

**GOVERNMENT OF INDIA  
EXTERNAL AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:13

ANSWERED ON:01.12.2004

VIOLATION OF VIENNA CONVENTION NORMS

Maheshwari Smt. Kiran;Rao Shri Kavuru Samba Siva

**Will the Minister of EXTERNAL AFFAIRS be pleased to state:**

(a) whether it has come to the notice of the Union Government that some foreign missions were violating norms of the Vienna Convention on diplomatic relations by not following the law of the land;

(b) if so, the details of such missions ; and

(c) the action proposed to be taken by the Union Government in this regard ?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI E. AHAMED)

(a) to (c) - A statement is placed on the Table of the House.

STATEMENT REFERRED TO IN PARTS (a) TO (c) OF THE ANSWER TO THE LOK SABHA STARRED QUESTION NO. 13 TO BE ANSWERED ON 1 DECEMBER 2004.

No case of violation of the Vienna Conventions since August 2003 has come to the Ministry's attention.

2. Ministry has, however, come across 20 incidents of violation of the Vienna Conventions involving Embassy officials and their kin during the last three years upto July 2003.

3. Of these 20 cases, in 16 cases Pakistani diplomats/officials were involved in anti-India activities. Two cases were of Russian diplomats who were involved in rash and negligent driving which resulted in death of a person in each case. One case was of the son of Senegalese Ambassador who was involved in an altercation with an Indian driver of the Embassy which led to accidental death of the driver. The last case was of the Kenyan Defence Advisor and two other diplomats who were involved in illegal activities like storage and sale of duty free liquor in collaboration with some Indian nationals.

4. In the case of Pakistani diplomats, they were declared persona non grata. In the rest of the cases, Ministry asked for waiver of immunity to prosecute the involved persons. The countries concerned, however, withdrew the diplomats.

5. India is a signatory to the Vienna Convention. As per Article 31 of the Vienna Convention on Diplomatic Relations, a diplomat enjoys immunity from criminal jurisdiction of the receiving State. Article 37 extends this immunity to the members of the family of the diplomat provided they are not nationals of the receiving State. According to Article 32, the immunity of the diplomat may be waived by the sending State. Our policy remains consistent with our international treaty obligations, international custom and practice.