

No. 2744

**INDIA
and
FRANCE**

**Treaty of cession of the territory of the Free Town of
Chandernagore (with Protocol). Signed at Paris, on
2 February 1951**

Official texts: English and French.

Registered by India on 7 February 1955.

**INDE
et
FRANCE**

**Traité de cession du territoire de la Ville libre de Chander-
nagor (avec Protocole). Signé à Paris, le 2 février 1951**

Textes officiels anglais et français.

Enregistré par l'Inde le 7 février 1955.

No. 2744. TREATY¹ OF CESSION OF THE TERRITORY OF THE FREE TOWN OF CHANDERNAGORE, BETWEEN INDIA AND FRANCE. SIGNED AT PARIS, ON 2 FEBRUARY 1951

PREAMBLE

The President of India and the President of the French Republic,

Considering that the French Government, in a spirit of friendship and understanding, decided, in accordance with the letters exchanged with the Government of the Republic of India on the 29th June 1948 and in conformity with the French Constitution, to recognise that the people of the French Settlements in India have the right to determine for themselves their destiny and their future status,

Considering that after the consultation of the people of the Free Town of Chandernagore which took place on the 19th June 1949, the Government of the French Republic has, at the request of the Government of the Republic of India, accepted the appointment, as a provisional measure, of an Indian Administrator in this territory on the 2nd May 1950,

Considering that the Government of the French Republic and the Government of the Republic of India have both agreed that the Franco-Indian Commission contemplated in article II of the Protocol annexed to the present Treaty should commence its functions from the 2nd May 1950,

Have decided to conclude a Treaty in order to confirm the cession by the French Republic of the territory of the Free Town of Chandernagore to the Republic of India and to settle the problems which flow from this cession and have appointed for these purposes as plenipotentiaries :

The President of India :

His Excellency Wing Commander Sardar Hardit Singh Malik, Ambassador Extraordinary and Plenipotentiary of India in France,

The President of the French Republic :

Mr. Guy de la Tournelle, Director General for Political Affairs at the Ministry of Foreign Affairs,

Who, after having exchanged their letters of authority, which are found to be in order, have agreed to the following :

Article I

France transfers to India, in full sovereignty, the territory of the Free Town of Chandernagore.

¹ Came into force on 9 June 1952 by the exchange of the instruments of ratification at Paris, in accordance with article XII.

Article II

French subjects and citizens of the French Union domiciled in the territory of the Free Town of Chandernagore on the day on which the present Treaty comes into force shall become, subject to the provisions of the next succeeding article III, nationals and citizens of India.

Article III

The persons mentioned in the preceding article may, by a written declaration made within six months following the coming into force of the present Treaty, opt for the retention of their nationality.

The declaration of the father or, if the father is dead, that of the mother, shall determine the nationality of unmarried children, less than 18 years of age who shall be specified in such a declaration. Male children who are married shall be over sixteen years of age to be able to exercise the option themselves.

The declaration of the husband will not determine the nationality of the wife.

These declarations, which will be drawn up in duplicate one in French, the other in English, will be addressed to the appropriate French authorities who will immediately forward to the appropriate Indian authorities the English copy of the said declaration.

Persons who will have exercised the option mentioned in the preceding paragraphs, will be considered as having never acquired Indian nationality.

Article IV

Persons who will have opted for the retention of their nationality in accordance with the provisions of article III of this Treaty and who desire to permanently reside or establish themselves in any French territory outside the Free Town of Chandernagore shall, on application to the Government of the Republic of India, be permitted to transfer or remove such or all of their assets and property as they may desire and as may be standing in their names on the date of the coming into force of this Treaty.

Article V

The Government of the French Republic transfers to the Government of the Republic of India all the properties owned by the State and the public bodies lying within the territory of the Free Town of Chandernagore.

Article VI

The Government of the French Republic may retain and remove, in consultation with the Government of the Republic of India, all archives having a genera

historic interest, and will place at the disposal of the Government of the Republic of India those archives which are of interest to the local administration of Chandernagore.

Article VII

The Government of the Republic of India shall succeed to the rights and obligations resulting from acts done by France for public purposes concerning the administration of the territory of the Free Town of Chandernagore. Financial and monetary issues arising from the transfer of the said territory shall be examined and determined by the Franco-Indian Commission already set up and referred to under the terms of the Protocol annexed to this Treaty.

Article VIII

Judgments and decrees passed before 2nd May 1950 by French judicial authorities having jurisdiction over the territory of the Free Town of Chandernagore and which have become final shall be executed by the appropriate Indian authorities.

Appeals which lie from judgments and decrees passed by the said authorities before 2nd May, 1950, shall, subject to the law of limitation in force immediately before the said day, be filed and disposed of as though the said territory had not been transferred to India.

Judgments and decrees from which appeals are pending on 2nd May, 1950 shall be dealt with by the judicial authorities before whom such appeals are pending.

The provisions of the first paragraph of this Article regarding the execution of the judgments and decrees shall apply to the decisions of judicial authorities made under the second and third paragraphs of this article.

Article IX

The Government of the Republic of India shall assist in the continuance of the French cultural heritage in the territory of the Free Town of Chandernagore in accordance with the wishes of the people of the said territory and shall permit the continuance or establishment of cultural services by the Government of the French Republic.

Article X

The Government of the Republic of India shall take necessary measures to permit the law officers who are not government servants and members of the legal and liberal professions at present practising in Chandernagore to pursue their activities without having to acquire additional qualifications or to obtain new diplomas or licences or to fulfil any other formalities. Such licences shall be renewed, if necessary, on application.

Article XI

Any controversy relating to the application or the interpretation of the present Treaty, which cannot be settled through diplomatic negotiations or arbitration shall be brought before the International Court of Justice by petition of either of the High Contracting Parties.

Article XII

The French and English texts of this Treaty shall be deemed to be equally authentic. This treaty shall come into force on ratification by the Governments concerned, the instruments of ratification being exchanged in Paris.

This Treaty shall be deposited in the archives of the Government of the French Republic who shall give one certified copy of the same to the Government of the Republic of India.

GIVEN at Paris with one single copy, February the 2nd 1951.

(Signed) M. Guy DE LA TOURNELLE
(Signed) Hardit Singh MALIK

PROTOCOL

Article I

The currency issued in Pondicherry and circulating in Chandernagore shall be withdrawn and necessary facilities shall be afforded to the holders of such currency to convert it into Indian currency. The French Indian currency thus withdrawn at Chandernagore by the Government of the Republic of India shall be made over to the French Indian authorities who shall take it over against payment of an equivalent value in Indian currency.

Article II

All financial issues arising out of the Treaty of Cession, including those arising out of the closing of the accounts of the autonomous budget of the Free Town of Chandernagore on 2nd May, 1950, shall be examined, and suitable recommendations made to the Governments of the Republic of India and of the French Republic for their settlement, by a Commission consisting of six members, three representing each of the two Governments.

Article III

The Government of the Republic of India shall take over the civil servants and employees of the Free Town of Chandernagore and those of the French Establishments in India who may be serving in Chandernagore on 2nd May 1950.

Provided that :

(1) Such civil servants and employees of the French Establishments in India who opt to retain their nationality and elect, within three months of the coming into force of the Treaty, to serve their original administration shall be permitted to do so, and

(2) Such civil servants and employees of the Free Town of Chandernagore and those of the French Establishments in India whom the Government of the Republic of India does not desire to retain in its service shall be given three months notice of the termination of their services within one month from the date of the coming into force of the Treaty and shall be entitled to be paid fair compensation for the premature termination of their services.

GIVEN at Paris with one single copy, February the 2nd 1951.

(Signed) Guy DE LA TOURNELLE

(Signed) Hardit Singh MALIK