

Agreement on De Facto Transfer of French Establishments

October 21, 1954

AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF FRANCE PROVIDING FOR DE FACTO TRANSFER OF ADMINISTRATION OF THE TERRITORY OF FRENCH ESTABLISHMENTS IN INDIA

New Delhi, 21 October 1954

Article I

With effect from November 1, 1954, the Government of India shall take over the administration of the territory of the French Establishments in India. These Establishments will keep the benefit of the special administrative status which was in force prior to the de facto transfer. Any constitutional changes in this status which may be made subsequently shall be made after ascertaining the wishes of the people.

Article II

The municipal regime in the communes of the Establishments and the regime relating to the Representative Assembly shall be maintained in their present form.

Article III

The Government of India shall succeed to the rights and obligations resulting from such acts of the French Administration as are binding on these Establishments.

Article IV

Questions pertaining to citizenship shall be determined before de jure transfer takes place. Both the Governments agree that free choice of nationality shall be allowed.

Article V

With effect from the date of the de facto transfer the Government of India shall take in their service all the civil servants and employees of the Establishments, other than those belonging to the metropolitan cadre or to the General cadre of the France d'Outre-Mer Ministry. These civil servants and employees, including the members of the public forces, shall be entitled to receive from the Government of India the same rights as respects disciplinary matter or the tenure of their posts, or similar rights as changed circumstances may permit, as they were entitled to immediately before the date of the de facto transfer. They shall not be dismissed or their prospects shall not be damaged on account of any action done in the course of duty prior to the date of the de facto transfer. French civil servants, magistrates and military personnel born in the Establishments or keeping their family links shall be permitted to return freely to the Establishments on leave or on retirement.

Article VI

The Government of France shall assume responsibility for payment of such pensions as are supported by the Metropolitan budget. The Government of India shall assume responsibility for the payment of pensions, allowances and grants supported by the local budget. The system of pensions according to the rules of the various local Retirement Funds shall continue to be in force.

Article VII

Nationals of France and the French Union born in or domiciled in the Establishments on the date of the de facto transfer and at present practising their professions therein shall be permitted to carry on their professions in these Establishments without being required to secure additional qualifications, diplomas or permits, or to comply with any new formalities.

Article VIII

The administration's charitable institutions and loan offices shall continue to operate under their present status, and shall not be modified in the future without ascertaining the wishes of the people. The present facilities granted to the private charitable institutions shall be maintained.

Article IX

Properties pertaining to worship or in use for cultural purposes shall be in the ownership of the missions or of the institutions entrusted by the French regulations at present in force with the management of those properties. The Government of India agree to recognise as legal corporate bodies, with all due rights attached to such a qualification, the "Conseils de fabrique" and the administration boards of the Missions.

Article X

Judicial proceedings instituted prior to the de facto transfer shall be continued, until a final decision has been reached, in conformity with the laws and regulations in force at the time of institution of such proceedings. To this end and up to the final settlement of such proceedings the existing courts in the Establishments shall continue to function. Officers of the Courts shall be law graduates, habitually domiciled in the Establishments, honourably known, and selected after consultation with the Consul-General of India before the date of the de facto transfer, in accordance with the French regulations governing the designation of temporary judicial officers. The interested parties shall be entitled, if so they decide by common agreement, to transfer to the competent Indian Courts, the said proceedings as well as proceedings which, though already open, are not yet entered with the Registrars of the French Courts, and also proceedings which constitute an ordinary or extraordinary appeal. Judgments, decrees and orders passed by the French Courts, prior to the de facto transfer, which are final or may become so by expiration of the delays of appeal, shall be executed by the competent Indian authorities. Judgments, decrees and orders passed after the date of the de facto transfer in conformity with the first paragraph of the present article shall be executed by the competent Indian authorities, irrespective of the Court which exercised the jurisdiction. Acts or deeds constitutive of rights established prior to the date of the de facto transfer in conformity with French law shall retain the value and validity conferred at that time by the same law. The records of the French Courts shall be preserved in their entirety during a period of twenty years and communication of their contents shall be given to the duly accredited representatives of the French Government whenever they apply for such communication.

Article XI

The records of the Registrars' offices shall be preserved and copies or extracts of the proceedings shall be issued to the parties or the authorities concerned. The third copies of each of the Registrars' offices books of every commune shall be handed over to the French representative on the date of the de facto

transfer. As regards records of the year 1954, copies shall be forwarded at the end of the year to the Ministry of French Overseas Territories (Service de PEtat Civil et des Archives). The personal judicial records of the Courts' Registries shall be preserved and copies or extracts of these records shall be issued to the French authorities upon their application.

Article XII

The provision of Article X of this agreement shall apply to proceedings which the "Conseil de Contentieux Administratif " is competent to deal with. Temporary magistrates and local civil servants selected in accordance with the principles of the said Articles shall compose this body.

Article XIII

Nationals of France and the French Union belonging by birth to the Establishments or domiciled therein on the date of the de facto transfer shall, subject to the laws and regulations in force, enjoy in these Establishments the same freedom of establishment, movement and trade as the other inhabitants of the Establishments.

Article XIV

In respect of taxes and duties, other than customs duties and excises, Nationals of France and the French Union belonging by birth to the Establishments or domiciled therein on the date of de facto transfer shall, up to the date of the dejure transfer, be subjected in regard to their persons, properties and enterprises to the same laws and regulations as are at present in force.

Article XV

All persons or corporate bodies who leave or have already left the Establishments permanently shall be permitted freely to repatriate their capital and properties over a period of ten years from the date of transfer.

Article XVI

With effect from the date of the de facto transfer goods exported from a port of the Establishments to France or the French Union or imported through the same ports from France or the French Union, shall be accorded most favoured nation treatment in respect of customs duties and other formalities.

Article XVII

All orders placed outside the Establishments and finalised through the grant of a licence by competent authorities, in accordance with the laws and regulations in force, prior to the date of the de facto transfer, shall be fulfilled and the necessary foreign currency granted, provided that the goods are imported within the period of validity of the relevant licence. The goods shall, however, be liable to customs duty and other taxes normally leviable at Indian ports. The same rule will apply to goods destined for export for which a licence has been granted, and which will be in stock in the Establishments on the date of de facto transfer. Their export shall be permitted without restriction; but they shall become subject to the normal excise or export duty.

Article XVIII

The Government of India, with a view to ensure normal operation of the textile mills of Pondicherry, agree to facilitate the allotment of quotas from Indian sources corresponding to the normal supply requirements of the mills. They will also supply the necessary amount of foreign currency required by the mills to carry out orders passed under previous regulations. The French Government on their part agree to maintain to the benefit of these mills, for a period of six months with allocation of foreign currency, and under the same conditions as existed prior to the de facto transfer, entry into the French Union of the goods produced by the said mills.

Article XIX

On the date of the de facto transfer local public accounts shall be closed in the Establishments Treasurer and Paymaster's books.

Article XX

The Government of India shall take the place of the French Government in respect of all credits, debts and deficits of the various accounts in the care of the local administration. The Government of India shall reimburse to the French Government the amount of Treasury loans and various funds placed by the latter at the disposal of the Establishments with the exception of sums remitted as grants.

Article XXI

Stocks built up by the local authorities and paid for out of the Metropolitan budget or Treasury -in order to ensure normal supplies to the population will be re-purchased by the Government of India.

Article XXII

The French Government will place a power station at the disposal of the Government of India. The conditions of the purchase shall be examined by the competent authorities.

Article XXIII

The Government of France shall reimburse to the Government of India within a period of one year from the date of the de facto transfer the equivalent value at par in E sterling or in Indian rupees of the currency withdrawn from circulation. from the Establishments after the de facto transfer.

Article XXIV

The Indian Government agree to the continuation of the existing French institutions of a scientific or cultural character and, by agreement between the two Governments, to the granting of facilities for the opening of establishments of the same character.

Article XXV

The "College Francias de Pondicherry" shall be maintained in its present premises as a French educational establishment of the second degree with full rights. The French Government shall assume the charge of its functioning as well in respect of the selection and salaries of the staff necessary for management, teaching and discipline as in respect of the organisation of studies, syllabi, and examinations and the charge of its maintenance. The premises shall be the property of the French Government. Article aW Private education institutions at present in existence in the French Establishments shall be allowed to continue and shall preserve the possibility of imparting French

education. They shall continue to receive from the local authorities subsidies and other facilities at least equal to those which have been granted up to date.

Article XXVII

French diplomas and degrees awarded to persons belonging to the French Establishment, viz., "baccalaureat", "brevet elementaire", "brevet d'etudes du premier cycle", shall be examined by a joint education committee set up by the two Governments with a view to establishing their equivalence with diplomas and degrees awarded by Indian universities. Degrees in law and medicine awarded in French Establishments shall be examined similarly.

Article XXVIII

The French Government or French-recognised Private Organisation shall be allowed to maintain and to create by agreement between the two Governments in the former French Establishments in India, establishments or institutions devoted either to higher studies leading to diplomas of French language, culture and civilisation, or to scientific research or to the spreading of French language, culture and civilisation, or to the spreading of French culture in the Science, Arts or Fine Arts. The Indian Government shall grant facilities in accordance with their laws and regulations for entry into and residence in India to French scholars officially sent by the French Government for a period of study in India. Article Studies leading to the local diploma of "Licence en Droit" shall be continued in Pondicherry until the examinations sessions of 1955. Scholarships for the completion of their studies in France shall be granted on request to the students of the Law College in order to prepare their "Licence en Droit". Law studies shall be directed by men of law residing in Pondicherry and nominated to the post of Dean and to each Chair by an administrative decision prior to the de facto transfer. Degrees of a purely local character shall be recognised under usual conditions.

Article XXX

Medical students at present engaged in the course of their studies shall have the possibility either of obtaining a scholarship for studies in France for the completion of the course of studies leading- to the French M.D. Degree, or to be admitted into Indian Medical Colleges after being given due credits for their previous medical studies. This question shall be considered by the Joint Educational Committee to be set up under Article XXVII, the students concerned being given in any case a possibility of option for either of the above-mentioned solutions. The possibility of establishing a Medical College in Pondicherry shall also be examined by the Joint Educational Committee. The Government of India shall maintain the General Hospital, Pondicherry, as well as the pharmaceutical department attached to it. The Government of India shall request the French Government to place at their disposal such experts as required for these institutions.

Article XXXI

A French representative shall be established in Pondicherry. The payment of the pensions which are the responsibility of the Metropolitan Budget and the financial operations of the Military Bureau in respect of allowances to the families of military personnel shall be dealt with by the representative.

Article XXXII

The French Government shall transfer to the Indian Government all property owned by the local administration of the Establishments with the exception of such property as, by agreement between the two Governments, is retained by the Government of France for the accommodation of the French Consulate, the College Francais and the Institute to be set up in the future. Properties which are at present in the possession of the religious authorities shall be retained by them and the Government of India agree, whenever necessary, to convey the titles to them.

Article XXXIII

The French Government shall keep in their custody the records having an historical interest, they shall leave in the hands of the Indian Government the records required for the administration of the Territory.

Article XXXIV

The French language shall remain the official language of the Establishments so long as the elected representatives of the people shall not dispose otherwise.

Article XXXV

The questions pending at the time of de facto transfer shall be considered and settled by a French-Indian Commission composed of three representatives of the French Government and three representatives of the Government of India. All difficulties which might arise as regards the rights and obligations to which the Government of India succeed according to Article III shall be settled by the said Commission.

DONE at New Delhi this Twenty-first day of October, 1954.

S. OSTROROG, R.K. NEHRU,

Ambassador Extraordinary Foreign Secretary,

and Plenipotentiary of France for Jawaharlal Nehru, Minister of External Affairs.