

No. 15037

**UNION OF SOVIET SOCIALIST REPUBLICS
and
INDIA**

**Consular Convention. Signed at New Delhi on 29 November
1973**

Authentic texts: Russian, Hindi and English.

Registered by the Union of Soviet Socialist Republics on 5 October 1976.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
INDE**

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*Enregistrée par l'Union des Républiques socialistes soviétiques le
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CONSULAR CONVENTION¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE REPUBLIC OF INDIA

The Government of the Union of Soviet Socialist Republics and the Government of the Republic of India,

Desirous of strengthening friendly relations existing between their two countries,

Have decided to conclude a Consular Convention and for this purpose have agreed as follows:

SECTION I. DEFINITIONS

Article 1. In this Convention the terms mentioned hereunder shall have the following meaning:

a) “consular establishment” means consulate-general, consulate, vice-consulate or consular agency;

b) “head of consular establishment” means consul general, consul, vice consul, or consular agent, charged with the duty of acting in that capacity;

c) “consular officer” means any person including the head of the consular establishment entrusted with the performance of consular functions. The term shall also include persons attached to the consular establishment for training in the consular service;

d) “consular employee” means a person, not being a consular officer, performing administrative, technical, or service functions in a consular establishment;

e) “consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular establishment.

SECTION II. OPENING OF CONSULAR ESTABLISHMENT AND APPOINTMENT OF CONSULAR OFFICERS

Article 2. 1. A consular establishment may be opened by the sending State in the territory of the receiving State only with the consent of the receiving State.

2. The location of a consular establishment, its status and the territorial limits of the consular district shall be determined by agreement between the sending State and the receiving State.

Article 3. 1. Before the appointment of the head of a consular establishment, the sending State shall obtain the approval of the receiving State to such appointment through diplomatic channels.

2. The diplomatic mission of the sending State shall send to the Ministry of External Affairs of the receiving State the commission of appointment or any other corresponding document testifying to the appointment of the head of a consular

¹ Came into force on 4 July 1976, i.e. on the thirtieth day after the date of the exchange of instruments of ratification, which took place at Moscow on 4 June 1976, in accordance with article 40(1).

establishment. The said commission or document shall mention the full name of the head of the consular establishment, his citizenship, rank, consular district in which he shall be performing his functions, and the seat of his consular establishment.

3. The receiving State shall, on receipt of the aforesaid commission or other document about the appointment of the head of a consular establishment, issue to the latter, as quickly as possible, an exequatur or other document of permission.

4. The head of the consular establishment may begin to perform his functions after he has received from the receiving State the aforesaid exequatur or document.

5. Pending the issue of the aforesaid exequatur or document the receiving State may permit the head of the consular establishment to perform his functions provisionally.

6. From the moment of recognition, including provisional recognition, the authorities of the receiving State shall take all measures necessary to enable the head of the consular establishment to perform his functions.

Article 4. 1. The sending State shall inform the Ministry of External Affairs of the receiving State about the full name, citizenship, rank and post held by a consular officer, other than the head, appointed to a consular establishment.

2. The receiving State shall consider the consular officer as having begun performance of his functions when the notification referred to in paragraph 1 of this Article has reached the Ministry of External Affairs.

3. The competent authorities of the receiving State shall issue to consular officers, consular employees and members of their families living with them identity certificates in accordance with the practice followed by them in this regard.

Article 5. Only a citizen of the sending State shall be appointed a consular officer.

Article 6. The receiving State may at any time, without having to explain its decision, notify the sending State through diplomatic channels that any consular officer is *persona non grata* or that any employee of the consular establishment is unacceptable. In such a case the sending State shall recall such officer or employee of the consular establishment. If the sending State refuses or fails within a reasonable time to carry out its obligations under this Article, the receiving State may refuse to recognise the consular officer or the consular employee concerned as a member of the consular establishment.

SECTION III. PRIVILEGES AND IMMUNITIES

Article 7. The receiving State shall take all appropriate measures to protect a consular officer and shall accord full facilities to enable him to perform his functions and to enjoy the rights, privileges and immunities provided for by this Convention and the laws of the receiving State. The receiving State shall also take all appropriate measures to protect the premises of the consular establishment and the residences of the consular officers and the consular employees.

Article 8. 1. If the head of the consular establishment is unable to perform his functions for some reason or if the post of the head is temporarily vacant, the sending State may empower a consular officer of the given consular establishment

or one of its other consular establishments in the receiving State or a member of the diplomatic staff of its diplomatic mission in that State for heading provisionally the said consular establishment. The full name of such person shall be conveyed to the Ministry of External Affairs of the receiving State.

2. A person temporarily and provisionally empowered to head a consular establishment has the right to perform the functions of the head of such establishment and shall enjoy the same rights, privileges and immunities, and be subject to the same obligations, as apply to the head of the establishment appointed in accordance with Article 3 of this Convention.

3. The appointment of a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State to a consular post in accordance with paragraph 1 of this Article does not affect the privileges and immunities which he enjoys in his capacity as a diplomat.

Article 9. 1. The rights and duties of consular officers provided for in this Convention shall be extended to such members of the diplomatic mission of the sending State in the receiving State as have been entrusted with the performance of consular functions in the said diplomatic mission.

2. The performance of consular functions by persons mentioned in paragraph 1 of this Article does not affect their privileges and immunities in their capacity as diplomats.

Article 10. 1. The sending State may, in accordance with the laws and regulations of the receiving State, acquire in free-hold or on lease lands, buildings or parts of buildings for its consular establishment and for residential accommodation of its consular officers and consular employees.

2. The receiving State shall assist the sending State in case of need in acquiring or renting land, buildings or parts of buildings as well as residential apartments for the aforesaid purpose.

Article 11. 1. The name-plate of the consular establishment, with the national coat-of-arms or emblem of the sending State, in the language of that State and as appropriate in the language of the receiving State, may be affixed on the building where the establishment is located.

2. The flag of the sending State may be hoisted on the consular establishment and on the residence of the head of the consular establishment.

3. The head of the consular establishment may also display the flag on his means of transportation, including automobile, when used on official business.

Article 12. 1. The buildings or parts of buildings exclusively used for the purposes of the consular establishment as well as the plot of land attached thereto and the private residence of the head of the consular establishment are inviolable.

2. The authorities of the receiving State may not enter the buildings or parts of buildings utilised exclusively for the purposes of the consular establishment or plot of land attached to such buildings or parts thereof or the private residence of the head of the consular establishment without the permission of the head of the consular establishment or the chief of the diplomatic mission of the sending State or the person empowered by either of them to grant such permission.

Article 13. Consular archives and documents are inviolable at all times and in all places. Non-official papers must not be held together with consular archives and documents.

Article 14. 1. The consular establishment shall have the right to communicate with its Government and with the diplomatic mission and other consular establishments of the sending State. For this purpose, the consular establishment shall have the right to use all normal means of communication, code, cypher, diplomatic and consular couriers, and sealed bags. The establishment or use of radio transmitters can be made only with the consent of the receiving State.

For the use of normal means of communication, the consular establishment shall be charged the same rates as those which apply to diplomatic missions.

2. The official correspondence of a consular establishment, irrespective of the means of communication used, and sealed bags having external visible marks demonstrating their official character, shall be inviolable and shall not be subjected to examination or detention by the authorities of the receiving State.

3. The packages constituting the consular bag may contain only official correspondence and documents.

4. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. He shall hold a diplomatic passport issued by the sending State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

5. The sending State, its diplomatic missions and its consular establishments may designate a consular courier *ad hoc*. The provisions of paragraph 4 of this Article shall apply to such courier except that the privileges and immunities mentioned therein shall cease to apply when he has delivered to the consignee the consular bag in his charge.

6. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular establishment may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

Article 15. 1. The receiving State shall treat consular officers, consular employees and members of their families living with them, with due respect and shall take all appropriate measures to prevent any attack on their person, freedom or dignity.

2. The head of the consular establishment shall not be liable to arrest or detention and shall enjoy immunity from criminal jurisdiction of the receiving State.

3. The immunity of the head of the consular establishment from criminal jurisdiction of the receiving State may be waived by the sending State. Waiver shall always be express and shall be communicated to the receiving State in writing.

4. The members of the family of the head of the consular establishment living with him shall enjoy immunity from criminal jurisdiction of the receiving State to the same extent as the head of the consular establishment.

5. A consular officer, other than the head of the consular establishment, shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority of the receiving State.

6. Except in the case specified in paragraph 5 of this Article, a consular officer shall not be committed to prison or be liable to any other form of restriction on his personal freedom save in execution of a judicial decision of final effect.

7. If criminal proceedings are instituted against a consular officer, other than the head of the consular establishment, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to such consular officer by reason of his official position and, except in the case specified in paragraph 5 of this Article, in a manner which will hamper the performance of consular functions as little as possible. When, in circumstances mentioned in paragraph 5 of this Article, it becomes necessary to arrest or detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

8. The members of the family of a consular officer living with him shall enjoy immunity from criminal jurisdiction of the receiving State to the same extent as the consular officer.

Article 16. 1. A consular officer or a consular employee shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in matters relating to the performance of his consular functions.

2. The provisions of paragraph 1 of this Article shall not apply in respect of a civil action either:

- (a) relating to private immovable property situated in the territory of the receiving State, unless the consular officer or the consular employee holds it on behalf of the sending State for the purposes of the consular establishment; or
- (b) relating to succession in which he is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State; or
- (c) relating to any professional or commercial activity exercised by him in the receiving State outside his official functions; or
- (d) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or
- (e) relating to an action by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

3. The sending State may waive, with regard to a consular officer or a consular employee, any of the immunities provided for in this Article. The waiver must always be express.

4. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

5. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

Article 17. 1. A consular officer, other than the head of the consular establishment, or a consular employee may be called upon to attend as witness in the course of judicial or administrative proceedings. He shall not, except in cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, where possible, take such evidence at his residence or at the consular establishment or accept a statement from him in writing.

3. A consular officer, a consular employee, and members of their families living with them, are under no obligation to give evidence concerning matters connected with the performance by consular officer or consular employee of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 18. A consular officer, a consular employee, and members of their families living with them, are absolved from military service to the receiving State as well as from any other form of obligatory service.

Article 19. A consular officer, a consular employee, and members of their families living with them, are, on the basis of reciprocity, absolved from requirements concerning alien registration, permission for residence and other similar requirements relating to foreigners under the laws and regulations of the receiving State.

Article 20. 1. The consular premises and the residence of the head of the consular establishment of which the sending State or any person acting on its behalf is the owner or lessee, shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered. The same exemptions shall apply to the consular establishment.

2. The exemption from dues and taxes referred to in paragraph 1 shall not apply to:

- (a) such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf, and
- (b) indirect taxes of a kind which are normally incorporated in the price of goods or services.

3. A consular officer, a consular employee other than a member of the service staff, and members of their families living with them, if citizens of the sending State, shall be exempt from all dues and taxes, personal or real, national, regional or municipal, other than the following:

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

- (b) dues and taxes on private immovable property situated in the territory of the receiving State subject to the provisions of paragraphs 1 and 2 of this Article;
- (c) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of Article 22 of this Convention;
- (d) dues and taxes on private income having its source in the receiving State and any other tax of a similar nature;
- (e) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of paragraphs 1 and 2 of this Article;
- (f) charges levied for specific services rendered.

4. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

5. Consular officers and consular employees who employ persons whose wages or salaries are not exempt from income tax or other similar taxes in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of such taxes, including laws and regulations concerning social security.

Article 21. 1. The receiving State shall, in accordance with such laws and regulations as it may adopt and on the basis of reciprocity, permit entry of and grant exemption from customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

- (a) articles for the official use of the consular establishment;
- (b) articles for the personal use of a consular officer, or members of his family living with him, including an automobile. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees, who are citizens of the sending State, and members of their families living with them, shall enjoy exemptions in respect of articles, other than automobiles, referred to in sub-paragraph (b) of paragraph 1 of this Article, at the time of first installation in accordance with the applicable baggage rules of the receiving State.

3. Personal baggage accompanying consular officers and members of their families living with them shall be exempt from customs inspection. Such baggage may be inspected only if there is serious reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or a member of his family.

Article 22. In the event of death of a consular officer or a consular employee or of a member of his family living with him, the receiving State

- (a) shall permit the duty-free export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;
- (b) shall not levy national, regional or municipal taxes or duties on estate, succession or inheritance, or duties on transfer of movable property, the presence of which in the receiving State was due solely to the presence in that

State of the deceased as a consular officer or a consular employee or a member of his family.

Article 23. 1. All persons to whom privileges and immunities are granted under this Convention are duty bound to respect the laws and regulations of the receiving State, consistent with such privileges and immunities, including the laws and regulations relating to motor vehicles and automobile insurance. They also have a duty not to interfere in the internal affairs of that State.

2. Consular premises shall not be used in any manner incompatible with the performance of consular functions.

Article 24. Subject to the laws and regulations of the receiving State prohibiting or limiting, on ground of State security, entry into certain regions, a consular officer and a consular employee shall have the freedom of movement within the consular district.

Article 25. The privileges, immunities and exemptions provided for in this Section shall not apply to a consular employee, or a member of the family of a consular officer or a consular employee living with him, if he is a national of the receiving State or is a person having permanent residence in the receiving State. However, the receiving State must exercise its jurisdiction over these persons in such a manner as not to interfere unduly with the performance of the functions of the consular establishment.

SECTION IV. CONSULAR FUNCTIONS

Article 26. 1. A consular officer has the right to perform the functions indicated in this Section within the limits of his consular district. Besides this a consular officer may perform other consular functions, if they are not prohibited by the laws and regulations of the receiving State.

2. During the course of performance of his functions, a consular officer may address in writing or orally the competent authorities of the consular district, including the competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State.

3. A consular officer may perform his functions outside the limits of the consular district only with the consent of the authorities of the receiving State.

Article 27. Within the limits of his consular district a consular officer has the right:

- (a) to defend the rights and interests of the sending State, as well as its citizens, including juridical persons;
- (b) to promote the development of trade, economic, cultural and scientific relations, and tourism between the sending State and the receiving State; and
- (c) to otherwise promote the development of friendly relations between the two States in accordance with the provisions of this Convention.

Article 28. 1. Within the limits of his consular district a consular officer has the right:

- (a) to maintain a register of the citizens of the sending State;
- (b) to receive applications required by the laws of the sending State on questions concerning citizenship;

- (c) to register and receive communications and documents about births and deaths of the citizens of the sending State;
- (d) to celebrate marriages and to register divorces, if both persons concerned are citizens of the sending State, in accordance with the laws of the sending State and unless prohibited by the laws of the receiving State;
- (e) to receive applications concerning family relations of the citizens of the sending State in accordance with the laws of the sending State.

2. The consular officer shall inform the appropriate authorities of the receiving State about the registration of civil acts done under sub-paragraphs (c) and (d) of paragraph 1 of this Article, if such information is required to be supplied to such authorities by the laws and regulations of the receiving State.

3. The provisions of sub-paragraphs (c) and (d) of paragraph 1 of this Article shall not exempt the persons concerned from the requirements of the laws and regulations of the receiving State.

Article 29. A consular officer has the right:

- (a) to grant passports to citizens of the sending State, to issue travel documents, and to extend, renew or cancel them, and to perform any other service relating thereto; and
- (b) to grant entry, exit and transit visas, or other documents relating thereto, and to extend, renew or cancel them.

Article 30. 1. A consular officer has the right to perform the following acts in the consular establishment and at his residence:

- (a) receive, draw up or attest applications or statements made by the citizens of the sending State, and also issue them corresponding documents;
- (b) draw up, attest and preserve in custody wills made by the citizens of the sending State;
- (c) draw up or attest transactions concluded between the citizens of the sending State *inter se* or attest one-party transactions to the extent that such transactions are not prohibited by the laws and regulations of the receiving State. A consular officer can neither draw up nor attest such transactions as either establish or alienate property rights in immovable property situated within the receiving State;
- (d) draw up or attest transactions between the citizens of the sending State and the citizens of the receiving State in cases where such transactions relate exclusively to property and rights in the sending State or if such transactions are to be executed in that State, on condition however that such transactions do not offend against the laws and regulations of the receiving State;
- (e) authenticate documents issued by the authorities or officers of the sending State or the receiving State and also attest copies, translations or extracts from such documents;
- (f) attest the signature of the citizens of the sending State on documents if their contents do not offend against the laws and regulations of the receiving State;
- (g) accept for safe custody property and documents from citizens of the sending State or on behalf of such citizens so far as it does not offend against the laws and regulations of the receiving State, it being understood that transfer of

such property or documents outside the receiving State shall not be done except with the consent of the receiving State;

(h) do other acts relating to the functions of the consular officers on condition that they do not offend against the laws and regulations of the receiving State.

2. If any of the aforesaid acts are to be performed at the residence of any citizen of the sending State, or on board a ship or aircraft carrying the flag of his State when such ship or aircraft is outside the geographical limits of the consular district concerned, the consent of the receiving State shall be necessary.

Article 31. The documents drawn up, attested or translated by a consular officer of the sending State under Article 30 will be regarded in the receiving State as having the same legal significance and evidentiary value as if they had been drawn up, attested or translated by the appropriate authority or office in the receiving State.

Article 32. 1. The appropriate authorities of the receiving State shall inform the consular establishment about the death of a citizen of the sending State. They shall also inform the consular establishment about any facts concerning property left by him in inheritance, his legal representatives and heirs, or any other persons who appear to have legal claims to inheritance, and also wills, if any, if such information is available with them.

2. The appropriate authorities of the receiving State shall inform the consular establishment, upon request, about the property located within such State that has fallen into inheritance in cases where the heir or the person who appears to have a legal claim to inheritance is a citizen of the sending State, if such information is available with them.

Article 33. Within the limits of his consular district, a consular officer has the right to represent the citizens of the sending State other than those who are permanently resident in the receiving State before the authorities of the receiving State if such citizens are not in a position to defend their rights and interests because of their absence or for other good and proper reasons. This representation continues until such time as the persons represented appoint their own attorneys or otherwise undertake the defence of their own interests and rights. Nothing in this Article shall empower a consular officer to plead or act before a court without a power of attorney from the concerned party.

Article 34. 1. A consular officer has the right within the limits of his consular district to meet and maintain contact with any citizen of the sending State, to give him advice and to render all assistance including legal assistance in cases of necessity.

2. The receiving State shall not in any manner restrict the contacts of the citizens of the sending State with their consular establishment.

3. The appropriate authorities of the receiving State shall inform the diplomatic mission or the consular establishment with the least possible delay about the arrest or detention of a citizen of the sending State.

4. A consular officer has the right to immediately visit, and establish and maintain contact with, a citizen of the sending State under arrest or detention or who is undergoing a sentence of imprisonment. This right of the consular officer may be exercised on a continuing basis.

5. The rights mentioned in paragraph 4 shall be exercised in conformity with the laws and regulations of the receiving State provided, however, that such laws and regulations do not annul these rights.

Article 35. 1. A consular officer has the right to render all assistance to a ship of the sending State standing in port or harbour or in the territorial or internal waters of the receiving State.

2. A consular officer may board a ship as soon as the ship is allowed to establish free contact with the shore. The captain of the ship and the members of the crew may maintain contact with the consular officer.

3. A consular officer may approach the proper authorities of the receiving State for help in any matter concerning the performance of his functions under this Article.

Article 36. Within the limits of his consular district a consular officer has the right:

- (a) without derogation to the rights of the authorities of the receiving State, to investigate any incident taking place during the course of voyage of a ship of the sending State, to question the captain and any member of the crew of such a ship, to verify the documents of the ship, to take statements concerning the voyage of the ship and its destination, and also to assist the entry and exit of the ship into and from the port of the receiving State and its lying at anchor in the port;
- (b) without derogation to the rights of authorities of the receiving State, to resolve disputes between the captain and any member of the crew, including disputes concerning wages and contracts of service in so far as such action is provided for by the laws and regulations of the sending State;
- (c) to receive, draw up or attest any declaration or document concerning ships provided for by the laws and regulations of the sending State;
- (d) to take measures for the hospitalization and repatriation of the captain or any member of the crew of the ship; and
- (e) to issue provisional certificates to an acquired or newly built ship for its right of voyage under the flag of the sending State.

Article 37. 1. In cases where the courts or other appropriate authorities of the receiving State intend to take any compulsive action, or to commence any official investigation, on board a ship of the sending State, the competent authorities of the receiving State shall inform the consular establishment about the same. Such information shall be given as far as possible before the commencement of such action so as to enable a consular officer or his representative to be present when such action is being taken. If the consular officer or his representative is not present, the authorities of the receiving State shall furnish the consular establishment, on request, full information about such action.

2. The provisions of paragraph 1 of this Article shall apply also to cases where the captain or a member of the crew of a ship are to be examined on shore by the appropriate authorities.

3. The provisions of this Article shall not apply to customs, passport and sanitary control and inspections, or to action taken at the request or with the consent of the captain of the ship.

Article 38. 1. If a ship of the sending State suffers shipwreck, runs aground, is swept ashore, or suffers any other accident within the national limits of the receiving State, or if an article belonging to a citizen of the sending State being a part of the cargo of a ship of the sending State or of a ship of a third State which has met with an accident is found on the shore or near the shore of the receiving State or is conveyed to its port, the competent authorities of the receiving State shall, as soon as possible, inform the consular establishment about such event. They shall also inform it about the measures which have already been taken for rescuing persons, ships, cargo and other property on board the ship, and articles belonging to the ship or forming part of its cargo, as well as those which have been separated from the ship.

2. The consular officer may render all assistance to such a ship, its passengers and members of its crew. For this purpose he may request help from the appropriate authorities of the receiving State. He may also take measures to repair the ship and may request the appropriate authorities to undertake or to continue to undertake such measures.

3. No customs duty shall be levied against a ship-wrecked vessel, its cargo or stores in the territory of the receiving State unless they are delivered for use in that State.

4. If a ship of the sending State which has met with an accident, or anything belonging to such a ship are found on shore or near the shore of the receiving State or are carried to the port of such State, and the captain of the ship or the owner or his agent or the representative of the insurance company is not in a position to take steps to preserve in safe custody or to dispose of such ship or such thing, the head of the consular establishment or his representative shall be regarded as empowered to take on behalf of the owner of the ship all such steps as the owner himself may take for the aforesaid purposes in accordance with the laws and regulations of the receiving State.

The provisions of the present paragraph shall be applicable also to any article which is a part of the cargo of a ship and belongs to a citizen or a juridical person of the sending State.

5. If any article which is or was a part of the cargo of a ship of the receiving State or of a third State which has met with an accident is the property of a citizen or juridical person of the sending State and is found on shore or near the shore of the receiving State or is carried into the port of such State and neither the captain nor the owner of the article or his agent nor the representatives of the insurance company are in a position to take steps for its safe custody or disposal, the head of the consular establishment or his representative shall be regarded as empowered to undertake on behalf of the owner all such steps as the owner himself may take for the aforesaid purposes in accordance with the laws and regulations of the receiving State.

Article 39. Articles 35 to 38 shall apply *mutatis mutandis* also to aircraft.

SECTION V. FINAL PROVISIONS

Article 40. 1. This Convention shall be subject to ratification and shall enter into force on the thirtieth day after the exchange of instruments of ratification which will take place in Moscow as soon as possible.

2. This Convention shall continue to be in force for a period of five years, subject to extension for a further period of five years, unless terminated at any time by either party by giving to the other a six months' notice in writing.

IN WITNESS WHEREOF, the plenipotentiaries of the Contracting Parties have signed this Convention and affixed their seals thereto.

DONE in New Delhi on November 29, 1973, in two copies each in the Russian, Hindi and English languages, all the texts being equally authentic.

For the Government
of the Union of Soviet Socialist
Republics:

[*Signed*]

A. A. GROMYKO
Minister of Foreign Affairs

For the Government
of the Republic of India:

[*Signed*]

SWARAN SINGH
Minister of External Affairs
