal are not sovereign, for these political institutions are constituted by an Act made by the State Legislature. According to the law, local Corporations are essentially the creation of the legislature. The legislature can form and dissolve them at its discretion, although there are currently some constitutional restrictions in this regard.

It is rightly said that the main problem of every country that has established a system of local self-government is to ensure that these institutions can perform three functions simultaneously. To establish themselves as independent centres

of activity. To build political consensus among the people and to encourage people to participate in the programmes of the local bodies themselves and the State Government, and to ensure proper implementation of these policies and programmes.

Many books have been written about the conflict between these three goals. A few things have become very clear from this conflict. First, the three goals cannot be perfectly balanced all the time. Some countries need more freedom and less control. Some countries need the opposite.

Even within the same country, the situation changes from place to place and time to time. Take Sudan as an example. There, when political rivalries became more important than the welfare of the local population, stringent controls had to be imposed. Similarly, where local institutions are in the early stages of development, they require detailed administrative supervision. A similar situation occurred in Britain some time ago. This control was relaxed very little in the wake of the major reforms of 1959. In Britain, this control probably lasted for a very long time. But no one can question the rationality of the British government imposing its common image and common standards on local institutions in the early stages of the introduction of regional autonomy, that is, for the first forty to fifty years.

Some real examples can be cited to show that local autonomous bodies are reluctant to collect revenue for the activities they do not consider necessary. There are also examples where local bodies, while carrying out various activities approved by the National Parliament, provide low-quality services to save money. This does not, however, consider the initial defective technical resources, especially professional skills, in local bodies. It does not consider the large-scale education and training program through which local bodies will be informed about their responsibilities, opportunities, problems, and the ways to solve those problems. It is only when they fail to receive the appropriate funds in essential situations that action needs to be taken. The government must press for the implementation of the necessary programs and, if required, come forward and take the essential measures itself.

So, it seems that the subordination of local autonomous institutions to the state government takes different forms from country to country. For example, let's take the case of France. There, local autonomous institutions consider it their duty to act according to the wishes of the central government in their area. They are only representatives of the central government.

In Great Britain, on the other hand, local self-government bodies are mainly constituted by statute. Here, local authorities, subject to general supervision by the central government, are carrying out the wishes of their residents in accordance with the law. This latter system has been mainly adopted in West Bengal and other states.

In fact, without proper control and supervision by the State Government, the local self-governing bodies may go beyond their limits or misuse their powers and make wrong decisions. Moreover, the State Government is responsible to the State Legislative Assembly for the faults and errors of these bodies. Therefore, the State Government must impose various types of control on them. The Legislature, the Judiciary, and the Administration exercise this control. Of these three types of control, the control of the Administration is more extensive in West Bengal. The rural local self-governing bodies were created by the State Legislative Assembly, and therefore, their powers, functions, and responsibilities are clearly specified in the law. Under the Panchayat Act, 1973, only the State Government can include, separate, or transfer any specific area to a Gram Panchayat. Moreover, the State Government has the power to frame rules and bylaws under various sections of the law.

The Panchayat Act (1973) contains the provisions for government supervision and control over Panchayat institutions that were made in the West Bengal Panchayat Act, 1957 and the West Bengal Zilla Parishad Act, 1963. Moreover, some new provisions have been mentioned in the present Act.

The 73rd Constitutional Amendment Act was passed in 1992. Until this Act came into force (1994), the existence and autonomy of Panchayat institutions depended on the state government. The state government created these institutions by law and could keep them inoperative or He could have broken it. For more than three decades after independence, panchayats were functioning in this way in all the states of India. However, the picture in West Bengal is a little different.

The Left Front came to power in 1978 and implemented many strong decisions in many areas to improve the Panchayat system. They conducted elections at fixed intervals and handed over power to the Panchayats. The above-mentioned Constitution Amendment Act has given constitutional recognition to the Panchayat institutions and has sought to treat the Panchayat as a unit of autonomy. The recent trend is to make the Panchayat institutions as the third tier of government - the Central Government, the State Government, and the Panchayat/Municipal Government as local autonomous bodies. If it works within the rules or framework, no level of government can interfere in the work of the other level of government.

Following this Constitutional Amendment Act, the Panchayat Act of West Bengal, like other states, has been amended and implemented. One-third of the membership of the new system has been reserved for women, and seats have been reserved for people from Scheduled Castes and Scheduled Tribes in proportion to the population. One-third of the posts of President at all levels of Panchayats have been reserved for women. Again, the reserved seats and posts are held in phases. Many of them do not have administrative experience with Panchayats. As a result of this and other reasons, Panchayat institutions, especially Gram Panchayats, have not been able to acquire the desired skills. Again, the amount of responsibility of Panchayats has been increasing regularly. Therefore, government supervision of these institutions is required. Again, the State Government must be responsible to the Legislative Assembly for the functioning of the

Panchayats as a whole. Therefore, some provisions for government supervision and control over Panchayat institutions have been placed in the West Bengal Panchayat Act. This control and supervision are done through legal, administrative, and financial mechanisms, as mentioned earlier.

The state government makes and amends the Panchayat Act within the constitutional framework. It is the responsibility of the state government to frame rules for the implementation of this Act. In this context, it is necessary to discuss the relationship between the state and the current law, which gives the administration extensive powers to supervise the Gram Panchayat, Panchayat Samiti, and Zilla Parishad. The Panchayat Act empowers the State Government to appoint a Commissioner of the Panchayat and Rural Development Department and a required number of officers for the purpose of inspecting or supervising the activities of Gram Panchayat, Panchayat Samiti, or Zilla Parishad. But such an inspection department has not been established yet. However, in 2004, the State Government issued an order and gave some officers the responsibility of inspecting and supervising Gram Panchayat, Panchayat Samiti and Zilla Parishad and specified the powers of those officers. The names of these officers are mentioned in the first column of the table below. And the Panchayat inspection authority of these officers is shown in the second column.

Serial No	Name of Officer	Action
1.	Director of Panchayat and Rural Development Department	All Zilla Parishads, Panchayat Samiti and Gram Panchayats.
2.	An officer of the Panchayat and Rural Development Department not below the rank of Joint Secretary of that department.	All Zilla Parishads, Panchayat Samiti and Gram Panchayats.
3.	Officers of other departments not below the rank of Joint Secretary who have entrusted the Zilla Parishad, Panchayat Samiti and Gram Panchayats with the implementation of projects.	The concerned Zilla Parishad, Panchayat Samiti or Gram Panchayat regarding the matters related to the assigned projects.
4.	Divisional Commissioner	All Panchayat Samiti and Gram Panchayat.
5.	District Magistrate	All Panchayat Samiti and Gram Panchayat.
6.	District level officers of the department from which the Panchayat Samiti or Gram Panchayat has been given the responsibility for project implementation.	Panchayat Samiti or Gram Panchayats concerned with matters related to the assigned project.
7.	District Panchayat and Rural Development Officer (DPRDO)	All Panchayat Samiti are one Panchayat

At present, the officers of the Panchayat Department (any officer in the rank of Commissioner to Joint Secretary), Divisional Commissioner, District Magistrate and District Panchayat and Rural Development Officer have the power to inspect and superintend the offices, works, documents and records of the Panchayat bodies as specified authorities in this Act. Moreover, for the purpose of checking and examining the works of the Gram Panchayat, Panchayat Samiti and Zilla Parishad, these officers have been given the power to ask the three-tier Panchayats to produce any books, letters, written documents and to submit returns, plans, accounts or reports. It is to be noted that any officer not below the rank of Divisional Commissioner or Deputy Collector, if empowered for this purpose by the State Government, can exercise the powers conferred by the Act on the officer appointed for inspection or supervision. The government also controls the panchayats through a monitoring system. The complexity of this system, which is difficult even for government-trained workers, has instilled fear in them.

Many people feel that this extensive system of government supervision over the rural autonomous bodies has been so much that these bodies have become government departments as a result. Due to these systems, the Panchayat bodies, especially the Gram Panchayats, are losing their enthusiasm and initiative. They are also losing the courage to take up any plan due to a lack of confidence. But fortunately, the government has not yet become a cause of fear for the self-governance of these bodies.

Most of the Panchayat institutions in West Bengal, especially the Gram Panchayats, have not acquired the required skills and most of the leaders of these institutions do not have the experience and training to run them. Moreover, the Gram Panchayats are highly dependent on the head. When the head changes, everything seems to fall apart. In fact, since the administrative structure of the Panchayat is very weak, no system, i.e., administrative continuity, has been developed. Naturally, these institutions require government supervision and the leaders also feel some discomfort if their power is interfered with.

No. Virtually no high-level officials visit these panchayats. Block-level officials usually supervise the gram panchayats, much like an autopsy.

Moreover, if the state government thinks that the Gram Panchayat, Panchayat Samiti

If any resolution passed by the District Council is not passed in accordance with the law or if the resolution overuses or misuses the powers granted by the Panchayat Act or Rules, the government can rescind the resolution.

Before rejecting any proposal, however, the government gives the concerned Panchayat organization an opportunity to present its views against the proposed order.

In addition, if any order issued by the Panchayat Sansthan or any work initiated by it is excessive in the exercise of the powers conferred by the Act, or if there is a possibility of serious disciplinary breach, or if it is considered harmful to the public interest,

The power to prohibit is given to the District Magistrate in the case of Gram Panchayats and Samiti and to the Divisional Commissioner in the case of Zilla Parishads. The State Government also has the power to withdraw the orders of these designated officers or to give directions to implement the order in a modified form. The period for which the order of this designated authority will be in force depends on the State Government. It will remain in force for such period as the State Government thinks fit.' However, suppose the designated authority cancels or suspends any work done by the Panchayat institution or any work to be started by it. In that case, there is no mention in the current Panchayat Act as to where the aggrieved complainant can appeal against it. No bye-laws have been framed under this Act. However, in this case, it seems that the decision of the State Government is final.

The District Magistrate or Divisional Commissioner indeed has considerable responsibility for maintaining peace and order in the district. Therefore, if any order or action of the Panchayat institutions creates a problem for maintaining peace and order, the right of the District Magistrate or Divisional Commissioner to suspend or cancel the proposal, order, or action of that institution cannot be questioned. But sometimes the Panchayat Officers, Divisional Commissioners, or District Magistrates come under political pressure, and then there is a debate about their right to decide on the eligibility of the Rural Autonomous Institutions. Therefore, many people think that institutions would have been better if the aggrieved Panchayat concerned had been given the right to appeal to an independent judiciary.

It is alleged that there is a lot of bureaucratic control over the Panchayat Raj institutions in West Bengal. Due to the extensive control exercised by the State Government, the Panchayat institutions have become the government's agents in administration and development planning, just like in France. The Panchayat employees do not rely on their institutions to address their grievances but look to the State Government. And the Panchayat leaders also depend on the State Government for necessary instructions or advice in running the administration and deciding the outline of development activities. Because the reservation of seats for the Scheduled Castes and Scheduled Tribes and women has changed the leadership structure. Most of the elected members are experienced. The rural autonomous institutions are still in their infancy.

Indeed, they could not. Therefore, in the initial stage, they want a proper system of advice and supervision. But if strict control is in place for a long time, it will hinder the growth and initiative of the Panchayat institutions. But it must also be admitted that the backward evil forces like ignorance, incompetence, casteism, communalism, corruption, embezzlement of funds, nepotism, etc., are still active in rural areas. Therefore, the intervention of the State Government to protect the public interest against these evil forces is not only effective but also essential. Panchayati Raj is essentially a dual system. It is called dual system because in the Panchayati Raj system there is a provision for the joint efforts of the people and the State Government for the local development of the rural areas. Therefore, the State Government has to play an important role in ensuring that the rural local autonomous institutions can function properly. It is the responsibility of the State Government to see that these institutions are well organized, can properly discharge their responsibilities and participate appropriately in the implementation of the development programme. Therefore, the control of the state government has not only a negative but also a positive aspect. That aspect is to run the rural autonomous institutions, advise them and encourage them to participate appropriately in the implementation of development programs. The state government is also trying to build an administrative structure in that way.

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