

**TREATY BETWEEN THE REPUBLIC OF FRANCE AND INDIA ESTABLISHING
CESSION BY THE FRENCH REPUBLIC TO THE INDIAN UNION OF THE
FRENCH ESTABLISHMENTS IN INDIA**

New Delhi, 28 May 1956

Preamble

The President of the French Republic and the President of the Indian Union

CONSIDERING that their Governments, faithful to the common declaration made in 1947 and desirous of strengthening the bonds of friendship, established since then between France and India, have manifested their intention of settling amicably the problem of the French Establishments in India;

CONSIDERING that after the wish of these populations had been expressed by their representatives an agreement was concluded on October 21, 1954, transferring the powers of the Government of the French Republic to the Government of Indian Union;

HAVE DECIDED to conclude a. treaty establishing the cession by the French Republic to the Indian Union of the French Establishments of Pondicherry, Karikal, Mahe and Yanam and to settle the problems stemming therefrom and have designated thereto as their plenipotentiaries

THE PRESIDENT OF THE FRENCH REPUBLIC

H.E. Mr. STANISLAS OSTROG,

Ambassador Extraordinary and Plenipotentiary of France in India.

THE PRESIDENT OF INDIA:

JAWAHARLAL NEHRU, Minister for External Affairs

who, after exchanging their credentials, which having been found in legal form have agreed as follows:

Article I

France cedes to India in full sovereignty the territory of the Establishments of Pondicherry, Karikal, Mahe and Yanam.

Article II

The Establishments will keep the benefit of the special administrative status which was in force prior to 1 November, 1954. Any constitutional changes in this status which may be made subsequently shall be made after ascertaining the wishes of the people.

Article III

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

Article IV

French Nationals born in the territory of the Establishments and domiciled therein at the date of the entry into force of the Treaty of Cession shall become nationals and citizens of the Indian Union, with the exceptions enumerated under Article V hereafter.

Article V

The persons referred to in the previous article may, by means of a written declaration drawn up within six months of the entry into force of the Treaty of Cession, choose to retain their nationality. Persons availing themselves of this right shall be deemed never to have acquired Indian nationality. The declaration of the father or, if the latter be deceased, of the mother, and in the event of the decease of both parents, of the legal guardian shall determine the nationality of

unmarried children of under 18 years of age. Such children shall be mentioned in the aforesaid declaration. But married male children of over 16 years of age shall be entitled to make this choice themselves. Persons having retained French nationality by reason of a decision of their parents, as indicated in the previous paragraph, may make a personal choice with the object of acquiring Indian nationality by means of a declaration signed in the presence of the competent Indian authorities, within six months of attaining their eighteenth birthday. The said choice shall come into force as from the date of signature of the declaration. The choice of a husband shall not affect the nationality of the spouse. The declarations referred to in the first and second paragraphs of this Article shall be drawn up in two copies, the one in French, the other in English, which shall be transmitted to the competent French authorities. The latter shall immediately transmit to the competent Indian authorities the English copy of the aforesaid declaration.

Article VI

French nationals born in the territory of the Establishments and domiciled in the territory of the Indian Union on the date of the entry into force of the Treaty of Cession shall become nationals and citizens of the Indian Union. Notwithstanding they and their children shall be entitled to choose as indicated in Article V above. They shall make this choice under the conditions and in the manner prescribed in the aforesaid Article.

Article VII

French nationals born in the territory of the Establishments and domiciled in a country other than the territory of the Indian Union or the territory of the said Establishments on the date of entry into force of the Treaty of Cession shall retain their French nationality, with the exceptions enumerated in Article VIII hereafter.

Article VIII

The persons referred to in the previous Article may, by means of a written declaration signed in the presence of the competent Indian authorities within six months of the entry into force of the Treaty of Cession, choose to acquire Indian nationality. Persons availing themselves of this right shall be deemed to have lost French nationality as from the date of the entry into force of the Treaty of Cession. The declaration of the father, or if the latter be deceased, of the mother, and in the event of the decease of both parents, of the legal guardian shall determine the nationality of unmarried children of under 18 years of age. Such children shall be mentioned in the aforesaid declaration. But married male children of over 16 years of age shall be entitled to make this choice themselves. Persons having acquired Indian nationality by reason of a decision of their parents, as indicated in the previous paragraph, may make a personal choice with the object of recovering French nationality by means of a declaration signed in the presence of the competent French authorities within six months of attaining their eighteenth birthday. The said choice shall come into force as from the date of signature of the declaration. The choice of a husband shall not affect the nationality of the spouse. The declarations referred to in the first and second paragraphs of this Article shall be drawn up in two copies, the one in French, the other in English and shall be signed in the presence of the competent Indian authorities who shall immediately transmit to the competent French authorities the French copy of the aforesaid declaration.

Article IX

With effect from 1 November, 1954, 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-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 conditions of services, as respects remuneration, leave, and pension and the same right 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 1 November, 1954. 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 1 November, 1954. French civil servants, magistrates and military personnel born in the Establishments or keeping there family links shall be permitted to return freely to the Establishments on leave or on retirement.

Article X

The Government of France shall assume responsibility for payment of such pensions as are supported by the Metropolitan Budget, even if the beneficiaries have acquired Indian nationality under Article IV to VII above. The Government of India shall assume responsibility for the payment of pensions, allowances and grants supported by the local budget. The system of pension of the various local Retirement Funds shall continue to be in force.

Article XI

The Government of India shall take the necessary steps to ensure that persons domiciled in the Establishments on 1 November, 1954 and at present practising a learned profession therein shall be permitted to carry on their profession in these Establishments without being required to secure additional qualification, diplomas or permits or to comply with any new formalities.

Article XII

The administration's charitable institutions and loans 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 and shall be modified only after ascertaining the wishes of the people.

Article XIII

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 "Counseils de fabrique" and the administration boards of the missions.

Article XIV

Legal proceedings instituted prior to 1 November, 1954 shall be judged in conformity with the basic legislation and procedure in force at that time in the Establishments. To this end, and up to final settlement of such proceedings, the existing courts in the Establishments shall continue to function. Officers of the court shall be law graduates, habitually domiciled in the Establishments, honourably known and selected in accordance with the French regulations governing the designation of temporary judicial officers. The interested parties shall be entitled, if they so 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. Judgements, decrees and orders passed by the French Courts, prior to 1 November, 1954, which are final or may become so by expiration of the delays of appeal, shall be executed by the competent Indian authorities. Judgements, decrees and orders passed after

1 November, 1954 in conformity with the first paragraph of the present Article shall be executed by the competent Indian authorities, irrespective of the courts which exercised the jurisdiction. Acts or deeds constitutive of rights established prior to the 1 November, 1954 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 accordance with the rules applicable to them on the date of cession, and communication of their contents shall be given to the duly accredited representatives of the French Government whenever they apply for such communication.

Article XV

The records of the Registrars offices up to the date of cession, shall be preserved in accordance with the rules applicable to them on that date and copies or extracts of the proceedings shall be issued to the parties or the authorities concerned. The personal judicial records of the Courts Registries up to the date of cession, shall be preserved in accordance with the rules applicable to them on that date and copies or extracts of these records shall be issued on request to the French authorities and likewise to the persons concerned in accordance with the legislation in force prior to 1 November, 1954. The said requests on the part of the French authorities and likewise the copies addressed to them shall be drawn up in the French language and shall entail no reimbursement of costs. The French and Indian authorities shall mutually inform each other of penal sentences involving registration in the record of convictions of their own territory and pronounced either by French judicatures or by judicatures sitting in territories ceded to India concerning nationals of the other country born in the aforesaid territories.

Such information shall be sent free of charge through diplomatic channels, either in French or together with a translation into French.

Article XVI

The provisions of Article XIV of this treaty shall apply to proceedings which the "Conseil du Contentieux Administratif " is competent to deal with. Temporary magistrates and local civil servants selected in accordance with the principles of the second paragraph of the said Article XIV shall compose this body.

Article XVII

Nationals of France and of the French Union, domiciled in the French Establishments on 1 November, 1954, shall, subject to the laws and regulations in force for the time being in the Establishments, enjoy in these Establishments the same freedom of residence, movement and trade as the other inhabitants of the Establishments.

Article XVIII

All persons of French nationality acquired under Article IV to VIII or in any other manner and all French corporate bodies shall be permitted to repatriate freely their capital and properties over a period of ten years from 1 November, 1954.

Article XIX

The Government of India takes the place of the territory, with effect from 1 November, 1954, in respect of all credits, debts and deficits in the care of the local administration. Therefore, the Government of India shall immediately reimburse to the French Government the amount of Treasury loans and various funds placed by the latter at the disposal of the territory, as well as advances made by the "Caisse Central de La France d' Outre-Mer", with the exception of sums remitted as grants. In addition the Government of India shall pay the indemnity agreed upon by the two Governments for the purchase of the Pondicherry power station. Simultaneously, the French Government shall reimburse to the Indian Government the equivalent value at par in pound Sterling or in Indian Rupees of the currency withdrawn from circulation from the Establishments before 1 November, 1955.

Article XX

The Indian Government agree to the continuation of the French institutions of a scientific or cultural character in existence on 1 November, 1954 and by agreement between the two Governments to the granting of facilities for the opening of establishments of the same character.

Article XXI

The "College Francais de Pondicherry" shall be maintained in its present premises as a French educational establishment of the second degree with full rights. The French Government should 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 XXII

Private educational institutions in existence on 1 November, 1954 in French Establishments shall be allowed to continue and shall be permitted to 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 were being granted on 1 November, 1954. They will be permitted to receive without obstruction the aid which the French Government in agreement with the Government of India may desire to give them.

Article XXIII

The French Government or French recognised private organisations 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 culture in the Sciences, Arts or Fine Arts. The Indian Government shall grant every possible facility, subject to their laws and regulations in force, for entry into and residence in India to members of French Universities sent by the French Government for a study visit or a teaching mission to India.

Article XXIV

The French Institute of Pondicherry, set up by an understanding reached between the two Governments since 21 October, 1954 Agreement and inaugurated on 21 March, 1955 shall be maintained as a research and advanced educational establishment. The Indian Government shall provide such suitable facilities to further the development of the activities of the said institute, as agreed upon between the two Governments from time to time.

Article XXV

Equivalences of French diplomas and degrees awarded to persons belonging to the French Establishments, namely "Baccalaureat", "brevet elementaire", "brevet d'etudes du premier cycle" with diplomas and degrees awarded by Indian Universities will be accepted by the Indian Government for admission to higher studies and administrative careers. These equivalences will be fixed according to the recommendations of the Joint Educational Committee, nominated by the two Governments in accordance with the agreement of 21 October, 1954. This shall apply equally to degrees in law and medicine awarded in the Establishments. Degrees of a purely local character shall be recognised under usual conditions.

Article XXIV

The French Government cedes to the Government of India all properties owned by the local administration of the Establishments with the exception of such property as enumerated in Article VIII of the Annexed Protocol. Properties which are at present in possession of all religious authorities shall be retained by them and the Government of India agree, whenever necessary, to convey the titles to them.

Article XXVII

The French Government shall keep in their custody the records having an historical interest; the Government of India shall keep in their custody the records required for the administration of the territory. Each Government shall place at the disposal of the other lists of records in its possession and copies of such records as are of interest to the other.

Article XXVIII

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

Article All questions pending at the time of the ratification of the Treaty of Cession shall be examined and settled by a French Indian Commission composed of three

representatives of the French Government and three representatives of the Indian Government.

Article XXX

Any disagreement in respect of the application or interpretation of the present treaty which cannot be resolved through diplomatic negotiation or arbitration shall be placed before the International Court of Justice at the request of one or other of the High Contracting Parties.

Article XXXI

The French and English texts of the present treaty shall be equally authentic. The present treaty shall be entered into force on the day of its ratification' by the two Governments concerned. The exchange of instruments of ratification shall take place at New Delhi.

The present treaty shall be deposited in the archives of the Government of India, which shall transmit an attested copy to the Government of the French Republic.

JAWAHARLAL NEHRU

Prime Minister and Ambassador Extraordinary and Minister for External Affairs

S. OSTROROG

Plenipotentiary of France in India

PROTOCOL

Article I

As regards the communes of Nettapacom and Tirubuvane which are part of the Establishments of Pondicherry and as regards the Establishments of Yanam and Mahe the French Government shall not be responsible, particularly in respect of Articles III, IX and XIX of the treaty, for any acts done in these communes and Establishments with effect from the date shown against each : - for Nettapacom on 31st March 1954. - for Trubuvane on 6th April, 1954. - for Yanam on 13th June 1954. - for Mahe on 16th July, 1954.

Article II

The sets of courses of studies at present in force shall be maintained during the appropriate transitional period in a sufficient number Of educational institutions so as to ensure to the people concerned a possibility of option for the future. Transitory periods shall be provided for in every course of studies.

Article III

All pupils and students now engaged in a course of studies are given the assurance that they will be enabled to complete their studies in French according to the curricula and methods in force on 1 November, 1954. They shall continue to enjoy the facilities which they enjoyed on that date, especially regarding free education and scholarships granted by local authorities, whether these scholarships be valid in the Establishments or in France.

Article IV

Regarding the organisation of the examinations of College Francais and the French Institute, facilities shall be given to the representatives of the French Government concerning visas and sojourn as well as practical dispositions to be taken for holding the examinations. The French Government retains the authority to select and appoint examination boards.

Article V

Scholarships for the completion of studies leading to the "Licence en Droit" and "Doctore en Medicine" when begun before 1 November, 1954, shall be granted on request to the students of the former Law College and of the former Medical College. If they so prefer, medical students shall have the possibility to be admitted into Indian medical colleges for completion of their studies, after being given due credits for their previous medical studies.

Article VI

The Government of India will reimburse to the personnel of education and cultural establishments whose salaries are paid by the French Government, an amount equal to the Indian income-tax paid by them unless it is covered by Double Income Tax Avoidance Agreement between India and France.

Article VII

If French books, publications and periodicals as well as educational and teaching equipment and other cultural material intended for use in French Institute and College Francais, are subject to import duty or other taxes, an amount equivalent to the sum so paid shall be reimbursed by the Government of India to the institutions concerned.

Article VIII

The Government of India recognise as being in the ownership of the French Government the following properties : (1) Property located in rue de la Marine (for the installation of the French Consulate); (2) Properties located on the rue Victor Simonel which are occupied by the "College Francais de Pondicherry"; (3) the War Memorial; (4) Property No. 13 located at Karikal so called "Maison Lazare" (for the installation of a branch of the French Consulate); (5) Property located on the rue Saint-Louis (for the Institute).

Article IX

No one shall be prosecuted on account of political offences committed prior to 1 November 1954 and against whom no prosecution has been instituted on the said date.