

APPENDIX 5

THE FRENCH ESTABLISHMENTS
(ADMINISTRATION) ORDER, 1954

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
NOTIFICATION

New Delhi, the 30th October 1954.

S.R.O. 3314 - Whereas by virtue of the agreement dated the 21st day of October, 1954, entered into between the Government of India and the Government of France, the Central Government has jurisdiction in and in relation to the French Establishments in India;

And whereas it is expedient that provision should be made by the Central Government for the administration of the said Establishments;

Now, therefore, in exercise of the powers conferred by Sections 3 and 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling it in this behalf, the Central Government is pleased to make the following Orders, namely:

1. (1) This Order may be called the French Establishments (Administration) Order, 1954.

(2) It extends to the whole of the French Establishments.

(3) It shall come into force on the 1st day of November, 1954.

2. In this Order, "French Establishments" mean the areas comprised in the French Establishments in India known as Pondicherry, Karaikal, Mahe and Yanam.

3. There shall be a Chief Commissioner at the head of the administration of the French Establishments appointed by the Central Government.

4.(1) Subject to the direction and control of the Central Government, the Chief Commissioner may, from time to time, appoint such judges, magistrates and other authorities as may be necessary for the administration of the French Establishments and may, by general or special order, determine their jurisdiction, powers, duties and functions.

(2) Without prejudice to the provisions of sub-paragraph (1), but subject to any law for the time being in force in the French Establishments, all judges, magistrates and other authorities of the French Establishments who immediately before the commencement of this order, were exercising lawful functions in the said Establishments or any part thereof, shall, until other provision is made by the Chief Commissioner, continue to exercise their respective powers and jurisdiction and perform their respective duties and functions, in the same manner and to the same extent as they were doing before the commencement of this Order.

5. All laws in force in the French Establishments or any part thereof immediately before the commencement of this Order

and not repealed by paragraph 6 of the French Establishments (Application of Laws) Order, 1954 shall continue to be in force until repealed or amended by a competent authority:

Provided that all functions exercisable under the said laws by the Commissioner of the Republic for the French Establishments in India shall be exercisable by the Chief Commissioner.

6. All taxes, duties, cesses or fees which, immediately before the commencement of this Order, were being lawfully levied in the French Establishments or any part thereof shall, in so far such levy has not been discontinued by any of the laws extended to the French Establishments by the French Establishments (Application of Laws) Order, 1954 continue to be levied and applied for the same purposes until other provisions are made by a competent Legislature or authority.

**THE FRENCH ESTABLISHMENTS (APPLICATION
OF LAWS) ORDER, 1954**

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
NOTIFICATION

New Delhi, the 30th October 1954.

S.R.O. 3315 - Whereas by virtue of the agreement dated the 21st day of October 1954, entered into between the Government of India and the Government of France, the Central Government has jurisdiction in and in relation to the French Establishments in India;

Now, therefore, in exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and all other powers enabling it in that behalf, the Central Government is pleased to make the following Order, namely:

1. (1) This Order may be called the French Establishments (Application of Laws) Order, 1954.

(2) It shall come into force on the 1st day of November, 1954.

2. In this Order, 'French Establishments' mean the areas comprised in the French Establishments in India known as Pondicherry, Karaikal, Mahe, and Yanam.

3. (1) The enactments specified in column 3 of the Schedule as in force before the commencement of this Order are hereby applied to and shall be in force in the French Establishments

subject to-

(a) any amendments to which the enactments are for the time being generally subject in the territories to which they extend;

(b) the modifications, if any, specified in column 4 of the Schedule and in force;

(c) the subsequent provisions of this Order.

(2) All rules made under any of the enactments aforesaid in force immediately before the commencement of this Order, and all notifications, orders or regulations issued or made under any of the enactments aforesaid and similarly in force, in so far as their application is required for the purpose of effectively applying the provisions of the said enactments, are also hereby applied to and shall be in force in the French Establishments.

4.(1) Any reference in any enactment, notification, rule, order or regulation, applied to the French Establishments by this Order, to India or to States or State generally shall be construed as including a reference to the French Establishments.

(2) Any reference in any enactment specified in the Schedule to the State Government shall be construed as a reference to the Central Government.

(3) Any reference in any enactment specified in the Schedule to a law not in force, or to any functionary not in existence, in the French Establishments shall be construed as a reference to the corresponding law, if any, in force or to the corresponding functionary in existence, in the said

Establishments:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

5. Any court, tribunal or authority required or empowered to enforce in the French Establishments, any enactment specified in the Schedule may, for the purpose of facilitating its application in relation to the said Establishments, construe the enactment with such alterations, not affecting the substance, as may be necessary or proper with respect to the matter before the court, tribunal or authority, as the case may be.

6. Unless otherwise specially provided in the Schedule, all laws in force in the French Establishments immediately before the commencement of this Order, which correspond to the enactments specified in the Schedule, shall cease to have effect, save as respects things done or omitted to be done before such commencement.