

No. 24357

FRANCE
and
INDIA

Exchange of letters constituting an agreement on the establishment of the Indo-French Centre for the promotion of advanced research (with statutes and exchange of letters). Paris, 8 June 1985

Authentic texts: French and English.

Authentic text of the statutes: French.

Registered by France on 30 September 1986.

FRANCE
et
INDE

Échanges de lettres constituant un accord portant création du Centre franco-indien pour la promotion de la recherche avancée (avec statuts et échange de lettres). Paris, 8 juin 1985

Textes authentiques : français et anglais.

Texte authentique des statuts : français.

Enregistré par la France le 30 septembre 1986.

ÉCHANGE DE LETTRES
CONSTITUANT UN ACCORD¹
ENTRE LA FRANCE ET L'INDE
PORTANT CRÉATION DU
CENTRE FRANCO-INDIEN
POUR LA PROMOTION DE LA
RECHERCHE AVANCÉE

EXCHANGE OF LETTERS CON-
STITUTING AN AGREEMENT¹
BETWEEN FRANCE AND IN-
DIA ON THE ESTABLISH-
MENT OF THE INDO-FRENCH
CENTRE FOR THE PROMO-
TION OF ADVANCED RE-
SEARCH

I

Paris, le 8 juin 1985

M. le Secrétaire Général,

A la suite des entretiens de haut niveau qui ont eu lieu à New-Delhi et à Paris, j'ai l'honneur de proposer que le Centre franco-indien pour la Promotion de la Recherche Avancée soit constitué conformément aux statuts ci-joints, dans le cadre des Accords de Coopération signés entre l'Inde et la France en 1966² et 1978³. Les statuts ont été établis conformément à l'accord conclu pendant la visite en Inde de M. Laurent Fabius, Ministre de l'Industrie et de la Recherche en décembre 1983, et aux recommandations formulées pendant les discussions entre le Secrétaire Général du Ministère indien des affaires extérieures, M. M.K. Rasgotra, et le Secrétaire Général du Ministère français des relations extérieures, M. F. Gutmann, les 26 et 27 avril 1984.

Les statuts du Centre seront enregistrés dans les meilleurs délais.

Je vous serais reconnaissant de bien vouloir me faire savoir si la proposition ci-dessus recueille votre approbation.

Veuillez agréer M. le Secrétaire Général, l'assurance de ma très haute considération.

[Signé]

ANDRÉ ROSS
Secrétaire Général
Ministère des relations extérieures
du Gouvernement de la France

M. Romesh Bhandari
Secrétaire Général
Ministère des affaires extérieures du Gouvernement de l'Inde

¹ Entré en vigueur le 8 juin 1985 par l'échange desdites lettres.

² Nations Unies, *Recueil des Traités*, vol. 690, p. 125.

³ *Ibid.*, vol. 1558, no I-27087.

¹ Came into force on 8 June 1985 by the exchange of the said letters.

II

EMBASSY OF INDIA

No.: PAR/E&T/326(2)/84

June 8, 1985

Excellency,

Please find below the contents of the letter which I received from you today:

“Dear Sir. Further to the high level conversations that took place in New Delhi and in Paris, I have the honour to propose that the Indo-French Centre for the Promotion of Advanced Research be constituted according to the enclosed statutes, within the framework of the Cooperation Agreements signed between India and France in 1966¹ and 1978.² The statutes have been established in accordance with the agreement concluded during the visit of Mr. Laurent Fabius, Minister of Industry and Research, to India in December 1983, and the recommendations formulated during the discussions between the former Indian Foreign Secretary, Mr. M. Rasgotra and the Secretary-General of the French Ministry of External Relations, Mr. F. Gutmann, on April 26 and 27, 1984.

“The statutes of the Centre will be registered at the earliest.

“I would be very grateful if you kindly inform me if the above meets your approval”.

I have the honour to inform you that the contents of your letter meet my approval.

[Signed]

ROMESH BHANDARI
Foreign SecretaryH.E. Mr. André Ross
Secretary-General
Ministry of External Relations
Government of France
ParisASSOCIATION ESTABLISHING A FRANCO-INDIAN CENTRE
FOR THE PROMOTION OF ADVANCED RESEARCH

An Association named the Franco-Indian Centre for the Promotion of Advanced Research (CEFIPRA) is hereby founded by the persons whose names and addresses are indicated below:

Its headquarters shall be situated at New Delhi.

The said Association shall be governed by the *régime* of Indian law and shall be registered in accordance with Indian regulations.

¹ United Nations, *Treaty Series*, vol. 690, p. 125.

² *Ibid.*, vol. 1558, No. 1-27087.

I. OBJECTIVES OF THE CENTRE

The objectives of the Centre shall be as follows:

1. To promote co-operation between France and India in advanced areas of basic and applied scientific research, such areas being identified periodically so as to take account of scientific developments;
2. To develop such co-operation by identifying scientists and scientific institutions in the two countries likely to co-operate fruitfully in the areas designated by mutual agreement;
3. To furnish assistance in the form of donations and equipment and other appropriate means of promoting the pursuit of advanced scientific research;
4. To organize workshops, seminars and other types of meetings among interested scientists from the two countries with a view to determining research topics of mutual interest and exchanging information;
5. To encourage as required joint work by the scientific institutions of the two countries;
6. To encourage and assist in the publishing of the significant research findings resulting from Franco-Indian co-operation;
7. To ensure, where necessary, the adequate protection and beneficial utilization of the intellectual property rights resulting from the advanced research promoted by the Centre;
8. To organize training in various fields for scientists and researchers from the two countries;
9. To consider practical measures that will enable scientific research to be done which might have a significant impact on advanced research;
10. To devise arrangements, as needed, for the demonstration, evaluation and economic application of the scientific research findings.

II. STATUTES OF THE CENTRE

Article 1. The Centre shall be administered by a Governing Council composed of five French and five Indian members appointed by their respective Governments for a period of two years.

The Centre shall have a Director, of Indian nationality, who must be a noted scientist; he shall be appointed by the Governing Council.

Governing Council

Article 2. The Governing Council shall meet in regular session once a year.

Article 3. The Governing Council shall be headed by two co-Presidents, one French and the other Indian, chosen from among its members. They shall preside alternately over the Governing Council's meetings.

Article 4. By mutual agreement, the two co-Presidents may convene the Governing Council to meet in special session.

Article 5. Decisions shall be taken by a consensus of the members.

Article 6. The Governing Council shall adopt the budget for the Centre. It shall approve the accounts for the preceding financial year as well as the annual report on the work of the Centre. The Governing Council shall be responsible for the operation of the Centre and shall have the following functions:

(a) It shall receive donations made by the two Governments or by other agencies, foundations, enterprises or donors.

(b) It shall receive, in the form of donations, equipment or other resources intended to support the Centre's overall objectives, in particular items intended for the promotion of advanced research and any kind of co-operation carried on in that context.

(c) It shall acquire any movable or immovable property required for the operation of the Centre.

(d) It shall receive income from royalties and the sale of know-how and any other income deriving either from the Centre's activities or from sources other than its activities.

(e) It shall make any financial investments required in the appropriate manner.

(f) It shall recruit the Centre's personnel and determine the conditions of the recruitment.

(g) In so far as necessary, it shall make use of consultants and advisers to further the objectives of the Centre.

Article 7. The Centre shall have a Scientific Council composed of four French and four Indian members designated by their respective Governments for a period of two years.

Article 8. The Scientific Council shall have the following functions:

(a) It shall review proposals on research, training and other scientific activities transmitted to it by the Governing Council, to which it shall give its opinion.

(b) In accordance with the objectives of the Centre, it shall put forward its own research proposals and make recommendations to the Governing Council.

(c) It may proceed to publish research findings and to give its views on industrial property rights and any other matter submitted to it by the Governing Council.

(d) It may undertake, as required, to review proposals submitted by other scientists and experts.

Article 9. The Scientific Council shall meet at least once a year.

Director

Article 10. The Director of the Centre shall be appointed for a period of two years, with the possibility of renewal.

Article 11. The Director shall be responsible for putting into effect the decisions of the Governing Council and shall exercise the following functions:

(a) He shall prepare the budget for the Centre, submit it to the Governing Council and ensure its execution after it has been approved by the Council, to which he shall submit the accounts at the end of each financial year.

(b) He shall draw up various reports, particularly the annual report on the work of the Centre, and shall submit them to the Governing Council for approval.

(c) At the request of the Governing Council, he shall:

- Organize training courses, seminars, workshops and other types of meetings on subjects selected by the Scientific Council and approved by the Governing Council,
- Arrange for the publication of magazines, newspapers and information bulletins, and shall allocate the necessary appropriations for the purpose.

(d) He shall receive research proposals and submit them to the Scientific Council.

(e) He shall undertake, with the agreement of the Governing Council, to recruit administrative and secretarial personnel.

(f) He shall represent the Centre in judicial proceedings and shall be responsible for the Centre's relations with the scientific community, the public and the Governments of the two countries.

(g) He shall act as administrator for the Governing Council and the Scientific Council.

EXCHANGE OF LETTERS — ÉCHANGE DE LETTRES

I

[TRADUCTION — TRANSLATION]

EMBASSY OF INDIA

AMBASSADE DE L'INDE

No.: PAR/E&T/326(2)/84-II

N° : PAR/E T/326(2)/84-II

June 8, [1985]

Le 8 juin 1985

Excellency,

Monsieur le Secrétaire général,

Kindly refer to the Note of the Embassy of France in New Delhi, No. 58 of April 19, 1984.

Je vous prie de bien vouloir vous reporter à la note n° 58 de l'Ambassade de France à New Delhi en date du 19 avril 1984.

I have the honour to inform you that the views of the Government of India concerning (I) the exemption of the Indo-French Centre for the Promotion of Advanced Research from payment of taxes, (II) the nature of the French contribution to the Centre, are as given below:

J'ai l'honneur de vous faire part ci-après des vues du Gouvernement indien concernant I) l'exemption de taxes du Centre franco-indien pour la promotion de la recherche avancée, II) la nature de la contribution française au Centre :

*(I) Exemption from taxes**I) Exemption de taxes*

Societies registered under the Indian Societies Registration Act for promotion of scientific research etc., like the Indo-French Centre for the Promotion of Advanced Research will be exempt from payment of Income Tax. For import of scientific equipment by such societies, no customs duty is payable under Indian laws. For office equipment and consumables as may be considered essential for being imported, the question of exemption from customs duty can be considered on a case-to-case basis.

Les sociétés de promotion de la recherche scientifique, etc., telles que le Centre franco-indien pour la promotion de la recherche avancée, immatriculées conformément au Indian Societies Registration Act, ne sont pas assujetties à l'impôt sur le revenu. Aux termes de la loi indienne, elles peuvent importer du matériel scientifique en franchise de droits de douane. Quant au matériel de bureau et aux biens de consommation qu'elles pourraient juger indispensable d'importer, leur exemption de droits de douane pourra être autorisée au cas par cas.

*(II) French contribution to the Centre**II) Contribution française au Centre*

It is likely that the French contribution to the Indo-French Centre will be in the following form:

La contribution française au Centre franco-indien prendra sans doute les formes suivantes :

1. Direct contribution to be transferred and placed at the disposal of the Centre according to the approved budget. This may be made annually or bi-annually.

1. Contribution directe dont le montant sera viré et mis à la disposition du Centre conformément au budget approuvé et ce, une ou deux fois par an.

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| <p>2. Equipment, etc., as may be given, from time to time, by the French side.</p> <p>3. Expenses in France to be borne by the French side on visits of Indian scientists to France.</p> <p>4. Air fare for French scientists visiting India, and</p> <p>5. Any other expenses which the French side may agree to bear.</p> | <p>2. Matériel et autre fournis de temps à autre par la partie française.</p> <p>3. Frais de séjour de scientifiques indiens en France.</p> <p>4. Frais de voyage de scientifiques français en Inde, et</p> <p>5. Toutes autres dépenses que la partie française pourrait accepter de prendre à sa charge.</p> |
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I would be very grateful if you kindly inform me whether you agree with the above.

Je vous serais reconnaissant de bien vouloir m'indiquer si ce qui précède rencontre votre agrément.

[Signed]

ROMESH BHANDARI
Foreign Secretary

[Signed]

ROMESH BHANDARI
le Secrétaire général

H.E. Mr. André Ross
Secretary-General
Ministry of External Relations
Government of France
Paris

Son Excellence Monsieur André Ross
Secrétaire général
Ministère des relations extérieures
Gouvernement français
Paris

II

[TRANSLATION¹ — TRADUCTION²]

Paris, le 8 juin 1985

Paris, June 8th 1985

M. le Secrétaire Général,

Veillez vous reporter à votre lettre du 8 juin 1985.

J'ai l'honneur de vous faire savoir que le Gouvernement de la République française prend bonne note de la position prise par le Gouvernement indien concernant l'exemption de taxes du Centre franco-indien pour la Promotion de la Recherche Avancée et confirme que sa contribution au Centre se fera suivant les

Mr. Secretary,

Kindly refer to your letter of June 8th 1985.

I have the honour to inform you that the Government of the French Republic takes note of the position stated by the Government of India concerning the exemption of the Indo-French Centre for the promotion of Advanced Research from payment of taxes and confirms that its contribution to the Centre will be

¹ Translation supplied by the Government of France.

² Traduction fournie par le Gouvernement français.

procédures exposées dans la lettre indienne susmentionnée.

Veillez agréer, M. le Secrétaire Général, l'assurance de ma très haute considération.

[*Signé*]

ANDRÉ ROSS
Secrétaire Général
Ministère des relations extérieures
du Gouvernement de la France

M. Romesh Bhandari
Secrétaire Général
Ministère des affaires extérieures du
Gouvernement de l'Inde

made in accordance with the procedures set out in the above-mentioned Indian letter.

Yours sincerely,

[*Signed*]

ANDRÉ ROSS
Secretary General
Minister of External Relations
of the Government of France

Mr. Romesh Bhandari
Foreign Secretary
Minister of External Affairs of the Government of India