

CHANDERNAGORE (MERCER) ACT, 1954

36 of 1954

[29th September, 1954]

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STATEMENT OF OBJECTS AND REASONS On 8th June 1948, the Government of the French Republic in agreement with the Government of India, declared that "it intends to leave to the populations of the French Establishments in India themselves the right to pronounce their future fate and future status". In the referendum held on 19th June 1949, the citizens of Chandernagore

voted in favour of merger of the territory with India. On 2nd May, 1950, the de facto administration of Chandernagore was transferred to the Government of India. On 2nd February 1951, the Treaty of Cession of the Territory of the French Town of Chandemagore was signed at Paris between the President of India and the French Republic. On 9th June 1952 Chandemagore was transferred de jure to the Government of India. 2. On 27th October 1949, in a Press Note about the future status of Chandemagore, the Government of India had declared: Any changes the administrative set up will be carried out only after consulting local public opinion', 3. On 19th November 1953, in exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government appointed a Commission consisting of Dr. Amarnath Jha to inquire into and ascertain the wishes of the citizens of Chandemagore in regard to its future administration. The Commission submitted its report on 18th December 1953, recommending, inter alia, merger of Chandemagore with the State of West Bengal. After consideration of the report and consultation with the Government of the State of West Bengal the Government of India announced their decision in Parliament on the 8th May. This has been embodied in the present Bill which provides for the merger of Chandemagore with West Bengal and consequential changes. 4. Under Article 3 of the Constitution, the Legislature of West Bengal has been consulted on this Bill and has given approval to both its provisions and its introduction in Parliament. The recommendation of the President has also been obtained - Gaz. of Ind., Extra, 15-9-1954 Pt. II Sec. 2, page 585.

1. Short title and commencement :-

(1) This Act may be called the Chandemagore (Merger) Act, 1954.

(2) It shall come into force on the 2nd day of October, 1954.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "appointed day" means the 2nd day of October, 1954;

(b) "Assembly constituency", "Council constituency" and "Parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950;

(c) "Chandemagore" means the whole of the territory which

immediately before the 9th day of June, 1952 was comprised in the Free Town of Chandernagore;

(d) "law" means so much of any enactment, Ordinance, Regulation, order, rule, scheme, notification, bye-law or any other instrument having the force of law as relates to matters enumerated in List I and List III in the Seventh Schedule to the Constitution;

(e) "sitting member", in relation to the House of the People or either House of the Legislature of the State of West Bengal, means a person who immediately before the appointed day is a member of the House;

(f) "State Government" means the Government of West Bengal;

(g) "Union purposes" mean the purposes of Government relatable to any of the matters mentioned in the Union List in the Seventh Schedule to the Constitution.

3. Chandernagore to form part of West Bengal :-

(1) As from the appointed day Chandernagore shall form part of the State of West Bengal and the boundaries of that State shall be so altered as to comprise within them the territory of Chandernagore.

(2) Without prejudice to the power of the State Government to alter hereafter the extent, limits and names of districts and subdivisions, Chandernagore shall form part of the district of Hoogly in the State of West Bengal and the State Government shall, by order in the Official Gazette, provide for the administration of Chandernagore by constituting it into a new sub-division of the said district whether with the addition of such areas of that district as may be specified in the order or without such addition.

4. Amendment of the First Schedule to the Constitution :-

In the First Schedule to the Constitution, in Part A, in the description of the territories of States, in the last paragraph, after the words, "as if they formed part of that Province", the following shall be inserted, namely:- "and in the case of the State of West Bengal shall also comprise the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954".

5. Representation of Chandernagore in the House of the People :-

6. Representation of Chandernagore in the Legislative Assembly of West Bengal :-

Until otherwise provided by law.-

(a) there shall be an additional constituency of the legislative Assembly of West Bengal (to be known as the Chandernagore Assembly constituency) comprising the entire area of Chandernagore, whether with the addition of such areas of other constituencies as may be determined by the President or without such addition and the said constituency shall be represented in that Assembly by one member to be chosen by direct election;

(c) the total number of seats to be filled by direct election in the Legislative Assembly of West Bengal shall be increased, from 238 to 239;

(d) in the Second Schedule to the Representation of the People Act, 1950, in the part relating to Part A States for the entry in column 2 against "West Bengal", the entry '239*' shall be substituted.

7. Electoral roll of the Chandernagore Assembly constituency :-

The electoral roll of the Chandernagore Assembly constituency shall be prepared and published in accordance with the provisions of the Representation of the People Act, 1950, and the rules made thereunder and come into force immediately upon its final publication.

8. Election to fill the seat allotted to the Chandernagore Assembly constituency :-

As soon as may be after the delimitation of the Chandernagore Assembly constituency under the provisions of clause (b) of section 6, there shall be held an election to fill the seat allotted to the Chandernagore Assembly constituency in the Legislative Assembly of West Bengal; and for that purposes the Election Commission shall, by notification in the Official Gazette, call upon the Chandernagore Assembly constituency to elect a person for the purpose of filling that seat before such date as may be specified in the notification and the provisions of the Representation of the People Act, 1951, and the rules and orders made thereunder shall apply, as far as may be, in relation to such election.

9. Consequences of alteration in the extent of certain Assembly constituencies :-

If in consequence of the addition of areas to Chandernagore for the

purpose of constituting the Chandernagore Assembly constituency, the extent of any existing Assembly constituency is altered, then-

(b) every sitting member of the Legislative Assembly of West Bengal representing the existing Assembly constituency shall be deemed to have been elected to that Assembly by that constituency as so altered.

10. Representation of Chandernagore in the Legislative Council of West Bengal :-

11. Amendment of section 9, Act 81 of 1952 :-

In section 9 of the Delimitation Commission Act, 1952, in sub-section (3), for the words "and the orders made under any of the said Acts", the words, brackets and figures "the Chandernagore (Merger) Act, 1954 and the orders made under any of the said Acts" shall be substituted.

12. Conferment of Indian citizenship on French citizens domiciled in Chandernagore :-

Subject to the provisions of Article III of the Treaty of Cession of the Territory of the Free Town of Chandernagore, all French subjects and citizens of the French Union domiciled in the said Territory on the 9th day of June, 1952, shall be deemed to have become citizens of India on that day.

13. Property and assets :-

(1) All property and assets within Chandernagore which, immediately before the appointed day, are vested in the Central Government for the purposes of the administration of Chandernagore shall, as from that day, vest in the State Government unless the purposes for which such property or assets are held immediately before that day, are Union purposes.

(2) A certificate of the Central Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property or assets are held immediately before the appointed day are Union purposes.

14. Rights, liabilities and obligations :-

(1) All rights, liabilities and obligations of the Central Government arising out of, or in relation to, the administration of Chandernagore shall, as from the appointed day, be rights, liabilities and obligations of the State Government unless such

rights, liabilities and obligations are relatable to Union purposes.

(2) A certificate of the Central Government signed by a Secretary to that Government shall be conclusive as to whether any rights, liabilities or obligations arising out of, or in relation to, the administration of Chandernagore are relatable to Union purposes.

15. Subordinate Courts :-

All Courts which, immediately before the appointed day, are exercising lawful power, authority and jurisdiction in Chandernagore under the superintendence and control of the High Court at Calcutta shall, until further provision is made by a competent Legislature or authority, continue to exercise their respective powers, authority and jurisdiction in Chandernagore under the superintendence and control of that High Court.

16. Existing authorities and officers to continue to Chandernagore :-

Without prejudice to the powers of the State Government to appoint from time to time, such officers as may be necessary for the administration of Chandernagore, the Administrator of Chandernagore, all Judges, Magistrates and other officers of Chandernagore who, immediately before the appointed day, are exercising lawful functions in Chandernagore or any part thereof, shall, until other provision is made by the State Government, continue to exercise in connection with the administration of Chandernagore their respective functions in the same manner and to the same extent as before the appointed day.

17. Extension of laws to Chandernagore :-

All laws which, immediately before the appointed day, extend to, or are in force in the State of West Bengal generally shall, as from that day, extend to, or, as the case may be, come into force in, Chandernagore.

18. Repeal of corresponding laws and savings :-

(3) Subject to the provisions of sub-section (2), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, form, bye-law or scheme framed, certificate, patent, permit, or licence granted or, registration effected), under such corresponding law shall be deemed to have been done or taken under the corresponding provisions of the law as extended to, or in force in, Chandernagore on and from the appointed day and shall continue

in force accordingly unless and until superseded by anything done or any action taken under such law.

19. Power to remove difficulties :-

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from any corresponding law) or in connection with the administration of Chandernagore as a part of West Bengal, the State Government may, by order in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(3) No power under sub-section (1) or sub-section (2) shall be exercised by the Central Government, or, as the case may be, the State Government after the expiry of three years from the appointed day.

(4) Any order made under sub-section (1) or sub-section (2) may be made so as to be retrospective to any date not earlier than the appointed day.