

CHAPTER 15

Foreign Jurisdiction

I. Origin of foreign jurisdiction—The Central Government has and may hereafter acquire jurisdiction in and in relation to areas outside India by treaty, agreement, grant, usage, sufferance and other lawful means. Vide, preamble and Section 2(a) of the Foreign Jurisdiction Act, 1947. (XL VII of 1947).

II. Manner of its exercise—It shall be lawful for the Central Government to exercise foreign jurisdiction in such manner as it thinks fit [Section 3(i), *ibid*].

III. Notifications and orders by Central Government—The Central Government may, by notification in the official Gazette, make such orders as may seem to it expedient for the effective exercise of any foreign jurisdiction of the Central Government [Section 4(1), *ibid*].

IV. French Establishments (Administration) Order, 1954—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 Establishment;

Now, therefore, in exercise of the powers conferred by Section 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 Order, namely:

1. (1) This order may be called the French Establishment (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.

(Government of India, Ministry of External Affairs, Notification No. S.R.O. 3314, dated the 30th October, 1954).

V. Notification under Section 79 of the Indian Evidence Act—The following persons in Jammu and Kashmir State are authorised to certify documents for the purposes of Section 79 of the Indian Evidence Act:

1. Registrar, High Court, Jammu and Kashmir,
2. District and Sessions Judge, Srinagar.
3. District and Sessions Judge, Jammu.
4. Wazir Wazarat, Gilgit.
5. Wazir Wazarat, Ladakh.

(Government of India, Notification No. 417-1, dated the 6th August, 1932).