

CHAPTER—X

GENERAL ADMINISTRATION

I. Administrative set-up before merger

The many changes brought about from time to time in the constitutional set-up of the French establishments in India prior to merger have been touched upon in Chapter II. However, before proceeding to give an account of the administrative set-up as it took shape after merger, it would be useful to offer a brief description of the machinery as it existed prior to it.

The Commissaire de la République :

The Governor (known as **Commissaire de la République** from 30 August 1947), was the constitutional head of all the French establishments in India.¹ He was appointed by the French Government in Paris and was the representative of the President of the French Republic. The **Ordonnance** of 23 July 1840 as it stood amended subsequently was the fundamental law that defined the powers of the Governor or the **Commissaire de la République**. He was vested with administrative, judicial and military powers.²

The Governor was responsible for running the various branches of internal administration besides law and order. He exercised control over the budget, land utilisation, education, establishment of a new congregation or religious community, places of worship, cemeteries, charitable institutions, citizenship, passports, visas, etc. He had the right to summon before him any inhabitant, merchant or other individual found within the Territory in the interest of public service or order. The same right was exercised by the Administrators in the outlying regions. He could listen to and receive complaints addressed to him individually by the inhabitants of the colony. However, he had to send a report on them to the Minister for Colonies, forwarding all the official papers and inform him of the action taken by him. No person could be arrested under the security regulation except on an order signed by the Governor. He could interrogate an accused and hand over him within 24 hours to the Judiciary except in cases where he had to be tried extra judicially under article 51 of the Ordinance. In all such cases the matter had to be disposed of within eight days. The Governor could ban meetings or assemblies which were considered likely to disturb public peace and tranquility.

The judicial powers of the Governor were defined by the decree of 5 March 1927 which was applicable to the Governors of all colonies.³ While ensuring the free and prompt dispensation of justice, he received from the Chief of the Judiciary periodical reports which he forwarded to the Minister for Colonies. He had no right to interfere in matters which fell within the competence of the Tribunal. However, he enjoyed the right of entry into the court when the courts reopened and occupied a seat near the Presiding Judge on the dais. The exercise of this right was optional. He even exercised control over the members of the Judicial Service on matters of discipline.

His authority on religious matters was exercised in accordance with the ordinances, edicts and declarations in force, but all ecclesiastical matters fell within the realm of the **Préfet Apostolique** or other ecclesiastical authorities. The Governor also exercised control over the Public Prosecutors and the Administrators of outlying regions. His decisions were final, whenever there were differences among the officers of the colony, on matters of precedence and rank. He had the power to discharge or dismiss employees appointed by him. He called for reports on the conduct and capacity of the officers and other Government servants of all grades, every year from the Heads of Departments and sent the reports to the Minister with his own remarks. He sent his own assessment reports on the Heads of Departments.

The Governor was authorised to correspond with the Governor-General and Governors of foreign possessions in India on matters concerning these establishments. Whenever authorised, he could carry on negotiations within the limits of such authorisation on commercial or other conventions ;⁴ but he was not authorised to conclude them without the ratification of the President of the Republic.

The Governor had the authority to promulgate laws, ordinances, orders and rules in the colony. The laws, ordinances and rules as were in force in France could not be applied to the colony unless ordered by the President of the French Republic. The Governor could issue orders and pass decisions to regulate administrative and policy matters and for the enforcement of laws and ordinances, whose application in the colony had been decided upon. Whenever the Governor deemed necessary to introduce amendments or new provisions in the colonial laws, he had to frame the same in council and forward them to the Minister for obtaining the approval of the President of the Republic.

As part of his extraordinary powers, the Governor could modify the budgetary allocations. However, the total provision could not be exceeded, unless it was urgent.

Whenever officers appointed by the President of the Republic or the Minister stood accused of misconduct, the Governor could suspend them after communicating to them in writing the charges framed against them pending the orders of the President of the Republic or the Minister. As for the Heads of the Departments or members of the judicial service, etc., the Governor should provide them the means for proceeding to France for explaining their conduct before the Minister for Colonies. If they refused to comply with the instructions of the Governor, they could be suspended. In any case, they would cease to function forthwith. The Governor however was required to send immediately to the Minister a report on the action taken by him in exercise of the extraordinary powers, together with all necessary documents.

The Governor could be prosecuted for treason, misappropriation of public funds, misuse of authority or disobedience of the orders of the President of the Republic. The proceedings, whether instituted at the instance of the Government or on the complaint of an interested party, were conducted according to the rules prescribed in France in respect of civil servants. If the Governor were to be charged with expenditure unduly drawn from public funds, materials and labour, administrative proceedings alone could be launched against him. No suit or prosecution were to be launched against him in the colony during his tenure as Governor. All such action could be brought only before the courts in France. No decree or judgment can be put into execution against the Governor while in the colony.

Every year the Governor was required to submit to the Minister for Colonies a memorandum on the general situation in the colony. He had to report the activities of all departments of the administration, give an account of the improvements effected during the year, point out defects, if any, to be rectified and propose such measures for the improvement of the Government and the prosperity of the inhabitants. The Administrators of the outlying establishments in turn had to submit to the Governor an annual report which was forwarded by the Governor with his own remarks to the Minister for Colonies. During his tenure the Governor was not permitted either to acquire landed properties or marry anyone in the colony without the authorisation of the President.

The Governor's powers ceased the moment his successor landed, in the event of his recall. The outgoing Governor handed over charge to his successor in the presence of the officers at the headquarters of the colony. He had to furnish to his successor a detailed memorandum of the operations commenced or proposed during his administration and of the local situation together with a list of officers and employees of the Government in the colony. He was also required to hand over to his successor with an inventory, his registers of correspondence and all letters and official documents relating to the administration, without retaining for himself any of them, with the exception of confidential and secret correspondence. In the event of his death, absence or any other exigency and his successor having not yet been appointed, the Governor's functions were to be temporarily discharged by the **Chef du Service Administratif**.

Conseil de Gouvernement:

The Governor was assisted in the discharge of his functions by a **Conseil d'administration** which subsequently came to be known as **Conseil Privé*** and finally with effect from 19 August 1947 as **Conseil de Gouvernement**. This council consisted of the (1) **Secrétaire Général**, (2) Chief of the Judicial Department, (3) Chief of the Education Department, (4) President of the Representative Assembly, (5) President of the Permanent Commission of the Representative Assembly, (6) President of the Chamber of Commerce and (7) Chief of the Civil and Military Services as co-opted members. The decree of 12 April 1947 was superseded by another order of 12 August of the same year re-constituting the Council of Government.⁵ Accordingly, the administration was conducted by the Council of Government consisting of six members under the Presidentship of the Governor. Out of the six members of the **Conseil de Gouvernement** at least three were elected by the Representative Assembly and three others nominated by the Governor at his discretion. However, in actual practice all the six members came to be chosen from among the members of the Representative Assembly. The Governor might delegate to any one of the members of the Council his power to preside over the assembly. The Council of Government was bound by the resolutions passed by the Representative

*As modified by the **Décret** of 7 February 1935, it consisted of the Governor, **Procureur Général**, **Chef du 1er Bureau du Gouvernement** and two members of the **Conseil Colonial**.

Assembly. The Council could also discuss all draft orders by the Governor except those passed for the enforcement of laws. Those orders, over which the Council had completed its deliberations, were countersigned by one of the members of the Council. The Governor may, by an order, entrust to a member of the Council the responsibility over a Department. The Consellor so nominated by the Governor administered the Department with the help of the chief of that Department. Reports from the various heads of offices would be heard by the Council of Government with the prior permission of the Governor. 6

Representation in the French Parliament :

Sénateur and Député : French India was represented in the **Chambre des Députés** in France by a **Député** and in the **Sénat** by a **Sénateur**.

Assemblée Représentative :

The French establishments were provided with a Representative Assembly by the **décret** of 25 October 1946 which was promulgated by the **arrêté** of 10 November 1946. This Assembly first met in session on 6 January 1947 and consisted of 44 members as detailed below :

Pondicherry	..	..	..	22
Karaikal	..	..	..	12
Chandernagore	..	..	..	5
Mahe	..	..	..	3
Yanam	..	..	..	2

At the time of *de facto* merger, the Assembly consisted of only 39 members as Chandernagore no longer formed part of the French possessions in India.

The Territorial Division :

For purposes of administration, the territory was divided into sixteen communes (excluding Chandernagore) each administered by a Municipal Council headed by a Mayor. The Mayor was responsible for the enforcement of laws and orders passed by the Governor in the area under his jurisdiction. He also assisted the various departments of the Government in carrying out their tasks. The Mayor had powers to issue orders based on the resolution of the Council in matters having a bearing on public health and even on such matters as maintenance of public order.