

DIPLOMATIC AND CONSULAR RELATIONS

Privileges and Immunities

**Agreement Between the
UNITED STATES OF AMERICA
and INDIA**

Signed at New Delhi January 19, 2017



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

INDIA

**Diplomatic and Consular Relations:
Privileges and Immunities**

*Agreement signed at New Delhi
January 19, 2017;
Entered into force January 19, 2017.*

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE
GOVERNMENT OF THE REPUBLIC OF INDIA
REGARDING
CONSULAR PRIVILEGES AND IMMUNITIES**

The Government of the United States of America and the Government of the Republic of India (the "Parties");

Recognizing the important work performed by consular officers and consular employees;

Believing that enhanced protections for members of the consular staff and their family members will further strengthen the friendly relations between the Parties;

Intending to enhance the protections enjoyed by consular posts, consular officers, consular employees and their family members; and

Reiterating that immunities are to ensure the efficient functioning of consular posts on behalf of their respective States and are not for the purpose of benefitting individuals.

Have reached the following Agreement:

**Article 1
Definitions**

For purposes of this Agreement:

(i) The definitions provided in Article 1 of the Vienna Convention on Diplomatic Relations, 1961, and Article 1 of the Vienna Convention on Consular Relations, 1963, apply to this Agreement.

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(ii) "Family member" means a member of the family of a consular officer or of a consular employee forming part of the household who has been notified to the receiving State in accordance with the relevant laws and established practice of the receiving State.

Article 2

Privileges and Immunities of Consular Officers

Each Party shall extend to consular officers of the other Party, privileges and immunities equivalent to those afforded to diplomatic agents under the Vienna Convention on Diplomatic Relations.

Article 3

Privileges and Immunities of Consular Employees

Each Party shall extend to consular employees of the other Party privileges and immunities equivalent to those afforded to members of the administrative and technical staff under the Vienna Convention on Diplomatic Relations.

Article 4

Privileges and Immunities of a Family Member of a Consular Officer

Each Party shall extend to the family member of a consular officer of the other Party privileges and immunities equivalent to those afforded to the members of the family of a diplomatic agent forming part of his or her household under the Vienna Convention on Diplomatic Relations.

Article 5

Privileges and Immunities of a Family Member of a Consular Employee

The Parties shall extend to the family member of a consular employee of the other Party privileges and immunities equivalent to those afforded to the members of the

family of a member of the administrative and technical staff forming part of his or her household under the Vienna Convention on Diplomatic Relations.

Article 6

Consular Mission and Property

The premises of the consular mission and its property, including means of transport, shall enjoy the same protection as those of a diplomatic mission under Article 22 of the Vienna Convention on Diplomatic Relations.

Article 7

Scope of Application

The protections provided in this Agreement shall not apply to those individuals who are nationals of or permanently resident in the receiving State. The protections provided in this Agreement shall not apply to individuals who have the status of Overseas Citizens of India, as defined in Section 7A of The Citizenship Act, 1955 of India.

Article 8

Waivers

Any immunity or inviolability afforded under this Agreement may be waived by the sending State. Any such waiver must always be express.

Article 9

Visas

Each Party commits not to discriminate on the basis of religion or ethnic heritage in processing and issuing visas for the diplomatic and consular personnel of the other Party.

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Article 10

Relationship to the Vienna Convention on Consular Relations

Consistent with Article 73 of the Vienna Convention on Consular Relations, this Agreement supplements and amplifies the provisions of that Convention. The provisions of the Convention and the Agreement shall be applied consistently, but in case of a conflict the provision more favourable to the sending State shall be applied.

Article 11

Amendment

This Agreement may be amended at any time by mutual written consent of the Parties.

Article 12

Entry into force and termination

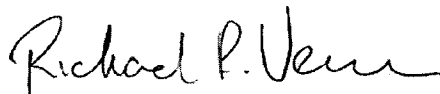
This Agreement shall enter into force upon its signature by the Parties. Either Party may terminate this Agreement by providing written notice to the other Party. Termination shall take effect one year following the date of such notification.

In Witness whereof, the undersigned being duly authorized by their respective governments have signed this Agreement.

Done at New Delhi, this 19th day of January, 2017, in two originals.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF
THE REPUBLIC OF INDIA



Richard R. Verma
Ambassador



Dr. S. Jaishankar
Foreign Secretary