

SUPPLEMENTARY AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF FRANCE CONCERNING THE FORMER FRENCH TERRITORIES

New Delhi, 16 March 1963

A delegation representing the Government of France led by His Excellency Mr. Jean-Paul Garnier, Ambassador Extraordinary and Plenipotentiary of the Republic of France in India, discussed in New Delhi from the 13th of November, 1962 to the 15th of March, 1963 with a delegation representing the Government of India, led by Mr. Rajeshwar Dayal, Special Secretary, Ministry of External Affairs, various matters concerning certain provisions of the Treaty of Cession of the French Establishments of Pondicherry, Karikal, Mahe and Yanam concluded on the 28th of May, 1956 in New Delhi between the French Republic and the Republic of India.

The two delegations reached the following conclusions:

1. ADMINISTRATIVE AND SOCIAL QUESTIONS

1. Situation of persons domiciled in the former French Establishments in India on the 1st of November, 1954.

2. Establishment and exercise of their activities - The Indian delegation stated that the Government of India had taken steps to ensure that the provisions of Articles 11 and 17 were observed. If new laws or regulations were promulgated, it would be ensured that the provisions of Articles 11 and 17 were not infringed. In the special case of Article 17, the existing laws and regulations are, according to the Indian delegation, adequate for the purpose, except in the case of certain requirements such as registration and residential permits which apply to all foreign nationals. The Government of India shall exempt French nationals domiciled in the former French Establishments from these requirements.

3. Future of the judicial professions and maintenance of the acquired rights of its members.

The Indian delegation stated that the Government of India did not contemplate any sudden reform of the judicial organization in Pondicherry. Changes which would be necessary to bring the system in Pondicherry in harmony with that prevailing in the rest of India, will be introduced gradually allowing a reasonable period of transition.

II. JUDICIAL QUESTIONS

Proceedings pending on August the 16th, 1962, before local courts and before the "Conseil du Contentieux Administratif" in the Establishments will be continued and completed till their final settlement, in accordance with the substantive laws in force in the Establishments on the above-mentioned date.

Cases in the "Cour de Cassation", the "Conseil d'Etat" and the "Cour Superieure d'Arbitrage" pending on August the 16th, 1962, will be transferred to the competent Indian Courts.

The French delegation proposed that Judgements, decrees and orders passed by local courts as well as by French Supreme Jurisdiction should be executed by the Indian Authorities.

The Indian delegation agreed to this proposal stating that they had been informed that no execution was necessary on their part in respect of any decision rendered during the last two and a half years or so by any court in France in any case in which the respondent had no opportunity to appear.

Acts and deeds constitutive of rights established in conformity with French law will accordingly retain the value and validity conferred on them by the same law.

III. ECONOMIC AND FINANCIAL QUESTIONS

1. Fiscal Regulations

The conclusion of a convention in order to avoid double taxation is under discussion between the Governments of India and France. The fiscal system

applicable to French nationals will be determined by the entry into force of the said convention.

2. Repatriation of capital and of properties

The Indian delegation agreed that the provisions of Article 18 of the Treaty will be extended by a further period of three years so as to enable repatriation of capital and of properties up to the 31st of October, 1967.

IV CULTURAL QUESTIONS

1. Equivalence of diplomas

The Indian delegation will recommend to appropriate authorities to recognize the following equivalencies:

- (a) Brevet d'Etudes du Premier Cycle and Brevet Elementaire to be equivalent to Matriculation;
- (b) first part of Baccaalaureat to be equivalent to Pre-University Certificate;
- (c) holders of the Second part of Baccaalaureat to be eligible for admission to the Second Year of B.A./B.Sc.,
- (d) in individual cases, holders of French Baccaalaureat to be admitted in classes higher than the 2nd year of B.A./B.Sc. after special examination.

2. Medical Diplomas

The Indian delegation explained that the Diploma granted by the Medical School in Pondicherry was already officially recognized. The holders of this Diploma are eligible for registration as medical practitioners all over India on the same terms as the holders of similar diplomas granted by other Medical Institutes in India.

In regard to higher education, the Diploma of the Medical School in Pondicherry is equated to medical qualifications such as the "Licenciate of the Medical Faculty" of West Bengal, the "Licenciate of the Medical Faculty" of Punjab, "Membership of College of Physicians and Surgeons" (M.C.P.S.) of Bombay, "Membership of the State Medical Faculty" (M.M.F.) of West Bengal and similar diplomas. If the holders of the said French Diploma wish to acquire the M.B.B.S degree, they can

do so after taking a condensed two years course for which facilities are available at five places in India.

3. Teaching of French

The Indian delegation confirmed that teaching of French be maintained and encouraged in the educational institutions of Pondicherry and Chandernagore.

4. Sisters of Saint-Joseph de Cluny

The Indian delegation stated that all possible facilities for grant of visas will be extended to Sisters of Saint-Joseph de Cluny wishing to come to India for teaching at the school of Saint-Joseph de Cluny in Pondicherry, till progressive Indianisation of the religious communities permits the replacement of French by Indian Sisters.

V. MISCELLANEOUS QUESTIONS

(1) The French delegation pressed forward a request for extension of the powers of the Commission provided for in Article 29 of the Treaty in order that it could deal with, effectively and without delay, minor difficulties, particularly of a private character, which might arise in the future concerning the implementation of the Treaty.

The Indian delegation pointed out that Article 29 of the Treaty provided for the establishment of the proposed Commission to deal only with questions pending at the time of ratification of the Treaty. Other questions were therefore beyond the competence of this Commission. The Indian delegation appreciated, however, that it should not be necessary to take up at the diplomatic level all minor difficulties relating to the implementation of the provisions of the Treaty and that a suitable local machinery might be useful for the purpose.

It was agreed that such a machinery will be provided in Pondicherry by entrusting the Chief Secretary of the Administration on the Indian side and the Consul General on the French side with the task of dealing with complaints and difficulties of a minor nature. This will not preclude recourse to normal diplomatic

channels, when necessary, either initially or afterwards. It was hoped that the above machinery in Pondicherry would be able to settle the issues referred to it without recourse to higher authorities.

(2) The Indian delegation agreed that the Government of India will continue to lease to the Associations of War Veterans, the building located in No. 10, rue de Lauriston, on payment *ai e rujux* at the building of a nominal rent as hitherto. They hoped this will also be used for other activities of Indo-French cultural co-operation.

(3) The French delegation asked that in case the Indian Authorities wished to remove the statue of Dupleix from its present site the latter should agree to a request of the French Government to have the statue back in France or transferred to one of the premises in Pondicherry belonging to the French Government. The Indian delegation agreed and added that the Indian Authorities had at present no intention of removing the statue from its present site.

(4) The Indian delegation agreed that necessary steps will be taken to ensure that French tombs in the former Establishment are maintained in proper condition.

SIGNED in New Delhi on the Sixteenth of March, 1963.

On behalf of the Government of India

Sd: RAJESHWAR DAYAL,

Special Secretary to the Government of India, Ministry of External Affairs

On behalf of the Government of the French Republic

Sd: JEAN-PAUL GARNIER

Ambassador Extraordinary and Plenipotentiary of France in India