

No. 78

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**UNITED STATES OF AMERICA  
and  
INDIA**

**Exchange of Notes constituting an agreement relating to the services of nationals of one country in the armed forces of the other country. Washington, 30 March, 25 May, 3 July and 30 September 1942**

*English official text communicated by the Permanent Representative of the United States of America at the seat of the United Nations. The filing and recording took place on 3 March 1948.*

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**ETATS-UNIS D'AMERIQUE  
et  
INDE**

**Echange de notes constituant un accord relatif au service de ressortissants de l'un des pays dans les forces armées de l'autre pays. Washington, 30 mars, 25 mai, 3 juillet, et 30 septembre 1942**

*Texte officiel anglais communiqué par le représentant permanent des Etats-Unis d'Amérique au siège de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 3 mars 1948.*

No. 78. EXCHANGE OF NOTES<sup>1</sup> CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND INDIA RELATING TO THE SERVICES OF NATIONALS OF ONE COUNTRY IN THE ARMED FORCES OF THE OTHER COUNTRY. WASHINGTON, 30 MARCH, 25 MAY, 3 JULY AND 30 SEPTEMBER 1942

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I

*The Acting Secretary of State to the British Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

March 30, 1942

Excellency:

I have the honor to refer to conversations which have taken place between officers of the British Embassy and of the Department with respect to the application of the United States Selective Training and Service Act of 1940, as amended,<sup>2</sup> to British subjects residing in the United States.

As you are aware the Act provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of 18 and 65 shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain classes of individuals who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of a co-belligerent country, should they desire to do so. It will be recalled that during

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<sup>1</sup> Came into force on 27 May 1942, date of the receipt by the United States Government of the note from the Indian Government of 25 May 1942.

<sup>2</sup> 54 Stat. 885; 50 U.S.C. app. §§ 301-318, Supp. II §§ 302-305, 308-310, 312, 315.

the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of co-belligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. Individuals who so elect will be physically examined by the armed forces of the United States, and if found physically qualified, the results of such examinations will be forwarded to the proper authorities of the co-belligerent nation for determination of acceptability. Upon receipt of notification that an individual is acceptable and also receipt of the necessary travel and meal vouchers from the co-belligerent government involved, the appropriate State Director of the Selective Service System will direct the local Selective Service Board having jurisdiction in the case to send the individual to a designated reception point for induction into active service in the armed forces of the co-belligerent country. If upon arrival it is found that the individual is not acceptable to the armed forces of the co-belligerent country, he shall be liable for immediate induction into the armed forces of the United States.

Before the above-mentioned procedure will be made effective with respect to a co-belligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces

that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments;

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to the United Kingdom upon the receipt from you of a note stating that your government desires to participate in it and agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

This Government is also prepared to make the proposed regime effective with respect to India upon the receipt of similar formal assurances. I should accordingly appreciate your having this matter presented to the Government of India.

Accept, Excellency, the renewed assurances of my highest consideration.

Sumner WELLES  
Acting Secretary of State

His Excellency  
The Right Honorable the Viscount Halifax, K.G.  
British Ambassador

## II

*The Agent General for India to the Secretary of State*

INDIAN AGENCY GENERAL  
WASHINGTON, D.C.

25th May, 1942

Sir,

I have the honour to refer to your letter dated the 30th March, 1942 to His Excellency the British Ambassador regarding the application of the United States Selective Training and Service Act of 1940, as amended, to British subjects residing in the United States.

2. In paragraph 7 of that letter the Government of the United States expressed its willingness to make the proposed regime effective with respect to India upon the receipt of formal assurances similar to those outlined earlier in the despatch. The Government of India has authorised me to say that it accepts the procedure proposed, and gives an assurance that no threat or compulsion of any nature will be exercised to induce any person in the United States to enlist in the forces of my Government. Similarly no enlistments will be accepted in the United States of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

3. With regard to the request that reciprocal treatment should be granted to American citizens by the Government of India, I am to explain that strict reciprocity is not possible as there is no conscription law for United States citizens in India. The Government of India, however, has no objection to the Government of the United States calling up its citizens in India for military service.

4. I have the honour to be, Sir, with the highest consideration, your most obedient, humble servant,

G. S. BAJPAI

The Honourable Mr. Cordell Hull  
Secretary of State  
State Department  
Washington, D.C.

## III

*The Secretary of State to the British Ambassador*

DEPARTMENT OF STATE

WASHINGTON

July 3, 1942

Excellency:

I have the honor to advise you that the competent authorities of this Government consider Sir Girja Shankar Bajpai's note of May 25, 1942, relative to the application of the United States Selective Training and Service Act of 1940, as amended, to Indian nationals residing in the United States, to contain satisfactory assurances concerning the points raised in my note of March 30, 1942. The procedure described in my note of March 30 is accordingly deemed to be in effect with respect to India and the War Department and the Selective Service System have been so advised.

The procedure contemplated to enable Indian nationals residing in the United States to be enrolled in the British Indian armed forces is identical with that now in effect for Canadian nationals, which is described in detail in the enclosed memorandum of May 2, 1942<sup>1</sup> from the National Headquarters of the Selective Service System to all state directors.

It is noted that Sir Girja's note contains no indication that American citizens now serving in the armed forces of India or persons in those forces who have lost American citizenship as a result of having taken the oath of allegiance in connection with their entry into those forces have been informed that they may transfer to United States forces if they so desire and if they are acceptable to the United States. It is assumed that appropriate steps will be taken, if they have not already been taken, to have such information conveyed to any such persons who may be serving in the armed forces of India.

Accept, Excellency, the renewed assurances of my highest consideration.

Cordell HULL

Enclosure:

Memorandum, May 2, 1942.

His Excellency

The Right Honorable the Viscount Halifax, K.G.

British Ambassador

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<sup>1</sup> Not printed.

## IV

*The Secretary of State to the British Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

September 30, 1942

Excellency:

I have the honor to refer to the arrangement between Great Britain and the United States concerning the services of nationals of one country in the armed forces of the other country, and to inform you that the War Department is prepared to discharge, for the purpose of transferring to the armed forces of their own country, nondeclarant British nationals now serving in the United States forces who have not heretofore had an opportunity of electing to serve in the forces of their own country, under the same conditions existing for the transfer of American citizens from the British forces. The foregoing applies also to Indian nationals.

The Inter-Allied Personnel Board of the War Department, which is headed by Major General Guy V. Henry, is prepared to make the necessary arrangements for the contemplated transfers, and to discuss matters related thereto. In the case of a person serving outside the United States, however, the commanding officer of the theater of operation in which he may be serving is the proper authority to arrange the release.

Accept, Excellency, the renewed assurances of my highest consideration

For the Secretary of State:  
Breckinridge LONG

His Excellency  
The Right Honorable the Viscount Halifax, K.G.  
British Ambassador