

**GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA**

STARRED QUESTION NO:203

ANSWERED ON:05.02.2014

IMMUNITIES AND PRIVILEGES TO DIPLOMATS

Bhagora Shri Tarachand;Sampath Shri Anirudhan

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether any special immunities and privileges are being accorded by India to the diplomats of foreign countries;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether such privileges and immunities are reciprocated to the Indian diplomats by the foreign countries and if so, the details thereof;
- (d) whether the immunity under Vienna convention has not been reportedly accorded to the Indian diplomats by some foreign countries and if so, the details of such cases reported during the last three years and the current year, the reasons therefor and the steps taken/being taken by the Government in this regard; and
- (e) whether the American Embassy School in Delhi has reportedly violated Indian visa and tax laws and if so, the details thereof including the response of the Government thereto?

Answer

THE MINISTER FOR EXTERNAL AFFAIRS (SHRI SALMAN KHURSHID)

(a) to (e) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (E) OF LOK SABHA STARRED QUESTION NO. 203 REGARDING 'IMMUNITIES AND PRIVILEGES TO DIPLOMATS' FOR ANSWER ON 05.02.2014

(a) & (b) No, Sir. There are no special immunities and privileges being accorded by India to the diplomats of foreign countries. Privileges and immunities to foreign Representations are granted under the rubric of international conventions, i.e., the Vienna Convention on Diplomatic Relations 1961 and the Vienna Convention on Consular Relations 1963. In addition, immunities and privileges related to the day-to-day functioning of foreign Representations are regulated by reciprocal arrangements that may be signed between two countries.

(c) Yes, Sir. India is also extended immunities and privileges in keeping with the Vienna Convention on Diplomatic Relations 1961 and the Vienna Convention on Consular Relations 1963. In addition, immunities and privileges related to the day to day functioning of Indian Missions/Posts are granted by the receiving state, on the basis of reciprocal arrangements.

(d) (i) Dr. Devyani Khobragade, an Indian diplomat serving as Deputy Consul General in the Indian Consulate General in New York, was arrested on 12 December 2013 by United States' officials on charges of 'visa fraud'. At the time of her arrest, Dr. Khobragade had an earlier accreditation as Adviser to the Indian delegation to the United Nations for meetings of the United Nations General Assembly and should have been entitled to diplomatic immunities accorded by the Convention on the Privileges and Immunities of the United Nations of 1946. However, the US Government has taken the position that they do not recognise the validity of such immunity and maintains that the arrest did not contravene it, in keeping with the terms of the Headquarters Agreement concluded between the United Nations and the United States of America. Government of India has raised this matter with the US Government and continues to pursue it.

(ii) Government of India has also taken the view that the manner in which Dr. Khobragade was arrested, contravened the privileges and immunities provided to Diplomats under the Vienna Convention. This aspect has also been raised with the US Government, which claims that the Vienna Convention was not violated from their perspective, arguing that "standard procedures" were followed.

(iii) Since there are evidently differing perspectives on both sides on the issue of diplomatic privileges and immunities, both countries have agreed to initiate a dialogue to comprehensively address all aspects related to diplomatic immunities and privileges in a mutually acceptable manner, so as to avoid recurrence of such instances. The discussions will be held as soon as a mutually agreed agenda and convenient dates for the meeting are finalized.

(e) The Government is aware of media reports regarding alleged tax and visa violations by the American Embassy School in New Delhi. The Government has sought the relevant information from the School to examine compliance with relevant Indian laws by the

School and its employees, and will take necessary action accordingly in this matter.