

Chandernagore (Merger) Act, 1954

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Act 36 of 1954

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1477.

Object 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 Chandernagore was signed at Paris between the President of India and the French Republic. On 9th June 1952 Chandernagore was transferred de jure to the Government of India.² On 27th October 1949, in a Press Note about the future cnu, 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. Amamath 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 Chandernagore 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 - Gazette of India, Extra. 15-9-1954 Pt. II - Section 2, page 585.[29th September, 1954]An Act to provide for the merger of Chandernagore into the State of West Bengal and for matters connected therewith.BE it enacted by Parliament in the Fifth year of the Republic of India

as follows:-

1. Short title and Commencement.-

(1) This Act may be called the Chandernagore (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 (XLIII of 1950); (c) "Chandernagore" 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 instruments 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" means 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 sub-divisions, Chandernagore shall form part of the district of Hooghly in the state of West Bengal and the state government shall be 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, 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.-

(1)Until otherwise provided by law, as from the appointed day -(a)Chandernagore shall be included in, and become part of, the Hooghly Parliamentary constituency formed by the Delimitation of Parliamentary and Assembly Constituencies (West Bengal) Order, 1951 and that order shall have effect subject to the following modifications, namely:-In Table A-(i)for the entry in column 2 relating to Serampore constituency, the following entry shall be substituted, namely:-"Bhadreswar, Singur, Serampore, Uttarpara, Chanditala and Jangipara police stations of Hooghly District and Domjur and Bally police stations of Howrah District,"(ii)for the entry in column 2 relating to Hooghly constituency, the following entry shall be substituted, namely:-Pandu, Dhaniakhali, Chinsura (excluding Ward No.1 of Bansbaria Municipality), Polba, Haripal, Tarakeswar, Arambagh, Khanakul and Pursura police stations of Hooghly District and Chandernagore,";(b)the sitting member of the House of the People representing the Hooghly Parliamentary constituency shall be deemed to have been elected by that constituency as modified by this Act.(2)As soon as may be after the appointed day, the electoral roll of the Hooghly parliamentary constituency shall be prepared in accordance with the provisions of the Representation of the People Act, 1950 (XLIII of 1950), and the rules made thereunder and the roll so prepared shall come into force immediately upon its final publication.

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;(b)the President shall, as soon as may be after the appointed day and after consulting the election Commission, amend by order the delimitation of Parliamentary and Assembly Constituencies (West Bengal) Order, 1951 so as to include therein the Chandernagore assembly constituency and the particulars relating thereto as required by section 9 of the Representation of the people Act, 1950 (XLIII of 1950);(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 (XLIII of 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, (XLIII of 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 purpose 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, (XLIII of 1951), and the rules and orders made there under shall apply, as far as may be, in relation to such election.

9. Consequence 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-(a)the electoral roll of the existing Assembly constituency as so altered shall, until it is prepared afresh in accordance with the provisions of the Representation of the People Act, 1950 (XLIII of 1950), and the rules made thereunder, be deemed to consist of so much of the electoral roll as relates to the areas comprised within that constituency as so altered;(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.-

(1)Until otherwise provided by law as from the pointed day-(a)Chandernagore shall be included, in and become part of, the following Council constituencies formed by the delimitation of Council Constituencies (West Bengal) Order, 1951, namely:-(i)The West Bengal South (Graduates) constituency;(ii)the Burdwan Division (Teachers) constituency;(iii)the Hooghly-Howrah (Local Authorities) Constituency;(b)any reference in the said order to west Bengal, Burdwan Division or Hooghly District shall be construed as including therein Chandernagore;(c)every sitting member of the west Bengal South (Graduates constituency, the Burdwan division (Teachers) constituency or the Hooghly-Howrah (Local Authorities) constituency, the extent of which is by virtue of the provisions of clause (a) altered, shall be deemed to have been elected to the said council by that constituency as so altered.(2)As soon as may be after the appointed day the electoral rolls of the West Bengal South (Graduates) constituency, the Burdwan Division (Teachers) constituency and the Hooghly-Howrah (Local Authorities) constituency shall be prepared in accordance with the provisions of the Representation of the people Act, 1950 (XLIII of 1950) and the rules made there under and the rolls so prepared shall come into the force immediately upon their final publication.

11. Amendment of section 9, Act LXXXI of 1952.-

In sector 9 of the Delimitation Commission Act, 1952, in sub-section (3), for the words "and the orders made under any of the said Act" 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 powers, 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 in 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.-

(1) Any law in force in Chandernagore immediately before the appointed day (hereafter in this act referred to as the "corresponding law") which corresponds to any law referred to in section 17, whether such corresponding law is in force in Chandernagore by virtue of the Chandernagore (Application of Laws) Order, 1950 or by virtue of the any notification issued under the Chandernagore (Administration) Regulation, 1952 (Reg.I of 1952) or otherwise, shall, as from that day, stand repealed in Chandernagore. (2) The repeal by sub-section (1) of any corresponding law shall not affect-(a) the previous operation of any such law; or (b) any right, privilege, obligation, or liability acquired accrued or incurred under any such law; or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law; or (d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed as if this act had not been passed. (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, by law or scheme framed, certificate, patent, permit, or licence granted, or registration effect), under such corresponding law shall be deemed to have been done or taken under the corresponding provision of the law as extended to or inverse, 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.-

(1) If any difficulty arises in relation to the transition from any corresponding law to any law which by virtue of section 17 shall, as from the appointed day, extend to or come into force in, Chandernagore, the Central Government may by order in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty. (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.