

No. 865

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**WORLD HEALTH ORGANIZATION  
and  
INDIA**

**Agreement concerning the privileges, immunities and facilities to be granted by the Government of India to the World Health Organization (with exchange of notes).  
Signed at New Delhi, on 9 November 1949**

*Official texts : English and French.*

*Registered by the World Health Organization on 11 July 1950.*

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**ORGANISATION MONDIALE DE LA SANTÉ  
et  
INDE**

**Accord concernant les privilèges, immunités et facilités que le Gouvernement de l'Inde accordera à l'Organisation mondiale de la santé (avec échange de notes). Signé à New-Delhi, le 9 novembre 1949**

*Textes officiels anglais et français.*

*Enregistré par l'Organisation mondiale de la santé le 11 juillet 1950.*

No. 865. AGREEMENT<sup>1</sup> BETWEEN THE WORLD HEALTH ORGANIZATION AND THE GOVERNMENT OF INDIA CONCERNING THE PRIVILEGES, IMMUNITIES AND FACILITIES TO BE GRANTED BY THE GOVERNMENT OF INDIA TO THE WORLD HEALTH ORGANIZATION. SIGNED AT NEW DELHI, ON 9 NOVEMBER 1949

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THE GOVERNMENT OF INDIA  
of the one part, and

THE WORLD HEALTH ORGANIZATION  
of the other,

DESIRING to conclude an AGREEMENT for the purpose of determining the privileges, immunities and facilities to be granted by the GOVERNMENT OF INDIA to the WORLD HEALTH ORGANIZATION, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the SOUTH EAST ASIA REGION, and of regulating other related matters,

HAVE AGREED as follows :

*Article I*

DEFINITIONS

*Section 1*

In the present Agreement :

(i) The word " Organization " shall mean the World Health Organization;

(ii) For the purposes of Article IV the words " property and assets ", " funds, gold or currency ", or " assets, income and other property " shall be deemed to include property, assets, and funds administered by the Organization under Article 57 of its Constitution<sup>2</sup> and/or in furtherance of its constitutional functions;

(iii) The words " representatives of Members " shall be deemed to include all delegates to the World Health Assembly; all persons designated by Members to serve on the Executive Board of the Organization; all

<sup>1</sup> Came into force on 22 September 1949, by the exchange of notes, in accordance with section 33.

<sup>2</sup> United Nations, *Treaty Series*, Volume 14, page 185.

representatives on the Regional Committees in the South East Asia Region; as well as all delegates, alternates, advisers, technical experts who are members of delegations, and secretaries of delegations;

(iv) The word "Member" shall be deemed to include a Member or an Associate Member of the Organization as well as a territory or group of territories which without being an Associate Member, is represented and participating in the Regional Committee of the South East Asia Region of the Organization, in accordance with Article 47 of its Constitution;

(v) The words "principal or subsidiary organs" shall be deemed to include the World Health Assembly, the Executive Board, the Regional Committee in the South East Asia Region and any of the subdivisions of all these organs as well as the Secretariat and the Regional Office in New Delhi;

(vi) For the purposes of Sections 4, 6, 16 and 17 the words "freedom of meeting" or "meeting of the Organization" shall be deemed to include all meetings of the principal or subsidiary organs of the Organization as well as all conferences or meetings convened by, or under the authority or auspices of, the Organization in India.

## Article II

### JURIDICAL PERSONALITY

#### Section 2

The Organization shall possess juridical personality and legal capacity and, in particular, capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, and (c) to institute legal proceedings.

## Article III

### FREEDOM OF ACTION

#### Section 3

The Organization and its principal or subsidiary organs shall have in India the independence and freedom of action belonging to an international organization.

#### Section 4

The Organization, its principal or subsidiary organs, as well as its Members and the representatives of Members in their relations with the Organization, shall enjoy in India absolute freedom of meeting, including freedom of discussion and decision.

*Article IV*

## PROPERTY, FUNDS AND ASSETS

*Section 5*

The Organization and its property and assets located in India shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Director-General of the Organization or the Regional Director as his duly authorized representative. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

*Section 6*

(1) The premises of the Organization in India or any premises in India occupied by the Organization in connexion with a meeting of the Organization shall be inviolable.

(2) Such premises and the property and assets of the Organization in India shall be immune from search, requisition, confiscation, expropriation, and any other form of interference, whether by executive, administrative, judicial or legislative action.

*Section 7*

The archives of the Organization, and in general all documents belonging to it or held by it in India shall be inviolable.

*Section 8*

(1) Without being restricted by financial controls, regulations or moratoria of any kind: (a) the Organization may hold funds, gold or currency of any kind and operate accounts in any currency; (b) the Organization shall be free to transfer its funds, gold or currency to or from India or within India and to convert any currency held by it into any other currency.

(2) This section shall also apply to Members of the Organization in their relations with the Organization.

*Section 9*

The Government of India shall provide for the Organization, at the most favourable rate officially recognized, its national currency to the amount required to meet the expenditure of the Organization in India or other parts of the South-East Asia Region.

*Section 10*

In exercising its rights under Sections 8 and 9, the Organization shall pay due regard to any representations made by the Government of India in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

*Section 11*

The Organization, its assets, income and other property shall be : (a) exempt from all direct and indirect taxes. It is understood, however, that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services; (b) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of medical supplies, or any other goods or articles imported or exported by the Organization for its official use. It is understood, however, that such medical supplies, goods, or articles, imported under such exemption will not be sold in India except under conditions agreed with the Government of India; (c) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of their publications.

*Section 12*

While the Organization will not, as a general rule, in the case of minor purchases, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the Organization is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government of India shall make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

*Article V*

## FACILITIES IN RESPECT OF COMMUNICATIONS

*Section 13*

The Organization shall enjoy in India for its official communications treatment not less favourable than that accorded by the Government of India to any other Government including its diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and Press rates for information to the Press and radio.

*Section 14*

(1) No censorship shall be applied to the official correspondence and other official communications of the Organization.

(2) The Organization shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

*Article VI*

## REPRESENTATIVES OF MEMBERS

*Section 15*

Representatives of Members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization, shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities: *a)* Immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind; *(b)* Inviolability for all papers and documents; *(c)* The right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags; *(d)* Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in India; *(e)* The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; *(f)* The same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions of comparable rank; *(g)* Such other privileges, immunities and facilities not inconsistent with the foregoing as members of diplomatic missions of comparable rank enjoy, except that they shall have no right to claim exemption from customs duties on articles imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

*Section 16*

In order to secure for the representatives of Members of the Organization at a meeting of the Organization complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

*Section 17*

If the incidence of any form of taxation depends upon residence in India, periods during which the representatives of Members of the Organization are present at a meeting of the Organization in India for the discharge of their duties shall not be considered as periods of residence.

*Section 18*

Privileges and immunities are accorded to the representatives of Members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. In any such case in which one of the persons designated to serve on it is concerned, the Executive Board of the Organization shall be under the same duty.

*Article VII*

## EXPERTS ON MISSIONS FOR THE ORGANIZATION

*Section 19*

Experts and consultants other than those under Section I (iii) or as officials come within the scope of Article VI or VIII respectively and who perform missions for the Organization shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connexion with their missions. In particular, they shall be accorded : (a) Immunity from personal arrest or detention and from seizure of their personal baggage and in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Organization; (b) Inviolability for all papers and documents; (c) For the purpose of their communications with the Organization, the right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags; (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in India; (e) The same facilities in respect of currency or exchange restrictions as are accorded to

representatives of foreign governments on temporary official missions; (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions.

### Section 20

Privileges and immunities are granted to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

## Article VIII

### OFFICIALS

### Section 21

The Director-General or the Regional Director as his duly authorized representative, shall from time to time communicate to the Government of India the names of those officials to whom the provisions of this Article and Article IX shall apply.

### Section 22

Officials of the Organization shall: (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity; (b) be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization; (c) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration; (d) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to India; (e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions; (f) have the right to import free of duty their furniture and effects at the time of taking up their post in India or upon their permanent appointment to it; (g) once every three years have the right to import free of duty a motor-car it being understood that the duty will become payable in the event of the sale or disposal of such motor-car to a person not entitled to this exemption within three years upon its importation.



*Section 23*

(i) The officials of the Organization shall be exempt from national service obligations in India provided that, in relation to officials who are Indian nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director-General or the Regional Director as his duly authorized representative and communicated to the Government of India.

(ii) Should other officials of the Organization be called up for national service, the Government of India, shall, at the request of the Director-General or the Regional Director as his duly authorized representative, grant such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.

*Section 24*

In addition to the immunities and privileges specified in Sections 22 and 23, the Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director in India and, if the Director-General should so desire and communicate their names to the Government of India, certain officials of a director's status, shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

*Section 25*

Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

*Section 26*

The Organization shall co-operate at all times with the appropriate authorities of the Government of India to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this Article.

*Article IX*

## VISAS, PERMITS OF RESIDENCE, UNITED NATIONS LAISSEZ-PASSER

*Section 27*

(1) The Government of India shall take all measures required to facilitate the entry into, residence in, and departure from India of all persons having official business with the Organization, i.e., (a) representatives of Members, whatever may be the relations between India and the Member concerned; (b) experts and consultants on missions for the Organization, irrespective of nationality; (c) officials of the Organization; (d) other persons, irrespective of nationality, summoned by the Organization.

(2) Any police regulation calculated to restrict the entry of aliens into India or to regulate the conditions of their residence, shall not apply to the persons provided for in this section.

(3) The Government of India shall issue to the embassies, legations and consulates abroad general instructions in advance to grant visas to any applicant on production of a valid identity and travel document and of a document establishing his official relationship to the Organization, without any delay or waiting period and without requiring his personal attendance or the payment of any charges.

(4) The provisions of this Section shall apply to the spouse and dependents of the person concerned if they live with him and do not exercise an independent profession or calling.

*Section 28*

The Government of India shall recognize and accept as valid travel documents the United Nations Laissez-passer issued to the officials of the Organization under administrative arrangements concluded between the Director-General of the Organization and the Secretary-General of the United Nations.

*Section 29*

The Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director of the Organization in India and the Directors of the Organization travelling on its official business shall be granted the same facilities as are accorded to diplomatic envoys.

*Article X*

## SECURITY OF GOVERNMENT OF INDIA

*Section 30*

Nothing in the present agreement shall be construed to preclude the adoption of appropriate security precautions in the interests of the Government of India which shall be determined by agreement between the Government of India and the Director-General.

*Article XI*

## SETTLEMENT OF DISPUTES

*Section 31*

The Organization shall make provision for appropriate modes of settlement of : (a) disputes arising out of contracts or other disputes of a private law character to which the Organization is a party; (b) disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Director-General in accordance with the provisions of Section 25.

*Section 32*

Any difference between the Organization and the Government of India arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a Board of three arbitrators; the first to be appointed by the Government of India, the second by the Director-General of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement.

*Article XII*

## FINAL PROVISIONS

*Section 33*

The present Agreement shall enter into force upon an exchange of notes between the authorized representatives of the Government of India and the Organization stating respectively that it has been approved by the Government of India and adopted by the World Health Assembly.

*Section 34*

On the coming-into-force of the present Agreement, it will be communicated for registration to the Secretary-General of the United

Nations by the Director-General of the Organization, in pursuance of Article 1 of the Regulations, to give effect to Article 102 of the Charter of the United Nations adopted by the General Assembly of the United Nations on 14 December 1946.<sup>1</sup>

### Section 35

The present Agreement may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice. Notice of denunciation to the Government of India may be given to the representative of that Government in the Organization and notice to the Organization may be given to the Director-General.

IN FAITH WHEREOF the present Agreement was done and signed at New Delhi on the 9th day of November 1949, in six copies, three in French and three in English, the texts in both languages being equally authentic, of which two texts one copy in French and one in English were handed to the representatives of the Government of India and the four remaining copies to the Director-General of the World Health Organization.

For the Government  
of India :  
(Signed) P. M. MENON  
Joint Secretary  
Ministry of Health  
Govt. of India

For the World Health  
Organization :  
(Signed) C. MANI  
for Director-General

## EXCHANGE OF NOTES

### I

*Mr. P. S. Doraswami to Dr. C. Mani*  
GOVERNMENT OF INDIA  
MINISTRY OF HEALTH

New Delhi, the 20th May, 1949

Sir,

With reference to your letter No. 11-3/48, dated the 10th February, 1949, I am directed to convey the approval of the Government of India to

<sup>1</sup> United Nations, *Treaty Series*, Volume 1, page XX.

the draft agreement regarding the privileges, immunities and facilities to be granted by the Government of India to the World Health Organization.

It is not clear how "comparable rank" mentioned in article 22 (*d*) in the draft agreement is to be determined. While the Government of India have no objection to the retention of the phrase "comparable rank", it is requested that they may kindly be informed of the procedure suggested for determining "comparable rank".

Yours faithfully,

P. S. DORASWAMI  
Under-Secretary

## II

*Dr. Brock Chisholm to Ministry of Health*

WORLD HEALTH ORGANIZATION

Geneva, 28 July 1949

Sir,

I have the honour to acknowledge receipt of your letter of 20 May 1949 (Ref. F.14-36/49-P.H.II) by which you notify me of the approval by the Government of India of the Agreement conferring privileges, immunities and facilities on the World Health Organization in India.

I am to inform you that the Second World Health Assembly, at its ninth plenary meeting on 25th June 1949 approved this Agreement, and authorized the Director-General or his representative to sign the Agreement, and in accordance with Article XII, Section 33, to transmit the necessary notification of approval to your Government.

I have therefore authorized the Regional Director for the South East Asia Region to sign the Agreement on behalf of the World Health Organization, and I would propose that the Agreement be considered as having entered into force from the date of its approval by the World Health Assembly.

I have further requested the Regional Director for the South East Asia Region to correspond with your Government concerning the interpretation of "comparable rank" in Section 22 (*d*) and (*e*) of the Agreement.

I have the honour to be, etc.

Brock CHISHOLM, M.D.  
Director-General

## III

*Mr. P. S. Doraswami to Dr. C. Mani*

GOVERNMENT OF INDIA  
MINISTRY OF HEALTH

New Delhi, the 22nd September 1949

Subject : Agreement between WHO and Government of India

Sir,

I am directed to acknowledge receipt of your letter No. 35402/35 dated the 5th August, 1949 and its enclosure on the subject mentioned above. This completes the exchange of notes in accordance with Article XII, Section 33 of the agreement. A date, time and place for signing the agreement will be fixed shortly in consultation with you.

Yours faithfully,

P. S. DORASWAMI  
Under-Secretary