

CHAPTER—XIV

LOCAL SELF-GOVERNMENT

I. History of local self-government

The earliest evidence of local self-government institutions in this part of the country is available from the Pallava days. The village was the smallest unit of administration in those days. *Nadu* was an administrative unit larger than the village but smaller than the *Kottam*. That the *nattar* were recognised representatives of the *nadu* in the days of Pallava Malla and his successors is attested by the Kasakkudi plates which contain a royal order addressed to the men of the *nadu*. In this particular instance the *nattar* were ordered to transfer a village named Kodikolli as a *Brahmadeya* to a certain Brahmin. The *nattar* and *urar* were distinguished men of the respective locality having power to deliberate over questions of public importance.

Of the village assemblies during the Chola days, three types have been identified viz., that of *ur*, *sabha* and the *nagaram*. All of them were primary assemblies of the residents of the localities concerned, and generally speaking, regulated all their common concerns. An inscription of Tirubhuvanai dated in the fortythird regnal year of Kulothunga-I (A.D. 1113) contains a provision that the artisans and professional men should pursue their crafts and professions within the precincts of the village and that such of them who served the residents of other villages would be deemed to have been guilty of grave offence against the law. This is referred to as an interesting example of rural protectionism.

Several local bodies and corporations enjoyed the privilege of raising tolls and *octroi* duties and other miscellaneous dues. The exercise of these privileges was subject to general supervision and control from the Centre. In fact the right to raise such dues in the village of Vagur (Bahur) was made the monopoly of the vellalas who enjoyed the *kant* of the place.¹ This right was conferred by Rajendra-II by a royal order. The expression used is *Vagur pattam*. Important matters were sometimes taken up to the king for decision; two inscriptions of the reign of Kulothunga-I from Tirubhuvanai show him regulating the enjoyment of a *kani* and laying down a scheme for the promotion of areca plantations at Tirubhuvanai (200, 201 of 1919).

We may gather some idea of the village assemblies in the Vijayanagar days from an inscription of Tiruvandarkovil near Pondicherry. It is recorded there that Tirubhuvanamadevi Caturvedimangalam had an assembly consisting of 4,000 men (217 of 1917). These assemblies generally met in a temple hall failing which they seem to have gathered at some other public place. Though these assemblies were too large and unwieldy to transact much business, we may reasonably assume that their deliberations should have been conducted only by a few leading citizens of the locality. Thus people were accustomed to a highly developed system of local administration. As long as there was peace and prosperity, villages functioned as little republics enjoying a large measure of autonomy in the management of their own affairs.

Even as the French were here in the seventeenth century, many of the old practices of village administration were slowly disappearing. Although it is true that some of the old practices touching upon the powers of the *mahanattars*, castism, taxation, etc., were retained with suitable changes, they no longer formed the basis of village or local administration. But otherwise the concept of local self-government became popular only after the French Revolution in 1789. Even then the experiment was tried only among the European settlers. And it was not until 1880, that the natives were allowed to play their rightful role in matters of local self-government.

Now to trace the events since the revolution, the notables of Pondicherry met on 1 March 1790 under the Chairmanship of Moracin, an ex-employee of the French Company in India and constituted themselves into an *Assemblée des Citoyens* which on 11 March 1790 nominated a *Comité permanent représentatif des habitants de Pondichéry* composed of 65 members.²

On 17 August 1790, the Committee received from *Ile de France* the moving appeal of the National Assembly to its provinces and the decree of 11 December 1789 constituting *Municipalités* and *Assemblées administratives*.³ The question of constituting a municipality in Pondicherry could not be resolved by the Committee in spite of many sittings, the main hurdle being participation of Malabars (Indians) in the affairs of the municipality which was demanded by a group of agitators. The matter was therefore referred to the final decision of the General Assembly. Meanwhile, the President of the Committee succeeded in dispatching the agitators to France. Nevertheless, the Committee failed in its attempt to organise the municipality. The General Assembly itself then proceeded to set up a municipality, taking advantage

of the peacefulness brought about by the removal of the agitators from the scene. On 13 September 1790, nineteen members were nominated to form the Municipal Chamber from which both Malabars and Topas were excluded. Coulon was chosen as Mayor. He was assisted by five **Echevins** (aldermen), 12 notables and a **Procureur**. The municipality started functioning from 14 November 1790. 4

On 6 May 1791, the Pondicherry Committee was informed of the creation of a Municipality in Karaikal and the appointment of Bonvoust as its Mayor. In Mahe, a Municipal Chamber was set up on 16 April 1791 with Boyer as its Mayor. 5 In Yanam serious trouble erupted at the instigation of an employee of the French Company. Eight settlers grabbed power and formed an **Assemblée Coloniale de Yanaon** and elected a **Comité Permanent** which performed the functions of the **Corps Municipal** and **Chambre administrative**. 6

On 3 September 1791, the **Assemblée Coloniale** (Colonial Assembly) reorganised the 19 member Municipal Organisation as constituted by the **Assemblée Générale des Citoyens de Pondichéry** on 13 September 1790. The strength of the '**Corps Municipal**' was reduced to four including the Mayor. The complement of twelve notables was reduced to seven. This reduction was effected because of the inability to find out among the French population suitable persons fulfilling the requirements of age and education. 7 The order further defined the mode of election of the Mayor, Municipal Officers, **Procureur** and **notables** and also the functions of the municipal police. This municipality was organised on the model of those in France and was empowered in addition to deal with all cases of disputes between Malabars and other Indians arising out of their customs (**usage et moeurs**) which fell within the jurisdiction of the police. On all these matters, the municipality had to take beforehand the advice of the chiefs of castes or the heads of the families in the absence of the former. 8 But everything was set at nought when the establishments fell once again into the hands of the British who abolished the municipalities. 9

After the restitution of the territory to the French in 1816, it took many years for municipal administration to take shape.

As per the **arrêté** of 6 August 1856, the **Juge de Paix** came to hold the post of **Directeur de la Police** and that of the **Maire (Mayor)**. 10 This arrangement of a paid-official holding the mayoral post was not viewed with favour. Hence, with effect from 1 September 1873, the **Juge de Paix** was

divested of the additional functions. On the recommendation of the **Ordonnateur**, Jules Blum, a retired **Commissaire de la Marine**, was appointed Mayor and **Chef du Service de la Police**.¹¹ In 1877 when Blum tendered his resignation the Administration decided to abolish the posts of **Maire** and **Directeur de la Police** pending the organisation of municipalities in Pondicherry town and its districts. The **Chef du Service des Contributions** (Chief of Revenue Service) was provisionally appointed to function as Mayor and Officer of Civil Registry in Pondicherry. ¹²

In the Ministerial instructions of 12 April 1878, the French Government directed that Mayors should be chosen in future from among notables of the town,¹³ preferably from among members of '**Conseils élus**'. Accordingly in May 1878, the mayoral functions hitherto performed by the **Chef du Service des Contributions** in Pondicherry and by **Juge de Paix** in Karaikal were handed over to prominent persons residing in the area. Deputies were nominated to assist them. In the absence of specific orders from France, the functions of '**Etat-Civil**' (Civil Registry) in Yanam and Mahe continued to be performed by Government officials as evident from an **arrêté** of 15 January 1880.

The Ministry's despatch of 20 January 1880 authorised the Administration to enhance the powers of the Mayors to pave the way for the introduction of local self-government.¹⁴ This was brought about by the **arrêté** of 1 March 1880 which declared the Mayor as the lawful representative of the town, and the **Officier de l'Etat-Civil en chef des Bureaux Européens et Indiens** for the whole establishment. He was by right a member of the '**Comité de Bienfaisance**' and '**Comité des Fabriques**' and also of the various committees on public instruction, sanitation, prisons and public health. Following the **arrêté** of 1 March 1880. Hecquet, a member of '**Conseil Général**' was nominated Mayor of Pondicherry. Alfred Erny, a merchant, became the Mayor of Karaikal.¹⁵ The **Ministre de la Marine et de Colonies** in his letter dated 12 March 1880 to the President of the French Republic stressed the need for conferring the benefits of local self-government so as to devise the whole system on the pattern obtaining in France and other colonies. The draft legislation drawn up by a special committee was considered by the **Conseil Général** and then approved by the **Conseil privé** before it was promulgated in the establishments by the **arrêté** of 22 April 1880. The territory was divided into 10 communes viz., Pondicherry, Ozhukarai, Villiyanur, Bahur, Karaikal, Grand' Aldée, Nedungadu, Chandernagore, Mahe and Yanam.

This demarcation of the scattered chunks of the territory into ten communes was neither conducive to public harmony nor convenient for administrative purposes. Even the **Conseil Général** which was seized of the matter, proposed increasing the number of communes from 10 to 17, on the basis of the topography of the areas and the community of agricultural or industrial interests. Accordingly the establishments were divided into 17 communes by the **décret** of 25 December 1907 which was subsequently corrected by the **décret** of 12 February 1908 viz., Pondicherry, Ariyankuppam, Mudaliyarpettai, Ozhukarai, Bahur, Nettappakkam, Villiyannur, Tirubhuvanai, Karaikal, Tirunallar, Nedungadu, Kottuchcheri, Grand' Aldée, Niravi, Chandernagore, Yanam and Mahe.

Keeping in view the limited resources of the municipalities the **décret** of 12 March 1880 had listed only some of the items of compulsory expenditure to be incurred by the municipalities. In fact expenditure on certain compulsory items which ought to have been legitimately the concern of the municipalities was actually met by the Administration. Even then the municipalities did not make any serious effort to increase their resources. It was under these circumstances that in 1912 the municipalities were made eligible for a share in some of the direct and indirect taxes.¹⁶ The Administration also continued the practice of granting 'subventions' to the municipalities although this was agreed to only for a maximum period of 10 years then. On the other hand the municipalities were required to pay for some of the services touching upon public health, police, education, etc., performed by the Administration. The **décret** of 2 March 1925 made it obligatory on the part of the municipalities to bear a portion of the expenditure incurred by the Administration towards water supply.¹⁷ In 1947 the headquarters of Tirubhuvanai Commune was shifted to Mannadipattu and since then it came to be known as Mannadipattu Commune.¹⁸

After merger : At the time of merger the subject of local administration was dealt with by the '**Bureau des Affaires Politiques**' and municipal administration was governed by the **décret** of 12 March 1880. On 10 June 1955 articles 4 to 8 and 10 and 11 of the **décret** were repealed by the State of Pondicherry (Municipal Councils Decree Amendment) Order, 1955.¹⁹ By this Order, all references to the Governor or the Governor in Privy Council were declared as references to Chief Commissioner. All references to **Conceil d'Etat** and the Minister of Colonies were declared as references to the Central Government. The continuance of this system after *de jure* transfer was facilitated by section 4 of the Pondicherry (Administration) Act, 1962.

The Local Administration Department came to be constituted only on 1 July 1963 to deal with all matters connected with local administration at the secretariat level. The Inspectorate of Municipal Councils and Local Boards was formed in June 1967, to exercise control over the Municipalities. The Pondicherry Municipal Councils (Election) Act, 1966, brought into force on 2 February 1966, provided for reservation of seats for scheduled castes in the Municipal Councils. While Pondicherry and Karaikal had 18 and 14 seats respectively, the remaining 14 communes in the Territory had 12 seats each making a total of 200 seats out of which 37 seats were reserved for scheduled castes. The Pondicherry Municipal Decree (Amendment) Act, 1966 amended article 40 of the 1880 *décret* in order to regulate the recruitment and conditions of service of municipal employees in accordance with rules framed by the Administration. The Pondicherry Municipal Decree (Amendment) Act, 1967 empowered the District Magistrate to fix the bus stand fees which was hitherto the concern of the municipalities under article 44 of the 1880 *décret*. The Pondicherry Municipal Decree (Amendment) Act, 1968, empowered the Administration to appoint a commission to replace the Municipal Council when dissolved. The Pondicherry Municipal Decree (Amendment) Act, 1970 which came into force on 9 July 1970, provided for the adoption of regional languages as the official language for carrying on the deliberations of the Municipal Councils. Except for these minor changes the municipal administration continued to be carried on according to French laws.

In the meanwhile, the resources position of the municipalities came under examination when the municipal employees started an agitation in 1970 for better emoluments. The Administration constituted a Commission next year to review the financial resources of the municipalities and to suggest ways and means to increase their revenues. This Committee submitted its report to the Government in May 1971.

Reorganisation of 1973 : While in Pondicherry the decree of 12 March 1880 which provided for a common structure of municipal administration for urban as well as rural areas continued to be in force, in India the Panchayat system was introduced under which village administration came to be carried out through people's representatives from the village level to the block level. Moreover the old French law had become so out-dated, that its replacement by a new law to meet the requirements of the changed circumstances was felt necessary. Moreover the municipalities remained stagnant, the establishment charges had increased gradually to reach almost half of the income of

municipalities. Adequate funds were not left to meet even the essential as well as basic needs of the population. Further, much of the powers conferred on the municipalities by the various French laws ceased to have effect as these laws had been replaced by Indian laws. As a result the Municipal administration as conceived in the XIX century stood eroded substantially. Hence the system was replaced by the Pondicherry Village and Commune Panchayats Act, 1973 and the Pondicherry Municipalities Act, 1973 respectively to govern village and town administration. Both these Acts came into force from 26 January 1974, and provisions of the Acts were sought to be enforced in stages. The Mayors and Deputy Mayors ceased to function with effect from that date. All executive powers of the Mayors stood transferred to the Commissioners.

Under the reorganised set-up, the Inspectorate of Local Bodies was converted into a Directorate headed by a Director to deal with administrative matters. He was conferred the ex-officio secretariat status with two Deputy Directors to deal with 'Municipal Administration' and 'Rural Development' respectively.

The Pay and Accounts Officer, Pondicherry, was appointed as the auditor of the accounts of receipts and expenditure of the funds of the Municipal Councils as well as Commune Panchayats. It will be his responsibility to constitute the Municipal Funds and Commune Panchayat Funds in accordance with the provisions of the Acts.

II. Municipalities and Commune Panchayats

Following the introduction of the Pondicherry Municipalities Act, four municipalities came into being viz., for Pondicherry, Karaikal, Mahe and Yanam towns. The jurisdiction of the Pondicherry Municipality extended to Pondicherry and Mudaliyarpettai Communes which stood amalgamated to form a single municipality. The entities of Karaikal, Mahe and Yanam Communes formed the Municipalities of Karaikal, Mahe and Yanam. While Pondicherry Municipality was designated as a Selection Grade Municipality, Karaikal and Mahe belonged to Grade II and Yanam belonged to Grade III. Under the new law, all functions excluding those which were assigned to the Chairman i.e., those which were hitherto exercised by the Mayor appointed under the