

LOK SABHA

THE DIPLOMATIC RELATIONS (VIENNA
CONVENTION) BILL, 1971

(Report of the Select Committee)

(Presented on the ²⁴~~12~~th May, 1972)



LOK SABHA SECRETARIAT
NEW DELHI

May, 1972/Vaisakha, 1894 (Saka)

Price : 60 Paise

LOK SABHA SECRETARIAT

CORRIGENDA

to

The Report of the Select Committee on the
Diplomatic Relations (Vienna Convention)
Bill, 1971

1. Page (iii), line 2, for "1871" read "1971".
 2. Page (vi), line 1, for "noted" read "note".
 3. Page 2, clause 6, marginal heading, for "fromm"
read "from".
 4. Page 13, line 18, for "Shri S.M. Singh"
read "Shri S.N. Singh"
 5. Page 17,
 (i) line 8, for "rfor" read "from".
 (ii) line 9, for "16.51 hours" read "1615 hours".
 6. Page 19, line 15, for "Owcer" read "Officer".
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**SELECT COMMITTEE ON THE DIPLOMATIC RELATIONS
(VIENNA CONVENTION) BILL, 1971**

COMPOSITION OF THE COMMITTEE

Shri B. R. Bhagat—Chairman

MEMBERS

2. Dr. Henry Austin
3. Shri R. D. Bhandare
4. Shri Tridib Chaudhuri
5. Shri Madhu Dandavate
6. Shri Murasoli Maran
7. Shri Nathuram Mirdha
8. Shri Samar Mukherjee
9. Shri B. S. Murthy
10. Shri H. N. Mukerjee
11. Shri H. M. Patel
12. Shri N. K. P. Salve
13. Shri S. A. Shamim
14. Shri Sant Bux Singh
15. Shri S. N. Singh
16. Shri Surendra Pal Singh
17. Sardar Swaran Singh
18. Shri Atal Bihari Vajpayee
19. Shri P. Venkatasubbaiah

LEGISLATIVE COUNSEL

**Shri P. L. Gupta, Additional Legislative Counsel, Ministry of Law
and Justice.**

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri S. K. Banerjee, *Secretary (East).*
2. Shri Mahboob Ahmad, *Joint Secretary (Protocol).*
3. Shri Upendra Lal, *Deputy Chief of Protocol.*
4. Dr. S. P. Jagota, *Director (L & T).*
5. Shri D. A. Kamat, *Deputy Director.*
6. Shri K. K. Chopra, *Law Officer.*
7. Dr. (Mrs.) K. Thakore, *Assistant Legal Adviser.*

SECRETARIAT

Shri P. K. Patnaik—Joint Secretary.

Shri H. G. Paranjpe—Deputy Secretary.

REPORT OF THE SELECT COMMITTEE

1. The Chairman of the Select Committee to which the Bill* to give effect to the Vienna Convention on Diplomatic Relations (1961) and to provide for matters connected therewith was referred, having been authorised to submit the Report on their behalf, present their Report with the Bill, as amended by the Committee, annexed thereto.

2. The Bill was introduced in Lok Sabha on the 25th November, 1971. The motion for reference of the Bill to a Select Committee was moved by Shri H. N. Mukerjee on the 20th December, 1971 and was discussed and adopted on the same day (Appendix I). Subsequently, a motion for raising the membership of the Select Committee from 15 to 19 was moved in Lok Sabha by Shri Surendra Pal Singh, Deputy Minister in the Ministry of External Affairs on the 22nd December, 1971 which was adopted on the same day (Appendix II).

3. The Committee held ten sittings in all.

4. The first sitting of the Committee was held on the 24th December, 1971. The Committee at this sitting decided to take up clause-by-clause consideration of the Bill from the next round of sittings.

5. The Committee considered the Bill clause-by-clause at their second, third, sixth and seventh sittings held on the 28th and 29th January and 13th and 28th April, 1972.

6. The Report of the Committee was to be presented by the "last day of the first week of the next session" i.e. by the 18th March, 1972. The Committee were granted extension of time on the 18th March, 1972 upto the "last day of the current session" i.e. the Budget Session, 1972.

7. The Committee considered and adopted the Report on the 18th May, 1972.

8. The observations of the Committee with regard to the principal changes made in the Bill are detailed in the succeeding paragraphs.

9. *Clause 4.*—This clause seeks to enable the Government of India to withdraw any privileges and immunities conferred on the diplomatic mission of a foreign State or members thereof whenever it appears to the Government of India that the privileges and immunities accorded to the Indian Mission or members thereof in the territory of that State, being a party to the Vienna Convention, are less than those conferred by this Bill. This clause does not specifically cover case of a breach of the Vienna Convention on the part of such foreign State. In order to enable the Government of India to take retaliatory measures, whenever that country commits any breach of the Vienna Convention with regard to an Indian Mission or its members, the Committee feel that the Government should be vested with necessary powers to that effect. Clause 4 has been amended accordingly.

*Published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 25th November, 1971.

The Committee noted that with regard to countries which are not parties to the Vienna Convention on Diplomatic Relations, 1961, but to which this Bill will apply by virtue of clause 3, similar reciprocal or retaliatory action could be taken by the Central Government by issuing an appropriate notification in the Official Gazette under that clause.

10. *Clause 8.*—The amendment made in this clause is of a drafting nature.

11. *Clause 11.*—The Committees on Subordinate Legislation of both Houses of Parliament have approved a revised model clause for the laying, before Parliament, of rules, etc. made by the Central Government under Central Acts. The amendments made in this clause are with a view to bringing this clause in conformity with the revised model clause approved by the above-mentioned Committees.

12. *Clause 1 and Enacting Formula.*—The amendments made therein are of a consequential nature.

13. The Committee recommend that the Bill, as amended, be passed.

B. R. BHAGAT,
Chairman,
Select Committee.

NEW DELHI;
May 18, 1972
Vaisakha 28, 1894 (Saka).

Bill No. 134-A of 1971.

THE DIPLOMATIC RELATIONS (VIENNA CONVENTION)
BILL, 1971

[AS REPORTED BY THE SELECT COMMITTEE]

[Words underlined or side-lined indicate the amendments suggested by
the Committee; asterisks indicate omissions.]

A

BILL

to give effect to the Vienna Convention on Diplomatic Relations, 1961
and to provide for matters connected therewith.

BE it enacted by Parliament in the Twenty-third Year of the Republic
of India as follows:—

1. (1) This Act may be called the Diplomatic Relations (Vienna
Convention) Act, 1972.

Short
title
and
extent.

5 (2) It extends to the whole of India.

2. (1) Notwithstanding anything to the contrary contained in any
other law, the provisions set out in the Schedule to this Act of the
Vienna Convention on Diplomatic Relations, adopted by the United
Nations Conference on Diplomatic Intercourse and Immunities on the
10 14th day of April, 1961, shall have the force of law in India.

Applica-
tion of
Vienna
Con-
vention
on Diplo-
matic Re-
lations.

(2) The Central Government may, from time to time, by notification
in the Official Gazette, amend the Schedule in conformity with any
amendments, duly made and adopted, of the provisions of the said Con-
vention set out therein.

Applica-
tion of
certain
privileges
and im-
munities
to diplo-
matic
missions
and
their
members
pursuant
to inter-
national
agree-
ment.

3. Where in pursuance of any agreement, convention or other instruc-
ment it is necessary to accord to any diplomatic mission and its mem-
bers, the sending State of which is not a party to the Vienna Conven-
tion on Diplomatic Relations, 1961, or to any other special mission and
its members, privileges and immunities in India similar to those con- 5
tained in the provisions set out in the Schedule, the Central Government
may, by notification in the Official Gazette, declare that the provisions
set out in the Schedule shall, subject to such modifications, if any, as it
may consider necessary or expedient for giving effect to the said agree-
ment, convention or other instrument, apply *mutatis mutandis* to the 10
diplomatic mission and its members, or to the other special mission and
its members, as the case may be, and thereupon the said provisions shall
apply accordingly, and notwithstanding anything to the contrary con-
tained in any other law, shall in such application have the force of law
in India. 15

Restric-
tions on
privileges
and im-
munities.

4. If it appears to the Central Government that a State which is a
party to the Vienna Convention on Diplomatic Relations, 1961 is in
breach of its obligations arising thereunder or, that the privileges and
immunities accorded to an Indian Mission or members thereof in the
territory of any State which is a party to the Vienna Convention on 20
Diplomatic Relations, 1961, are less than those conferred by this Act on
the diplomatic mission of that State or members thereof, the Central
Government may, notwithstanding anything contained in this Act, by
notification in the Official Gazette, withdraw such of the privileges and
immunities so conferred from the diplomatic mission of that State or 25
from members thereof as may appear to the Central Government to be
proper.

Waiver.

5. For the purpose of article 32 of the Convention set out in the
Schedule, a waiver by the head of the mission of any State or any person
for the time being performing his functions shall be deemed to be a 30
waiver by that State.

Restric-
tions on
certain
exemp-
tions
from
customs
duty, etc.

6. Nothing contained in article 36 of the Convention set out in the
Schedule shall be construed to entitle a diplomatic mission or member
thereof to import into India goods free of any duty of customs without
any restrictions on their subsequent sale therein. 35

Privileges
and im-
munities
of citizens
of India.

7. For the purpose of article 38 of the Convention set out in the
Schedule, a citizen of India shall be entitled only to such additional pri-
vileges and immunities, other than those set out in that article, as are
granted to him by the Central Government by notification in the Official
Gazette. 40

Restric-
tions on
entry into
diplomatic
premises.

8. No public servant or agent of the Central Government, a State
Government or any public authority shall enter the premises of a diplo-
matic mission for the purpose of serving legal process, except with the
consent of the head of the mission. Such consent may be obtained
through the * * * Ministry of External Affairs of the Government of 45
India.

Evidence.

9. If in any proceedings any question arises whether or not any person
is entitled to any privilege or immunity under this Act, a certificate

issued by or under the authority of the Secretary to the Government of India in the Ministry of External Affairs stating any fact relating to that question shall be conclusive evidence of that fact.

5 10. The Central Government may make rules for carrying out the purposes of this Act. Power to make rules.

10 11. Every notification issued and every rule made under this Act shall be laid as soon as may be after it is issued or made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or, as the case may be, in the rule, or both Houses agree that the notification or rule should not be issued or made, the notification or rule shall thereafter have effect only 15 in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule. Notifications issued and rules made under this Act to be laid before Parliament.

THE SCHEDULE

(See Section 2)

PROVISIONS OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS, 1961— WHICH SHALL HAVE FORCE OF LAW

Article 1

5

For the purpose of the present Convention, the following expressions shall have the meaning hereunder assigned to them:

(a) the "head of the mission" is the person charged by the sending State with the duty of acting in that capacity;

(b) the "members of the mission" are the head of the mission and the members of the staff of the mission;

(c) the "members of the staff of the mission" are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;

(d) the "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;

(e) a "diplomatic agent" is the head of the mission or a member of the diplomatic staff of the mission;

(f) the "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;

(g) the "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;

(h) a "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;

(i) the "premises of the mission" are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purpose of the mission including the residence of the head of the mission.

30

Article 22

1. The premises of the mission shall be inviolable, the agents of the receiving State may not enter them except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as
5 represent payment for specific services rendered.

2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

10

Article 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

Article 27

1. The receiving State shall permit and protect free communication
15 on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only
20 with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

25 4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting
30 the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this article shall
35 also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be
40 provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

Article 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

Article 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Article 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of article 31, his property, shall likewise enjoy inviolability.

Article 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission; 20

(b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions. 25

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a), (b) and (c) of paragraph 1 of this article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence. 30

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State. 35

Article 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under article 37 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim. 40

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in 45

respect of the execution of the judgment, for which a separate waiver shall be necessary.

Article 33

1. Subject to the provisions of paragraph 3 of this article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall also apply to private servants who are in the sole employ of diplomatic agent, on condition:

(a) that they are not nationals of or permanently resident in the receiving State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of article 39;

(d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 23.

Article 35

5

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the mission;

(b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative.

Article 37

25

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the re-

ceiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 38

5 1. Except in so far as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

10 2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the per-
15 formance of the functions of the missions.

Article 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment
20 when his appointment is notified to the Ministry for Foreign Affairs or such other Ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable
25 period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his
30 family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his
35 family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the
40 receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

Article 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport/visa if such visa was necessary,
45 while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such

other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories. 5

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport/visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord. 10

4. The obligations of third States under paragraphs 1, 2 and 3 of this article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to *force majeure*. 15

APPENDIX I

(Vide para 2 of the Report)

Motion in Lok Sabha for reference of the Bill to Select Committee

"That the Bill to give effect to the Vienna Convention on Diplomatic Relations (1961) and to provide for matters connected therewith, be referred to a Select Committee consisting of 15 members, namely:—

1. Dr. Henry Austin
2. Shri B. R. Bhagat
3. Shri R. D. Bhandare
4. Shri Tridib Chaudhuri
5. Shri Murasoli Maran
6. Shri Nathuram Mirdha
7. Shri Samar Mukherjee
8. Shri H. M. Patel
9. Shri N. K. P. Salve
10. Shri Sant Bux Singh
11. Shri S. N. Singh
12. Shri Surendra Pal Singh
13. Sardar Swaran Singh
14. Shri Atal Bihari Vajpayee; and
15. Shri H. N. Mukerjee.

with instructions to report by the last day of the first week of the next session."

APPENDIX II

(Vide para 2 of the Report)

Motion in Lok Sabha for raising the membership of the Select Committee

"That this House do increase the number of members of the Select Committee on the Bill to give effect to the Vienna Convention on Diplomatic Relations (1961) and to provide for matters connected therewith, appointed by the House on the 20th December, 1971, from 15 to 19 and do appoint the following four members on the said Select Committee:—

1. Shri P. Venkatasubbaiah,
2. Shri B. S. Murthy,
3. Shri S. A. Shamim, and
4. Shri Madhu Dandavate."

APPENDIX III

Minutes of the Sitzings of the Select Committee on the Diplomatic Relations (Vienna Convention) Bill, 1971

I

First Sitting

The Committee sat on Friday, the 24th December, 1971 from 11.00 to 11.45 hours.

PRESENT

Shri B. R. Bhagat—*Chairman.*

MEMBERS

2. Shri R. D. Bhandare
3. Shri Tridib Chaudhuri
4. Shri Samar Mukherjee
5. Shri B. S. Murthy
6. Shri H. N. Mukerjee
7. Shri S. A. Shamim
8. Shri Sant Bux Singh
9. Shri S. M. Singh
10. Shri Surendra Pal Singh
11. Shri P. Venkatasubbaiah.

LEGISLATIVE COUNSEL

Shri P. L. Gupta, *Additional Legislative Counsel.*

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri Mahboob Ahmad, *Joint Secretary (Protocol).*
2. Shri Upendra Lal, *Deputy Chief of Protocol.*
3. Shri D. A. Kamat, *Deputy Director.*
4. Shri K. K. Chopra, *Law Officer.*

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri H. G. Paranjpe—*Deputy Secretary.*

2. The Committee had a general discussion on the provisions of the Bill.

3. During the course of their discussion, the Members desired that the Ministry of External Affairs might be requested to furnish the following material:

- (1) A brief note giving the genesis of the Vienna Convention on Diplomatic Relations, 1961 and the names of countries which have acceded thereto.

- (2) The names of countries that have given effect to the Convention in Statutes.
- (3) Relevant extracts on the subject from latest books on international treaties by renowned authors.
- (4) The names of countries that have imposed restrictions on privileges and immunities of Indian missions or members thereof and the nature of those restrictions (*vide* clause 4 of the Bill).
- (5) Any other material which the Ministry might deem fit.

4. The Chairman requested the Members to send their notices of amendments, if any, to the clauses of the Bill to the Lok Sabha Secretariat well in advance of the next sitting for being circulated to the members of the Committee.

5. The Committee decided to meet on the 28th and 29th January, 1972 at 11.00 hours to take up clause-by-clause consideration of the Bill.

6. The Committee then adjourned.

II

Second Sitting

The Committee sat on Friday, the 28th January, 1972 from 11.00 to 13.00 hours.

PRESENT

Shri B. R. Bhagat—*Chairman*.

MEMBERS

2. Dr. Henry Austin
3. Shri Tridib Chaudhuri
4. Shri Murasoli Maran
5. Shri B. S. Murthy
6. Shri H. N. Mukerjee
7. Shri H. M. Patel
8. Shri S. A. Shamim
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3. Dr. S. P. Jagota, *Director (L and T)*.

4. Shri K. K. Chopra, *Law Officer*.
5. Dr. (Mrs.) K. Thakore, *Assistant Legal Adviser*.

REPRESENTATIVE OF THE MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE & INSURANCE)

Shri K. J. Raman, *Under Secretary*.

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary*.

Shri H. G. Paranjpe—*Deputy Secretary*.

2. The Committee took up clause-by-clause consideration of the Bill.
3. *Clauses 2 to 7*.—These Clauses were adopted without any amendment.
4. The Committee then adjourned to meet again on Saturday, the 29th January, 1972 at 11.00 hours.

III

Third Sitting

The Committee sat on Saturday, the 29th January, 1972 from 11.00 to 12.45 hours.

PRESENT

Shri B. R. Bhagat—*Chairman*.

MEMBERS

2. Dr. Henry Austin
3. Shri Tridib Chaudhuri
4. Shri Samar Mukherjee
5. Shri B. S. Murthy
6. Shri H. N. Mukerjee
7. Shri H. M. Patel
8. Shri S. A. Shamim
9. Shri Sant Bux Singh
10. Shri S. N. Singh
11. Shri Surenda Pal Singh
12. Shri P. Venkatasubbaiah.

LEGISLATIVE COUNSEL

Shri P. L. Gupta, *Additional Legislative Counsel*.

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri Mahboob Ahmad, *Joint Secretary (Protocol)*.
2. Shri Upendra Lal, *Deputy Chief of Protocol*.

3. Dr. S. P. Jagota, *Director (L & T)*.
4. Shri K. K. Chopra, *Law Officer*.
5. Dr. (Mrs.) K. Thakore, *Assistant Legal Adviser*.

REPRESENTATIVES OF THE MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE & INSURANCE)

1. Shri K. J. Raman, *Under Secretary*.
2. Shri S. P. Chaudhury, *Under Secretary*.

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary*.

Shri H. G. Paranjpe—*Deputy Secretary*.

2. The Committee resumed clause-by-clause consideration of the Bill.
3. *Clause 8*.—The Committee did not accept the amendment of Shri N. K. P. Salve, referred to the Committee under Rule 301.

The following amendment was accepted:

Page 2, lines 34 and 35,—

for "the Secretary to the Government of India in the Ministry of External Affairs."

Substitute "the Ministry of External Affairs of the Government of India."

The clause, as amended, was adopted.

4. *Clauses 9, 10 and 11*.—These clauses were adopted without any amendment.

5. *Clause 1*.—The following amendment was accepted:—

Page 1, line 4,—

for "1971" *substitute* "1972".

The clause, as amended, was adopted.

6. *Enacting Formula*.—The following amendment was accepted:—

Page 1, line 1,—

for "Twenty-second" *substitute* "Twenty-third".

The Enacting Formula, as amended, was adopted.

7. The Committee felt that some provision should be made in the Bill that whenever there is any breach of the Vienna Convention by any country in regard to India, the Government of India should have powers to take appropriate retaliatory measures in regard to that country, if the Government so deem fit. To that extent the relevant provisions of the Vienna Convention should not have the force of law in India.

The Committee desired that the Ministry of External Affairs might examine whether such a provision could be made under clause 2 or 4 or under a new clause in the Bill.

8. *The Schedule*.—The Committee then took up the Schedule for consideration. The Committee desired that the Ministry of External Affairs might furnish a note indicating the reasons for inclusion in, and exclusion

from, the Schedule several articles of the Vienna Convention on Diplomatic Relations, 1961. There was a suggestion as to why not the entire Schedule be incorporated in the Bill.

9. The Committee then adjourned to meet again on Monday, the 13th March, 1972 at 16.00 hours.

IV

Fourth Sitting

The Committee sat on Monday, the 13th March, 1972 from 16.00 to 16.51 hours.

PRESENT

Shri B. R. Bhagat—*Chairman*.

MEMBERS

2. Shri Madhu Dandavate
3. Shri B. S. Murthy
4. Shri H. N. Mukerjee
5. Shri H. M. Patel
6. Shri Surendra Pal Singh

LEGISLATIVE COUNSEL

Shri P. L. Gupta, *Additional Legislative Counsel*.

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri D. A. Kamat, *Deputy Director*.
2. Dr. (Mrs.) K. Thakore, *Assistant Legal Adviser*.

REPRESENTATIVE OF THE MINISTRY OF FINANCE

(DEPARTMENT OF REVENUE & INSURANCE)

Shri S. P. Chaudhury, *Under Secretary*.

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary*.

Shri H. G. Paranjpe—*Deputy Secretary*.

2. The Committee adjourned for want of quorum.
3. The Chairman announced that the next sitting of the Committee might be held on Friday, the 17th March, 1972 at 15.00 hours.

V

Fifth Sitting

The Committee sat on Friday, the 17th March, 1972 from 15.00 to 15.45 hours.

PRESENT

Shri B. R. Bhagat—*Chairman*.

MEMBERS

2. Shri Madhu Dandavate
3. Shri B. S. Murthy
4. Shri H. N. Mukerjee
5. Shri H. M. Patel
6. Shri S. A. Shamim
7. Shri S. N. Singh
8. Shri Surendra Pal Singh.

LEGISLATIVE COUNSEL

Shri P. L. Gupta, *Additional Legislative Counsel.*

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri Mahboob Ahmad, *Joint Secretary (Protocol)*.
2. Shri Upendra Lal, *Deputy Chief of Protocol.*
3. Shri D. A. Kamat, *Deputy Director.*
4. Dr. (Mrs.) K. Thakore, *Assistant Legal Adviser.*

REPRESENTATIVE OF THE MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE & INSURANCE)

Shri S. P. Chaudhury, *Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. The Committee decided to seek extension of time for presentation of their report upto the last day of the current session as it was not possible for the Committee to conclude their deliberations and finalise their report by the appointed day *viz.*, the 18th March, 1972. The Committee authorised the Chairman and, in his absence, Shri H. N. Mukerjee, to move a motion to that effect in the House on the 18th March, 1972.

3. The Committee desired the Ministry of External Affairs to furnish to the Committee relevant debates in the British Parliament on the Diplomatic Privileges Bill for the use of members of the Committee.

4. The Committee then adjourned to meet on Thursday, the 13th April, 1972 at 15.00 hours to take up further clause-by-clause consideration of the Bill.

VI

Sixth Sitting

The Committee sat on Thursday, the 13th April, 1972 from 15.00 to 16.30 hours.

PRESENT

Shri B. R. Bhagat—*Chairman*

MEMBERS

2. Shri R. D. Bhandare
3. Shri Tridib Chaudhuri
4. Shri Madhu Dandavate
5. Shri Samar Mukherjee
6. Shri B. S. Murthy
7. Shri H. N. Mukerjee
8. Shri Surendra Pal Singh

LEGISLATIVE COUNSEL

Shri P. L. Gupta, *Additional Legislative Counsel*.

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri Mahboob Ahmad, *Joint Secretary (Protocol)*.
2. Shri Upendra Lal, *Deputy Chief of Protocol*.
3. Dr. S. P. Jagota, *Director (L. & T.)*.
4. Shri K. K. Chopra, *Law Officer*.
5. Dr. (Mrs.) K. Thakore, *Assistant Legal Adviser*.

REPRESENTATIVE OF THE MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE & INSURANCE)

Shri S. K. Kohli, *Under Secretary*.

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*.

2. The Committee took up further clause-by-clause consideration of the Bill and considered the notes submitted by the Ministry of External Affairs (i) clarifying the position relating to retaliatory measures in regard to a country committing a breach of the Vienna Convention on Diplomatic Relations, 1961; and (ii) indicating the reasons for inclusion in and exclusion from the Schedule of different Articles of the Vienna Convention on Diplomatic Relations, 1961.

After some discussion, the Committee decided to hear the Minister of External Affairs on the subject at their next sitting.

3. The Committee then adjourned to meet again on Friday, the 28th April, 1972 at 09.30 hours.

VII

Seventh Sitting

The Committee sat on Friday, the 28th April, 1972 from 09.30 to 10.30 hours.

PRESENT

Shri B. R. Bhagat—*Chairman*

MEMBERS

2. Shri R. D. Bhandare
3. Shri Samar Mukherjee
4. Shri H. M. Patel
5. Shri N. K. P. Salve
6. Shri S. N. Singh
7. Shri Surendra Pal Singh
8. Sardar Swaran Singh

LEGISLATIVE COUNSEL

Shri P. L. Gupta, *Additional Legislative Counsel.*

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri S. K. Banerjee, *Secretary (East).*
2. Dr. Nagendra Singh, *Secretary to the President of India.*
3. Shri Mahboob Ahmad, *Joint Secretary (Protocol).*
4. Shri Upendra Lal, *Deputy Chief of Protocol.*
5. Shri K. K. Chopra, *Law Officer.*
6. Dr. (Mrs.) K. Thakore, *Assistant Legal Adviser.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. At the outset, the Minister of External Affairs clarified the position relating to retaliatory measures in regard to a country committing a breach of the Vienna Convention on Diplomatic Relations, 1961 and also gave the reasons for inclusion in and exclusion from the Schedule of different Articles of that Convention.

3. The Committee then resumed clause-by-clause consideration of the Bill.

4. *Clause 4.*—[*vide* para 3 of Minutes dated the 28th January, 1972 and para 7 of Minutes dated the 29th January, 1972].—Discussion on this clause was reopened. The following amendment was accepted:

Page 2, for line 8, *substitute—*

“4. If it appears to the Central Government that a State which is a party to the Vienna Convention on Diplomatic Relations, 1961 is in breach of its obligations arising thereunder or, that the privileges and”

The clause, as amended, was adopted.

5. *Clause 11.*—[*vide* para 4 of Minutes dated the 29th January, 1972].—Discussion on this clause was reopened. The following amendment was accepted:

Pages 2 and 3, for lines 43 to 47 and 1 to 7 respectively *substitute—*

“11. Every notification issued and every rule made under this Act shall be laid as soon as may be after it is issued or made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or, as the case may be, in the rule, or both Houses agree that the notification or rule should not be issued or made, the notification or rule

Notifica-
cations
issued
and rules
made
under
this Act
to be
laid
before
Parlia-
ment.

shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule."

The clause, as amended, was adopted.

6. *The Schedule*.—The Schedule was adopted without any amendment.

7. The Committee then adjourned to meet again on Thursday, the 11th May, 1972 at 10.00 hours for consideration and adoption of their draft report.

VIII

Eighth Sitting

The Committee sat on Thursday, the 11th May, 1972 from 10.00 to 10.30 hours.

PRESENT

Shri B. R. Bhagat—*Chairman*

MEMBERS

2. Dr. Henry Austin
3. Shri R. D. Bhandare
4. Shri Tridib Chaudhuri
5. Shri Samar Mukherjee
6. Shri B. S. Murthy
7. Shri H. M. Patel
8. Shri N. K. P. Salve
9. Shri Surendra Pal Singh
10. Sardar Swaran Singh
11. Shri Atal Bihari Vajpayee

LEGISLATIVE COUNSEL

Shri P. L. Gupta, *Additional Legislative Counsel*.

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri S. K. Banerjee, *Secretary (East)*.
2. Shri Mahboob Ahmad, *Joint Secretary (Protocol)*.
3. Shri Upendra Lal, *Deputy Chief of Protocol*.
4. Dr. S. P. Jagota, *Director (L. & T.)*.
5. Dr. (Mrs.) K. Thakore, *Assistant Legal Adviser*.

REPRESENTATIVES OF THE MINISTRY OF FINANCE

(DEPARTMENT OF REVENUE & INSURANCE)

1. Shri S. P. Chaudhury, *Under Secretary*.
2. Shri S. K. Kohli, *Under Secretary*.

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*.

2. After some discussion, the Committee decided to postpone consideration of the Draft Report to the 17th May, 1972.
3. The Committee then adjourned.

IX

Ninth Sitting

The Committee sat on Wednesday, the 17th May, 1972 from 10.00 to 11.00 hours.

PRESENT

Shri B. R. Bhagat—*Chairman*

MEMBERS

2. Dr. Henry Austin
3. Shri R. D. Bhandare
4. Shri Tridib Chaudhuri
5. Shri Madhu Dandavate
6. Shri Samar Mukherjee
7. Shri H. N. Mukerjee
8. Shri Surendra Pal Singh
9. Sardar Swaran Singh

LEGISLATIVE COUNSEL

Shri P. L. Gupta, *Additional Legislative Counsel*.

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri S. K. Banerjee—*Secretary (East)*.
2. Shri Mahboob Ahmad—*Joint Secretary (Protocol)*.
3. Shri Upendra Lal—*Deputy Chief of Protocol*.
4. Dr. S. P. Jagota—*Director (L. & T.)*.
5. Dr. (Mrs.) K. Thakore—*Assistant Legal Adviser*.

REPRESENTATIVE OF THE MINISTRY OF FINANCE

(DEPARTMENT OF REVENUE & INSURANCE)

Shri S. K. Kohli—*Under Secretary*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*.

2. After some discussion, the Committee deferred further consideration of the draft Report to the 18th May, 1972.
3. The Committee then adjourned.

X

Tenth Sitting

The Committee sat on Thursday, the 18th May, 1972 from 15.30 to 16.15 hours.

PRESENT

Shri B. R. Bhagat—*Chairman*

MEMBERS

2. Shri R. D. Bhandare
3. Shri Madhu Dandavate
4. Shri B. S. Murthy
5. Shri H. N. Mukerjee
6. Shri S. N. Singh
7. Shri Surendra Pal Singh
8. Sardar Swaran Singh
9. Shri Atal Bihari Vajpayee

LEGISLATIVE COUNSEL

Shri P. L. Gupta, *Additional Legislative Counsel*.

REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS

1. Shri S. K. Banerjee, *Secretary (East)*.
2. Shri Mahboob Ahmad, *Joint Secretary (Protocol)*.
3. Shri Upendra Lal, *Deputy Chief of Protocol*.
4. Dr. S. P. Jagota, *Director (L. & T.)*.
5. Shri K. K. Chopra, *Law Officer*.
6. Dr. (Mrs.) K. Thakore, *Assistant Legal Adviser*.

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*.

2. The Committee considered and adopted the Bill, as amended.
3. The Committee then considered and adopted the draft Report.
4. The Chairman announced that the minutes of dissent, if any, might be sent to the Lok Sabha Secretariat so as to reach them by 17.00 hours on Monday, the 22nd May, 1972.
5. The Chairman then drew the attention of the Members of the Committee to the provisions of Direction 87 of the Directions by the Speaker relating to minutes of dissent.
6. The Committee authorised the Chairman and, in his absence, Shri R. D. Bhandare to present the Report to the House on Wednesday, the 24th May, 1972.
7. The Committee placed on record their appreciation for the assistance rendered by the Minister of External Affairs and the Deputy Minister in the Ministry of External Affairs during the course of their deliberations.

8. The Committee also placed on record their appreciation for the co-operation and assistance rendered by the officers of the Ministry of External Affairs, Legislative Counsel, and officers and staff of the Lok Sabha Secretariat.

9. The Committee also placed on record their thanks to the Chairman (Shri B. R. Bhagat) for very ably conducting the proceedings of the Committee and guiding their deliberations at various stages of the Bill.

10. The Committee then adjourned.
