CHAPTER VI

French Possession in India- A Window of French Culture

The administration of India was better than the Portuguese administration. Nehru believed that French Indian problem could be resolved diplomatically after India became free. He ruled out the possibility of any violent eviction of the French from India. Nehru took Baron’s declaration in a conciliatory spirit. Pondicherry as a cultural center would be welcome to him, “Pondicherry would be a window on France in India”. On 22nd August 1946, in a press conference he said that the congress did not wish to put pressure or impose its policy on the French settlements and said that he would be happy to see French India joining freely with India after she became fully free. Marius Moutet endorsed Baron’s scheme and condemned the various measures. On 27th August 1947 Pandit Jawaharlal Nehru declared “Pondicherry is a window through which France and India could communicate. We will value this window onto France as a way of developing our cultural relations with that country. We have looked at the world through British spectacles for too long. We want our youth to acquire a more universal training that only French culture can give us. So far as French India is concerned Nehru adopted a different stand and expressed his desire to forge cultural relations with France and welcomed the transformation of the French establishments as “Centers of Cultural Extension”.

Baron proposed to adopt and strengthen the position of the French Indian settlements within the French Union.

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Christian Faucet's idea was to start a scheme to find an Institute Français in British India and to be adjourned for want of fund. Baron's plan was to have intellectual centers in Pondicherry and other French pockets. In spite of the endorsement of Baron's scheme by the French overseas Ministry, the French press severally criticised him. Violent reaction took place, at least 12 houses were burnt and nearly 100 people left the French territory and took shelter in the adjacent British territory. K. Soundararadajalou, President, weaver's union of Mudaliarpet, in a memorandum submitted to the overseas Ministry complained that the trouble makers in Pondicherry belonged to the group of Subbiah, and Baron and Pacha (the general Secretary) were responsible for this because of the soft policy taken by them towards Subbiah whom Bonvin had expelled. Claude Viviers in his article entitled "Destin de l' Inde et presence française analysed the failure to gauge the real political trend in India by the Paris and Pondicherry authorities. He referred to the violent attacks launched by the Indian press against foreign possessions in India. He wrote that the distinction between British India and Indian India would disappear in future. He made it clear, the application of force for the preservation of French sovereignty "is out of question". His opinion was to start dialogue between Paris and London and in all practical sense between Pondicherry and New Delhi. A few hundred French Sepoys found themselves unable to prevent 350,000 Franco-Indians from joining 400 millions of India. Nehru had ruled out the possibility of using force. A new policy was adopted to grant more concessions in moral and intellectual fields reserving a large place for France and thereby drawing the maximum benefit by an attitude of good will and co-

142 Ajit K. Neogy ,op. cit, p. 26
operation. It maintained that the scheme for intellectual co-operation would play a greater role than any other advantages conferred on the five French pockets. This would also be in consonance with the opt-repeated desire of Nehru that “Pondicherry would become a window open on France”. Judging from that point of view Baron’s scheme of cultural collaboration should be developed and induce the Indian leaders to consider Pondicherry and in a wider sense the four other settlements as enjoying a special status and permit the French authorities to preserve their interests over them. The note therefore suggested, before the establishments of a French Embassy at New Delhi which was still a premature idea despite a decision being taken in the affirmative by the Government, to accredit to the interim government of New Delhi “a mission of contact and information” which would be diplomatic but provisional in character. The French overseas Ministry had already allotted a sum of 100 million francs for building a big centre at Pondicherry for the diffusion of French culture in collaboration with the Indian authorities. There was also need of co-ordination between the action of the French Foreign Affairs and overseas Ministers. It also emphasized that the action of the French diplomatic service and that of the consul should be carefully co-ordinated with that of the Governor of the French settlements. For French India the year 1947 was critical and followed crisis. Nehru, in a statement on 7th January 1947, expressed his concern for Indo-china and accused France of having attempted to crush the principles of liberty. Nehru said, in fact, French policy towards the Indo-Chinese states had profoundly shocked the people of India.  

143 Treaty of cession of the French establishments of Pondicherry, Karaikal, Mahe and Yanam, National Archives of India, Record center, Pondicherry, p.1

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Treaty of Cession of the French Establishments of Pondicherry, Karaikal, Mahe and Yanam

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 the 21st October 1954, transferring the powers of the Government of the French Republic to the Government of the Indian Union. 144

HAVE DECIDED to conclude a treaty establishing the cession by the French Republic to the Indian Union of the French Establishments of Pondicherry, Karaikal, Mahe and Yanam and to settle the problems stemming there from and have designated there to as their plenipotentiaries:

144 Treaty of cession, op.cit,p.2
The President of the French Republic:

H. E. Mr. Stanislas Ostorog,
Ambassador Extraordinary &
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 1

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

ARTICLE 2

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

ARTICLE 3

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 4

French Nationals born in the territory of the Establishments and domiciled there in 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, hereafter.

ARTICLE 5

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 eighteen years of age. Such children shall be mentioned in the aforesaid declaration. But married male children of over sixteen 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

145 Ibid
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 6

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 5 above. They shall make this choice under the conditions and in the manner prescribed in the aforesaid Article.

ARTICLE 7

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 8 hereafter.\textsuperscript{146}

ARTICLE 8

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.

\textsuperscript{146} Ibid
The declaration of the father, or if the latter be deceased, of the mother, and in the event of the decease of both parent of the legal guardian shall determine the nationality of unmarried children of under eighteen years of age. Such children shall be mentioned in the aforesaid declaration. But, married male children of over sixteen 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 9**

With effect from the 1st of November 1954 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 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 the 1st 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 the 1st November 1954.

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 10

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 4 to 8 above. The Government of India shall assume responsibility for the payment of pensions, allowances and grant supported by the local budget. The system of pension of the various local Retirement Fund shall continue to be in force.

ARTICLE 11

The Governments of India shall take the necessary steps to ensure that persons domiciled in the Establishments on the 1st of November 1954 and at present practising a learned profession there in shall be permitted to carry on their profession in these Establishments

147 Treaty of cession, op. cit, p.
without being required to secure additional qualifications, diplomas or permits or to comply with any new formalities.148

ARTICLE 12

The administration's charitable institutions and loan officers 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 13

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 14

Legal proceedings instituted prior to the 1st of 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 settlements 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

148 Treaty ofession, op. cit, p. 4
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 the 1st 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, decree and orders passed after the 1st of 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 exercise the jurisdiction.\textsuperscript{149}

Acts or deeds constitutive of rights established prior to the 1st of 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.

\textsuperscript{149} Ibid
ARTICLE 15

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 that legislation in force prior to the 1st of 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.150

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

150 Treaty of cession, op. cit. p. 5
ARTICLE 16

The provisions of Article 14 of this Treaty shall apply to proceedings which the "Counsel 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 14 shall compose this body.

ARTICLE 17

Nationals of France and of the French Union, domiciled in the French Establishments on the 1st of 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.\[1]\n
ARTICLE 18

All persons of French nationality acquired under Article 4 to 8 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 the 1st of November 1954.

ARTICLE 19

The Government of India takes the place of the territory, with effect from the 1st of 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

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1\[1]\ Ibid
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 Centrale 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 £ sterling or in Indian Rupees of the currency withdrawn from circulation from the Establishments before the 1st of November 1955.

ARTICLE 20

The Indian Government agree to the continuation of the French institutions of a scientific or cultural character in existence on 1st of November 1954 and by agreement between the two Governments to the granting of facilities for the opening of establishments of the same character.¹⁵²

ARTICLE 21

The "College Français de Pondicherry" shall be maintained in its present premises as a French educational establishment of the second degree with full rights.¹⁵³ 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, and examinations and the charge of its maintenance. The premises shall be the property of the French Government.

¹⁵² Treaty of cession, op. cit, p. 6
¹⁵³ Ibid

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ARTICLE 22

Private educational institutions in existence on the 1st of November 1954 in the 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 the 1st 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 23

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 24

The French Institute of Pondicherry, set up by an understanding reached between the two Governments since the 21st October 1954, Agreement and inaugurated on the 21st March 1955, I 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 25

Equivalences of French diplomas and degrees awarded to
persons belonging to the French Establishments viz. "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 the 21st
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 26

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 8 of the
Annexed Protocol.154

Properties which are at present in possession of the religious
authorities shall, be retained by them and the Government of India
agree, whenever necessary, to convey the titles to them.

154 Ibid
ARTICLE 27

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 28

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 29

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 30

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 31

The French and English texts of the presented Treaty shall be equally authentic. The present Treaty shall enter 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.

Done in duplicate at New Delhi this twenty-eighth day of May, 1956 A.D.

(Sd.) JAWAHARLAL NEHRU,

(Sd.) S. OSTROROG,

Prime Minister and Minister Ambassador Extraordinary for External Affairs and plenipotentiary of France in India.

ANNEXED PROTOCOL

ARTICLE 1

As regards the communes of Nettapacom and Tirubuvane which are part of the Establishment of Pondicherry and as regards the Establishments of Yanam and Mahe the French Government shall not be responsible, particularly in respect of Article 3, 9 and 19 of the Treaty, for any acts done in these communes and Establishments with effect from the date shown against each:

- for Nettapacom        - on March 31, 1954.
- for Tirubuvane        - on April 6, 1954.
- for Yanam             - on June 6, 1954
- for Mahe              - on July 16, 1954
ARTICLE 2

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 3

All pupils and students now engaged in a course of studies are given the assurance that they will be enable to complete their studies in French according to the curricula and methods in force on the 1st November 1954.155 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 4

Regarding the organisation of the examinations of College Français and the French Institute every facility 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 5

Scholarships for the completion of studies leading to the "Licence en Droit" and "Doctorat en Medicine" when begun before

155 Annexed Protocol, National Archives of India, Pondicherry, p.9
the 1st of November 1954, shall be granted on request to the students of the former Law College and of the former Medical College. If should 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 6

The Government of India will reimburse to the personnel of educational and, cultural establishments whose salaries are paid by the French Government, 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 7

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 Français, 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.156

ARTICLE 8

The Government of India recognizes 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);

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156 Annexed Protocol, op. cit, p. 10
2. Properties located on the rue Victor Simonel which are occupied by the "College Français de Pondichery";

3. The War Memorial;

4. Property No. 13 located at Karaikal 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 9

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

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, May 28, 1956

Excellency,

With reference to Article 25 of the Treaty of Cession of the Territory of the French Establishments in India consisting of Pondicherry, Karaikal, Mahe and Yanam, I have the honour to recall a clarification given during the negotiations. So far as admission to higher studies in the Indian Universities and admission to administrative careers under the State Governments are concerned, the Government of India cannot take a decision in this regard on behalf of Indian Universities which are autonomous bodies and of State Governments which are solely responsible for the recruitment of their personnel.
Nevertheless the Government of India while agreeing to accept the equivalences for admission to administrative careers under the Central Government shall recommend such equivalences to Indian Universities and State Governments and endeavour to secure a favourable decision.

Accept, Excellency, the renewed assurances of my highest consideration.

JAWAHARLAL NEHRU,
Minister for External Affairs.

His Excellency
Mr. Stanislas Ostrorog,
Ambassador of France,
New Delhi.

EMBASSY OF FRANCE IN INDIA
New Delhi, the 28th May, 1956

Excellency,

I have the honour to refer to your letter dated the 28th May 1956, in which you have stated as follows:

"With reference to Article 25 of the Treaty of Cession of the Territory of the French Establishments in India consisting of Pondicherry, Karaikal, Mahe and Yanam, I have the honour to recall a clarification given during the negotiations. So far as admission to higher studies in the Indian Universities and admission to administrative careers under the state governments are concerned, the
Government of India cannot take a decision in this regard on behalf of Indian Universities which are autonomous bodies and of State governments which are solely responsible for the recruitment of their personnel.

Nevertheless the Government of India while agreeing to accept the equivalences for admission to administrative careers under the Central Government shall recommend such equivalences to Indian Universities and State Governments and endeavour to secure a favourable decision."

The above mentioned position is acceptable to the Government of the Republic of France and your letter referred to above and this acknowledgment will constitute an agreement in this matter between our two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

S. OSTROGROG,
Ambassador of France
His Excellency
Mr. Jawaharlal Nehru,
Prime Minister and
Minister for External Affairs,
Government of India,
New Delhi.

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