

No. 2476

**UNITED STATES OF AMERICA
and
INDIA**

Exchange of notes constituting an agreement relating to flights of military aircraft. New Delhi, 1 and 5 July 1947

Exchange of notes constituting an agreement amending the above-mentioned Agreement. New Delhi, 22 April and 3 May 1948

Official texts: English.

Registered by the United States of America on 5 February 1954.

**ÉTATS-UNIS D'AMÉRIQUE
et
INDE**

Échange de notes constituant un accord relatif aux vols effectués par des aéronefs militaires. New-Delhi, 1^{er} et 5 juillet 1947

Échange de notes constituant un accord modifiant l'Accord susmentionné. New-Delhi, 22 avril et 3 mai 1948

Textes officiels anglais.

Enregistrés par les États-Unis d'Amérique le 5 février 1954.

No. 2476. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND INDIA RELATING TO FLIGHTS OF MILITARY AIRCRAFT. NEW DELHI, 1 AND 5 JULY 1947

I

The American Ambassador to the Indian Member for External Affairs and Commonwealth Relations

AMERICAN EMBASSY

No. 154

New Delhi, July 1, 1947

The Honorable Member for External Affairs
and Commonwealth Relations
Government of India
New Delhi

Sir :

I have the honor to refer to discussions which have taken place during the past several months between officers of the Department of External Affairs and Commonwealth Relations, Government of India, and representatives of the Embassy of the United States of America in New Delhi, as well as to various communications which have been exchanged on the subject, with respect to flights across India by military aircraft of the United States of America and the facilities to be accorded such aircraft while within Indian territory.

It is my Government's understanding that the Government of India agrees to the continuance of the United States Army Air Forces operations to and across India on a special mission basis, subject to the following stipulations.

1. The Government of India has no objection to the temporary stationing of American ground crews at specified military airfields on special occasions for the purpose of servicing American military aircraft transiting India in group or unit, provided such crews depart as soon as their task is completed. The stationing of such personnel is expected not to exceed one to two weeks.

¹ Came into force on 5 July 1947 by the exchange of the said notes.

2. Facilities for these flights transiting India are to be available at Maripur (Karachi), Agra, Barrackpore and/or Kharagpur. The aircraft are to enter from the west at Maripur and from the east at Barrackpore or Kharagpur. Agra can be used for intermediate landings, and any airdrome can be used in an emergency.

3. Night stops are to be confined to one airfield to be designated. Palam airfield at New Delhi will have this designation until it is taken over by the civil authorities after which another suitable airport will be designated.

4. Forty-eight hours notice is to be given to Air Headquarters (India) of any projected arrivals.

5. Facilities which are available to the Air Forces of India pertaining to servicing, accommodation, messing and transport are also to be available to American military aircraft, subject to conditions stated in this paragraph. The United States Army Air Forces are to provide all specialist equipment and specialist personnel required for the maintenance of their aircraft, whereas non-specialized equipment held by the Royal Air Force for servicing Royal Air Force aircraft is to be available to the United States Army Air Forces on loan where such loan does not conflict with Royal Air Force commitments. Refuelling at Palam airfield is to be in accordance with the "Jupiter scheme" (under which refuelling is done by a commercial petroleum company instead of by military personnel), and arrangements for refuelling American military aircraft at Palam are to be made with the "Jupiter" refuelling contractor. The Government of India does not propose to charge landing or housing fees with respect to American military aircraft, and all normal facilities relating to radio, meteorology and flying aids will be provided free of charge; but the United States Government agrees to pay for supplies of fuel, lubricants and spares received from the Government of India, as well as for any repairs to or maintenance of American military aircraft which might be performed by the Government of India. American air crews also will be charged for accommodation and messing. Accounts in the foregoing connection are to be rendered to the United States Military Air Attache stationed in New Delhi, who will also be designated to work out other detailed arrangements.

6. The regulations of the Government of India relating to customs, health and passport examination which are applicable to the Royal Air Force aircraft and personnel will likewise be applied to American military aircraft and personnel.

7. The facilities accorded to the United States Government under the present agreement are confined to United States military aircraft bearing appropriate service markings and manned by service crews in uniform and on duty. Permission for such aircraft to carry farepaying passengers is granted in cases where no American civil air service is available; such permission to be valid until October 24, 1947, at which time it will be subject to further consideration.

8. The permission and arrangements as described above are to extend for a period of two years in the first instance, subject to six months' termination notice by either the Government of India or the Government of the United States of America.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of agreement governing the transit of India by American military aircraft are as set forth above. If so, it is suggested that July 5, 1947 become the effective date. If your Government concurs in this suggestion, the Government of the United States of America will regard the agreement as becoming effective at such time.

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

Henry F. GRADY

II

*The Indian Member for External Affairs and Commonwealth Relations to the
American Ambassador*

EXTERNAL AFFAIRS DEPARTMENT
INDIA

To His Excellency the Ambassador of the
United States of America
New Delhi

Dated New Delhi 3, the 5th July 1947

No. D. 5005-FEA/47

Your Excellency,

I have the honour to acknowledge your note of July 1st, 1947, which reads as follows :

[See note I]

I am pleased to inform you that the Government of India accept the terms of the agreement as communicated in your note quoted above and agree with your suggestion that the agreement become effective on July 5, 1947.

I have the honour to be, with the highest consideration
Your Excellency's obedient servant

Jawaharlal NEHRU
Member for External Affairs
and Commonwealth Relations

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
INDIA AMENDING THE AGREEMENT OF 1 AND
5 JULY 1947 RELATING TO FLIGHTS OF MILITARY
AIRCRAFT. NEW DELHI, 22 APRIL AND 3 MAY 1948

I

*The Indian Minister for External Affairs and Commonwealth Relations to the
American Ambassador*

MINISTRY OF EXTERNAL AFFAIRS AND COMMONWEALTH RELATIONS

Dated, New Delhi 3, the 22nd April, 1948

No. D. 1750-FEA/48

The Minister for External Affairs and Commonwealth Relations presents his compliments to His Excellency the Ambassador of the United States of America and has the honour to refer to his letter No. 249, dated the 24th September 1947,² regarding flights across India by United States military aircraft and the facilities to be accorded to such aircraft while within Indian territory.

2. As suggested in paragraph 2 of the letter under reference, the Government of India agree to the revision of numbered paragraph 2 of the arrangements already reached. The partition of the country, has further necessitated the amendment of certain other arrangements, and the Government of India therefore consider that the numbered paragraph 2 should read as follows :—

“ 2. Facilities for these flights transiting India are to be available at Bombay (Santa Cruz), Agra, and Dum Dum. The aircraft should land, for customs and health examination, at—

“ (i) Bombay (Santa Cruz) Airport if it enters India direct from the West without landing at Karachi,

“ or

“ (ii) Palam if it has already been cleared at Karachi by the Health authorities,

“ (iii) Dum Dum if it enters India from the East.

“ Agra can be used for intermediate landings, and any aerodrome can be used in an emergency.”

¹ Came into force on 3 May 1948 by the exchange of the said notes.

² Not printed by the Department of State of the United States of America.

It may however be noted that facilities pertaining to servicing, accommodation, messing and transport cannot be provided at Dum Dum airport. These may possibly be obtained by the United States Military authorities by arrangement with Pan-American Airways. Facilities will not also be available at Barrackpore as no unit of the Royal Indian Air Force will be located there.

3. The second sentence of clause 7 of the arrangements already reached should now be deleted as the privilege thereby conferred expired on the 24th October 1947. It is considered that fare-paying passengers, if requiring international air transport, should be carried by civil airlines and not on State aircraft.

4. Throughout the agreement, the words " Royal Air Force " or " R.A.F ", wherever used, should be substituted by the words " Royal Indian Air Force " or " R.I.A.F ".

[SEAL]

To His Excellency the Ambassador of the
United States of America
New Delhi

II

The American Chargé d'Affaires ad interim to the Indian Minister for External Affairs and Commonwealth Relations

AMERICAN EMBASSY

New Delhi, India, May 3, 1948

No. 157

The Chargé d'Affaires ad interim of the United States of America presents his compliments to the Honorable Minister for External Affairs and Commonwealth Relations and has the honor to refer to his note No. D.1750-FEA/48 dated April 22, 1948, regarding amendments to an arrangement dated July 5, 1947 with respect to flights across India by United States military aircraft.

The revisions suggested in the aforementioned note are satisfactory to the United States Government, which now regards the previous arrangement as amended accordingly.

The United States Government agrees, as a matter of general principle, that fare-paying international passengers should be carried by civil air services, where available, rather than state aircraft. Regulations of the U.S. National

Military Establishment permit the carriage of passengers by U.S. Military aircraft under exceptional circumstances, and when such travel is deemed to be in the national interest. However, it is anticipated that any such traffic into or through India would be either nil or negligible. If desired by the Government of India, the Embassy will be pleased to discuss this matter further.

The Honorable Minister for External Affairs
and Commonwealth Relations
New Delhi