

N° 4811.

FRANCE ET INDE

Convention entre les Établissements français
dans l'Inde et l'Inde britannique relative à
une union douanière. Signée à Pondichéry,
le 28 janvier 1941.

*Textes officiels français et anglais communiqués par le secrétaire d'Etat aux
Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement a
eu lieu le 2 avril 1942.*

FRANCE AND INDIA

Agreement between French Establishments in
India and British India regarding a Customs
Union. Signed at Pondicherry, January
28th, 1941.

*French and English official texts communicated by His Majesty's Secretary of
State for Foreign Affairs in Great Britain. The registration took place
April 2nd, 1942.*

No. 48II. — CUSTOMS UNION AGREEMENT¹ BETWEEN FRENCH ESTABLISHMENTS IN INDIA AND BRITISH INDIA. SIGNED AT PONDICHERRY, JANUARY 28TH, 1941.

This Agreement is made between His Excellency Monsieur Louis BONVIN, Governor of the French Establishments in India, of the one part and Lieutenant Colonel Reginald SCHOMBERG, His Britannic Majesty's Consul-General in the said Establishments, acting on behalf of the Governor-General of India in Council of the other part.

PART I. — CUSTOMS DUTIES AND COGNATE MATTERS.

Article 1.

The French Establishments in India shall enter into a Customs Union with British India, that is to say, Customs duties shall be leviable on goods imported into or exported from any of the French Establishments in India otherwise than from or to British India at the rates and subject to the conditions at and subject to which Customs duties are for the time being leviable on goods imported into and exported from British India.

Explanation. For the purposes of this Agreement the expression " Customs duties " includes all duties for the time being leviable on the import or export of goods into or from British India.

Article 2.

Notwithstanding anything contained in Article 1, the following goods shall on import into any port in the French Establishments be admitted free of Customs duties, namely :

- (i) Goods for the personal use of the Governor of the French Establishments;
- (ii) Goods for the personal use of His Britannic Majesty's Consul-General in the French Establishments ;
- (iii) Wine not exceeding 1,500 litres in any one year, for use in Churches in the French Establishments.

Article 3.

All prohibitions and restrictions for the time being applicable to the import and export of goods into and from British India shall be applicable, with such modifications if any as may be necessary in the circumstances of the case, to the import and export of goods into and from the French Establishments.

Article 4.

The levy in the French Establishments of Customs duties and the enforcement therein of such prohibitions and restrictions as are referred to in Article 3 shall be regulated in all respects by the provisions of law for the time being in force in British India and all provisions of law for the time being in force in British India which are relatable whether directly or indirectly to such levy and enforcement shall have effect in the French Establishments.

¹ Came into force February 15th, 1941.

Article 5.

The law referred to in Article 4 shall be administered in the French Establishments by the competent authority specified in this behalf in the said law, and where the competent authority so specified is an Officer of Customs or other Officer he shall be appointed by the appropriate British Indian authority in accordance with the said law and any offence which under the said law is triable by a Court of law (as also any offence of whatever nature committed by such Officer in his capacity as such) shall be triable only by a British Indian Court or by a Court established by the Governor-General in Council.

Article 6.

The proceeds of the Customs duties leviable under Article I shall be credited to British Indian revenues.

Article 7.

No duties shall be levied on goods moving between British India and the French Establishments whether by land, sea or air :

Provided as follows :

(1) Nothing herein shall preclude the levy of Customs duties on goods moving between British India and the French Establishments in the circumstances in which such duties would be leviable if such goods were moving between Customs ports in British India.

(2) A duty may be imposed on the import from a French Establishment into a British Indian Province (including a Chief Commissioner's Province) or *vice versa* of goods in respect of which a Provincial duty of excise or a duty of excise which in British India would be classified as Provincial is for the time being leviable in such Province or in the French Establishment as the case may be :

Provided that the rate of duty imposed on such import shall not exceed the rate of the excise duty for the time being leviable in the British Indian Province or the French Establishment as the case may be.

(3) If in any calendar year the quantity of cotton cloth or cotton yarn (including cloth and yarn made of cotton mixed with any other material) manufactured in mills situated in the French Establishments and imported into British India exceeds in the case of cloth 6,600,000 lbs. and in the case of yarn 4,400,000 lbs., duties of Customs may be levied on such excess at rates not exceeding the rates for the time being levied at the ports of British India on similar goods imported from a foreign port.

(4) Goods imported into the French Establishments prior to the coming into force of this Agreement shall, on entry into British India, be liable to duty according to the British Indian tariff.

(5) Nothing in this Agreement shall preclude the Governor-General in Council from maintaining on the frontiers of British India and the French Establishments a Customs organisation for such purposes consistent with this Agreement as may appear to him to be necessary.

PART II. — LIGHT DUES.

Article 8.

Light dues shall be leviable in respect of every ship arriving at and departing from any port in the French Establishments at the rates and subject to the conditions at and subject to which such dues are for the time being leviable in respect of ships arriving at and departing from any port in British India and the provisions of Articles 4, 5 and 6 shall apply *mutatis mutandis* in respect of the levy of such light dues and of all matters cognate thereto.

PART III. — EXCISES ON GOODS SUBJECT IN BRITISH INDIA TO A CENTRAL EXCISE.

Article 9.

The Governor of the French Establishments (hereinafter referred to as the Governor) undertakes to prohibit the manufacture or production in the French Establishments, save in such factories or places as may be licensed by him in this behalf, of goods which from time to time are subject in British India to a central excise duty and to communicate forthwith to the Government of India or an appropriate officer of the Government of India the grant by him of any such licence.

Article 10.

On goods manufactured or produced in a factory or place so licensed duties of excise shall be leviable at the rate and subject to the conditions at and subject to which they are for the time being leviable on the like goods manufactured or produced in British India.

Article 11.

The provisions of Articles 4, 5 and 6 shall apply *mutatis mutandis* in respect of the levy of such excise duties and of all matters cognate thereto.

PART IV. — CESSION OF JURISDICTION AND PROVISION OF ACCOMMODATION.

Article 12.

The Governor hereby cedes to His Majesty the King, Emperor of India, such jurisdiction in respect of Customs duties, light dues, duties of excise and matters cognate thereto as is necessary for giving effect to the provisions of Parts I, II and III, and undertakes on demand to cause the officials of the French Establishments to serve any process and to effect any arrest or recovery issued or ordered by a British Indian Officer in the exercise of the jurisdiction hereby ceded.

Article 13.

The Governor undertakes to provide at the expense of the Government of India and on such terms as may be agreed such suitable Customs Houses, offices, buildings (whether for official or residential purposes) and places as may be required for the use of the officers and staff of the Government of India in carrying out the purposes of this Agreement. He further undertakes to ensure that the officers and staff of the Government of India shall have access to and control over docks, wharves, warehouses, aerodromes, factories and other places to the same extent and in the like manner as is customary in British India.

PART V. — GOODS SUBJECT IN BRITISH INDIA TO PROVINCIAL EXCISE DUTIES.

Article 14.

The Governor undertakes to subject alcoholic liquors for human consumption and any other goods which in a British Indian Province (including a Chief Commissioner's Province) contiguous to a French Establishment are from time to time liable to a provincial excise to the same legal requirements as near as may be in French India as are applicable to the like goods in the British Indian Province ; that is to say, the like rates of duty shall be levied and the like control exercised over production, distribution, transit and sale ; and no such goods shall be exported to any Province

of British India in which a provincial excise on the like goods is in force save on the authority of an import permit granted by such Province.

Article 15.

Nothing in Article 14 shall be deemed to require the adoption within the French Establishments of any provisions of law in any British Indian Province for the purpose of restricting or prohibiting consumption.

PART VI. — ARMS AND AMMUNITION.

Article 16.

The Governor undertakes to prohibit the manufacture in the French Establishments of arms ammunition, explosive materials and warlike stores and to subject the import into and traffic within the French Establishments of such goods to laws and regulations corresponding as near as may be with those for the time being in force in British India.

PART VII. — OBJECTIONABLE LITERATURE.

Article 17.

The Governor undertakes to prohibit the production, printing, publication, possession and sale within the French Establishments of books, pictures and literature (including manuscript) the importation of which into British India is for the time being prohibited or of which the production, printing, publication, possession or sale in British India would be contrary to the law for the time being in force.

PART VIII. — PORT DUES, PORT HEALTH AND PORT POLICE.

Article 18.

The Governor undertakes that at every port within the French Establishments port charges will be leviable of an amount not less than the charges for the time being in force in British Indian ports of the same category.

Article 19.

The Governor undertakes to enforce at ports and Customs aerodromes in the French Establishments regulations and charges in relation to health corresponding as near as may be with those for the time being in force in British India.

Article 20.

The Governor undertakes to continue the administration of the policing of ports in the French Establishments and to control the same through a 'Capitaine de port'.

PART IX. — PAYMENT TO THE FRENCH ESTABLISHMENTS IN INDIA.

Article 21.

The Governor-General in Council undertakes to pay to the Governor for so long as this Agreement remains in operation Rupees six lakhs and twenty thousand in British Indian currency on the 1st day of April in each year :

Provided that the payment to be made on the 1st day of April, 1941, shall be a smaller sum rearing to Rupees six lakhs and twenty thousand the same proportion which the period from the 5th day of February, 1941, to the 31st day of March, 1941, bears to a complete calendar year.

PART X. — PREVIOUS AGREEMENTS AND COMMENCEMENT.

Article 22.

The Agreement done at Pondicherry on the 1st day of May, 1936¹, relating to the "paquet clos" or letter packets of a dutiable nature in transit within Indian limits, being no longer necessary, shall on the coming into force of this Agreement cease to have effect. But nothing in this Agreement shall affect any other Convention or Agreement regulating the relations between British India and the French Establishments.

Article 23.

This Agreement shall come into operation on the 15th day of February, 1941, and may be terminated on the 31st day of March in the year 1942 or on the same date in any subsequent year on the giving of notice by either party to the other party not later than the 31st day of March in the year preceding the year in which the Agreement is to be terminated.

Article 24.

In case of dispute on the interpretation of this Convention, the English and French texts shall enjoy the same validity.

Done in quadruple in French and in English at Pondicherry, on the 28th January, 1941.

(Signed) Louis BONVIN,
28.1.41.

Governor of the French Establishments in India

(Signed) Reginald SCHOMBERG,
28.1.41.

H. B. M.'s Consul-General.
(Seal)

¹ Vol. CLXXVIII, page 57, of this Series.