



सत्यमेव जयते

PROTOCOL HANDBOOK

PROTOCOL DIVISION
MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

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PREFACE

It gives me immense pleasure in presenting this edition of the Protocol Handbook. I would like to give credit to my predecessor Shri Sanjay Verma, in whose tenure compilation of this edition was almost completed.

The last edition of the Protocol Handbook was published in 2006. Since then, some policy and procedural changes have taken place in respect of privileges, immunities and facilities extended to Diplomatic Missions/Consular Posts and UN/Other International Organizations [Foreign Representations (FRs)] in India. Protocol Division has also taken several steps to simplify and streamline procedures for interaction between FRs and Ministry of External Affairs. Application forms for all services have been placed at the Website of the Ministry under URL <<http://meaprotocol.nic.in>>.

This edition of the Protocol Handbook is an effort to incorporate consequent changes in rules, regulations and guidelines on Protocol issues and make them user-friendly with ample cross referencing and links to relevant Websites. A special feature of the Handbook is addition of subject 'Goods & Service Tax' (GST) under Chapter XVI and change of nomenclature of Chapter XIX from 'Foreign Cultural Centres and Assistance to Indian Cultural/Friendship Societies' to 'Guidelines for Establishment and Functioning of Foreign Cultural Centres'. In addition, new Chapters XXXIV to XXXVII have been incorporated for better clarity on the respective subjects. The contents of the Handbook are available at the Website of the Ministry under URL <<http://meaprotocol.nic.in>>.

The Protocol Handbook should address, in a large measure, the most frequently asked questions. It is a handy reference book rather than a legally binding document. The Legislative sources for regulations are UN (P&I) Act, 1947 and the Diplomatic Relations (Vienna Convention) Act, 1972. Additionally, bilateral agreements and notifications issued by the Government of India are included in the regulatory framework.

I would like to put on record the Ministry's appreciation for the contribution of Shri Raveendran G, Consultant (Protocol), in bringing out this edition, as also the efforts of S/Shri Asheesh Gupta, Deputy Chief of Protocol (P), Amit Kumar, Protocol Officer-II and Mahesh Chand Giri, Protocol Officer (Special), for their work in compiling this edition.

For clarification on any issue, FRs are encouraged to contact Protocol Division.

NAGESH SINGH
Joint Secretary to Govt. of India

New Delhi
December 2018

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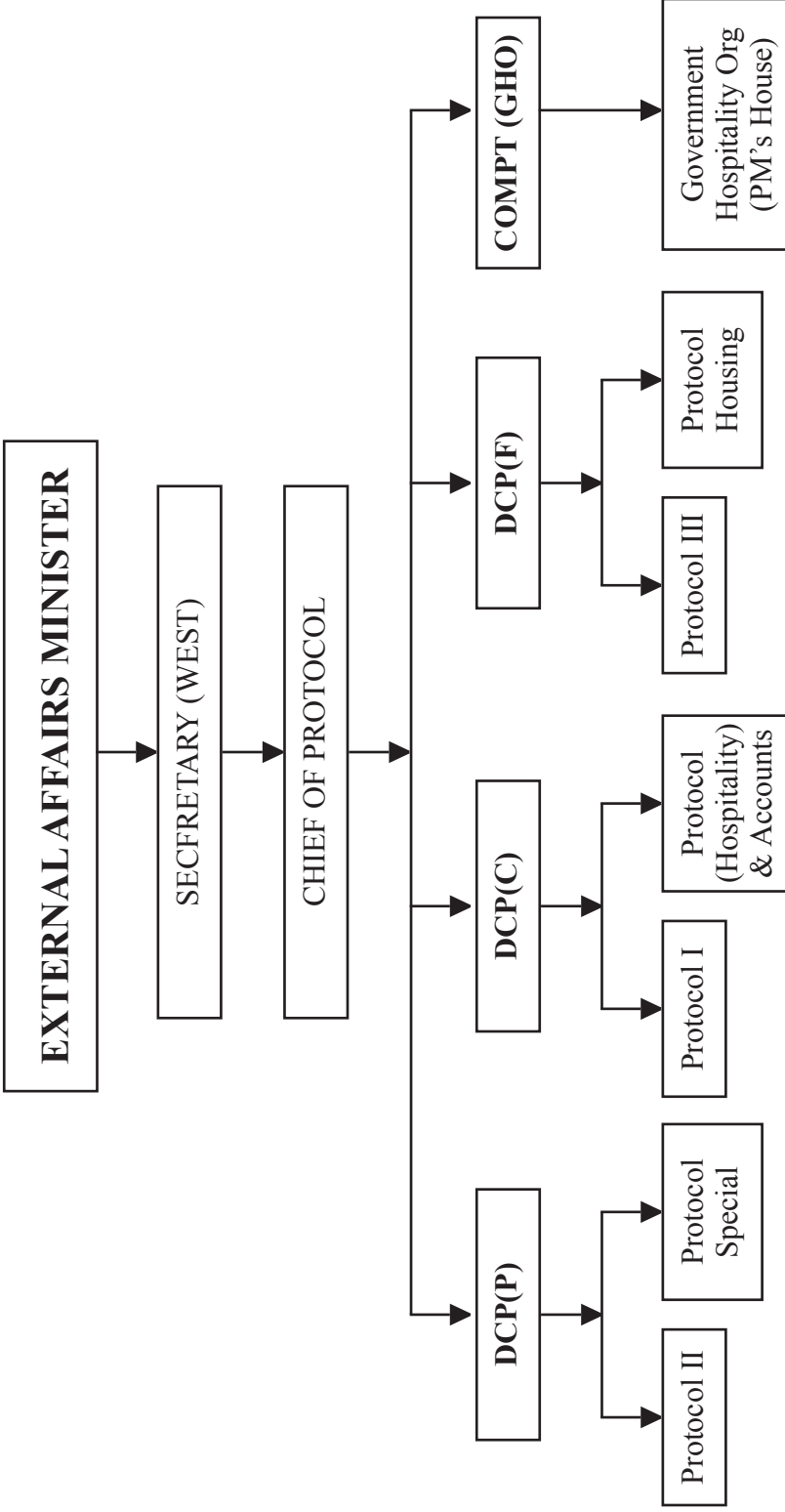
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PART I

ORGANIZATIONAL CHART OF PROTOCOL DIVISION



DISTRIBUTION OF WORK IN PROTOCOL DIVISION

HEAD OF DIVISION

Chief of Protocol

PROTOCOL-I SECTION

[Under the charge of Deputy Chief of Protocol (Ceremonies)]

- Formulation of Protocol Procedure.
- Arrangements for visits to India of Heads of States, Heads of Governments, Vice-Presidents or equivalent, Foreign Ministers and other dignitaries as may be assigned as guests to the Ministry of External Affairs.
- State/Official visits abroad of President of India, Vice President, Prime Minister and Minister of External Affairs.
- Acquisition and distribution of national flags of foreign countries.
- Maintaining ceremonial stationery, used for talks and agreements/treaties.
- Warrant of Precedence.
- Official Lunches/Dinners/Receptions on behalf of the Ministry of External Affairs.
- Arrangements for reception/send off of foreign dignitaries at the level of Foreign Minister and above.
- Temporary Passes for Ceremonial Lounge; Reserve Lounge at Airport during visits of delegations/for transiting VVIPs/VIPs.
- Booking of reception rooms and lawns at Hyderabad House.

PROTOCOL-II SECTION

[Under the charge of Deputy Chief of Protocol (Privileges)]

- Formulation and examination of policy on Privileges and Immunities admissible for Foreign Representations and their members *vis-à-vis* the Vienna Conventions, UN(P&I) Act, past practices followed in India and existing reciprocal arrangements.
- Processing requests for tax/duty/fee exemption for eligible Foreign Missions/Organizations/Persons.
- Vetting of privileges and immunities clauses of Headquarters Agreements for establishment of International Organisations in India.
- Vetting & Publication of Gazette Notifications for covering the International Organisations under UN (P&I) Act, 1947.
- Finalizing Bilateral arrangements for Gainful Employment of dependants of members of the Diplomatic/Consular Missions.
- Processing requests for according permission for Gainful employment under bilateral arrangements and on the basis of principle of reciprocity.
- Processing requests for Enrolment in Indian Educational Institutions from the members of FRs.
- Issues related to clarifications sought about the Privileges & Immunities.
- Issue of Diplomatic/Official Identity Cards to members of Foreign Representations in Delhi.
- Issuance of Special Photo Identity Passes to a limited number of local Indian staff for collection of mail from MEA and for collection of diplomatic bags from airport.

- NOC for extension of visa of the dependents (who are not issued diplomatic/official Identity Cards) of the members of the FRs.
- Processing requests received from the FRs for employment of Third Country/Home Country Nationals against local posts.
- Coordination with concerned departments of Government of India for security arrangements of Foreign Representations.
- Matters relating to diplomatic bags.
- Examining/processing complaints relating to abuse of Privileges and Immunities.
- Forwarding of Summons/Notices issued by Indian Courts to FRs and their members, excluding matters related to accidents/traffic violations involving vehicles of Foreign Representations and their members; and labour/commercial disputes.
- Privileges and Immunities admissible to Honorary Consuls/Consuls General and Posts headed by them.

PROTOCOL-III SECTION

[Under the charge of Deputy Chief of Protocol (Facilities)]

- Honours, Titles and Decorations.
- Exchange of messages and communications on National Days.
- Coordinating arrangements for presentation of credentials.
- Invitation to Receptions/functions/events from Foreign Representations to President/Vice President/Prime Minister/ External Affairs Minister/MOSs in the Ministry of External Affairs/other Ministers/MOSSs in the Central Government; similar invitations to State Governors/Chief Ministers/other Ministers in the State from Foreign Consular Posts.

- Nomination of Chief Guest for National Day Receptions.
- Visit of diplomats to places outside their Headquarters in India.
- Verification of antecedents of Indian nationals seeking employment with Foreign Representations.
- Facilitation and assistance on the death of Heads of Foreign States/ Heads of Foreign Missions and Members of Foreign Missions/ Posts inside and outside India.
- Recognition of Military Attachés/Advisers; issue of Exequaturs/ Gazette notifications recognizing appointment of Foreign Consular Officers, including Honorary Consuls/Consuls General.
- Credentials of Government of India's delegations to International Conferences and other special occasions abroad.
- Maintaining records of Diplomatic/Internationally-recruited members of Foreign Representations.
- Maintaining records of home-based non-diplomatic staff and locally-recruited staff.
- Preparation/distribution of Diplomatic lists.
- Processing requests for opening of offices of Foreign Representations outside Delhi and creation of new/additional posts in existing offices of Missions/Posts/UN/other International Organizations.
- Facilitation at Delhi Airport to Heads of Foreign Missions during tours inside/outside India; intimation to customs/immigration authorities.
- Passes for Heads of Missions for Reserve Lounge at Airport.
- Facilitation on first arrival and final departure of Heads of Diplomatic Missions.

- Accidents/traffic violations involving cars of Foreign Representations and their members.
- Enforcement of State Governments' Game Rules.
- Seating arrangements for members of Foreign Representations based in Delhi for Republic Day/Beating Retreat and Independence Day celebrations.
- Issue of passes for Parliament.

PROTOCOL SPECIAL SECTION

[Under the charge of Deputy Chief of Protocol (Privileges)]

- Formulation and implementation of policy in regard to:
 - (i) Authorization of Customs Duty free import of goods by Foreign Representations and their eligible members.
 - (ii) Attestation of Exemption Certificates for Customs Duty free imports.
- Processing demurrage cases arising from procedural delays in the Ministry of External Affairs on authorized duty-free consignments imported by Foreign Representations and their eligible members.
- Foreign Exchange facilities to Foreign Representations and repatriation of Consular revenues.
- Assignment of Code and Registration Number for vehicles belonging to Foreign Representations and their eligible members.
- Processing sale/disposal of motor vehicles belonging to Foreign Representations and their eligible members.
- Approvals for remittance of sale proceeds of duty-free imported vehicles sold in India by privileged persons.

PROTOCOL HOUSING SECTION

[Under the charge of Deputy Chief of Protocol (Facilities)]

- Facilitation to Foreign Representations on allocation/purchase of land in the Diplomatic Enclaves.
- Processing requests from Foreign Representations for acquisition/sale of built-up property.
- Rendering general utility services and guidance regarding accommodation, electrical power, telephone/fax and other utilities to Foreign Representations.
- Assistance to Foreign Representations on services rendered by the North Delhi Municipal Corporation, the South Delhi Municipal Corporation, the East Delhi Municipal Corporation, DDA, MTNL, etc.
- Processing complaints from Indian citizens/firms against Foreign Representations and vice versa on matters relating to telephone, electricity or water bills; rent bills of private parties; delay/non-delivery of postal goods addressed to Missions; non-functioning of telephone/fax.

CONTACTS IN PROTOCOL DIVISION

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Deputy Chief of Protocol (Facilities)	49015445	49015446	depf@mea.gov.in	Jawaharlal Nehru Bhawan
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Protocol-III Section	49015425	49015446	protocol3@mea.gov.in	Jawaharlal Nehru Bhawan
Protocol Housing Section	49015440	49015446	protocolhouse@mea.gov.in	Jawaharlal Nehru Bhawan
Protocol Accounts Section	49015439	49015467	protocolpta@mea.gov.in	Jawaharlal Nehru Bhawan

USEFUL WEBSITES

1.	Ministry of External Affairs	http://mea.gov.in http://meatel.nic.in [phone directory] http://meaprotocol.nic.in
2.	Government of India Directory	http://www.goidirectory.nic.in
3.	Government of India Portals	http://India.gov.in http://indiaimage.nic.in
4.	Ministry of Finance (Budget, Notification, etc.)	http://www.finmin.nic.in
5.	Central Excise & Customs	http://www.cbec.gov.in
6.	Reserve Bank of India (Exchange Rates, other Notifications)	http://www.rbi.org.in
7.	Ministry of Shipping and Transport (National Highways/ Motor Vehicle Act)	http://morth.nic.in
8.	Delhi Govt. Transport Department (Traffic Rules, Registration, Licence)	http://transport.delhigovt.nic.in
9.	North Delhi Municipal Corporation	http://mcdonline.gov.in/tri/ndmc_mcdportal/
10.	South Delhi Municipal Corporation	http://mcdonline.gov.in/tri/sdmc_mcdportal/
11.	East Delhi Municipal Corporation	http://mcdonline.gov.in/tri/edmc_mcdportal/
12.	News Portal	http://www.samachar.com
13.	All India Radio	http://www.newsonair.com
14.	MTNL (Telephone)	http://mtnl Delhi.in
15.	India Tourism	http://www.tourismofindia.com
16.	Map of India	http://mapsofindia.com
17.	Indian Railways	http://www.indianrail.gov.in
18.	Air India	http://www.airindia.com

PART II

CHAPTER – I

**ARRIVAL/DEPARTURE DETAILS & LIST OF
PERSONNEL**

A. Intimation of Arrival/Departure of Diplomats/Officials

1. Foreign Representations¹ (**hereinafter referred to as FRs**) located in Delhi will formally communicate arrival details of their personnel, and members of their family/dependents and service staff, through a note verbale to Protocol II, Protocol III and Protocol Special Sections. The details will include:

- (a) Name, designation, date of birth, date of arrival and date of assumption of charge of the member of the Mission;
- (b) Name and designation of the predecessor of the newly arrived member of the Mission. (In case the appointment is against a new post, copy of the approval from Protocol-III Section shall be enclosed);
- (c) Name, relationship, date of birth, date of arrival of dependents and members of his/her family; and
- (d) Name, date of birth, date of arrival of service staff.

2. Date of relinquishment of charge by a member of a **FR** located in Delhi; his/her date of departure and flight particulars along with similar details about each member of his/her family; and service staff, will be formally communicated in advance or immediately after the relinquishment of charge/departure of the member.

3. Arrival/Departure details of members of **FRs** functioning in different States in India will be formally communicated by the **FR** concerned to the Protocol Department of the State Government.

¹ Foreign Representations include Diplomatic Missions, UN Agencies, International Organizations, Consulates, Offices of Honorary Consuls and Trade Representatives.

4. When a member of a **FR** located in Delhi is likely to be temporarily absent, on vacation or otherwise, from India, the **FR** concerned will formally communicate to Protocol-II, Protocol-III and Protocol Special Sections, the date of departure and the expected period of absence from India of the member.

5. When a member of a **FR** functioning in a State in India is likely to be temporarily absent from India, on vacation or otherwise, the **FR** concerned will formally communicate to the Protocol Department of the State Government the date of departure and the expected period of absence from India of the member.

B. Submission of list of Personnel

6. **FRs** located in Delhi will furnish to Protocol Division separate lists of diplomatic, non-diplomatic personnel and local staff, on 1st January and 1st July every year in the formats prescribed. Information in respect of Diplomatic and non-Diplomatic Personnel will be submitted to **Protocol-III Section** in **Form 1**. Information in respect of Locally-Recruited Staff and Domestic Assistants of Home-Based Personnel will be furnished in to Protocol-II Section in **Forms 2 and 3** respectively.

7. **FRs** located in Delhi will similarly furnish to Protocol Division, in the same manner as mentioned above, lists of members of all their representations located outside Delhi.

8. **FRs** located in the States of India will also furnish the lists to the Protocol Department of the State Governments concerned.

CHAPTER – II

DIPLOMATIC/OFFICIAL IDENTITY CARDS

A. Eligibility and Issuing Authority

1. Protocol-II Section issues Diplomatic/Official Identity Cards to:
 - (a) Home-based personnel on regular strength of **FRs** in Delhi;
 - (b) Home-based personnel on regular strength of **FRs** in Agartala, Guwahati;
 - (c) Members on regular strength of UN, UN Specialized Agencies and other International Organizations in Delhi, recruited on international basis.
2. Eligible members of **FRs** located outside Delhi [except (b) above] are issued Identity Cards by the Protocol Departments of the State Governments concerned or the Branch Secretariats of MEA.
3. Eligible home-based personnel of **FRs** appointed against new posts will be issued Identity Cards **only** after obtaining concurrence of the Ministry/Department of the Government of India to the creation of such posts through Protocol-III Section.
4. Personnel on training/internship in India are not issued Identity Cards. Similarly, personnel on short-term assignments of less than one year are also not issued Identity Cards. These personnel may seek visa extension, if required, through the concerned territorial division.

B. Application Forms

5. Requests for issue of Identity Cards will be submitted, in triplicate, along with three identical copies of latest passport-size colour photograph and photocopy of pages of passport or UNLP, as applicable, showing personal particulars, Indian visa and date of entry into India, in **Form 4** for Diplomatic, Administrative and Technical personnel and

Internationally-Recruited Officials of **FRs**; and in **Form 5** for Spouses, Dependents and Service Staff of homebased/Internationally-recruited members of **FRs**. Requests for issue of Identity Cards must be submitted within seven days of arrival in India, to Protocol-II Section.

C. Assignment of Designations

6. Designations assigned to members of **FRs** shall conform to standard international practice (such as Minister, Counsellor, Defence Advisor/Attaché, First Secretary, Second Secretary, Third Secretary, Attaché, Staff Member, etc.) except in the case of specific bilateral/multilateral agreements/conventions on the establishment of a particular **FR** in India that provide for creation of a post with a different designation. Designations such as Commercial Secretary, Secretary to the Ambassador, Commercial Attaché, etc., do not conform to standard international practice and are, therefore, not acceptable designations for issuance of Identity Cards. Similarly, accepted designations in Consular Posts are Consul General, Consul, Vice Consul, Consular Assistant and not Counsellor, Visa Officer, Adviser, Trade Representative, etc. In case of UN Agencies and International Organizations, specific designations are to be given for the Head and the number two only and “Staff Members” in case of all others.

D. Identity Cards for Spouses

7. Spouses (including common law partners, carrying certificate issued in this regard by an appropriate authority in the Sending State) of eligible members of **FRs**, provided they are not Indian nationals and are holding Diplomatic/Official/Service/Special Passports, are issued same category of Identity Cards as the respective members of **FRs**, by the Protocol Division or the concerned State Government, as the case may be.

8. Spouses (including common law partners, carrying certificate issued in this regard by an appropriate authority in the Sending State) who are nationals of third countries and, therefore, not holding Diplomatic/

Official Passports, are also issued same category of Identity Cards as the respective members of the **FRs**, by the Protocol Division or the concerned State Government, as the case may be.

E. Identity Cards for Children

9. Children of eligible members of **FRs** are issued Identity Cards when they are:

- (a) Between 12 and 21 years of age and hold Diplomatic, Official or Service Passport;
- (b) Certified by the officer to be fully dependent upon him/her;
- (c) Part of the Officer's household;
- (d) Not engaged in remunerative employment; and
- (e) Engaged in remunerative employment with approval of the Ministry of External Affairs in terms of a bilateral arrangement or on the principle of reciprocity.

Latest certificates, duly authorised by the **FR** concerned, confirming eligibility as mentioned in (b) to (e) above must be submitted with each request.

F. Identity Cards for other Dependents

10. Dependents, other than spouses and children, are issued Identity Cards only when they are holding Diplomatic/Official/Service/Special Passports of the Sending State. Identity Cards in such cases are issued on a case to case basis on the principle of reciprocity.

G. Validity and Renewal

11. Identity Cards are issued initially for a maximum period of 4 years. On expiry of this period, such cards will be renewed for actual remaining tenure of the official or for two years, whichever is less. The **FR**

concerned, when requesting renewal, will indicate in the note verbale/prescribed form the actual remaining tenure of the official concerned. Application for renewal will be submitted in the form as applicable for issuing fresh Identity Card, along with the expired Identity Card.

H. OCI/PIO card

12. Diplomats/officials and their family members holding OCI/PIO Card are also required to take an appropriate visa before entering India to join their assignment.¹

I. Identity Cards for collection/delivery of Mail and Diplomatic Bags

13. A limited number of local Indian staff of **FRs** based in Delhi are issued Special Photo Identity Passes, with a validity of one year, for collection/delivery of official mail from/to the Ministry of External Affairs and for collection/delivery of Diplomatic Bags from/to the airports. For requisitioning such cards, application in duplicate, in **Form 6** along with three identical stamp size colour photographs and copy of Aadhar Card/Election Photo Identity Card (EPIC)/Indian Passport², will be submitted to Protocol-II Section. These identity cards are non-transferable and are meant solely for collection/delivery of diplomatic bags from/to the airports and collection/delivery of official documents from/to the MEA Protocol. The cards must be retained in the FR concerned and should be given to the holder only when he/she is deputed to collect/deposit diplomatic bags from/to the airports and/or to collect/deposit official documents from/to the MEA Protocol.³

J. Loss of Identity Cards

14. Loss of Identity Cards should be reported to the nearest police station and the issuing authority without delay. Request for a duplicate Identity

¹ MEA circular note verbale No. D-II/551/1/2014 dated 28 July 2014 (Annexe I, Page 119)

² MEA circular note verbale No. D-II/451/18/2015 dated 21 July 2015 (Annexe II, Page 120)

³ MEA circular note verbale No. D-II/465/Misc/2017 dated 10 April 2017 (Annexe III, Page 121)

Card will be submitted to Protocol-II Section in the form prescribed (**Forms 4, 5 or 6, as applicable**) along with a copy of the report lodged with the police authorities. Duplicate Identity Cards are validated for the remaining period of validity of the Identity Card reported lost.

K. Return of Identity Cards

15. Identity Cards held by members of **FRs** in India, members of their family/dependents, and their domestic staff should be returned to the respective issuing authority within a week of completion of their assignments in India.

L. Relationships not recognized by Government of India

16. The Government of India does not recognize homosexual/same sex partner as a family member. Similarly, Fiancé/Fiancée is not recognized as a family member.

M. Compulsory carrying of Identity Cards

17. Identity Cards are required to be carried by their respective holders at all times.

N. Limits on use of Identity Cards

18. Members of **FRs** located outside Delhi shall be recognized only in the States covered by the respective **FR**. Further, they shall not be recognized as members of the concerned **FRs** in Delhi.

CHAPTER – III

PRIVILEGES AND IMMUNITIES – FOREIGN DIPLOMATIC MISSIONS

A. PRIVILEGES

I. Exemption from Customs Duty¹

(a) Diplomatic Missions

1. Diplomatic Missions are allowed to import free of customs duty articles for their official use, including reasonable quantities of office equipment, construction material, motor vehicles and other goods with the prior approval of Protocol Special Section. However, import, installation and operation of wireless telegraphy apparatus, satellite dishes, satellite earth station equipment, GPS systems, etc.,² without obtaining import permit and proper licence from Government of India, is prohibited. Similarly, articles meant for donations, participation/display in trade exhibitions or other such events are not allowed to be import duty-free.

2. With a few exceptions, prior approval of the Ministry of External Affairs would, henceforth, not be required for import of consignments up to the limit of Rs. 20,00,000/- or US \$ 33,000 (excluding vehicles), whichever is more. The Customs Duty Exemption Certificates for consignments valued at Rs. 20,00,000/- / US \$ 33,000 or less may be submitted along with a Self-Certification (**Form 7A**) and requisite documents directly to the Ministry of External Affairs/Protocol Department of the State Government, for attestation³.

3. Goods imported duty-free shall not be sold/disposed of before expiry of 3 years from the date of import. Separate provisions govern sale of motor vehicles.

¹ Foreign Privileged Persons (Regulations of Customs Privileges) Rules 1957, as amended from time to time. Please visit Website <<http://www.ieport.com>>.

² Please also see Chapter XI Paragraph H 10 Page 40

³ Circular Note Verab No. D.VI/451/5/2014/3369 dated 22 July 2014 (Annexe IV, page 122)

(b) Diplomatic Agents

4. Diplomatic Agents are granted exemption from payment of customs duty on all goods, including motor vehicles, imported for their personal use and for the use of their family members forming part of their household, subject to quantitative and monetary limits prescribed from time to time, as given below.

5. **Electrical and Electronic Gadgets:** Circular No. D-VI/451/1/98 dated 1 September 2003 (*Annexure V, Page No. 123*) lists items and their quantities for which exemption from payment of customs duty can be granted. In addition, Diplomatic Agents are also permitted to import one piece each of Personal Computer, Fax Machine, and Piano without furnishing a re-export undertaking.

6. **Motor Vehicles:** With prior approval of the Protocol Special Section, Diplomatic Agents can import, availing of exemption from payment of customs duty, or may purchase locally, availing of exemption/refund of GST (if applicable, on principle of reciprocity), one motor vehicle for their personal use within two years¹ from the date of their arrival in India. The condition of import of vehicle within two years of arrival in New Delhi will not be applied² for import of personal vehicles by HOMs. Officers of the rank of First Secretary and above, if accompanied by members of their family, may be permitted to import duty-free/purchase locally with exemption from payment of customs duty/GST a second motor vehicle for personal use within a period of two years from the date of arrival in India. The quantitative ceiling in respect of number of motor vehicles is inclusive of motor vehicles purchased locally. Motor vehicles, when imported, shall conform to norms of emission and other conditions prescribed from time to time by Government of India. **Government of India regulations do not allow sale of Left-Hand-Drive (LHD) vehicles to non-privileged persons in India. Accordingly, LHD vehicles imported into India by Diplomatic Agent, et al, are to be garaged/re-exported.**

¹ Circular Note Verbale No. D-VI/451/1/05 dated 22 December 2005 (Annexe VI, Page 125)

² Letter No. D-II/451/12(4)/2005-Pt dated 10 November 2006 (Annexe VII, Page 126)

7. **Liquor, Tobacco products and Provision/Foodstuff:** Import of liquor, Tobacco products and provision/foodstuff shall conform to the norms prescribed in Note Verbale No. D-VI/451/6/2014 dated 15.09.2014 (*Annexe VIII, Page No. 127*). For imports within the norms prescribed, prior approval will not be required.

8. **Other Items:** For duty-free import of items not falling within categories specified in Paras 2, 5, 6 and 7 above, prior approval shall be obtained from the Protocol Special Section.

(c) Administrative and Technical Personnel

9. On first arrival, entitled Administrative and Technical Personnel of Diplomatic Missions can avail of exemption from payment of customs duty on import of personal and household effects (excluding motor vehicles) and electrical and electronic items specified in circular Note Verbale No. D-VI/451(I)/1/98 dated 1 September 2003 (*Annexe V, Page No. 123*) intended for their personal use and for the use of members of their family forming part of their household, on the following conditions:

- (a) The goods reach India within four months of their first arrival in India to take up their assignments.
- (b) The officials are not Indian nationals or permanently resident in India and are not engaged in gainful employment in India.

(d) Locally-Recruited Staff

10. Locally-Recruited Staff of Foreign Diplomatic Missions are not extended any duty-free import privileges.

(e) Exceptions/Restrictions on import

- 11.
- (a) Import or possession of arms & ammunition is prohibited.
 - (b) Import of Beef in any form is prohibited.
 - (c) From time to time, restrictions are also imposed on import of certain agricultural and animal products.

II. Exemption from other Taxes and Fees

(a) Diplomatic Missions

12. Diplomatic Missions are exempted from payment of following taxes/fees:

- (a) Income-Tax/Wealth Tax on remittance received from their Governments;
- (b) All Municipal/Property Taxes of non-beneficial nature, i.e., taxes which are primarily intended to raise revenue. However, charges/fees levied for specific services rendered or supplies made such as for sewage, garbage collection, parking, etc., are not exempted;
- (c) Road Tax, Registration Fee of vehicles and Driving Licence fees;

13. Exemption from/refund of following taxes and fees is granted based on the principle of reciprocity:

- (a) Excise Duty on purchase of petrol for official motor vehicles;
- (b) Goods and Services Tax (GST) on goods;
- (c) Value Added Tax (VAT) on petrol, diesel and other fuel¹ purchased for official use;
- (d) Goods and Services Tax (GST) on availing of select services.

(b) Diplomatic Agents

14. Diplomatic Agents are exempted from payment of following taxes/fees:

- (a) Income-Tax Tax on emoluments received from their Governments;
- (b) Road Tax, Fees for Registration vehicles and Driving Licence;

¹ MEA Note Verbale No. D-II/451/12(4)/2005 dated 22 November 2005 (Annexe IX, Page 132)

15. Exemption from/refund of following taxes and fees is granted based on the principle of reciprocity:

- (a) Excise Duty on purchase of petrol for official motor vehicles;
- (b) Goods and Services Tax (GST) on goods;
- (c) Value Added Tax (VAT) on petrol, diesel and other fuel¹ purchased for official use;
- (d) Goods and Services Tax (GST) on availing of select services.

(c) Administrative and Technical Staff

16. Administrative and Technical Staff are exempt from income-tax on their emoluments received from the Sending State.

(d) Locally-Recruited Staff

17. Locally-Recruited Staff of Foreign Diplomatic Missions are not exempt from payment of any taxes, charges and fees including payment of income tax on their emoluments.

III. Exemption from Registration as Aliens and obtaining of Residence Permit

18. Diplomatic Agents, their spouses and those dependents holding diplomatic/official passports are exempt from the requirement of registration under the Registration of Foreigners Rules, 1939, as amended from time to time. They are also not required to obtain residence permits, if they are in possession of appropriate valid visa issued by CPV Division of the Ministry of External Affairs and Identity Cards issued by the Protocol Division.

B. IMMUNITY AND INVIOABILITY²

(a) Diplomatic Missions

19. The premises of a Foreign Diplomatic Mission shall be inviolable; the agents of the Government of India may not enter these except with

¹ MEA Note Verbale No. D-II/451/12(4)/2005 dated 22 November 2005 (Annexe IX, Page 132)

² The Diplomatic Relations (Vienna Convention) Act 1972 of 29 August 1972

the consent of Head of the Mission.

20. The Government of India will take all appropriate steps to protect the premises of a Mission against any intrusion or damage and prevent any disturbance of the peace of the Mission or impairment of its dignity.

21. The premises of a Mission, its furnishings and other property thereon and its means of transport duly registered shall be immune from search, requisition, attachment or execution.

22. Archives and documents of a Mission shall be inviolable at any time and wherever they may be.

23. The official correspondence of a Mission shall be inviolable. Official correspondence means all correspondence relating to the Mission and its functions.

24. The Government of India shall permit and protect free communication on the part of the Mission for all official purposes. In communicating with the Government and other Missions and Consulates of the Sending State, wherever situated, the Mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. The Mission may install and use a wireless transmitter **only** with consent of the Government of India.

(b) Diplomatic Agents

25. The private residence of a Diplomatic Agent shall enjoy the same inviolability and protection as the premises of the Mission. His/ Her papers, correspondence and his/her property shall likewise enjoy inviolability.

26. The person of a Diplomatic Agent shall be inviolable. He shall not be liable to any form of arrest or detention. The Government of India shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

27. A Diplomatic Agent shall enjoy immunity from criminal jurisdiction.

He shall also enjoy immunity from civil and administrative jurisdiction except in the case of:

- (a) A real action relating to private immovable property situated in India, unless he holds it on behalf of his Government for the purposes of the Mission;
- (b) An action relating to succession in which the diplomatic agent is involved as an executor, administrator, heir or legatee as a private person and not on behalf of the Sending State; and
- (c) An action relating to any professional or commercial activity exercised by the Diplomatic Agent in India outside his official functions.

28. A Diplomatic Agent is not obliged to give evidence as a witness.

29. Members of the family of a Diplomatic Agent forming part of his/her household, if they are not nationals of India, enjoy the immunities as specified above.

(c) Administrative and Technical Personnel

30. Members of the Administrative and Technical personnel of a Mission together with members of their families forming part of respective households, if they are not (a) nationals of India or (b) permanently resident in India, shall enjoy immunity from arrest or detention. They shall enjoy immunity from criminal jurisdiction.

31. They shall enjoy immunity from civil and administrative jurisdiction in respect of acts performed in the course of their official duties. Such members shall not enjoy immunity from civil and administrative jurisdiction in respect of acts performed outside the course of their duties.

(d) Locally-Recruited Personnel

32. Such members do not enjoy any immunity from civil, administrative or criminal jurisdiction in India.

CHAPTER – IV
PRIVILEGES AND IMMUNITIES –
CONSULAR POSTS HEADED BY CAREER
CONSULAR OFFICERS

A. PRIVILEGES

I. Exemption from payment of Customs duty and other taxes and fees

(a) Consular Posts

1. Foreign Consular Posts headed by Career Consular Officers can avail of exemption from payment of customs duty and other taxes and fees in the same manner as available to diplomatic missions, prescribed in Chapter III Para (A).I.(a) and in accordance with procedures laid down therein.

(b) Career Consular Officers

2. Within four months from the date of first arrival to take up their assignments in India, Career Consular Officers may avail exemption from payment of Customs Duty, with permission of Protocol Department of the respective State Government, on import of personal and household effects and other admissible articles, including motor vehicles, intended for their own use or for the use of their families. On the principle of reciprocity, however, Career Consular Officers of a number of countries may be granted “tenure privileges”, which entitle them to duty-free import of their requirements, within their entitlement, throughout their tenure of appointment in India, provided the Consular Officer is not normally resident in India, is not an Indian national, and is not engaged in any gainful private occupation in India.

3. Career Consular Officers are exempt from payment of taxes mentioned in Chapter III Para (A).I.(b), in the same manner as applicable to Diplomatic agents.

(c) Administrative and Technical personnel

4. Within and up to four months from the date of their first arrival to take up assignment in India, Administrative and Technical personnel of Foreign Consular Posts headed by Career Consular Officers are entitled to import their personal and household effects, excluding motor vehicles, free of customs duty, provided the staff member is not normally resident in India, is not an Indian national, and is not engaged in any gainful private occupation in India.

II. Exemption from Registration as Aliens and obtaining of Residence Permit

5. Career Consular Officers, their spouses and those dependents holding diplomatic or official passports are exempt from the requirement of registration under the Registration of Foreigners Rules, 1939, as amended from time to time. They are also not required to obtain residence permits if they are in possession of appropriate valid visa and Identity Cards issued by the Governments of the State where the Consular Post is located. Home-based staff in the Consular Post, other than Career Consular Officers, are not exempt from initial registration though, on the principle of reciprocity, they may be granted exemption from other registration formalities during their stay in India.

B. IMMUNITY AND INVIOABILITY

6. Foreign Consular Posts headed by Career Consular Officers and their eligible members are granted immunity and inviolability as generally granted to them under international law. The Government of India is also guided by the provisions of The Vienna Convention on Consular Relations, 1963 [VCCR].

Note: Deputy High Commissions and Assistant High Commissions in various States of India are treated as equivalent to Consular posts.

CHAPTER – V
PRIVILEGES AND IMMUNITIES –
CONSULAR POSTS HEADED BY HONORARY
CONSULAR OFFICERS

A. Consular Posts

1. Privileges and Immunities are extended to Consular Posts headed by Honorary Consular Officers in terms of The Vienna Convention on Consular Relations, 1963 (VCCR hereinafter). Exemption from payment of customs duty is extended only for official use of flags, signboards, seals and stamps, coats of arms, books, official printed matter, office furniture and equipment, and similar articles supplied by or procured at the instance of the Sending State. Inviolability of Consular archives and documents is assured provided these are kept separately from other papers and documents and, in particular, from private correspondence of the head of a Consular Post and of any person working with him, and from materials, books or documents relating to their profession or trade.

B. Honorary Consular Officers

2. In terms of the policy of the Government of India, Honorary Consular Officers to represent Foreign States can be appointed in the four Metropolitan cities of India – Chennai, Delhi, Kolkata and Mumbai. If a country is not represented in India, an Honorary Consular Officer can be appointed in Delhi only. Only Indian nationals of eminence and standing, with an impeccable record and resident in the State concerned where the Consulate is proposed to be established, are accepted as Honorary Consular Officers.

3. Honorary Consular Officers, being Indian nationals, except for the acts performed by them strictly in the exercise of their Consular functions, shall abide by all Indian laws and regulations.

4. Privileges and Immunities provided for in the VCCR shall not be available to members of the family of an Honorary Consular Officer

or of a Consular employee in a Consular Post headed by an Honorary Consular Officer.

5. Honorary Consular Officers shall be exempt from all dues and taxes on remuneration and emoluments, received from the Sending State for exercising of Consular functions.

6. In the event of arrest or detention, pending trial of a member of the Consular Staff, or of criminal proceedings being instituted against him/her, the Head of a Consular Post shall be promptly notified. In the event the latter himself/herself is the object of any such measure, the Government of the State being represented by the Head of the Consular Post shall be notified through the diplomatic channel.

7. Honorary Consular Officers shall not be amenable to the jurisdiction of the judicial or administrative authorities of the Receiving State in respect of acts performed in the exercise of their Consular functions. This provision will, however, not apply in respect of a civil action either arising out of a contract concluded by an Honorary Consular Officer in which he/she did not contract expressly or implicitly as an agent of the Sending State or by a third party for damage arising from an accident in the Receiving State caused by a vehicle, vessel or aircraft.

8. Honorary Consular Officers are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witness with regard to the law of the Sending State.

9. The Sending State may waive, with regard to an Honorary Consular Officer, any of Privileges and Immunities provided in sub paragraph (7) and (8) above. Such waiver shall be communicated to the Receiving State in writing.

10. If criminal proceedings are instituted against an Honorary Consular Officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason

of his official position and, except when he is under arrest or detention, in a manner which will hamper the exercise of Consular functions as little as possible. When it has become necessary to detain an Honorary Consular Officer, the proceedings against him shall be instituted with the minimum of delay.

11. Honorary Consular Officers who head Consular Posts are allowed to draw liquor, tobacco products and foodstuff as per notified quota once a year for Receptions held by them on their National Days. This facility has been extended to Honorary Consular Officers of only those countries who do not have any diplomatic presence anywhere else in the country. The requisitions may be submitted in the prescribed Exemption Certificate Form to the Protocol Department of the State Government concerned for Consular Posts located outside Delhi and to Protocol Special Section for Consular Posts located in Delhi.

12. Honorary Consuls General/Consuls may be permitted, on payment of full customs duty, to import a car, provided the cost of the car, including freight and insurance, is borne by the Sending State concerned. After a period of 5 years, replacement of cars so imported may be permitted on the same conditions provided it could be satisfied that such a change is desirable.

13. Honorary Consuls General/Consuls who head Consular Posts in Delhi are issued Identity Cards by Protocol-II Section of the Ministry of External Affairs. Those located in other States are issued Identity Cards by the concerned State Government/MEA Branch Secretariat.

14. Two airport access Photo Identification Cards (PIC) are issued to the Office of the Honorary Consul General/Consul, of which one is for the Honorary Consul General/Consul himself/herself. The PIC meant for the Honorary Consul General/Consul cannot be issued to anyone else in lieu of the Honorary Consul General/Consul.

15. Honorary Consuls General/Consuls who head Consular Posts can fly on their car the flag of the country they represent. This is, however,

permitted only when the journey performed is on official business. Use of national flag at random and on regular basis is not permitted.

16. Honorary Consuls General/Consuls may be invited to important official functions/receptions.

17. Honorary Consuls General/Consuls are issued seasonal Diplomatic Gallery Passes for the Lok Sabha and the Rajya Sabha Galleries.

18. An Honorary Consul General/Consul shall comply with the regulations, as applicable to an Indian national, of the Transport/Registration Authority of the State concerned, and display on his/her vehicle only standardized number plates bearing normal registration number provided by the Transport/Registration Authority. The plate and the digits inscribed on it will be in respective standardized colours prescribed by the Transport/Registration Authority. The number plate may carry the name of the country represented by the Honorary Consul General/Consul concerned followed by the letters CC (Hony.) in letters smaller than the registration number and in the same font and colour as the registration number. The privileges can be availed for a maximum of two cars. An Honorary Consul General/Consul will not inscribe the letters "CD" on the number plates displayed on his/her vehicles.

19. Subordinate officers such as Honorary Vice Consul, Consular Officers, et al, appointed by Honorary Consuls General/Consuls are not recognized by the Government of India.

20. All communications to the Ministry of External Affairs and other Departments/Agencies of the Government of India shall be issued only under the signature of the Honorary Consul General/Consul whose appointment has been accorded recognition by the Government of India.

21. The stationery reserved for communications from a Consular Post headed by an Honorary Consular Officer will display the word 'Honorary' with the designation of the Officer to identify his/her status.

CHAPTER – VI
PRIVILEGES AND IMMUNITIES –
FOREIGN TRADE COMMISSIONERS

A. Foreign Trade Commissioners

1. Foreign Trade Commissioners stand quite apart from Diplomatic and Consular Officers in the matter of Privileges and Immunities. International law does not provide any special Privilege or Immunity to them, except that they are entitled to the considerations shown to Foreign Government officials functioning in the country with the cognizance and the approval of the Receiving State.

2. By mutual agreement, on the principle of reciprocity, Foreign Trade Commissioners may be granted the following fiscal privileges:

- (a) Exemption from income-tax in respect of the emoluments which they receive from the home Government;
- (b) Exemption from payment of Customs duty on personal and household effects, including motor vehicle, and all articles intended for their personal use or for the use of the members of their families, imported during their tenure of office in India;
- (c) Exemption from Customs duty on all articles, including motor vehicles, imported for official use of the Trade Commissioners;
- (d) Exemption from Customs duty on samples (including advertising literature, if any, being such items cannot be treated as exempt under the general orders relating to samples), provided:
 - (i) The articles are the produce or the manufacture of the country the Trade Commissioner represents;
 - (ii) These are intended merely for display in the Trade Commission premises; and

- (iii) It is guaranteed by the Trade Commissioner that the samples will not be gifted or sold in India.

B. Staff Members in the offices of Trade Commissioners

3. By mutual agreement, on the principle of reciprocity, home-based staff members are allowed to import, free of customs duty, personal and household effects, excluding motor vehicles, for their personal use on their first arrival to take up their assignments in India provided:

- (a) The goods are imported within the time limit prescribed under the Baggage Rules; and
- (b) Beneficiaries are (i) nationals of the State employing them, (ii) are not normally resident in India, (iii) are sent by their respective Governments to posts in India; and (iv) are not engaged in any gainful occupation in India.

C. Exemption from Registration as Aliens and obtaining of Residence Permit

4. Foreign Trade Representatives/Commissioners deployed outside Delhi; home-based members of their staff; and members of their families, holding diplomatic or official passports, are exempt from initial registration with the Foreigners' Regional Registration Offices. Homebased members of their staff holding ordinary passports and the members of their families, however, are not exempt from registration formalities.

CHAPTER – VII
PRIVILEGES AND IMMUNITIES –
UN AND ITS SPECIALIZED AGENCIES

1. The Schedule to the United Nations (Privileges and Immunities) Act, 1947¹, governs the Privileges and Immunities available to the United Nations Organizations and its Specialized Agencies in India and their officials. The Privileges available to Regional Offices of the UNICEF and WHO are also governed, in addition to the provisions of the UN (P&I) Act, 1947, by the provisions of specific agreements that the Government of India have entered into with these Specialized Agencies of the UN. Important provisions of the Schedule are:

A. Offices of UN/UN Specialized Agencies

I. Privileges

2. The United Nations, its assets, income and other property shall be exempt from payment of:

- (a) All direct taxes. It is, however, understood that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) Customs Duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in India except under conditions agreed to with the Government.
- (c) Customs Duties and prohibitions and restrictions on imports and exports in respect of publications.

¹Please visit Website <<http://www.cbec.gov.in/Customs-Circulars-Instructions>>

3. The United Nations shall not, as a rule, claim exemption from Duties and Taxes which form part of the price to be paid to the proceeds accruing on the sale of movable and immovable property. Nevertheless, when the United Nations acquires property for official use on which duties and taxes have been levied/charged or are leviable/chargeable, the Government of India will, whenever possible, take appropriate administrative measure for the remission or return of the amount of duty or tax.

4. All lands and buildings owned by the United Nations and its Specialized Agencies shall be exempt from payment of Municipal Tax. For availing of such exemption, it would, however, be necessary to submit a written request to the offices of the Assessor and Collector concerned. It is also clarified that the exemption shall not be available in the event that United Nations or its Specialized Agencies have hired, for any purpose, any land or building belonging to other owners.

5. United Nations and its Specialized Agencies are exempt from payment of misuse charge that might be levied by the Land and Development Officer or any such other Officer responsible for the administration of the leases for the properties concerned, for reasons of the conversion of a residential building to its use for official or commercial purposes. The United Nations, its Specialized Agencies and other International Organizations, to which the provisions of the UN (P&I) Act, 1947, have been extended, should not undertake to pay such misuse charges in any lease/rental agreement for properties proposed to be hired by them in India.

6. Refund of VAT and excise duty is available on petrol/diesel procured for official vehicles subject to the quantitative limit of 350 litres per vehicle per month.

7. United Nations and its Specialized Agencies shall be exempt from payment of Road Tax and Registration Fee in respect of their official vehicles.

8. Items listed in the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986), when supplied to the United Nations or an International Organization for their official use, or supplied to the projects financed by the said United Nations or International Organizations, shall be exempt from payment of excise duty¹.

9. The United Nations shall enjoy for its official communication treatment not less favourable to that accorded by the Government of India to any other Government, including its Diplomatic Mission, in the matter of communication facilities. No censorship shall be imposed on the official correspondence and other official communication of the United Nations.

10. The United Nations shall have the right to use codes and to dispatch and receive its correspondence by courier or bags, which shall enjoy Privileges and Immunities in like manner as available to diplomatic couriers and bags.

II. Immunities

11. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as, in any particular case, it has expressly been waived of its immunity. It is understood, however, that no waiver of immunity shall extend to any measure of execution.²

12. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any form of interference, whether by executive, administration, judicial or legislative action. The archives of the United Nations and, in general, all documents to it or held by it shall be inviolable wherever located.

¹ Ministry of Finance Notification No. 108/95-CENTRAL EXCISE of August 28, 1995

² Vehicles not properly registered and plying on AF (Applied For) registration plates will not enjoy any immunity. (Please see Chapter XV Para C.3(b) Page 53)

13. Without being restricted by financial controls, regulations or moratoria of any kind:

- (a) The United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) The United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into other currency.

14. In exercising its rights mentioned above, the United Nations shall pay due regard to any representation made by the Government of any member State insofar as it is considered that effect can be given to such representations without detriment to the interest of the United Nations.

B. UN Secretary General/Assistant Secretary General

15. Secretary General, Assistant Secretaries General, their spouses and minor children shall be accorded Privileges and Immunities, exemptions and other facilities as available to Diplomatic Envoys under International Law.

C. Officials of UN/UN Specialized Agencies

16. Privileges and Immunities are accorded to officials in the interest of the United Nations and not for the personal benefit of the individual themselves. The Secretary General shall have the right and the duty to waive the immunity of any official in an event where, in his opinion, the immunity would impede the course of justice and can be waived of without prejudice to the interests of the United Nations. As for the Secretary General himself, the Security Council shall have the right to waive the immunity.

17. The United Nations shall cooperate at all times with the appropriate authorities of member States towards facilitating proper administration of justice, securing observance of police regulations and preventing the occurrence of abuse to available privileges, immunities and facilities.

I. Privileges

18. Officials of the United Nations/UN Special Agencies shall be:

- (a) Exempt from taxation on their salaries and emoluments paid to them by the United Nations;
- (b) Accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks in Diplomatic Missions;
- (c) Accorded, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as accorded to Diplomatic Agents;
- (d) Entitled to exemption from payment of customs duty on import of their furniture and personal effects at the time of initial assumption of their posts in India provided the goods are shipped to India within the time limit of four months of the arrival of the beneficiary in India. If the privileged officials of the United Nations and its Specialized Agencies require additional items besides that imported in their personal baggage on their first arrival, the orders for such items may be placed on foreign supplier(s) immediately on their arrival in India. For availing exemption from payment of customs duty, such additional items must reach India within the time limit of four months from the date of arrival of the official(s) concerned in India.
- (e) Allowed to import free of customs duty once during their tenure in India, a motor vehicle either on first arrival or subsequently, provided the vehicle reaches India within the prescribed time limit of four months from the date of arrival of the beneficiary or at least the order is placed within this prescribed time limit. The vehicle so imported may be replaced on completion of five years from its date of import, with another imported vehicle, on satisfying the Government of India that there is a requirement for such replacement.

- (f) Allowed to import duty-free, on an *ad hoc* basis, consumer items like food, drugs, medicine, liquor, tobacco products, books, periodicals, toiletries, etc., limited to an annual ceiling of US \$ 2000/- for single persons and US \$ 2500 for those accompanied by family members.¹ This privilege will, however, be accorded only to those senior officials of the United Nations and its Specialized Agencies, who are recognized by the Government of India.
- (g) Allowed, on an *ad hoc* basis, duty-free import of infant food and medicines.

II. Immunities

19. Officials of the United Nations shall be immune from:

- (a) Legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) National service obligations;
- (c) From immigration restrictions and alien registration, together with their spouses and relatives dependent on them.

D. Experts/Officials Assigned to India

20. Experts/Officials assigned to India under various Aid Schemes such as UNEPTA, UN and its Specialized Agencies (Regular Programmes), UN Special Fund Programme, Colombo Plan, Indo-French Technical Cooperation Agreement and other Bilateral Technical Cooperation Agreements with Foreign Countries are accorded the Privilege of:

- (a) Duty-free import of the following items on executing a certificate of undertaking:
 - (i) One personal automobile/motor cycle;

¹ Circular Note Verbale No. D-VI/451/6/2014 dated 31 October 2014 (Annexe X, Page 134)

- (ii) One music system;
 - (iii) One refrigerator and/or home freezer;
 - (iv) Two air-conditioners;
 - (v) Professional equipment and gadgets;
 - (vi) Minor electrical accessories and appliances;
 - (vii) TV set;
 - (viii) DVD Player/Blue-Ray Disc Player
- (b) Duty-free import of consumer items like food, drugs, medicine, liquor, tobacco products, books and periodicals, toilet articles, etc., up to an annual limit of (i) US\$ 2000/-, if single; and (ii) US\$ 2500/-, when accompanied by family. (For experts whose stay in India is expected to be less than one year, the ceilings are adjusted proportionately on a monthly basis.)

E Indian Nationals in the Employment of UN and UN Specialized Agencies

21. Indian nationals, employed as International Civil Servants in the Regional Offices of the United Nations, its Specialized Agencies and in other International Organizations in India, accredited not only to India but to other countries as well, shall enjoy facilities and privileges as available to foreign nationals functioning in similar positions in India.¹ Internationally-recruited Indian nationals, however, will not be entitled to the privileges and immunities listed in Sections 11, 12 and 13 of the UN (P&I) Act of 1947, which are available only to foreign nationals serving in similar capacities in the Offices of the United Nations, its Specialized Agencies and other International Organizations in India.

¹UN (P&I) Act of 1947; Website: <<http://www.cbec.gov.in/Customs-Circulars-Instructions>>

CHAPTER – VIII

PRIVILEGES AND IMMUNITIES – INTRNATIONAL ORGANIZATIONS

1. International and Inter-Governmental Organizations are accorded privileges and immunities under the UN (Privileges and Immunities) Act, 1947, specific Bilateral Agreements with Government of India and notifications issued from time to time by the Government of India.

CHAPTER – IX

**RESTRICTIONS ON PRIVILEGES AND
IMMUNITIES**

1. The Privileges and Immunities available under the Vienna Convention on Diplomatic Relations, 1961, (VCDR) are intended to ensure the effective performance of the functions of Diplomatic Missions as representing States and not to benefit individuals.
2. If a State which is a party to the Vienna Convention on Diplomatic Relations, 1961, and/or Vienna Convention on Consular Relations, 1963, is in breach of its obligations arising thereunder; or if the Privileges and Immunities accorded to an Indian Mission/Post or Members thereof in the territory of any State that is party to the Vienna Convention on Diplomatic Relations, 1961, and/or Vienna Convention on Consular Relations, 1963, are less than those conferred on the Diplomatic Relations (Vienna Convention) Act, 1972, dated 29 August 1972, of the Government of India, the Government of India may, notwithstanding anything contained in the said Act, withdraw such Privileges and Immunities from the Representation of that State or from members thereof.

CHAPTER – X

PROCEDURE FOR CUSTOMS CLEARANCE OF GOODS ADMISSIBLE FOR DUTY-FREE IMPORT

A. Exemption Certificate¹

1. An Exemption Certificate (hereinafter referred to as **EC**) attested by the Protocol Special Section, Ministry of External Affairs, enables **FRs** located in Delhi and their Privileged Members to clear admissible goods by availing of exemption from payment of customs duty. For eligible **FRs** functioning in different States of India and their Privileged Members, **ECs** are issued by the Protocol Department of the State Government concerned where such **FRs/Privileged Persons** are located.
2. The **EC** will be submitted in prescribed *Forms (No. 7, 8, 9 and 10)*, in triplicate under a Note Verbale, with all relevant documents duly authenticated by **FR** concerned. Each copy of the **EC** and its accompanying documents will be marked ‘original, duplicate, and triplicate’. The attesting authority will return the ‘original and duplicate’ copies of the **EC**, duly attested, to the **FR** concerned which the latter, in turn, will present to the respective Customs Authority for release, without payment of customs duty, of the items recorded in the **EC**.
3. For availing of exemption from payment of customs duty on equipment and supplies for various development projects in India assisted by United Nations, its Specialized Agencies and other International Organizations and on such consumable and/or nonconsumable equipment and supplies as are expressly required for use outside their offices; the **EC** will be presented to the Nodal Ministry for authentication and thereafter to the Customs Authorities. Third copy of the **EC** will be transmitted to the Protocol Special Section of MEA or Protocol Department of State Government concerned for record.

¹ MEA circular Note Verbale No. D-VI/451(I)/1/98 dated 9 June 2005 (Annexe XI, Page 136)

B. Documents to be attached to EC

4. **ECs** will, in all cases, be accompanied by the following documents, duly stamped by the FR, in respective order:

- (a) Prior approval of the Protocol Special Section/Protocol Department of the concerned State/MEA Branch Secretariat for the import, wherever required;
- (b) Invoice and the Packing List in original;
- (c) Airway Bill/Bill of Lading or Postal Notice depending upon the mode of import;
- (d) Certificate of Origin of goods from the supplier;
- (e) Arrival Notice/Delivery Order issued by the airport/port/postal authority concerned;
- (f) For import of publicity material – the kind of material, i.e., printed (publications, books, magazines) or recorded (video and audio cassettes, DVDs, VCDs, etc.), and the details like title(s), volume, issue number, subject matter, number of copies and packages, language, value, and any other relevant detail will be enclosed. (ECs merely stating “printed material/recorded video cassettes, etc.” will not be entertained or processed);
- (g) For import of electronic/electrical equipment – the invoice will contain the following additional/specific details:
 - (i) Make and Model of the Item;
 - (ii) Capacity of Air Conditioner, Size of Television Screen, Computer hardware specifications; and
 - (iii) Serial number of the equipment.

- (h) For import of wireless communication equipment, satellite phones, GPS systems, satellite earth stations – prior approval of the Government of India, to be obtained through Protocol-II Section, shall invariably be furnished;¹
- (i) For import of motor vehicles – details of make, model, year of manufacture, transmission, displacement, side of steering wheel, and a certificate of compliance with emission norms shall be communicated. The norms of emission will conform to ‘Bharat Stage IV’ or higher as notified from time to time;
- (j) For import of auto spare parts – a list of parts, their serial numbers and registration number, make and model of vehicle for which the spare parts are being imported will also be provided.
- (k) Depending on the kind of import and its intended/subsequent use, an undertaking will be enclosed with each copy of the **EC** as per following formats:

(a) Import for Official use

“This is to certify that the articles specified in the enclosed Exemption Certificate are intended for the Official use of _____ (Name of the **FR**) and that they are the property of _____ (Name of the Sending State) and will continue to be so.”

Official Seal of **FR** Signature of Head of **FR**
(or Officer authorized to sign on his behalf)

Place:

Date:

¹Please see Chapter XI (Restrictions on Import/Export) - paragraph H.10, Page 40

(b) Import of Personal and Household Effects

“Certified that I arrived in India on _____ (date) and that the goods being imported under the Exemption Certificate No. _____ dated _____ were my properties at the time of my first arrival in India.”

Signature of the member of **FR**

Place:

Date:

Countersigned by:

Official Seal of **FR**

Signature of Head of **FR**

(or Officer authorized to sign on his behalf)

(c) Import of Samples and other items for display/ demonstration in the premises of **FR**

“This is to certify that the samples mentioned in Exemption Certificate No. _____ dated _____ are the product of _____ (name of the Country/ Organization) and are solely for display and/or demonstration inside the premises of the office of _____ of this Mission/ Organization. If these samples are used for display and demonstration purposes at a place other than the premises mentioned above, the customs duty leviable thereon shall be paid by this Mission/Organization.

Official Seal of **FR**

Signature of Head of **FR**

(or Officer authorized to sign on his behalf)

Place:

Date:

- (l) For importing items in replacement of those re-exported earlier, **ECs** will be accompanied by an ‘Export Certificate’ issued by Customs Authorities of the Port/Airport of re-export.

C. Unutilised ECs

5. The ‘Original’ and ‘Duplicate’ copies of all attested **ECs** remaining unutilized for three months from the date of their attestation will invariably be returned to the attesting authority for cancellation.

D. Guidance to filing ECs for attestation by the Ministry¹

6. To avoid delays in processing **ECs** for attestation, **FRs** should ensure the following:

- (a) **ECs** filed for attestation in each calendar year should bear separate running serial numbers for items for ‘official use’ of the **FR** and for ‘personal use’ of individual Privileged Persons for all categories of imports;
- (b) Items entered in **ECs** should be limited to those expressly required for official use of **FR** or for personal use of Privileged Persons or members of their family;
- (c) Each item should be clearly listed separately. Liquor indents, without exception, should specify the product brand as also the number of cases, bottles, and cans and their respective volumes against the ‘quantity’ column;
- (d) The individual and the collective value of the items should invariably be recorded in equivalent Indian Rupees in the relevant column of **EC**;
- (e) Alterations, striking through a word or sentence and overwriting should be avoided.

E. Countersigning of ECs

7. **ECs** for items for ‘official use’ will be signed by the Head of **FR** concerned. **ECs** for items for ‘personal use’ of a Privileged Person

¹ Please See Annexe XI (Page 136)

or members of his/her family will be signed by the Privileged Person concerned and countersigned by the Head of respective **FR**.

8. Heads of **FRs** with ten or more Privileged Persons can delegate the responsibility of countersigning to another senior functionary.

F. Specimen signatures of Countersigning Authority

9. Eleven copies of the specimen signature of the countersigning authority (Paras 7 and 8 above) on separate sheets with official seal of **FR**, will be submitted to the Protocol Special Section.

G. Demurrage

10. **FRs** will ensure expeditious clearance of their consignments so as to avoid demurrage charges. Requests for waiving of or refund of demurrage charges could be considered only if the delay is directly attributable to the administrative processing time in Protocol Division.

CHAPTER – XI

RESTRICTIONS ON IMPORT/EXPORT

A. Import of goods via land route

1. Items for official use of **FRs** or personal and household effects of their respective entitled members shall not be imported via land route in commercial vehicles of foreign firms.

B. Import of Motor Vehicles

2. Imported non-commercial motor vehicles to be registered in the National Capital Region including National Capital Territory of Delhi will conform to ‘Bharat Stage IV’ emission norms. Vehicles to be registered in other State/locality of India will similarly conform to the norms applicable in the respective State, as notified from time to time.¹ This condition will, however, not apply to motor vehicles plying on CNG (Compressed Natural Gas). The certificate on emission norms will be obtained from either the manufacturer of the imported motor vehicle or its authorized representative.

3. As per direction given by the Hon’ble Supreme Court on 26 March 2001, all commercial motor vehicles (two, three or four wheelers) will, by law, have a single fuel mode of CNG to qualify for registration/plying in the National Capital Territory of Delhi.

4. **Left-Hand-Drive motor vehicles:** LHD vehicles are not permitted to be imported into India. On an exceptional basis, an LHD vehicle can be permitted to be imported provided the vehicle is garaged/not registered/not allowed to ply on the roads and is re-exported on completion of tenure of the diplomat.

C. Import of calendars, diaries, etc.

5. **FRs** may import, on exemption from payment of customs duty,

¹ Please visit Website: <<http://www.delhidistrictcourts.nic.in/aug/4025.htm>>

calendars, diaries, publicity posters and booklets for free distribution, provided such material has been originally produced or manufactured in/by the Country/Headquarter of the **FR** concerned.

D. Import of publicity material for public distribution/donation

6. Very often, **FRs** seek exemption from payment of customs duty for importing large quantities of books, magazines, printed material, etc., declaring the use of such material as for 'Official purposes'. When large quantities of such material are sought to be imported, it is presumed that the items will be used for publicity and/or for free distribution/donation to public libraries and other institutions. **FRs** applying for **ECs** for import of large quantities of such material will make clear distinction between materials for official publicity purpose or for the purpose of free distribution/donation and the fact will be unambiguously declared while applying for exemption.

E. Import of religious books, tourism & educational material

7. **EC** will not be issued for importing religious books and related material if such material is for free public distribution/donation. Tourism promotion material and educational material also do not qualify for exemption from payment of customs duty.

F. Import of items for Charity Shows, Charity Bazaars, Food Promotion, etc.

8. **ECs** will not be issued for foodstuff, beverages and other items for organizing Charity Shows/Charity Bazaars/Food and Wine promotion or for donating towards charity since these practices are not in conformity with the relevant provisions of the Vienna Conventions and UN(P&I) Act.

Note: **FRs** are advised to import items mentioned in Paras 5, 6, 7 and 8 above through normal channels.

G. Import of beef, poultry and beef/poultry products

9. Import of beef in any form is prohibited as per Exim policy. Import of Poultry livestock or any product/preparation containing poultry is prohibited in India.¹

H. Import and installation of wireless telecommunication system/Dish Antenna/GPS (Global Positioning System)/earth station or other advanced communication systems

10. Import and installation of wireless telecommunication equipment, Dish Antenna, GPS, earth station equipment are governed by regulations contained in circular Note Verbale No. D-III/451/1/2001-Pt dated 10 April 2003 [*Annexe-XIII (Page 138) and Forms 11, 12 and 13*]. FRs desirous of importing and installing telecommunication equipment will apply for prior approval of Protocol-III Section in the forms annexed to the above-mentioned Note Verbale.

I. Export of antique items

11. The Antiquities “Export Control” Act, 1947, prohibits export of any antiquity from India except under the authority of a licence granted by the authorities concerned for the Government of India. Antiquities include:

- (a) Any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship;
- (b) Any article, object or thing detached from a building or cave;
- (c) Any article, object or thing illustrative of science, art, crafts, literature, religion, custom, moral or politics in bygone ages; and
- (d) Any article, object or thing declared by the Central Government by Notification in the Official Gazette to be an antiquity for the

¹MEA circular No. D-VI/451(I)/1/98 dated 12 February 2004 (Annexe XII, Page 137)

purpose of this Act, which has been in existence for not less than one hundred years.

12. Any person having in his possession any article, object or thing of the nature described in paragraph 11 (a) to (d) above, and intending to export it, may apply to the Director General of Archaeology for a decision to determine if the said article, object or thing is an antiquity for the purpose of the Act. The application shall be accompanied by a full description of the article, object or thing. The Director General may, before giving his decision, require the article, object or thing to be produced before him or any person authorized by him, for inspection.

13. Applications for a licence to export of an antiquity shall be submitted in the prescribed proforma **Form 14** to the Director General, Archaeological Survey of India. The application, along with the prescribed fee, will be submitted not less than two calendar months before the proposed date of export of the antiquity. Diplomatic and Consular Officers are exempt from payment of the application fee for obtaining licence for exporting antiquities which form part of their personal property. Before granting the export licence, the Director General of Archaeology may call for additional information on the antiquity, a photograph of the antiquity and require the antiquity to be produced for inspection before him or before any other person authorized by him.

14. At the port of exit in India, the Customs Authorities are empowered to seek a declaration from exiting passengers that their baggage does not contain any antiquity except those for which valid and proper export licence(s) has/have been obtained.

J. Export of Motor Vehicles

15. Imported motor vehicles of **FRs** and their respective Privileged Members may be allowed to be exported without export trade control formalities, on the principle of reciprocity, on production of a certificate from the Head of the **FR** concerned or an officer duly authorized by him/her stating that:

- (i) The motor vehicle(s) was/were imported by the FR/Privileged Member concerned without exchange control formalities;
- (ii) No foreign currency transaction is envisaged in the proposed export; and
- (iii) Exemption from export trade control formalities is allowed to the Indian Diplomatic Mission, Consulate and the Privileged Members in the country of the **FR** concerned.

16. The export of motor vehicles, for which the certificate cannot be furnished, may be allowed on the production of export permits, issued by the designated Port Licensing Authorities concerned in India.

K. Trading in Shahtoosh shawls

17. Trading in Shahtoosh Shawls has been declared illegal in India by the inclusion of the Tibetan Antelope or Chiru (*Panthelops hodgsoni*) in Schedule I of the Wild Life (Protection) Act, 1972.

L. Export of goods at the India-Pakistan border

18. **FRs** whose Diplomatic agents/officials may be required to cross the Wagah/Attari Check Post at the India-Pakistan border on transfer or on official/private visits to Pakistan will obtain prior clearance from the Protocol-II Section for undertaking such journeys. Requests for clearance, with complete details of the vehicle, will be submitted seven working days in advance of the scheduled date of journey.

M. Import of Films

19. The exhibition of films in India is regulated by the provisions of the Cinematograph Act, 1952 (37 of 1952), and the various State Cinema (Regulation) Acts as amended from time to time. Diplomatic Missions will not transfer films imported by them to private organizations for screening in public against sale of tickets. The restrictions to public screening of films include their being utilized for collection of funds for charitable or other purposes. (Also see Chapter XX Para C)

CHAPTER – XII

REGULATIONS FOR SALE/DISPOSAL OF ITEMS OTHER THAN MOTOR VEHICLES

A. General rules for Sale/Disposal

1. Items acquired by **FRs** or their Privileged Members against exemption from payment of customs or other duties may not be sold/disposed of to any person, privileged or non-privileged, before completion of three years from the date of import, without prior concurrence of Central Board of Excise and Customs (CBEC) to be obtained through the Protocol Special Section.
2. Where a Privileged Person (a) relinquishes his/her post; or (b) is transferred out of India within the period of three years, he/she may be allowed, with the prior concurrence of CBEC, to sell/dispose of such customs duty free items, on payment of applicable customs duty within three months from the date of relinquishment of his/her office.
3. Nothing contained in paragraphs 1 and 2 above shall be deemed to affect the right of the Privileged Person to re-export his/her personal items, acquired against exemption from payment of customs or other duties, on relinquishing office or on completion of his/her assignment or on transfer from India.
4. Prior approval for sale/disposal/export of items concerned will be obtained from Protocol-II Section. Request for prior approval will be made in **Form 15** and submitted to Protocol-II Section in quintuplicate.

B. Sale/Disposal to non-Privileged Persons

5. Where a Privileged Person, who has procured item(s) against exemption from payment of customs or other duties, sells/disposes of the said items to a non-Privileged Person within three years from the date of import, the former shall be liable to pay customs or such other duty as determined and recoverable by the Collector of Customs nearest

to the headquarters of the Privileged Persons concerned. The amount of duty payable shall be assessed in consultation with the Collector of Customs of the Port of Entry of such item(s) and calculated on the basis of rates of duty in force and value of such item(s) on date of their import.

6. The Privileged Person concerned shall furnish such relevant information and documents in respect of the items to be sold/disposed of, as the officer concerned may require. The Privileged Person shall also arrange to produce such goods before the officer concerned for inspection to enable correct appraisal of the value of the items for assessing duty payable.

C. Sale/Disposal to Privileged Persons

7. When a Privileged Person, who has procured item(s) against exemption from payment of customs or other duties, sells/disposes of such items to a Privileged Person **within three years** from the date of import, the former shall not be liable to pay customs or such other duty. However, the Privileged Person selling/disposing of such goods will obtain from the Privileged Person acquiring the item(s) an Exemption Certificate in **Form 7 or 8** issued by Protocol Special Section. For each transaction, both the seller and the buyer shall send a report to the Central Board of Excise and Customs through the Protocol Division within one month of the transaction.

8. Where items procured against exemption from payment of customs or such other duty are sold/disposed of **after three years** from the date of procurement, no prior permission is required for such sale/disposal. Protocol Division will, however, be informed within one month of the transaction in **Form 16**.

D. Violation of regulations of Sale/Disposal

9. Sale of items procured against exemption from payment of customs or such other duty, (i) within three years from the date of procurement of such items; (ii) without obtaining prior permission of the CBEC; and (iii)

without paying customs duty, if leviable; is in direct violation of Foreign Privileged Persons' (Regulation of Customs Privileges) Rules, 1957, as amended from time to time. Sale/disposal of items, procured under the Foreign Privileged Persons' (Regulation of Customs Privileges) Rules, in a manner that violates these Rules, renders the goods liable to confiscation under the Customs Act, 1962.¹ In addition, under the Customs Act, action can also be taken against any individual engaged in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or dealing in any manner in such goods.

E. Prohibition of donation of Items procured duty free

10. All items, including liquor, procured by Privileged/non-Privileged Persons, against exemption from payment of customs or such other duty, are intended for their personal use only and not for donation.

F. Sale/Disposal of goods procured locally with GST/(erstwhile) excise duty exemption/refund:

11. Goods purchased locally against exemption from payment of GST/(erstwhile) Central Excise Duty or refund of such duty, may be exported out of India or sold or transferred to other Privileged Persons/Organizations only with the permission of the Protocol-II Section. On completion of three years from the date of purchase, with the permission to be obtained from Protocol-II Section, Central Excise-Duty-free goods may be sold/disposed of to non-Privileged Persons also with exemption from repayment/refund of the excise duty element on the basis of reciprocity.

¹Section 111(a) and 112(b) of the Customs Act 1962

CHAPTER – XIII

SALE/DISPOSAL OF MOTOR VEHICLES

A. Vehicles imported free of customs duty

1. The Foreign Privileged Persons' (Regulation of Customs Privileges) Rules, 1957, as amended from time to time, govern the sale/disposal of motor vehicles imported against exemption from payment of customs duty by Privileged Persons. The Rules offer the following options:

- (a) Export the motor vehicle with prior permission of the Protocol Special Section on application in the form prescribed **Form 17**;
- (b) Upon the expiry of one year from the date of registration, sell the motor vehicle to another Privileged Person with the permission of the Central Board of Excise and Customs (CBEC), to be obtained through Protocol Special Section on application in the form prescribed **Form 17**;
- (c) Upon expiry of three years from the date of registration, sell the motor vehicle to any non-Privileged Person, with the permission of the CBEC, to be obtained through Protocol Special Section, on payment of applicable customs duty as assessed at the time of sale/disposal. Application for permission for sale/disposal will be submitted in **Form 17**;
- (d) A Privileged Person, if transferred from India prior to the expiry of the mandatory three year period from the date of registration of his personal motor vehicle, may sell the motor vehicle to a non-Privileged Person on payment of applicable customs duty, only if such vehicle had been imported within one year of his/her arrival in India. Application for such sale will be submitted to the Protocol Special Section in **Form 17**; (Also see Para 4 of Chapter XI.)

- (e) Sell/dispose of accidented/totally damaged motor vehicles with the permission of the CBEC, to be obtained through Protocol Special Section, to the Insurance Company that has insured the vehicle without prejudice to the latter's rights to sell/dispose of such vehicles as provided for in clauses (a) and (b) above. If the insurance company declines the offer of sale, the motor vehicle may be sold/disposed of to a suitable agency for scrapping.
2. Sale/disposal of imported duty-free motor vehicle to non-Privileged Persons, with exemption from payment of customs duty, is allowed in the following cases:
- (a) Diplomatic Missions/Posts and their entitled Privileged Persons will, on the principle of reciprocity, be allowed sale of duty-free imported motor vehicles in the open market (i.e., to non-Privileged Persons), with exemption from payment of customs duty, on expiry of four years from the date of registration of the vehicle. Request for permission for availing the facility of such sale shall be submitted to Protocol Special Section in advance of the final departure of the beneficiary from India.
 - (b) United Nations, its Specialized Agencies and other accredited International Organizations and their all Privileged Officials will be allowed sale of duty-free imported motor vehicles in the open market (i.e., to non-Privileged Persons), with exemption from payment of customs duty, on expiry of four years from the date of registration of the vehicle.
3. Customs Duty on sale/disposal of imported duty-free motor vehicles to non-Privileged Persons is determined by and is also payable to the Commissioner of Customs nearest to the headquarters of the Privileged Person concerned. The customs duty is calculated in the following manner:
- (a) For sale of motor vehicle to a non-Privileged Person, as provided for in clauses 1 (c) and 1 (d) above, the duty shall be determined after allowing for depreciation at the scales specified by the

CBEC for imported second-hand motor vehicles. The rate of customs duty on such vehicle and the exchange rate applicable for conversion of foreign currency into Indian currency shall be as prevailing on the date of approval of sale/disposal.¹

- (b) For sale/disposal of totally damaged motor vehicles, as provided for in clause 1 (e) above, customs duty shall be determined by the Customs authorities taking into account the sale price as inclusive of duty. The rate of duty shall be taken as that applicable to such motor vehicles not so damaged at the time of sale/disposal.

4. If a motor vehicle is stolen, customs duty shall still be payable as provided in Paras 1 and 2 above. The customs duty shall be determined taking into account the amount of insurance claim as inclusive of duty. The rate of duty shall be taken as that applicable to such a vehicle prior to it being stolen. (FRs are accordingly advised to insure the motor vehicles for a value equal to cost plus customs duty applicable.)

B. Locally Manufactured Motor Vehicles

5. Locally manufactured motor vehicles purchased against exemption from payment of GST or with refund of such duty may be exported or sold or transferred to other Privileged Persons/Organizations only with the permission of the Protocol Special Section. Application for such sale/disposal shall be submitted in **Form 18**.

6. On completion of three years from the date of registration, such GST-free motor vehicles may be allowed to be sold to non-Privileged Persons, also with exemption from repayment/refund of the GST element, which will be decided on the principle of reciprocity. Permission for such sale will be obtained from the Protocol Special Section.

¹ Details of duty payable are available on the Customs Website <<http://www.cbec.gov.in>>

C. Retention of Imported Motor Vehicles after retirement¹

7. When a Privileged Person, on superannuation/relinquishment from service/post in India decides to stay on, and wishes to retain for his/her *bona fide* use the motor vehicle procured against exemption from payment of customs or any such other duty, the Central Board of Excise and Customs (CBEC) may permit the Privileged Person concerned to do so without payment of customs or any such other duty on the condition that the said motor vehicle has been in his/her possession for a period of three years or more from the date of registration in India on the date the individual concerned ceases to be a Privileged Person.

8. Customs or such other duty shall be payable where an individual who ceases to be a Privileged Person, stays on in India and decides to sell his/her motor vehicle procured against exemption from payment of customs or any such other duty, if the said vehicle has been in his possession in India for less than three years from the date of import into India. CBEC's prior approval will be obtained for such sale/disposal.

¹ Foreign Privileged Persons' (Regulation of Customs Privileges) Amendment Rules, 1985; Customs Notification No. 34/85-Customs dated 20 February 1985 as amended from time to time (Website: <<http://www.ieport.com>>)

CHAPTER – XIV

FIREARMS

1. Ministry discourages possession of any kind of firearms by **FRs** or its members. Indian authorities are responsible for the protection of personnel attached to the Diplomatic Missions/Posts/International Organizations and adequate security cover is provided to them.

CHAPTER – XV

REGISTRATION OF MOTOR VEHICLES

A. Procedure for Registration¹

1. No motor vehicle can ply on roads in India without a valid registration with the authority concerned. Procedure for registration of Motor Vehicles belonging to **FRs** and their eligible members is as follows:

- (a) Application for registration of a Motor Vehicle by **FRs** and their members shall be submitted in **Form 19**, in quadruplicate, within 30 days of purchase/import/acquisition, to Protocol Special Section of the Ministry of External Affairs for Delhi-based **FRs** and to the Protocol Department of the State Government/MEA Branch Secretariat, as applicable, for those **FRs** located outside Delhi.
- (b) After due authorisation and assignment of a registration mark (CD/CC/UN) and a distinguishing number, the Form will be submitted to the respective Vehicle Registration Authority. The Motor Vehicle to be registered will also be produced before the Registering Authority or any other concerned authority as may be required.
- (c) The Registering Authority shall register the vehicle under the assigned mark and number and issue a certificate, copy of which must be available in the vehicle at all time.

B. Pre-Requisites for Registration

2. The vehicle to be registered should be Right-Hand-Drive, should have valid insurance and should conform to emission norms. Guidelines in this regard are as follows:

¹Rule 76 of the Central Motor Vehicle Rules, 1989

- (a) **Insurance against third party risks:** By law, it is incumbent on every individual possessing/driving/owning a motor vehicle to insure him/her against any liability that may arise from death of or body injury to any person caused by the use of a vehicle in a public place. **FRs** will ensure that their members possessing/driving/owning motor vehicles are, at all times, in possession of valid insurance policies against third-party risks and also ensure that the policies are renewed regularly and under no circumstances allowed to lapse.
- (b) **Insurance for customs duty:** In the event of loss/accident/damage of vehicles imported duty-free, pro-rata customs duty has to be paid by the Privileged Person/Organization on the amount of insurance claim. It is advisable that the **FRs** and their members, in their own interest, insure their motor vehicle for such value as includes the customs duty as also the c.i.f. value of the vehicle.
- (c) **Emission control norms:** Only those non-commercial vehicles which conform to ‘Bharat Stage IV’ or higher norms of emission, as prescribed and notified by the Traffic Authority concerned, can be registered in the National Capital Territory of Delhi.¹ For every vehicle to be imported or registered in India, a certificate, conforming compliance to the norms of emission, from the manufacturer of the Motor Vehicle or from the authorized representative of the manufacturer of the vehicle, shall be submitted to the Protocol Special Section. This restriction on registration does not apply to non-commercial vehicles plying on CNG (Compressed Natural Gas).

C. Use of Diplomatic/UN Number Plates

3. Diplomatic/UN registration marks and numbers assigned to vehicles of **FRs** and corresponding number plates must be handled with caution

¹ Ministry of Surface Transport, Government of India, Notification No. GSR 77E dated 31 January 2000.

as these confer immunities on the vehicles. It shall be the duty of each **FR** and its entitled members to check and avoid for any unauthorized use of the distinguishing number allotted to their vehicles. Following guidelines are to be noted:

- (a) **Exhibition of registration mark:** Motor vehicles belonging to Delhi-based **FRs** and their diplomatic and consular officers in Delhi will display the registration marks and the numbers inscribed in white on plates with a deep blue background. Motor vehicles belonging to Consular Posts, other UN/ International Organizations outside Delhi and their entitled officers will display the registration marks and the numbers inscribed in yellow on plates with deep blue background¹. The registration mark and the numbers shall be in English letters and standard numerals as per prescribed font and size.
- (b) **‘AF’ Number Plates²:** Plying vehicles without proper registration mark and with ‘AF’ number plates is in violation of local laws. Permission granted by the Ministry of External Affairs for purchase/acquisition of a vehicle by a **FR** and its entitled members, either with or without exemption/refund of duties, does not accord diplomatic status to the vehicle so acquired. Vehicles with ‘AF’ number plates do not enjoy privileges and immunities. Ministry of External Affairs cannot, therefore, intervene in matters relating to detention/fines imposed by traffic authorities on vehicles with improper and/or unregistered number plates.
- (c) **Loss of Number Plates:** If the number plate of a motor vehicle is stolen/lost, the owner shall report the loss in writing to the Registering Authority concerned as also to the nearest police station and apply for fresh number plate. If the number plate is

¹ Ministry of Surface Transport, Government of India, Notification No. GSR 633(E) dated 22 June 2017

² MEA circular Note Verbale D-II/458/1/2005 dated 12 December 2005 (Annexe XIV, Page 141)

subsequently discovered, the owner shall report the fact to the Registering Authority concerned and to the same police station where the loss was reported.

- (d) **Disposal of Number plates:** When a Motor Vehicle bearing CD, CC, CDP or UN number is sold or disposed of to another Privileged or non-Privileged Person, it shall be the responsibility of the seller and the **FR** concerned to ensure that the CD, CC, CDP or UN number plate is removed from the vehicle and surrendered to the Motor Licensing Officer, CD Cell, 5/9 Underhill Road, Delhi, or to the Motor Licensing Officer of the State Government concerned before the Motor Vehicle is transferred to the buyer.

D. Change of Residence/Transfer of Vehicle

4. The assigned registration mark and numbers are valid only for use of the Motor Vehicle at the place of registration and by the **FR** or its members for whom these were issued. The guidelines below cover steps to be taken in case of change of residence/ownership of the vehicle:

- (a) **Change of residence:** When the owner of a Motor Vehicle changes his/her residence from that recorded in the certificate of registration, he/she shall, within thirty days of such change, communicate his/her new address in **Form 20** to the Registering Authority wherefrom the Certificate of Registration was issued, or if the new address is within the jurisdiction of another authority, to that other Registering Authority. The Certificate of Registration will be produced before the Registering Authority concerned for recording change of address. Revised registration will, however, not be required if the change of residence does not exceed six months or if the Motor Vehicle is neither used nor removed from the address recorded in the Certificate of Registration.
- (b) **Removal of vehicle to another State:** A Motor Vehicle registered in one State, on removal to another State and retained

there for a period exceeding twelve months, shall be registered with the Registering Authority of the latter State. Request for registration and revised registration mark and number will be submitted in **Form 21** to the Registering Authority of the State Government concerned.

- (c) **Transfer of motor vehicle:** When a Motor Vehicle is transferred by way of sale or otherwise, the owner shall, within fourteen days, report to the Registering Authority concerned the full name and address of the person to whom the vehicle is transferred. Copies of the report shall simultaneously be endorsed to (i) the new owner; (ii) Ministry of External Affairs or the State Protocol Department concerned; (iii) Collector of Customs of the Port of Import, and, where it is not possible to identify the said Port, to the Collector of Central Excise and Customs nearest to the headquarters of the owner; and (iv) the original Registering Authority. Where the new owner is a Privileged Person, he/she shall, within 30 days from the date of acquisition, apply for registration of the Motor Vehicle in his/her name. The period of 30 days includes the time required for the mandatory amendment to the Bill of Entry at the original Port of import for recording the name of the new owner. Requests for registration of transfer of ownership will be entertained only after the Bill of Entry has been amended to include the name of the new owner.
- (d) **Suspension/Cancellation of the Registration:** If the registration of a Motor Vehicle is suspended or cancelled, a copy of the suspension/cancellation order shall be submitted to the competent authority and to each of the authorities and persons concerned.
- (e) **Duplicate Certificate of Registration:** If the Certificate of Registration of any vehicle is torn, defaced, mutilated, lost or destroyed, the owner shall apply in **Form 22** enclosing

the torn, defaced, or mutilated certificate, to the Registering Authority concerned for issue of a duplicate certificate. For certificates lost, the police report shall be appended to the application. Where a duplicate Certificate of Registration is obtained on the ground that the original certificate is lost and, subsequently, if the original certificate is discovered, the owner shall, without delay, return the duplicate to the Registering Authority concerned.

E. Allocation of CD/CC/UN Numbers

5. The allocation of distinguishing marks and numbers to the **FRs** and their members is regulated as follows:

(a) Diplomatic Missions

- (i) A Motor Vehicle belonging to a Diplomatic Mission or to any of its Diplomatic Officers shall be assigned 'CD' as the registration mark preceded by the number allotted to the Mission by the Ministry of External Affairs, followed by a number allotted to the vehicle by the Protocol Special Section.
- (ii) Vehicle for official use of the Head of Mission shall be allotted the number '1' and personal vehicles of the Head of Mission shall be allotted numbers '1A' and '1B';
- (iii) Official vehicles, other than that of the Head of Mission, shall be allotted consecutive numbers beginning with the number '2'. Vehicles belonging to Diplomats of the Mission shall be allotted numbers in consecutive order after the number allotted to the Mission's last official vehicle;
- (iv) A vehicle subsequently acquired by a Mission or by its diplomats, other than by the Head of Mission, shall be allotted numbers in consecutive order after the number

allotted last under clause (iii) above, irrespective of whether such vehicle is for official or personal use of the Mission or of any of its officers;

- (v) A number allotted to a vehicle under any of the above clauses, lying unutilized due to sale, export, or cancellation may be allotted to another vehicle for which application is submitted by the Mission.

(b) Consular Posts

- (i) A Motor Vehicle belonging to a Consular Post headed by a Career Consular Officer or to any of its officers shall be assigned 'CC' as the registration mark preceded by the number of the Post allotted to it by the Ministry of External Affairs, followed by a number allotted to the vehicle by the respective State Protocol Department out of a block of number allotted for that Post;
- (ii) Vehicle for the official use of the Head of a Consular Post shall be allotted the first number from the block of numbers allotted to that Post. The personal vehicle of the Consul General shall be allotted this number followed by the letter 'A';
- (iii) Official vehicles, other than that of Head of Post, shall be allotted consecutive numbers beginning with the second number from the block of numbers allotted to the Post. Personal vehicles belonging to other officers of the Post shall be allotted numbers in consecutive order after the number allotted last for official vehicles;
- (iv) Subsequent vehicles acquired by a Post or by its Consular Officers, other than the Head of the Post, shall be allotted numbers in consecutive order after the number allotted last in the above cases irrespective of whether such vehicle

is for official or personal use of the Post or any of its officers;

- (v) A number allotted to a vehicle under any of the above clauses, lying unutilized due to sale, export of the vehicle or cancellation, may be allotted in the manner described above to another vehicle for which an application is submitted by the Post.

(c) **Organizations notified under UN (P&I) Act, 1947¹**

- (i) The relevant provisions of the Central Motor Vehicle Rules, 1989, as applicable to motor vehicles of Diplomatic and Consular Officers, regulate registration of motor vehicles of Diplomatic Officers of the Organization notified under The United Nations (Privileges and Immunities) Act, 1947, with the following modifications²:

- (a) the letters 'UN' replace the letters 'CD'; and
- (b) the letters 'UN' replace the letters 'CC'.

(d) **Home-based non-Diplomatic Members of FRs**

- (i) Home-based non-Diplomatic members of staff of FRs in India shall register their motor vehicle, including two-wheelers, within 30 days³ from the date of purchase/acquisition. The vehicles of home-based non-Diplomatic staff based in Delhi are assigned 'CDP' as the registration mark. Requests for allotment of 'CDP' registration mark will be submitted in **Form 19** to Protocol Special Section. Vehicles belonging to non-Diplomatic home-based members of Consulates/Posts located outside Delhi are assigned 'CCP' as the registration mark. The country code shall be as assigned to a particular Diplomatic Mission/Consular Post.

¹ Please visit Website: <<http://www.ieport.com>>

² Submitted vide Notification No. GSR 664(E) dated 25 September 1995

³ Ministry of Surface Transport Notification No. Rt-11028/8/96 of 22 July 1997

(e) Honorary Consuls General/Consuls

- (i) Honorary Consuls General/Consuls will comply with the regulations of the Transport/Registration Authority of the State concerned, as applicable to an Indian national, and display on his/her vehicle only standardized number plates with standard (a) registration number; (b) colour of the plate; and (c) font and colour of the digits inscribed on the plate; prescribed by the Transport/Registration Authority. The number plate may carry the name of the country represented by the Honorary Consul General/Consul concerned followed by letters CC (Hony.) in letters smaller than the registration number and in the same font and colour as the registration number. This privilege can be availed of for a maximum of two cars. An Honorary Consul General/Consul will not inscribe the letters “CD” on the number plates displayed on his/her vehicles.

CHAPTER – XVI

**PROCEDURE FOR OBTAINING
EXEMPTIONS FROM/
REFUND OF TAXES AND DUTIES**

A. Goods and Service Tax (GST)

1. Goods and Service Tax (GST) is an indirect tax levied on purchase of goods and services in India w.e.f. 1st July 2017. With the introduction of Goods and Service Tax (GST) on sale of goods and services (in replacement of the erstwhile VAT/Sales Tax/Service Tax, etc.) in India with effect from 1 July 2017, tax exemption available earlier under the Sales Tax/Service Tax Rules are no longer available. The refund of GST paid by entitled FRs and their members shall be available, **on the principle of reciprocity**.
2. There are 3 taxes applicable under GST: CGST, SGST & IGST.
 - a) CGST: levied on an intra-state sale (sale within the state)
 - b) SGST: levied on an intra-state sale (sale within the state)
 - c) IGST: levied on an inter-state sale (sale to another state)
3. In most cases, the tax structure under the new regime will be as follows:

Transaction	New Regime	Old Regime
Sale within the State	CGST + SGST	VAT + Central Excise/ Service tax
Sale to another State	IGST	Central Sales Tax + Excise/ Service Tax

B. Taxes subsumed under GST

4. After the implementation of GST, following taxes have been subsumed under GST:

- a) Central Excise duty
- b) Additional duties of excise
- c) Excise duty levied under Medicinal & Toilet Preparation Act
- d) Additional duties of customs [Countervailing Duty (CVD) & Special Additional Duty-(SAD)]
- e) Service Tax
- f) State VAT / Sales Tax
- g) Central Sales Tax
- h) Purchase Tax
- i) Entertainment Tax (other than those levied by local bodies)
- j) Luxury Tax
- k) Entry Tax (All forms)
- l) Taxes on lottery, betting & gambling
- m) Surcharges & Cess

C. Goods outside the Ambit of GST

5. Following goods shall remain outside the ambit of GST till further notification of Government of India:

- (a) Alcohol for human consumption
- (b) Five petroleum products – crude oil, diesel, petrol, natural gas
- (c) Tobacco

D. Registration for Unique Identification Number (UIN)

6. All specialised agencies of the United Nations Organisations or any Multilateral Financial Institution and Organisation notified under the United Nations (Privileges and Immunities) Act, 1947, Diplomatic or Consular Missions of foreign countries shall be granted a Unique Identity Number for the purpose of refund of taxes on the notified supplies of goods and services or both received by them, as may be prescribed.¹

¹ Section 25 (9) of the CGST Act, 2017

7. FRs shall submit an application electronically in Form GST REG-13 for generation of UIN.

8. Upon submission of an application in Form GST REG-13, UIN shall be assigned and a certificate in FORM GST REG-06 shall be issued within a period of three working days from the date of submission of the application.¹

E. Filing of Statement for Refund of GST

9. FRs entitled for refund of GST, on the principle of reciprocity or by any other notification, shall furnish details of supplies of taxable goods and services or both in electronic form in FORM GSTR-11 along with application for claims for refund in FORM GSTR RFD-10 of the taxes paid on their inward supplies.²

10. Refund application to be filed on quarterly basis. Even if a Diplomatic Mission/UN Organization/other International Organization does not claim refund for a particular quarter, yet it needs to file return in GSTR-11 for that quarter.

F. Other important information

11. (i) UIN issued to Diplomatic Missions, UN Organizations and Other International Organizations has pan-India applicability; thus, refunds for invoices generated in other States having the UIN of the concerned Mission or Organization may be filed in the jurisdictional Central Tax Commissionerate. Those Diplomatic Missions, UN Organizations and other International Organizations who wish to obtain separate UINs for their Consulates/Deputy High Commissions and Branch Offices located in other States, may obtain separate UINs and file their GST returns in their respective States.

¹ Rule 17 of the CGST Rules, 2017

² Rule 82 & 95 of the CGST Rules, 2017

- (ii) UINs to be mandatorily mentioned in invoices of vendors supplying to FRs and its entitled members.
- (iii) Such invoices have to be declared by the vendors in their returns in FORM GSTR-1.
- (iv) Manual copies of Bills may be asked if the concerned authorities find any discrepancy in the submitted returns.
- (v) GST statement of inward supplies is to be filed at the GST common portal <www.gst.gov.in>.
- (vi) VAT refund (on goods not covered in GST) would have a different procedure.
- (vii) GST refund procedure does not cover VAT refund.
- (viii) There will be no upfront exemption for GST. Refund of GST should be claimed.
- (ix) GST refund for the purchases made from the companies who are not registered will not be available.
- (x) Refund will be applied for by the respective FR on behalf of the FRs and their entitled Members.

G. Value Added Tax

12. Refund/exemption of Value Added Tax (on goods not covered under GST) will be claimed by FRs and their entitled Members from the States concerned, on the principle of reciprocity. Rules and provisions for such exemption/refund vary from State to State.

13. The Delhi VAT (DVAT) Rules provide for refund of VAT paid by entitled **FRs** and their members on the **principle of reciprocity**. Names of **FRs** entitled for refund of VAT are notified by the Government of NCT of Delhi from time to time. Rules and procedure for refund are

available on Delhi Administration's website <www.delhisalestax.com>.¹ Being State Tax, the VAT Rules & Regulations of the respective State will be applicable on VAT exemption/refund.

H. Central Excise Duty (Erstwhile)

14. **FRs** and their entitled members, on the **principle of reciprocity**, are allowed exemption from payment of Central Excise Duty, or refund of the same, on items purchased locally (not covered under GST), for the use of the Mission/Privileged Person concerned¹. Processing of claims for refund of Central Excise Duty requires more time. It is, therefore, advisable that instead of claiming refund, **FRs** and their entitled Privileged Persons avail the facility of exemption from payment of Central Excise Duty.

(a) Procedure for claiming Duty Exemption²

15. Central Excise Duty exemption can be availed by submitting a request to the Protocol-II Section, along with the original *proforma* invoice showing separately the amount of central Excise Duty to be paid on the proposed purchase. **This facility of exemption is available only before payment for the purchase is made and not thereafter.**

16. Claims for refund of Central Excise Duty shall be filed in **Form 23** and submitted in triplicate to Protocol II Section along with the following documents.

- (i) A certificate that the items are for the official use of the **FR** concerned/personal use of the entitled Privileged Member concerned;
- (ii) An undertaking that the items will not be sold/disposed of before the expiry of three years from the date of purchase and that in the absence of non-compliance, the **FR/Privileged Member** concerned shall pay the excise duty for which refund is claimed;

¹ Notification No. 6/2002-CENTRAL Excise of 1 March 2002 as amended from time to time

² MEA Circular No. D-II/451/12(I)/2003 Dated 6 July 2005 (Annexe XV, Page 142)

- (iii) The original invoice from the dealer;
- (iv) An attested copy of the manufacturer's invoice showing proof of payment of Central Excise Duty;
- (v) Attested copy of registration book of the vehicle; and
- (vi) A pre-receipt for the amount of duty claimed.

I. Excise Duty on Petrol, Diesel and other Fuels

17. Refund of Excise Duty on petrol, etc., is admissible only if the quantities of petrol on which refunds are claimed are used in the motor vehicles belonging to **FRs** and their entitled members. **FRs** or the oil supplying company on behalf of the **FRs** may submit claims to the Collector of Central Excise concerned.

18. Claims for refund by **FRs** based in Delhi should be submitted to the Collector, Central Excise, Delhi, on quarterly basis within a period of three months from the end of each quarter (by tenth day of every month following the month the claim relates to), in duplicate, in **Form 24** accompanied by the requisite certificate, tax invoice or other relevant documents. Claims for refund of Excise Duty of **FRs** based outside Delhi should be submitted to the Collector of Central Excise of the State Governments concerned.

J. Income Tax

19. Section 192 of the Indian Income-Tax Act, 1961 obliges every employer to deduct tax at source on income chargeable under the head 'salary' and deposit the same in Central Revenues account.

20. **FRs** and their home-based members of staff are exempt from payment of Indian Income Tax on their salaries and emoluments. However, such exemption is not available to Indian/third country national members of staff of **FRs** in India irrespective of their official status. Such individuals will comply with Indian Income Tax Laws.

21. Foreign Diplomatic Missions, Consular Posts, UN and other International Organizations shall cooperate with the Indian Income Tax authorities for deducting income tax from the salaries of their employees who are liable to pay income tax in India, and, if this is not feasible, furnish statement in the following form on 1 April of each year to the Income Tax Officer concerned:

Name of the Mission _____

List of members of staff liable to payment of Income Tax under the Indian Income Tax Act.

Sl. No.	Name and PAN number	Nationality	Designation	Official Address	Residential Address	Total emoluments drawn from 1 April ____ to 31 March ____

CHAPTER – XVII

DIPLOMATIC BAGS

A. General Rules

1. The packages constituting diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use. These bags should also bear the name and address of the consignee as well as that of the **FR** as sender. In the interest of security of aircraft operations, for delivery/retrieval of diplomatic bags FRs shall comply with the instructions/procedures laid down by the Bureau of Civil Aviation Security (Ministry of Civil Aviation), Government of India.¹

2. Diplomatic bags of any classification, i.e., carried by a courier or sent as cargo shall not be opened under any circumstances by the security staff. In case of serious doubts about the contents of these bags, the matter shall be brought to the notice of the Protocol Division of the Ministry of External Affairs who would take appropriate action. Such suspicious baggage shall not be transported until and unless the doubts are cleared to the satisfaction of security staff.

B. Diplomatic Bags carried as cabin baggage

3. Diplomatic bags which are carried as hand baggage by the diplomatic courier shall not be screened provided the Diplomatic Courier (holder of diplomatic passport) produces official documents from the concerned foreign Diplomatic Mission indicating his/her status, the number of packages constituting the diplomatic bag and a certificate stating the packages constituting the diplomatic bag do not contain any substance which would be dangerous and harmful to the aircraft or its passengers.

¹Bureau of Civil Aviation Security (Ministry of Civil Aviation), Government of India, AVSEC Order No. 5/2002 dated 1 July 2002 (Annexe XVI Page 143)

4. Prescribed pre-embarkation security checks shall be carried out on the person of Diplomatic Courier and other packages carried by him/her provided he/she/these are not otherwise exempt from security check.

C. Diplomatic Bags transported as cargo

5. Diplomatic bags to be transported as cargo/registered baggage shall be X-ray screened as per the security instructions in force. In case of serious doubts about the contents of these bags, the matter shall be brought to the notice of the Protocol Division of the Ministry of External Affairs who would take appropriate action. Such suspicious baggage shall not be transported until and unless the doubts are cleared to the satisfaction of security staff.

D. Dispatch/Receipt of diplomatic bags at the airport

6. The Diplomat Courier will report in the Police Control Room. The Officer in charge will contact the Airport Manager and arrange Airport Authority vehicle to carry the diplomatic bags. An entry gate will be designated at the airport. Up to two members of the concerned Diplomatic Mission shall be issued Temporary Entry Permit, as per the usual procedure, to go up to the aircraft in AAI vehicles.

D. Diplomatic Bags directly delivered-to/collected-from aircraft

7. In respect of such Diplomatic Mission that may like to send or receive a diplomatic bag from the aircraft, the person concerned will report to the Police Control Room. He will be allowed to go into the aero-bridge to hand over/receive the diplomatic bag. However, these persons shall pass through normal security channels. It is clarified that while the diplomatic bag is not to be checked, as mentioned in foregoing paragraphs, the couriers are liable to security checks.

CHAPTER – XVIII

CHANNEL OF COMMUNICATION

A. Communication with the Central Government

1. The normal channel of communication between Foreign Diplomatic Missions in India and the Government of India on matters of substance and of more than ephemeral interest, as distinct from normal routine matters, is through the Ministry of External Affairs. Purely technical or factual matters, including financial, routine economic and commercial queries/issues, may be pursued by the Missions directly with the Ministries of the Government of India principally concerned. Even in such matters, however, Heads of Missions will ensure that the Territorial/Economic Division of the Ministry of External Affairs is kept informed of the approaches, whether oral or written.

B. Communication with State Governments

2. Foreign Missions in India will not establish direct contacts with the authorities in State Governments/Union Territories in India on matters of substance and of more than ephemeral interest, such as foreign trade, external aid, project collaboration, etc. On matters relating to States, they will conduct all official business with the Ministry of External Affairs. Consuls General, Consuls and Trade Representatives, and Deputy High Commissioners of Commonwealth countries in India may communicate directly with State Governments on routine matters such as requests for factual information on technical subjects.

C. Invitations extended by Foreign Diplomatic Missions

3. Proposals by Foreign Diplomatic Missions in India on behalf of their Governments, Organizations or Institutions to invite Ministers and Senior Officials of Central and State Governments and private Indian citizens as guests of their countries for attending conferences, or for holiday or for any other purpose will be transmitted to the Ministry of External Affairs and not directly to the invitees. The proposal will

specifically include details of the extent of local hospitality offered, passage, duration, and full address of the invitee's place of stay.

4. Invitations by Diplomatic Missions in Delhi for National Day Receptions or for other events to the President, Vice President, Prime Minister, Lieutenant Governor and other Ministers of the Central Government, the Chief Minister of Delhi and other Ministers of the Delhi Government will be transmitted to the Protocol-III Section.

5. Invitations by **FRs** outside Delhi for National Day Receptions or for other events to the Governors, Chief Ministers, and Ministers in the State Government will be transmitted to the respective Protocol Department and not directly to the invitees.

D. Courtesy Calls by HOMs on first arrival

6. Head of a Diplomatic Mission, on first arrival in India, should call on the Chief of Protocol to present copies of his/her Credential documents to the Chief of Protocol.

7. After presenting copies of the Credential Documents to the Chief of Protocol, the Head of the Diplomatic Mission should also call on the Head of the Territorial Division dealing with the Country represented by the Head of Mission.

8. Requests for courtesy calls by Heads of Missions, on their first arrival, on the President, Vice-President, Ministers in the Ministry of External Affairs, Lieutenant Governor of Delhi and the Chief Minister of Delhi will be addressed to the Protocol-III Section. Requests for calls on other Indian dignitaries in the Central Government and in the Government of the National Capital Territory of Delhi will be addressed to the Territorial Division concerned in the Ministry of External Affairs.

E. Invitations to Indian Armed Services Officers

9. Invitations addressed by Foreign Diplomatic Missions in India to serving/retired officers of the Indian Armed Forces will be transmitted to the respective Armed Service Headquarters in New Delhi:

- (a) For Serving/Retired Army Service Officers – Directorate of Military Intelligence (Foreign Liaison Section), Army Headquarters, New Delhi;
- (b) For Serving/Retired Naval Service Officers – Assistant Director of Naval Intelligence (Foreign Liaison), Naval Headquarters, New Delhi; and
- (c) For Serving/Retired Air Force Service Officers – Deputy Director of Intelligence (Liaison), Air Headquarters, New Delhi.

F. Communications by Defence Advisers/Attachés

10. Defence/Military Services Advisers/Attachés of foreign Diplomatic Missions will comply with the following channel of communication:

- (a) Official communications, in duplicate, will be addressed only to the Director of Military Intelligence (Foreign Liaison Section), Ministry of Defence, New Delhi;
- (b) Requests for publications will be submitted in writing;
- (c) Requests for visit to Service Stations/Units/Installations will be transmitted, with complete details, at least four weeks in advance of the proposed date of visit;
- (d) Military Services Advisers/Attachés, including members of their staff, intending to leave headquarters, will send intimation at least 10 days in advance of the proposed date of travel;
- (e) Information on visits to different parts of India by Defence Services personnel/ex-Servicemen will be communicated well in advance of the visit; and
- (f) The foregoing instructions shall also apply to Foreign Naval and Air Attachés, stationed in India. They will address their communications respectively to the Directorate of Naval Intelligence (Foreign Liaison Section), Naval Headquarters; and the Directorate of Air Intelligence (Foreign Liaison Section), Air Headquarters.

G. Visits of Heads of Missions/Diplomats outside Delhi

11. The itinerary, purpose, duration, place(s) of visit, and place(s) of stay will be transmitted to Protocol-III Section ten working days in advance of the proposed date of visit.

12. For visits to Restricted Areas, Protected Area/Restricted Area Permits¹ should be obtained from the Northern Division of the Ministry of External Affairs. Request for such Permits, in the prescribed form, should be transmitted at least four weeks in advance of the date of travel.

13. Only HOMs, on their first visit to a State, may seek courtesy calls on/meetings with Governor, Chief Minister and other Ministers. Heads of Consular Posts may seek courtesy calls on first arrival on such dignitaries in the area of their Consular jurisdiction. Requests for such appointments or meetings with State Government authorities will be addressed to Protocol-III Section.

14. Heads of **FRs** outside Delhi shall follow the above guidelines for visits outside their stations and for calls on State Government authorities.

15. Protocol-I Section handles visits of HOSs/Vice-Presidents & equivalent HOGs/FMs and all issues relating to such visits shall be addressed to Protocol-I Section.

16. All delegation/VIP visits other than those mentioned in Paras 11 to 15 are handled by the Territorial Divisions of the Ministry of External Affairs or other Ministry/Department of Government of India and issues relating to these visits (including security arrangements) shall be addressed to them.²

¹ Ministry of External Affairs Note Verbale No. E-IV/107/111/82 of 21 November 2001 (Annexe XVII Page 145)

² MEA Note Verbale No. D-II/465/1/2005 dated 14 December 2005 (Annexe XVIII, Page 147)

CHAPTER – XIX

GUIDELINES FOR ESTABLISHMENT AND FUNCTIONING OF FOREIGN CULTURAL CENTRES

A. Foreign Cultural Centres

1. In pursuance of the desire of the Government of India to develop and promote cultural relations with friendly foreign countries, the Government of India has decided to amend with effect from 15th October 2009 the existing framework for the regulation and review of foreign Cultural Centres in India and for the promotion of their cultural activities.

2. Permission may be accorded on the basis of reciprocity to foreign diplomatic Missions to run Cultural Centres as branches of the Missions only in places where they have diplomatic or consular representation. The functioning of these Cultural Centres would be governed as per bilateral agreement/understanding reached with the respective Government.

B. Cultural Centres outside stations of location of Missions/Posts

3. The functioning of other foreign Cultural Centres sponsored/ supported by friendly foreign Governments, or autonomous foreign organizations will be regulated on the basis of reciprocity as under:

4. The foreign mission or the sponsoring foreign organization concerned will submit a comprehensive proposal for opening of such Centres, providing details of the proposed location, activities, funding mechanism, local partner institution (if any), staffing pattern including foreign nationals, etc., to the Ministry of External Affairs which, in turn, shall seek the comments of concerned agencies of the Government of India.

C. Funding to the Foreign Cultural Centres

5. Any funding to the proposed institution from foreign sources (Government or autonomous bodies) will be governed by existing laws and guidelines of the Government of India including the FCRA. Funding through local diplomatic missions or any financial contribution by a local partner institution would be required to be notified in advance to the Ministry of External Affairs. Approval of the Ministry of External Affairs would also be required for any MOU/agreement that the Centre intends to enter into with an Indian organization.

D. Review of Activities of the Foreign Cultural Centres

6. The Ministry of External Affairs will review and regulate the activities of such foreign Cultural Centres. Each Head of Mission concerned, together with his Cultural Advisors, may be invited periodically to discuss with the Ministry of External Affairs the programmes and activities of such Centres.

E. Executive Head of the Foreign Cultural Centres

7. The Executive Head of these Centres could either be a national of the concerned country or an Indian national. Any foreign national working in these Centres would be required to go through normal work permit procedure and will not be entitled to any diplomatic privilege/immunity. The registration of such Centres would also be subject to local norms.

F. Report on Activities of the Foreign Cultural Centres to MEA

8. Once the centre has been set up, it cannot enter into any commercial activity. It would submit a quarterly report on its activities to the Ministry of External Affairs. In case the Centre proposes to undertake any activity outside its explicit mandate approved by the Ministry of External Affairs, it would seek specific approval from the Ministry of External Affairs which, in turn, shall seek the view of other concerned agencies of the Government of India, before taking a decision.

CHAPTER – XX

PUBLICITY BY MISSIONS

A. General

1. As part of internationally recognized diplomatic activity, Foreign Missions may disseminate information and engage in legitimate publicity. Foreign Missions, however, may not disseminate any information or distribute any material, through whatever media, which :

- (a) Is in contravention of the domestic laws of India;
- (b) Is hostile or unfriendly to India or which has the effect of creating ill-will against the Government or the people of India;
- (c) Incorrectly depicts India's territorial borders;
- (d) Is likely to cause ill-feeling between different sections of the people of India; and
- (e) Is designed to or may have the effect of creating ill-feeling against a third country.

B. Printed Material

2. Copies of all press releases, handouts, bulletins, pamphlets, publications, etc., published by Foreign Diplomatic and Consular Missions, Trade Representations will be made available regularly and without any exception at the earliest possible opportunity to the External Publicity and Public Diplomacy Division and the Territorial Division concerned of the Ministry of External Affairs as also to the Press Information Officer of the Government of India.

C. Exhibition of Films

3. The exhibition of films in India is regulated by the provisions of the Cinematograph Act, 1952 (37 of 1952), and the various State Cinema

(Regulation) Acts, as amended from time to time. The principal legal provisions are:

- (a) No film can be exhibited in India without its being certified by the Central Board of Film Censors; and
- (b) A film so certified can be exhibited only with a proper 'place licence' and by complying with the conditions and restrictions imposed by such licence;
- (c) State Governments and local authorities in India are empowered within their respective jurisdiction to enforce compliance with prescribed regulations for public screening of films.

4. Diplomatic Missions in India are, however, exempt from the above requirements provided that:

- (a) The films screened are for non-commercial purposes; are exhibited within the premises of the Missions, residence of the HOMs and other officers, and their Cultural/Information Wings in places where the Missions are located; and are not public shows; and
- (b) The film shows are strictly private and will be screened in a manner that the screening is not exposed to persons who are not specifically invited and that the non-invitees are not able to see the film from outside the premises of the Missions.

5. The premises of Foreign Cultural Organizations which are not branches of Foreign Missions, wherever they may be located, are not recognized as Missions' premises and, therefore, do not qualify for the exemption mentioned in Para 4 above. Such organizations shall, therefore, comply with the provisions of the Cinematograph Act for all film shows whether held in their premises or elsewhere.

D. Exhibition of Films outside Mission Premises

6. All films imported by Diplomatic Missions, if exhibited outside the premises of the Diplomatic Missions; or publicly screened or loaned to private parties/organizations, shall carry 'censorship certificates' and 'place licences' issued by appropriate authorities concerned. Similar restrictions apply to film screenings in Mission's premises thrown open to the public.

7. Diplomatic Missions will not transfer films imported by them to private organizations for screening in public against sale of tickets. The restriction to public screening of films includes their being utilized for collection of funds for charitable or other purposes.

E. Publicity by Consular Posts

8. The above provisions apply equally to Consular Posts.

CHAPTER – XXI

LOCALLY-RECRUITED EMPLOYEES

A. Contract for Employment¹

1. A Contract, laying down the terms and conditions of employment, shall be entered into by **FRs** with their Indian employees so as to ensure that both parties are aware of their respective rights and obligations arising out of such a contract. The minimum terms and conditions being offered to an Indian employee should be spelt out in a written contract between the **FR** and the Indian employee. **FRs**, if they so desire, may offer larger-benefits to their employees than that provided for in the Model Contract. The Model Contract would accordingly stand modified by mutual agreement. A Contract, specifying clearly in writing the terms and conditions of service of Indian employees of **FRs**, will help reduce, if not altogether eliminate, causes of differences and disputes. A copy of the Contract will invariably be made available to the employee in the English language.

B. Verification of Antecedents

2. Police Services are available in Delhi to all employers for verifying antecedents of domestic staff and other locally-recruited employees. It is advisable that in the interest of security, **FRs** located in Delhi avail of the facilities accorded by the Delhi Police.

3. **FRs** at Delhi may address their requests to the Superintendent of Police, Special Branch, Police Headquarters, I.P. Estate, New Delhi. Consular Posts located at Mumbai and Kolkata may address their request to the Deputy Commissioner of Police, Special Branch, at those places. Consular Posts in Chennai may approach the Superintendent of Police, Special Branch, C.I.D., Chennai. Other **FRs** located at Mumbai, Chennai and Kolkata and other places may apply for verification of

¹MEA circular Note Verbale No. D.III/465/66/2017 dated 15 October 2018 [Annexe XIX, Page 148]

antecedents of their prospective employees through their Missions or Consulates in these places.

C. Services of Private Security Agencies

4. From time to time, **FRs** may find it necessary to avail of the services of private security/placement agencies for employing local staff. In principle, there is no objection to availing of the services of reputed and well-established private agencies for such purposes.

D. Registration of Domestic Staff with Police

5. For security and safety consideration, **FRs** should register with the local Police Station the name, address and other particulars of the domestic staff employed locally.

CHAPTER – XXII

SECURITY

A. General

1. The Government of India will implement all appropriate measures to protect the premises of **FRs** against any intrusion or damage as also to prevent any disturbance of their peace or impairment of their dignity. All **FRs** will also themselves institute measures necessary to protect their premises.

2. If a **FR** has information on any likelihood of threat to their peace, it will, without delay, convey such information to Protocol-II Section. **FRs** will also share with the Protocol Division all available information on threat to their premises, personnel or property to enable the authorities concerned assess the situation for implementing appropriate precautionary measures.

3. **FRs** are prohibited from taking unilateral security measures outside premises of **FRs**, viz., placement of concrete barriers, etc.¹ All security measures should be implemented in consultation and with approval of the Ministry (Protocol-II Section).

B. Diplomatic Security Force in New Delhi and Diplomatic Security Cell in Gurugram.

4. To address concerns of security and safety of diplomatic premises, a Diplomatic Security Force (DSF) has been set up in the New Delhi area. **A separate Diplomatic Security Cell (DSC) has also been set up in Gurugram, Haryana.** Requests for police assistance, nevertheless, will continue to be addressed to Protocol-II Section. In emergencies that may warrant immediate assistance, the following may be contacted directly:

¹ MEA Circular Note Verbale No. D-II/465/5/99 dated 8 April 2003 (Annexe XX, Page 153)

In New Delhi

- | | |
|--|------------|
| (a) Police Officer-in-Charge of DSF | 23011452 |
| Office of Assistant Commissioner of Police, DSF | 23011913 |
| Office of the Deputy Commissioner of Police, DSF | 23361919 |
| | 8750870503 |
| (b) Police Control Room | 100 |
| (c) Police Station, Chanakyapuri | 2301 1100 |
| (d) Local Police Station concerned | |

In Gurugram, Haryana

- | | |
|--|---|
| (a) Office of the Deputy
Commissioner of Police,
DSC | 0124-2869300
9999981803
Email: <dcp.hqggn@hry.nic.in> |
| (b) Office of Assistant
Commissioner of Police,
DSC | 0124-2869000
9999981815
Email: <acpggnhq-hry@nic.in> |

5. The officers in Protocol Division responsible for coordinating security arrangements are:

- | | |
|--|--|
| (a) Deputy Chief of Protocol (P) | Ph 49015449
Email: <dcpp@mea.gov.in> |
| (b) Protocol Officer (II) | Ph 49015424
Email: <protocol2@mea.gov.in> |
| (c) Control Room, MEA, South
Block
(After office hours and on
holidays) | 23011954 |

C. Security and Traffic arrangements for Receptions and such other Major Events

6. When special security/traffic arrangements are required for reception and other major social events hosted by them or their diplomats, **FRs** concerned will address their request to Protocol-II Section. Such requests will be communicated five working days in advance of the event with details of the venue, date, time, nature of function and approximate number of invitees. The Ministry will endeavour to accommodate such requests to the maximum extent possible. In view of the increasing pressure, however, on the city's Traffic Police Force as also the fact that in many of the localities in New Delhi, adequate space is available for parking without creating serious traffic hazards, traffic police will not be deployed for events where only 20 or less vehicles are expected. **FRs** will, therefore, restrict their requests for special traffic arrangements to major functions like National Day Receptions.

D. Security and Search at the Airports

7. For the safety and security of passengers and aircraft operating in India, hand/cabin baggage and the person of all departing passengers are frisked and searched by the security authorities at the airport of departure. HOMs of Diplomatic Missions, their spouses, and visiting foreign dignitaries of the rank of Cabinet Ministers and above, including Chief Ministers of Provinces, are exempt from such frisking and search.

8. Security considerations prohibit passengers from carrying weapons on their person on board an aircraft flying to, from, within, or over India. For Security Officials accompanying visiting Heads of States/Heads of Governments and wishing to carry weapons on board an aircraft, the **FRs** concerned in India will approach the Chief of Protocol for special permission, which may be considered subject to statutory restrictions and reciprocity.

E. Airport Entry Passes

9. Airport Entry Passes (AEPs) are issued to Foreign Diplomatic Missions and UN/International Organizations for use by its home-based/entitled locally-employed members. The AEPs are issued on the basis of reciprocity. The cards are issued, on application in **Form 24**, by the office of the Bureau of Civil Aviation and Security (BCAS) near International Airport, Mahipalpur, New Delhi on authentication by and recommendation of the Protocol-III section.

10. AEP application form can be downloaded from the BCAS website <<http://www.bcasindia.nic.in>>. Three copies of each AEP application are to be filled in and duly attested by the Mission. Each application must be accompanied by a copy each of the existing Airport Entry Pass and the Identity Card of the applicant.

11. Consular Posts/Deputy High Commissions/Trade Representations located outside Delhi are similarly entitled to Airport Entry Pass. On the basis of reciprocity, the AEPs are issued by Bureau of Civil Aviation Security Branch Office in the State concerned on authentication by and recommendation of the Protocol Department of the State Government concerned.

CHAPTER – XXIII

INFRINGEMENT OF GAME RULES

1. Indian law¹ imposes prosecution and strict penalties on individuals violating Games Laws/Rules, indulging in poaching and unauthorized hunting, or encroaching upon sanctuaries.
2. Heads of **FRs** will advise all members of their respective Missions that before proceeding for gaming in a particular State, the latter will acquaint themselves fully with the Wildlife Protection Act 1972, as amended from time to time, and the Games Rules and Regulations of the particular State and to strictly adhere to/abide by them.
3. Permits for shooting can be obtained against payment of the prescribed fees from the authorities of the State Government concerned.

¹ Indian Wildlife Protection Act 1972 of 9 September 1972, as amended from time to time.

CHAPTER XXIV
FOREIGN EXCHANGE REGULATIONS AND
REMITTANCE FACILITIES

A. Foreign Exchange Regulations¹

1. **FRs** will scrupulously observe the restrictions imposed by the Foreign Exchange Management Act (FEMA), 1999 on opening and maintenance of foreign currency accounts in India, repatriation of foreign exchange from India and foreign exchange transactions in India. In this connection, general provisions of FEMA are given below.
2. No person resident in India shall accept any deposit from, or make any deposit with, a person resident outside India, without the general or special permission of the Reserve Bank of India, as provided in the Act or in Rules, Regulations or directions and orders made or issued under the Act.
3. No person, whether domiciled in India or otherwise, while in India, or no person normally resident in India, while outside India, shall, without the general or special permission of the Reserve Bank of India, buy or otherwise acquire, borrow, sell, exchange or transfer foreign exchange in any form including bank drafts and cheques. Such transactions will be effected through authorized foreign exchange dealers only.
4. No person resident in India, shall make any payment to or for the credit of any person resident outside India, or receive, other than through an authorized dealer, any payment by order, or on behalf of any person resident outside India, except with the permission of the Reserve Bank of India. It is a contravention of FEMA provision(s) for anyone in India to make foreign exchange available, either in India or abroad, against receipt of Indian currency without the permission of the Reserve Bank of India.

¹ Foreign Exchange Management Act, 1999, as amended from time to time

B. Foreign Currency/Rupee Accounts¹

5. **FRs**, their home-based members and their family members are permitted to maintain Indian Currency Accounts (i.e., Rupee Accounts) and Foreign Currency Accounts with Commercial Banks (including Foreign Banks) authorized to deal in foreign exchange subject to the following conditions:

(a) Rupee Accounts

6. Foreign Diplomatic Missions and diplomatic personnel and their family members in India may maintain special rupee accounts with an authorized dealer bank(s) and such deposits will be governed by the terms and conditions as mentioned under Regulation 4 of Notification No. FEMA 5 (R) /2016-RB dated April 01, 2016, as amended from time to time.

(b) Foreign Currency Accounts

7. Credits to the account shall be only by way of proceeds of inward remittances received from outside India through normal banking channels; Funds held in such account, if converted in rupees, shall not be converted back into foreign currency; the account may be held in the form of current or term deposit account, and, in the case of diplomatic personnel, may also be held in the form of savings account; the rate of interest on savings or term deposits shall be such as may be determined by the authorized dealer bank(s) maintaining the account; the funds in the account may be repatriated outside India without the approval of Reserve Bank.

C. Remittances

8. Remittance facility from India is not available for direct imports from abroad by **FRs** from their Rupee account. Payments for such imports will be made directly by **FRs** or from their foreign currency

¹ MEA Circular No. D-VI/451(5)/98 dated 10 March 1999 (Annexe XXI, Page 154)

accounts maintained by them in India. Requests for cash remittances abroad may be considered in special circumstances only. To avail of the facility, requests may be addressed to the Protocol Division along with (a) a recommendation from the Head of Mission; and (b) a certificate from the bank concerned that the remittance proposed is from funds generated exclusively from inward remittances.

9. Remittance facility for sale proceeds of motor vehicles disposed of in the open market may be considered if the initial payment was from an account fed exclusively from inward remittances. Such outward remittances shall be channelled via authorized foreign exchange dealers, i.e., those authorized by the Reserve Bank of India to deal in foreign exchange.

D. Currency Declaration

10. A person coming into India from abroad can bring with him foreign exchange without any limit. However, if the aggregate value of the foreign exchange in the form of currency notes, bank notes or travellers' cheques brought in exceeds USD 10,000/- or its equivalent and/or the value of foreign currency exceeds USD 5,000/- or its equivalent, it should be declared to the Customs Authorities at the Airport in the Currency Declaration Form (CDF), on arrival in India.

11. Residents are free to carry the foreign exchange purchased from an authorized dealer or money changer in accordance with the Rules. They are, however, allowed to carry foreign exchange in the form of currency notes/coins up to USD 3,000/- or its equivalent per visit only. Balance amount can be carried in the form of travellers' cheque or banker's draft.

CHAPTER – XXV

PRESENTATION OF CREDENTIALS

A. Presentation of working copies of Letters of Credence

1. A call on the Chief of Protocol must be arranged by the Mission concerned at the earliest convenience of the Head of Mission-designate (hereinafter HoM-designate) to hand over the working copies of the Letters of Credence and Recall (in the official language, along with an English translation). The Chief of Protocol (COP) will brief the HoM-designate about the Credential Ceremony and protocol-related issues and procedures.

B. HoM-Designate's Functions before the Credential Ceremony

2. An HoM-designate, after having presented working copies of Letters of Credence and Recall to the COP, may perform limited official functions while awaiting formal presentation of the Letter of Credence to the Honourable President of India. Such functions may include:

- (a) Call on the Head (Joint Secretary) of the Territorial Division and Secretary whose responsibilities in the Ministry of External Affairs include the country the HOM-designate represents;
- (b) Call on the Dean of Diplomatic Corps;
- (c) The HoM-designate may also call on his counterparts and attend National Day receptions.

The following may be avoided until formally accredited:

- (a) Call on Ministers in the Central Government or political leaders and on dignitaries of the State Governments;
- (b) Addressing the Media or giving interviews to the press;
- (c) Sending out invitations for Official Functions/National Day (may be done by the C d'As).

On the principle of reciprocity, an HoM-designate may be allowed to participate as a member of the delegation(s) from his/her country to high-level meeting(s) as “HoM-designate”.

C. Documents and Information for the Credential Ceremony

3. For the formal presentation of Letters of Credence and Recall, the following documents/information will be transmitted to the office of Deputy Chief of Protocol (F):

- (a) Seven copies of curriculum vitae of the HoM-designate;
- (b) Six passport size photographs of the HoM-designate;
- (c) Address of the place where-from the HoM-designate will proceed for the credential ceremony;
- (d) Names with designations of two diplomats attending the ceremony as “Participants”;
- (e) Names of “Observers” (There will be a maximum of four observers). The “observers” will be normally from among the diplomatic staff of the Embassy/High Commission. Children above fifteen years of age may be included as “observers”;
- (f) A car flag for the return journey from Rashtrapati Bhavan to the residence of the Head of Mission after credential ceremony.
(Flag Size should be 15cm x 22.5cm)

4. The Order of Precedence of the HoMs-designate is strictly in the order of their arrival in New Delhi. The Credentials Ceremony is generally arranged with a minimum of three HoMs-designates. The ceremony is held in the Ashoka Hall of Rashtrapati Bhawan.

5. The Letter of Credence and the Letter of Recall will be addressed to the President of India.

6. Dress Code for the ceremony is National Dress/Business Suit/Military Uniform (with full decorations).

D. The Ceremony

7. The HoM-designate, the “Participants” and the “Observers” will assemble at the address/place where from the HoM-designate is scheduled to proceed for the ceremony. A representative of Protocol Division, along with an official vehicle of the Ministry of External Affairs, will arrive at the designated address to escort the HoM-designate and party to Rashtrapati Bhawan. The HoM-designate will travel with the representative of Protocol Division in the official car. The “Participants” and the “Observers” will travel in vehicles of the Mission.

8. On arrival at the South Court of Rashtrapati Bhavan, the HoM-designate and party is received by the representative of the Military Secretary to the President and escorted to the Upper *Loggia*.

9. While the HoMs-designate are seated in the Upper *Loggia*, the “Participants” and “Observers” are escorted to the Ashoka Hall before the commencement of the ceremony.

10. In the Upper *Loggia*, led by the Military Secretary (MS) to the President, the HoM-designate takes his position along with other HoM-designate in a single file behind and to the left of the MS. Likewise, the Secretary, Ministry of External Affairs, the Head of the Territorial Division concerned and COP form a column to the right of MS. The formation, led by the MS, proceeds to the Ashoka Hall and stops in front of the President. The Military Secretary bows to the President and moves away. At this moment, the HoMs-designate fan out to the left of the Secretary, Ministry of External Affairs, and the officers of the Ministry of External Affairs fan out to the right of the Secretary.

11. The Secretary then proclaims the HoM-designate to the President as follows: “Sir, I have the honour to present His/Her Excellency Ambassador Extraordinary and Plenipotentiary/High Commissioner-designate of”.

12. On the conclusion of the proclamation, the HoM-designate hands over to the President the envelope containing his Letter of Credence and the Letter of Recall of his predecessor. The President accepts the documents and shakes hand with the Head of Mission.

13. On conclusion of the presentation of credentials by the entire group of the HoMs-designate, the Deputy Chief of Protocol escorts the President for an introduction with the Observers seated in the Ashoka Hall.

14. While the Observers are being introduced, the HoM-designate and Participants of the country introduced first are escorted to the bilateral meeting room for a courtesy call on the President. The other HoMs-designate, Participants and Observers of other countries are escorted to Upper *Loggia* to await their turn for the courtesy call.

15. All the HoMs, Participants and Observers proceed to Upper *Loggia* at the conclusion of the call on the President. The officials of the Ministry of External Affairs also return to the Upper *Loggia* where refreshments are served. This marks the conclusion of Credential Ceremony.

16. The HoMs and their respective parties move to the South Court for the return journey.

17. On the return journey, the Head of Mission travels in the official car with the representative of the Protocol, followed by the members of his Mission in the Mission's vehicles.

18. No gifts are exchanged nor are there any speeches at the Credential Ceremony.

C. Initial Calls by HOMs

19. On formal accreditation, the Head of Mission may request courtesy calls on Indian dignitaries. Request for calls on the Vice President, Ministers in the Ministry of External Affairs and the Foreign Secretary, the Chief Minister of the NCT of Delhi and the Lt. Governor of Delhi will be addressed to the Deputy Chief of protocol (F). Request for calls on other Ministers in the Central Government and on other dignitaries, will be addressed to the Territorial Division concerned.

CHAPTER – XXVI

APPOINTMENTS

A. Chargé d’Affaires

1. A Diplomat in a Mission, when appointed ‘Chargé d’Affaires, *ad interim*’, will receive the authority to so act from the Head of Mission concerned or from his Government. During his absence from the country, a Head of Mission shall normally inform the Ministry of External Affairs of his absence, nominating, at the same time, a Chargé d’Affaires. In the circumstances the Head of Mission himself is unable to inform the Ministry of the interim arrangements, information about such arrangements will be communicated to the Ministry by the Home Government of the Mission, or by the Chargé d’Affaires acting on the authority of his/her Home Government.

B. Service/Defence Advisers/Attachés

2. Prior approval of the Government of India shall be obtained for appointing a Service Attaché/Adviser (Army, Naval & Air) or his Deputy/Assistant. Proposal for the appointment of a Service/Defence Attaché/Adviser or his Deputy/Assistant, together with a biographical sketch of the candidate, will be submitted for processing to Protocol-III Section by the Government concerned or its Diplomatic Mission accredited to India. A Service/Defence Advisor/Attaché will arrive in India only after the Government of India clears his appointment.

C. Establishment of Consular Posts

3. Consular Posts, headed by a career Consular Officer or by an Honorary Consul General/Consul, can ordinarily be established only in the four metropolitan cities – Delhi, Chennai, Mumbai and Kolkata. The Head of a Consular Post is admitted to the exercise of his/her functions by an *Exequatur*/Gazette Notification issued by the Government of India. The Principle of reciprocity shall apply to the establishment of Consular Posts.

D. Establishment of Branch Offices outside Diplomatic Missions/ Posts

4. Establishing Sections/Branch Offices or stationing personnel accredited at Diplomatic Missions/Posts in other parts of India by the Diplomatic Missions/Posts and assigning such Sections/Branch Offices or such personnel as part of the Diplomatic Missions/Posts is not in conformity with the Vienna Convention on Diplomatic Relations, 1961. Government of India, therefore, does not recognize such Sections/Branch Offices as part of Diplomatic Missions/Posts concerned in India. Similarly, no Mission/Post personnel who is shown as part of the Mission/Post can be stationed permanently in other cities.

E. Appointment of Head of Consular Post

5. The proposal to appoint a career diplomat as Head of a Consular Post, accompanied by six copies of his/her biographical sketch and photo, will be submitted for processing to Protocol-III Section by the Government concerned or its Diplomatic Mission accredited to India. The proposal will also include the consular jurisdiction of the Consulate. Following the formal concurrence to the appointment, the Commission of Appointment will be submitted to the Protocol-III Section for the issue of *Exequatur*/Gazette Notification. The Head of a Consular Post will arrive in India only after Government of India's formal concurrence to his/her appointment.

F. Appointment of Honorary Consul General (HCG)/Honorary Consul (HC)

6. The proposal to appoint an HCG will be submitted in the same manner as stated in Para 5 above. The following criteria shall apply to the appointment of an HCG:

- (i) When a country is not represented in India, the HCG can be based only in Delhi.

- (ii) The candidate proposed for appointment as HCG will always be an Indian national.
- (iii) The candidate will always be a person of eminence and standing with an impeccable record.
- (iv) An HCG will represent one country only.
- (v) Appointment of subordinate Honorary Consular Officers – Honorary Consul (where an Honorary Consul General is functional), or Honorary Vice-Consul (where an Honorary Consul is functional) – is not permitted.
- (vi) Proposals for appointment of those HCGs, who are empowered to issue visas and attend to consular matters, will be accorded priority.
- (vii) Mission should inform the the Ministry immediately about changes in the HCGs due to any reason, viz., tenure of appointment, death, etc.

G. Creation of new Posts in Missions/Consulates¹

7. Creation of new/additional positions, both at Diplomatic and non-Diplomatic level, by Diplomatic Missions/Consulates without prior formal concurrence of the Government of India is not in conformity with Article 11 of the Vienna Convention on Diplomatic Relations 1961, which states that:

- “1. In the absence of specific agreement as to the size of the Mission, the receiving State may require that the size of a Mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular Mission.

¹MEA circular Note Verbale No. D-III/465/1/2011 dated 28 February 2011 (Annexe XXII, Page 155)

“2. The receiving State may equally, within similar bounds and on a non-discriminatory basis, refuse to accept officials of a particular category.”

8. Creation of a new post not only increases the size of the Mission/Consulate but also has implications for privileges and immunities. Such action also involves the principle of reciprocity. Formal concurrence of the Government of India may be obtained by applying/making a request to the Protocol-III Section with details of the post and the responsibilities assigned to it. A mention should also be made in the request that, **on the principle of reciprocity**, similar privileges would be available to the Indian Mission in the country concerned. To avoid inconvenience to the Mission concerned as also to the new arrival, formal concurrence to the creation of the post shall be obtained well in advance of the arrival of the incumbent.

9. When a member of the Mission is being assigned to replace another, the names and designations of both – the one who is leaving/has left India and the name of his/her successor – should, as far as possible, be communicated in the same Note Verbale to avoid delays in processing papers for the replacement member.

CHAPTER – XXVII

FIRST ARRIVAL/FINAL DEPARTURE OF HOMs

1. The Protocol-III Section facilitates following arrangements both at the time of first arrival and final departure of Ambassadors and High Commissioners:

- (a) Arranges the Ceremonial Lounge at the Indira Gandhi International Airport (Terminal 3), New Delhi (Ground floor), two hours before the scheduled flight arrival/departure time with provision of non-alcoholic beverages;
- (b) Informs all the authorities concerned of the arrival/departure; and
- (c) Deputes a representative of Protocol Division to receive/see-off the Head of Mission.

2. To avail of the above facilities, the Diplomatic Mission concerned will:

- (a) Communicate to the Protocol-III Section the flight details of the Head of Mission along with the names of the members of the accompanying party. If the HOM is on final departure, the Mission will indicate the approximate time of arrival of the HOM at the airport;
- (b) Furnish the names of maximum five (excluding the HOM and party) members of the Mission deputed to receive/see-off the Head of Mission;
- (c) Intimate the name of only one member of the Mission who shall be permitted to proceed to the aerobridge;
- (d) Collect from Protocol-III Section the authorization for temporary airport pass for (b) and (c) above. The Mission will submit the authorization to the Bureau of Civil Aviation

Security (BCAS), Mahipalpur Road, Near IGI Airport, New Delhi, and collect the temporary pass from the latter;

- (e) Communicate the registration numbers of the Mission's cars for parking arrangements at the airport;
- (f) Provide the names of the Heads of Mission interested in receiving/seeing-off the HOM concerned. The Mission concerned will advise the HOMs to carry with them their respective Photo Identity Cards (PIC) and produce them when requested by the authorities concerned at the airport; and
- (g) Depute an official of the Mission to facilitate arrival/departure formalities in the arrival/departure hall such as baggage check-in/collection, boarding card, immigration and customs procedures.

Notes:

1. Facilitation on first arrival/final departure is available strictly on the principle of reciprocity.
2. Immediate family members - spouse and children – will be offered facilitation only when accompanying the Head of Mission. Members of the family travelling separately will use the normal entry/exit channels.
3. Other members of the family, excluding spouse and children, even when accompanying the HOM will use normal entry/exit channels.

CHAPTER – XXVIII

NATIONAL DAY RECEPTIONS/DISPLAY OF INDIAN NATIONAL FLAG

A. National Day Receptions

1. The Deputy Chief of Protocol (F) facilitates arrangements related to organization of National Day receptions by Diplomatic Missions in Delhi. The nomination of a Chief Guest to National Day Receptions hosted by the Diplomatic Missions is also processed by the Deputy Chief of Protocol (F). The request for Chief Guest should be sent to Protocol-III Section at least 30 days before the National Day Reception.
2. Invitation cards to political dignitaries of the Government of India, the Chief Minister of the NCT of Delhi and the Ministers and the Lieutenant Government of Delhi will be sent to the office of Deputy Chief of Protocol (F). As far as possible, Saturdays, Sundays and other public holidays should be avoided for holding National Day Receptions.
3. The Chief Guest will be received/seen-off at the alighting area at the venue of the Reception by the Head of the Mission concerned and the Deputy Chief of Protocol (F).
4. The official version of the National Anthem of India will be played first, followed by the National Anthem of the country of the Diplomatic Mission hosting the reception.
5. Speeches or raising of toasts are not mandatory.

B. Display of National Flag of India¹

6. The procedure for the correct display of the National Flag of India is laid down in the Flag Code. Relevant acts from the Flag Code of India 2002 relating to the specifications and its correct display are reproduced

¹Flag Code of India 2002 published by Ministry of Home Affairs, Government of India <http://mha.nic.in/sites/upload_files/mha/files/flagcodeofindia_070214.pdf>

below:

Specifications of the Flag

7. The Indian National Flag shall be a tri-colour panel made up of three rectangular panels or sub-panels of equal widths. The colour of the top panel shall be India saffron (Kesari) and that of the bottom panel shall be green. The middle panel shall be white; bearing at its centre the design of Ashoka Chakra in navy blue colour with 24 equally spaced spokes. The Ashoka Chakra shall be completely visible on both sides of the Flag in the centre of the white panel.

8. The National Flag of India shall be made of hand spun and hand woven wool/cotton/silk khadi bunting. The National Flag shall be rectangular in shape. The ratio of the length to the height (width) of the Flag shall be 3:2. The standard sizes of the National Flag are given in the Flag Code of India 2002.

9. An appropriate size should be chosen for display. The flags of 450X300 mm size are intended for aircraft on VVIP flights, 225X150 mm size for motor-cars and 150X100 mm size for tables.

Display of the Flag

10. When displayed in a straight line with flags of other countries, the Indian National Flag shall be on the extreme right, i.e., if an observer were to stand in the centre of the row of the flags facing the audience; the National Flag should be to his extreme right. (Illustration at *Annexe XXIII, Page 158*). Flags of foreign countries shall proceed as from the Indian National Flag in alphabetical order on the basis of English versions of the names of the countries concerned. It would be permissible in such a case to begin and also to end the row of flags with the Indian National Flag and also to include Indian National Flag in the normal country wise alphabetical order.

11. In case flags are to be flown in an open circle, i.e., in an arc or a

semi-circle, the same procedure shall be adopted as is indicated above. In case flags to be flown in a closed circle, i.e., complete circle, the Indian National Flag shall mark the beginning of the circle and the flags of other countries should proceed in a clockwise manner until the last flag is placed next to the Indian National Flag. It is not necessary to use separate Indian National Flags to mark the beginning and end of the circle of flags. The Indian National Flag shall also be included in its alphabetical order in such a closed circle.

12. When the National Flag of India is displayed against a wall with another flag from crossed staffs, the former shall be to the right, i.e., the flag's own right and its staff shall be in front of the staff of the other flag. (Illustration at *Annexe XXIV, Page 159*)

13. When the United Nations' Flag is flown along with the Indian National Flag, it can be displayed on either side of the Indian National Flag. The general practice is to fly the Indian National Flag on the extreme right with reference to the direction which it is facing (i.e., extreme left of an observer facing the masts flying the Flags). (Illustration at *Annexe XXV, Page 160*)

14. When flown with other flags, the flag masts shall be of equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace. The National Flag of India shall not be flown on a single masthead simultaneously with any other flag or flags. There shall be separate mastheads for different flags. On all occasions, the National Flag of India shall be hoisted first and lowered last.

15. When the Indian National Flag is displayed flat and horizontal on a wall, the saffron band should be uppermost and when displayed vertically, the saffron band shall be on the right with reference to the Flag (i.e., left to the person facing the Flag).

16. When the Indian National Flag is displayed on a speaker's platform, it shall be flown on a staff on the speaker's right as he faces the audience or flat against the wall above and behind the speaker.

CHAPTER – XXIX

TITLES AND DECORATIONS

1. Government of India prohibits its officials, serving or retired, from accepting titles and decorations. Article 18 of the Constitution of India states:

- “1. No title, not being a military or an academic distinction, shall be conferred by the State.
2. No citizen of India shall accept any title from any foreign State.
3. No person, who is not a citizen of India, shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any State.
4. No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emoluments, or office of any kind from or under any foreign State.”

2. Before conferring any award or decoration on an official of the Government of India, the Diplomatic Mission concerned shall obtain prior written approval of the Government of India. The request for approval, along with the biographical sketch of the candidate concerned may be addressed to Protocol-III Section.

3. Before conferring an honour on an Indian citizen (other than government officials), the Diplomatic Mission concerned shall inform the Government of India. The communication, along with the bio-data of the candidate, should be addressed to Protocol-III Section.

4. There have been instances where titles and decorations have been awarded at farewell dinners or on other occasions to Indian Heads of Mission without his/her prior knowledge with the result that the Head of Mission had no opportunity of consulting his/her Government. The

gesture of friendly Government to honour India's Representatives in their countries is appreciated. To avoid embarrassment to Indian officials for declining a gesture of goodwill and friendship, Heads of Diplomatic Missions in New Delhi should apprise their respective Governments of the policy of the Government of India which forbids the latter's representatives from accepting foreign Titles and Decorations.

CHAPTER – XXX
ALCOHOLIC BEVERAGES

A. Transportation out of Delhi

1. **FRs** in Delhi will obtain permission from the Protocol Division for transporting alcoholic beverages out of Delhi, whether for official or personal use. Requests for permission, with details of the quantity and nature of alcoholic beverages to be transported out of Delhi, may be addressed to Protocol-II Section. A permit will also be obtained from the Commissioner of Excise, Delhi.

B. Serving in Hotels & Clubs

2. **FRs** located in Delhi will obtain liquor permit (Form P-13) from the Excise Commissioner, Delhi, for serving alcoholic beverages at their parties held in Hotels and Clubs. Protocol-II Section and hotels/clubs can also assist **FRs** in obtaining such permits.

3. When an event is organized in a hotel that holds a licence in Form L3 (a licence for retail sale of foreign liquor by a hotel to its guests in their private rooms only) and if the **FR** is a guest in such a hotel, alcoholic beverages may be served at events in the room(s) reserved exclusively for special events, admission to which is by invitation.

4. A licence/permit is mandatory for serving alcoholic beverages in events organized on Dry Days. Such permits are issued in the following circumstances only:

- (a) For celebrating National Days; and
- (b) During State and Official visits of foreign dignitaries when their schedule does not allow functions to be organized on any other day except on a Dry Day.

C. Prohibition Regulations

5. Prohibition regulations in the National Capital Territory of Delhi ban drinking in public places and vehicles. “Public places” signify any place for use by or accessible to the public and include any public conveyance.

CHAPTER – XXXI

ASYLUM

A. Grant of Asylum

1. It is well-established as per international practice that granting asylum does not form part of the legitimate activities of a **FR**. The Government of India does not recognize such actions. **FRs** will not use its premises to grant asylum to any person. Immunity from local jurisdiction and inviolability of the premises is guaranteed to **FRs** to enable their representatives and members enjoy full opportunity to represent the interests of their States and promote friendly relations with India. **FRs** will not entertain any request for asylum, or temporary shelter, or refuge. In the event that such requests are received, **FRs** will report the matter immediately to the Chief of Protocol and to the Head of the Territorial Division concerned in the Ministry of External Affairs.

B. Stay of outsiders in the premises of FRs

2. Government of India regulations prohibit the stay of persons, other than those who have legitimate reasons to stay, in the premises of **FRs**. No foreigner (other than a foreigner who is a member of a Foreign Diplomatic Mission or Consular Post or Trade Mission or a member of his family forming part of the household, or a person in the private employment, or a member of his family) shall, except under and in accordance with the permission in writing of the civil authority, stay or reside in any premises or area belonging to, or occupied by, any Foreign Diplomatic Mission, Consular Post or Trade Mission in India. Where permission is applied for, or has been granted, such permission may be refused or withdrawn, as the case may be, in certain circumstances.

CHAPTER – XXXII

TRAFFIC REGULATIONS

A. Traffic Laws and Parking of Vehicles

1. The Government of India takes a serious view of violation of its traffic laws and expects all Privileged Persons to observe them in letter and spirit. Privileged Persons and drivers of motor vehicles with “CD”, “CC”, “UN”, “CDP” and “CCP” codes should observe local traffic regulations and not over speed, disregard traffic signals, overtake in a dangerous manner or park in prohibited areas. Vehicles parked in no-parking zones will be towed away by the authorities concerned. The Ministry will not entertain requests for waiver of penalty imposed for traffic violations.

B. Accidents

2. Motor Vehicles Rules 1989, impose on the driver of a motor vehicle, involved in an accident resulting in injury to any person, to take all reasonable steps to secure medical attention for the injured person and, if necessary, carry him/her to the nearest hospital, unless the injured person or his guardian desires otherwise, and share, on demand by a police officer, any information he may require or, if no police officer is present on the scene, to report the circumstances of the occurrence to the nearest police station without delay, in any case, within 24 hours of the occurrence.

3. The report of an accident involving official and personal motor vehicles of **FRs** should be sent to the Protocol-III Section simultaneously when the accident is reported to the police authorities to facilitate expeditious disposal of claims for compensation, if any arising out of accidents.

C. 'AF' Number Plates¹

4. Plying vehicles without proper registration mark and with 'AF' number plates is in violation of local laws. Permission granted by the Ministry of External Affairs for purchase/acquisition of a vehicle by a foreign mission and its entitled members, either with or without exemption/refund of duties, does not accord diplomatic status to the vehicle so acquired.

5. Vehicles with 'AF' number plates do not enjoy privilege and immunities. The Ministry of External Affairs cannot, therefore, intervene in matters relating to detention/fines imposed by traffic authorities on vehicles with improper and/or unregistered number plates.

D. Driving Licence

6. Driving licences issued in foreign countries are not valid for insurance claims arising out of traffic accidents in India. Members of **FRs** should, therefore, obtain an Indian Driving Licence from the Traffic Authority of the State concerned where such members are based. As regards Delhi, the Driving Licence may be obtained from the Transport Authority of the Government of National Capital Territory of Delhi.²

¹ MEA circular Note Verbale No. D-II/458/1/2005 dated 12 December 2005 (Annexe XIV Page 141)

² Please visit Website: <<http://delhigovt.nic.in/newdelhi/dept/transport/tr3.asp>>

CHAPTER – XXXIII

CONSTRUCTION/RENTING/ACQUIRING OF ACCOMMODATION

A. Construction Plans

1. In terms of Unified Building Bye-laws of the National Capital Territory of Delhi, it is mandatory for **FRs** to obtain prior permission of the *North Delhi Municipal Corporation*¹ or the *South Delhi Municipal Corporation*² or the *East Delhi Municipal Corporation*³, as the case may be, for carrying out any construction/renovation/addition/alteration in the premises owned/leased by them for safeguarding the provisions of general building requirements, structural stability and fire safety requirement of the Bye-laws. **FRs** are also required to simultaneously write to the Protocol Housing Section while approaching the North Delhi Municipal Corporation/South Delhi Municipal Corporation/East Delhi Municipal Corporation.

B. Mode of Payment of Rent

2. **FRs** hiring residences for their privileged persons should pay the rent directly to the owners. If difficulties are anticipated in effecting direct payments to the landlords by the **FRs**, they may then advise their respective privileged person(s) to make the payment through cheque, and not in cash, drawn on an Indian Currency Account.

C. Intimation about Rented Accommodations

3. Details of residential/official accommodation leased by all **FRs** for their home-based officials should be submitted to the *Protocol Housing Section* in January and July every year for the preceding six months, incorporating the following information:

¹ Website: http://mcdonline.gov.in/tri/ndmc_mcdportal/

² Website: http://mcdonline.gov.in/tri/sdmc_mcdportal/

³ Website: http://mcdonline.gov.in/tri/edmc_mcdportal/

- (a) Postal address of the premises occupied by the Privileged Person/Foreign Representation;
 - (b) Monthly rent and name and address of the person to whom it is paid;
 - (c) Whether rent is paid by Mission/Post/UN Agency/home-based person; and
 - (d) Mode of payment of rent (i.e., cheques number, dates, amounts, name and address of the Bank on which cheques are drawn).
4. If the rent is paid in cash, the justification for not effecting payment by cheque should also be furnished along with the above information.
5. Whenever new premises are leased, the layout of the premises (complete with a schedule giving the number and size of various rooms, corridors, etc.) and the “Lease Deed” should be submitted to *Protocol Housing Section*.
- 6. To avoid property-related disputes and penal action by Municipal Authorities; it may be ensured that the property has a clear title and a completion certificate issued by the Municipal Authority concerned.**

D. Acquisition/Sale of Immovable Property¹

7. On the principle of reciprocity, Diplomatic Missions in India are permitted to acquire immovable property, other than agricultural land/plantation property/farm house, for housing the Chancery, Embassy Residence; and residential accommodation for its home-based personnel. Acquisition of the immovable property in India shall be paid out of funds remitted from abroad through banking channels. Proposals for acquiring immovable property should be addressed to *Protocol Housing Section* for processing and grant of approval. Immovable property acquired by Diplomatic Missions, with clearance from the Government of India and paid out of funds remitted from abroad through banking channels, may be allowed to be sold with permission from the Government of India.

¹Reserve Bank of India Notification No. FEMA.93/2003-RB dated 9 June 2003 (Annexe XXVI, Page 161)

CHAPTER – XXXIV**THIRD COUNTRY/HOME COUNTRY
NATIONALS EMPLOYED BY FRs**

1. The FRs are supposed to employ either home country nationals as staff members in official capacity with valid official/service passports or Indian nationals as locally recruited support staff. Third country/home country nationals should not be employed against a local post in general. FRs desirous to employ Third country/Home Country nationals against local posts will seek prior approval of the Ministry of External Affairs (through Protocol-II Section) with proper justifications and by submitting particulars of the prospective employee to Protocol-II Section for processing visa. Each request will be examined on case to case basis.
2. Such third country/home country nationals employed by FRs based in India are regarded as locally-recruited foreign employee and, therefore, Identity Cards and Official visas are not issued to such employees by the Ministry of External Affairs/Protocol Department of the State concerned.
3. The employment of such third country/home country nationals are governed by following conditions:
 - a) Permission granted shall be on the basis of presumed assurances of reciprocity by the Sending State in allowing similar requests from the Government of the Republic of India;
 - b) The employee would not hold Diplomatic/Official/Service/Special Passport;
 - c) The employee would avail “Employment Visa”;
 - d) The locally recruited foreign employee would not enjoy any privilege and he/she would be treated at par with all other local employees;
 - e) The employment shall be subject to the fiscal, social security and exchange control regulations of India.

CHAPTER – XXXV**ENGAGEMENT IN GAINFUL
EMPLOYMENT BY
DEPENDENTS OF MEMBERS OF FRs****A. Authorisation to engage in Gainful Employment**

1. To facilitate dependents of members of the foreign diplomatic missions and consular posts in the territory of India, permission to engage in gainful employment by the dependent(s) of member(s) of a diplomatic mission or consular post of the Sending State is granted on the basis of terms and condition of the bilateral arrangement [Model draft, Annexe XXVII, Page 162] concluded between the Government of India and Government of Sending State.

B. Procedure to engage in Gainful Employment

2. Requests for permission of gainful employment should be forwarded by the foreign diplomatic mission to the Protocol-II Section of the Ministry with following documents:

- a) Resumé of the applicant;
- b) Details of work/employment proposed;
- c) Profile of the employer company;
- d) Offer/appointment letter issued in the name of the applicant by the company;
- e) Agreement, if any, to be signed between employer and employee (reflecting terms and conditions);
- f) Copies of Passports, visas and diplomatic/official identity cards of member of the diplomatic mission and his/her dependent(s);
- g) Copy of bilateral agreement.

C. Civil and Administrative Immunity

3. In the case of dependents who enjoy immunity from the civil and administrative jurisdiction of India in accordance with the Vienna Convention on Diplomatic Relations, 1961 or Vienna Convention on Consular Relations, 1963 or under any other applicable international instrument including the rules of the customary international law, such immunity shall not apply in respect of any act or omission carried out in the course of the gainful employment and falling within the civil or administrative jurisdiction of India.

D. Criminal Immunity

4. In the case of dependents who enjoy immunity from the criminal jurisdiction of India in accordance with the Vienna Convention on Diplomatic Relations, 1961 or Vienna Convention on Consular Relations, 1963 or under any other applicable international instrument including the rules or under any other applicable international instrument:

- a) The provisions concerning immunity from the criminal jurisdiction of India shall continue to apply in respect of any act carried out in the course of gainful employment. However, in case of serious offences, upon the request of Government of India, the sending State shall give due consideration to waiving the immunity of the dependent concerned from the criminal jurisdiction of India.
- b) The sending State shall also give due consideration to waiving the immunity of the dependent from the execution of a sentence.

E. Fiscal, Social Security and Exchange Control Regime

5. In accordance with the Vienna Convention on Diplomatic Relations, 1961 or under any other applicable international instrument, dependents engaged in gainful employment shall be subject to the fiscal, social security and exchange control regimes of India for matters connected with their gainful employment in that State. Thus, their income/ remuneration from such gainful employment shall be subject to tax laws of India.

CHAPTER – XXXVI
ENROLMENT IN INDIAN
EDUCATIONAL INSTITUTIONS/
INSTITUTIONS OF HIGHER LEARNING

1. Members of foreign diplomatic missions who wish to undertake studies in Indian Universities/Institutions of Higher Learning on Diplomatic/Official visa shall obtain ‘No Objection Certificate’ from the Ministry.
2. Following documents must be enclosed with such requests:-
 - a) Details of Course to be pursued;
 - b) Specific mention of the University/Institution from which such course is to be pursued;
 - c) Copies of passport, visa and Diplomatic/Official Identity Card of the applicant.
3. Dependents of the members of FRs shall not require permission from the Ministry of External Affairs to undertake studies in Indian educational institutions.

CHAPTER – XXXVII

MATTERS RELATING TO COURT SUMMONS/ NOTICES ISSUED BY INDIAN COURTS/TRIBUNALS AGAINST FRs AND/OR ITS MEMBERS

A. Forwarding of Court Summons/Notices

1. All the court summons issued to FRs and/or their members are forwarded through Protocol Division and the replies of the **FRs** are also forwarded to concerned courts by Protocol Division.
2. Though the **FRs**, their premises, archives & documents and members of **FRs** enjoy immunity from civil, administrative and criminal jurisdiction as per the respective provisions of VCDR, 1961/ VCCR 1963/UN (P&I) Act, 1947, they are supposed to provide suitable replies to the Court summons/notices served to them through diplomatic channels.
3. **FR** should specifically mention the claim of immunity or waiver/ limited waiver of immunity in their replies. In case of waiver of immunity in specific case, the conditions/limitations of waiver should be specifically mentioned.

B. Forwarding of Court Summons/Notices in General matters

4. Protocol-II Section coordinates delivery of summons issued in general matters by various courts to Diplomatic Missions in India under intimation to the concerned courts.

C. Court Summons/Notices in the matters of accidents/traffic violations and labour/commercial disputes.

5. Forwarding of Summons/Notices issued by Indian Courts against **FRs** and their members in the matters of accidents/traffic violations involving vehicles of **FRs** and their members; and labour/commercial disputes, is coordinated by Protocol-III Section.

CHAPTER – XXXVIII
MISCELLANEOUS

A. Religious/Political gatherings

1. Members of **FRs** accredited to India shall refrain from participating in any political or religious gathering organized by Indian Citizens or organizations, if such participation could imply interference in the internal affairs of India.

B. Car Flags

2. Heads of Foreign Diplomatic Missions may fly their car flags whenever they proceed in their cars for official business.

C. Lucky Draws

3. Organizing “Lucky Draws” or lottery in India except by a State or under the authority of a State Government is an offence under the Indian Penal Code; as it is not a legitimate diplomatic activity, **FRs** shall refrain from organizing “Lucky Draws”.

D. Lok Sabha/Rajya Sabha Passes

4. Annual Lok Sabha and Rajya Sabha gallery passes are issued to Heads of **FRs** to witness proceedings in the two Houses of the Parliament. Authorization for temporary gallery passes is also issued for diplomats of **FRs**. Protocol-III Section may be approached for obtaining both the annual and temporary passes.

5. Because of security considerations, **FRs** will ensure that persons deputed to collect Lok Sabha/Rajya Sabha passes from or through the Ministry of External Affairs, hold valid Identity Card issued by the Ministry or, in its absence, a letter of authority signed by the authorized signatory of the Mission concerned.

PART III
Annexures

(Reference Chapter II, Para H 12)

No. D-II/551/1/2014

28 July 2014

Ministry of External Affairs presents its compliments to all Diplomatic Missions/Posts, Offices of UN and its Specialized Agencies and other accredited International Organizations in India and has the honour to state that the Ministry has noted that diplomats of some countries have entered into India to join their assignment on the basis of a Persons of Indian Origin (PIO) or Overseas Citizenship of India (OCI) Card, which is not appropriate. It has also been observed that some diplomats or members of their families enter into India on a Tourist Visa, which is normally not convertible and extendible, thus causing problems in the issuance of a regular visa. This also creates many administrative problems, including delay in issuance of identity (ID) Card to him/her, clearance of personal effects, delay in granting approval to purchase a personal vehicle, etc.

2. All Diplomatic Missions/Posts, Offices of UN and its Specialized Agencies and other accredited International Organizations in India are, therefore, requested to advise their incoming diplomats/staff to take appropriate visa before entering into India to join their assignment.

3. The Ministry of External Affairs avails itself of this opportunity to renew to all Diplomatic Missions/Posts, Offices of UN and its Specialized Agencies and other accredited International Organizations in India the assurances of its highest consideration.

**All Diplomatic Missions/Posts
Offices of UN and its Specialized Agencies and
Other Accredited International Organizations in India**

Annexe II**(Reference Chapter II, Para I 13)**

No. D-II/451/18/2015

July 21, 2015

The Ministry of External Affairs of the Government of the Republic of India presents its compliments to all Diplomatic Missions, Offices of UN and its Specialized Agencies and other accredited International Organizations in India and has the honour to request that while forwarding the requests for the special passes for their locally recruited staff members, a copy of a valid identity proof may kindly be attached henceforth. A list of the valid identity proofs is furnished below:

Documents for proof of identity and address:

- Aadhar Card
- Elector's photo identity card
- Passport

The Ministry of External Affairs avails itself of this opportunity to renew to all Diplomatic Missions, Offices of UN and its Specialized Agencies and other accredited International Organisations in India the assurances of its highest consideration.

**All Diplomatic Missions,
Offices of UN and its Specialized Agencies and
other Accredited International Organisations in India**

(Reference Chapter II, Para I 13)

No. D-II/465/Misc/2017

10 April 2017

Ministry of External Affairs of the Government of the Republic of India presents its compliments to all Diplomatic Missions, Offices of UN and its Specialized Agencies and other accredited International Organizations in India and has the honour to reiterate the following guidelines with respect to the ID Cards issued to local staff:

1. The Card is non-transferable and should be presented each time the collection/delivery of diplomatic bag and collection/delivery of documents from/to airport/MEA Protocol is made.
2. The Card is meant solely for collection/delivery of diplomatic bags and collection/delivery of documents from/to airport/MEA Protocol. The Card must be retained in the Mission and may be given to the holder only when he/she is deputed to collect/deposit diplomatic bag and/or to collect/deliver documents from/to airport/MEA Protocol.
3. The Card must be surrendered to the Ministry of External Affairs, New Delhi, in case the holder ceases to be in the employment of the concerned Diplomatic Mission. The concerned Mission must ensure the receipt of ID Card from such employees. A new Card will be issued only on surrender of the previous Card.

The Ministry of External Affairs avails itself of this opportunity to renew to all Diplomatic Missions, Offices of UN and its Specialized Agencies and other accredited International Organizations in India the assurances of its highest consideration.

**All Diplomatic Missions
Offices of UN and its Specialized Agencies and
Other accredited International Organizations in India**

Annexe IV**(Reference Chapter III, Para A.I.(a).2)**

No. D.VI/451/5/2014/3369

22 July 2014

The Ministry of External Affairs, New Delhi, presents its compliments to all Diplomatic Missions/Consular Posts, Offices of UN & its Specialized Agencies and other accredited International Organizations in India and has the honour to state that, with a few exceptions as listed at paragraph 2 below, a Prior Approval of the Ministry would henceforth not be required for import of consignments up to the limit of Rs. 20,00,000/- (Rupees Twenty Lakh only) or US\$ 33,000/- (US Dollar Thirty three thousand only), whichever is more. The Customs Duty Exemption Certificates for consignments valued at Rs. 20,00,000/- / US\$ 33,000 or less may be submitted along with a Self-Certification (per format enclosed) and requisite documents directly to the Ministry/Protocol Department of the State Government for attestation. The limit indicated above does not apply to importation of used personal and household effects, Customs Duty Exemption Certification for which would continue to be attested without the requirement of a Prior Approval.

2. The consignments that would require a Prior Approval of the Ministry/ Protocol Department of the State Government are as follows:-
 - (i) Vehicles
 - (ii) Security related equipment
 - (iii) Advanced Communication Systems
 - (iv) Exhibition/Concert items
 - (v) Building materials for any new construction/renovation/addition alteration work in the premises of the Foreign Representation
 - (vi) Unusual consignment delivered by Diplomatic Bag
3. The requirement of a Prior Approval is also mandatory for purchase of locally manufactured vehicles.
4. The Ministry of External Affairs, New Delhi, avails itself of this opportunity to renew to the Diplomatic Missions/Consulates in India the assurances of its highest consideration.

**All Diplomatic Missions, Consular Posts
Offices of UN & its Specialized Agencies and
Other accredited International Organizations in India**

(Reference Chapter III, Para A.I.(b).5)

No. D-VI/451(1)/1/98

1 September 2003

The Ministry of External Affairs presents its compliments to all Diplomatic Missions/Consulates based in India and has the honour to convey revised duty-free import regime/guidelines applicable to Diplomatic Missions, their members, and other entitled to such privileges, as per details given below:

- (i) Tapestry and Fabric Material: This facility stands withdrawn;
- (ii) Liquor, Cigarettes and Provision: Details of revised quotas available to different categories of privileged persons, etc Annexure-I*;
- (iii) Electrical and Electronic Items: Details of revised quotas in respect of these items – Annexure-II.

2. The Ministry would like to reiterate that, as per the Vienna Convention on Diplomatic Relations, 1961 (VCDR), the purpose of privileges and immunities is not to benefit individuals but to ensure the effective performance of the functions of Diplomatic Missions as representing States. Particular attention of Diplomatic Missions and their members is drawn to Articles 41 and 42 of the VCDR in this regard.

3. The revised Import regime/guidelines take effect from the date of issue of this note.

4. The Ministry of External Affairs avails itself of this opportunity to renew to the Diplomatic Missions/Consulates in India the assurances of its highest consideration.

All Diplomatic Missions/Consulates in New India

* Annexure I not attached as quotas were revised in October 2005

(Annexure II to Note No. D-VI/451(1)/1/98 dated 1 September 2003)

Ministry of External Affairs
Protocol Special Section
Import Facilities Allowed for Personal Use

Items	Ambassador / High Commissioner	Minister/ Min-Counsellor	Counsellor/ Dy. CG	First Secretary/ Consul	Second Secretary	Third Secretary/ Attaché/Vice- Consul	Non-Diplomat
A/C Window Type (up to 18000 BTU)	3	2	2	1	1	1	0
A/C Split Type (up to 18000 BTU)	2	1	1	1	1	0	0
Television up to 29 inches	2	1	1	1	1	1	1
VCR up to US \$ 400/-	1	1	1	1	1	1	1
Refrigerator up to 510 Ltrs	1	1	1	1	1	1	
Cooking Range up to US \$ 500/-	1	1	1	1	1	1	1
Washing Machine up to 5 Kgs	1	1	1	1	1	1	1
Video Camera up to US \$ 1000/-	1	1	1	1	1	1	1
Microwave up to 42 Ltrs	1	1	1	1	1	1	1
Music System up to US \$ 600/-	1	1	1	1	1	1	1
Digital Still Camera	1	1	1	1	1	1	1
Radio Cass. Rec. up to US \$ 150/-	1	1	1	1	1	1	1
Dishwasher up to US \$ 400/-	1	1	1	1	1	1	0
Clothes Dryer up to 5 Kgs.		1	1	1	1	1	0
Kitchen Appliances up to 5 Apps Within a maximum value of	US\$ 500/-	US\$ 500/-	US\$ 500/-	US\$ 500/-	US\$ 500/-	US\$ 500/-	US\$ 500/-
Maximum Monetary Limit (Amount in US Dollars)	Not Applicable	4500	4500	4000	4000	3000	2000

Conditions:

- a) Within the maximum monetary limits, a Privileged Person shall be eligible to import the item(s) mentioned above for his/her personal use without seeking Prior Approval from the Ministry;
- b) Imports of items not mentioned in this list as well as items mentioned in this list being imported for the official use of the Mission shall require prior approval of the Ministry of External Affairs. Such request should be accompanied by pro-forma invoice from the Foreign Supplier and Catalogue of the product with technical specification(s) and value, etc;
- c) Items brought as part of the Personal Effects shall be adjusted against the Privileged Person's entitlement mentioned above;
- d) The member of the Mission who is importing these items shall submit an UNDERTAKING duly countersigned by the officer authorized to sign Exemption Certificates to the effect that the items being imported are not being supplied to the person by his office/government.
- e) The imports shall be permitted once in tenure only. Replacement of the items shall not be permitted.

(Reference Chapter III, Para A.I.(b).6)

No. D-VI/451/1/05

22 December 2005

The Ministry of External Affairs, Government of India, presents its compliments to all the Diplomatic Missions/Posts in India and has the honour to inform that the policy of allowing duty free import/local purchase of motor vehicles by the entitled/privileged members of the diplomatic community has been reviewed.

2. The Ministry has now decided that the import of motor vehicles into India with customs duty exemption and local purchase of motor vehicles with excise duty exemption/refund by the entitled diplomats for their personal use will be permitted only within two years of the date of arrival of the diplomat concerned in India for taking up his/her assignment. No Exemption Certificate for duty exemption/refund will henceforth be issued by the Protocol Division of this Ministry on motor vehicles purchased/imported after expiry of the said period of two years. Further, sale of such duty free vehicle to another privileged person or its re-export from India will be permissible only after it has been in the use of the buyer for a minimum period of one year. This period of one year will be reckoned from the date of registration of the car as a diplomatic vehicle with the authorities concerned.

3. All other terms and conditions related to duty free import/local purchase of motor vehicle and their sale/disposal, as given in Foreign Privileged Persons (Regulation of Customs Privileges) Rules, 1957 (as amended) and Notification No. 6/2002-Central Excise dated 10 March 2002 (as amended) respectively, shall continue to remain applicable.

4. The Ministry of External Affairs avails itself of this opportunity to renew to the Diplomatic Missions/Posts in India the assurances of its highest consideration.

All Diplomatic Missions/Posts in New India

Annexe VII

(Reference Chapter III, Para A.I.(b).6)

No. D-II/451/12(4)/2005-Pt

10 November 2006

Excellency,

Reference your letter No. KA(3)-15/176 dated 10 October 2006 and my meeting with you and Group Coordinators of the Heads of Missions in New Delhi on 7 November 2006.

I am giving summary of the decisions arrived at in the meeting on the various points raised in your letter:-

(i) **Restriction on import of vehicles:** The condition of import of vehicle within two years of arrival in New Delhi will not be applied for import of personal vehicles by HOMs. Similar requests from other diplomats who arrived in New Delhi, before imposition of this restriction by the Ministry in December 2005, will be considered on case-by-case basis, on receiving recommendation from their HOM based on balance tenure of the diplomat, changed functional requirements, etc.

(ii)&(iii) **Delay in issuing Identity Card/the need to expedite/registration of vehicles:** Delays are mostly on account of incomplete documentation received by the Ministry. Use of new Forms for making applications can solve this problem to a large extent and a circular letter may please be sent to all HOMs on this. Many diplomatic Missions are yet to collect their copies of Protocol Handbook 2006 from the Ministry.

(iv) **Exemption of VAT, TAX on purchase of vehicles:** It is not possible to further reduce the minimum invoice amount of Rs. 1500/- for VAT refund. VAT exemption has been allowed by Government of Haryana and a copy of their notification in this regard is given in the Protocol Handbook 2006. Government of NCT of Delhi has agreed to allow separate VAT refunds for official purchases of the Embassy and the personal purchases by the diplomats. Copy of notification in this regard is enclosed for circulation to all HOMs.

(v) **Air Travel Tax:** Ministry has taken up matter with authorities concerned and we will revert on this issue soon.

Yours sincerely,

Sd/-

(Pinak Ranjan Chakravarty)

H.E. Mr. Dago Tshering
Dean of the Diplomatic Corps
Royal Bhutanese Embassy
New Delhi

Annexe VIII**(Reference Chapter III, Para A.I.(b).7)**

No. D.VI/451/6/2014

15 September 2014

The Ministry of External Affairs, New Delhi, presents its compliments to all Diplomatic Missions / Consular Posts in India and has the honour to state that, with effect from the 1st of January 2015, duty free quotas for liquor/cigarettes/foodstuff available to different categories of Privileged Persons as also the mode of drawal of the same has been liberalized and stands revised as per details given in Annexure I.

2. During the period September to November of a calendar year, all Diplomatic Missions, as individual Entities, may intimate to the Ministry, the diplomats in place in the Diplomatic Mission (and, if applicable, in the Consular Post) as also the specimen signatures of the authorized signatories, as per proforma enclosed at Annexure-II. The consolidated annual quota of a Diplomatic Mission for the forthcoming year would be intimated by the Ministry to each Diplomatic Mission during the period September to December of a calendar year. Diplomatic Missions / Consular Posts are advised to forward the necessary information as sought in Annexure-II well in time (not later than 30th of November of a calendar year) to the Protocol Special Section of the Ministry to avoid any delay in communication of the consolidated annual quota by the Ministry. A similar procedure would be followed by the Protocol Office of the concerned State Government / MEA Branch Secretariat in respect of Consular Posts in India.

3. The Ministry of External Affairs, New Delhi, avails itself of this opportunity to renew to the Diplomatic Missions / Consular Posts in India the assurances of its highest consideration.

All Diplomatic Missions/Consular Posts in India

Annexure I**Duty free quotas of Liquor / Cigarette / Foodstuff available to Privileged Persons of Diplomatic Missions / Consular Posts in India**

1. A consolidated annual quota would be available to a Diplomatic Mission / Consular Post. Consular Posts have the option to draw their annual consolidated quota from their Diplomatic Mission in New Delhi. In case the concerned Consular Post wishes to draw their quotas from their Diplomatic Mission, a copy of intimation of the same, in writing, from the Consular Post to the State Protocol / MEA Branch Secretariat should be made available to MEA well in advance by the Diplomatic Mission so that the consolidated annual quota could be calculated on a timely basis by the MEA.
2. The annual excise duty free quota of liquor available to diplomats is as per Table A below.
3. The annual customs duty free quota of liquor / cigarettes / foodstuff available to diplomats is as per Table B below.
4. For import of non-perishable items (Liquor/Cigarettes), the authorized signatory(ies) can forward up to three indents / Exemption Certificates in a year (not including National Day / Delegation Quota) to the Ministry / Protocol Office of the concerned State Government / MEA Branch Secretariat. The limit of three indents / Exemption Certificates in a year is not applicable for import of Foodstuff.
5. The National Day quota is to be released (once in a calendar year) in the name of the Head of Mission and is as per Table C below. The same table applies for Delegation Quota and shall also be released once in a calendar year in the name of the Head of Mission/Post when he/she hosts a reception in the honour of a visiting dignitary of his/her country having a rank of full Cabinet Minister or higher. For the visit of Head of State or the Head of Government, the Delegation Quota shall be released as the occasion demands.
6. Duty free Premium Quality Whisky like J.W. Blue Label and Royal Salute, up to 11.25 litres can be purchased by the Head of Mission within the overall monetary ceiling for Liquor/Cigarettes.

Table A (Excise duty free liquor)

Category of Diplomats ID Card No.	Whisky/ Hard Drinks (<i>litres</i>)	Light Drinks (Wine /Beer) (<i>litres</i>)	Annual Monetary Ceiling
1	2	3	4
Ambassador/High Commissioner A1	198	288	Within overall monetary ceiling for liquor/cigarettes in Column 5 of Table B
Minister/Minister Counsellor/ Consul General A2, A3	153	216	- do -
Counsellor /Deputy Consul General A4, A5	144	216	- do -
First Secretary/Consul/Trade Representative A6	108	180	- do -
Second Secretary A7	72	144	- do -
Third Secretary/Vice ConsulAttaché A8, A9	72	108	- do -

Table B (Customs duty free liquor/cigarettes/foodstuff)

Category of Diplomats ID Card No.	Whisky/ Hard Drinks (<i>litres</i>)	Light Drinks (Wine/ Beer) (<i>litres</i>)	Cigarettes (<i>Sticks</i>)	Annual Monetary Ceiling for Liquor & Cigarettes (Columns 2-4 & Columns 2-3 of Table A (<i>In US Dollars</i>))	Annual Monetary Ceiling for Food stuff (<i>In US Dollars</i>)
1	2	3	4	5	6
Ambassador/High Commissioner A1	180	900	8000	8500	3900
Minister/Minister Counsellor/ Consul General A2, A3	99	576	6400	6500	3700
Counsellor/Deputy Consul General A4, A5	72	468	5600	5100	3500
First Secretary/Consul/ Trade Representative A6	54	324	4000	3800	3400
Second Secretary A7	45	252	3200	2800	3400
Third Secretary/Vice Consul/ Attaché A8, A9	36	180	3200	2000	3300

Table C (National Day/Delegation Visit Quota)

Whisky/Hard Drinks (<i>litres</i>)	Light Drinks (<i>litres</i>)	Cigarettes (<i>Sticks</i>)	Total Monetary Limit (<i>In US Dollars</i>)
45	63	5000	1,600

Annexure-II

(A) Diplomats in place as on September/October/November in the Embassy/High Commission of _____, New Delhi and Consular Post(s) in _____

[Acceptance letter(s) of Consular Post(s) annexed (if applicable)]

S. No.	Name	Rank	ID Card No.	Annual Liquor Quota (in litres)		Annual Cigarette Quota (in sticks)	Annual Monetary ceiling of Liquor & Cigarettes (in US \$)	Annual Monetary ceiling of Foodstuff	Remarks, if any
				Excise duty free	Customs duty free				
1.									
2.									
3.									
4.									
5.									
	Total								

Note:

HD: Abbreviation for Hard Drinks

LD: Abbreviation for Light Drinks

Annexure-II

(B) Diplomats authorized to sign annual consolidated quota requests of the Embassy/High Commission of _____, New Delhi and Consular Post(s) in _____ (if applicable) during the forthcoming year

S. No.	Name	Rank	ID Card No.	Validity	Date of Arrival	Remarks, if any
1.						
2.						
3.						
4.						
5.						
	Total					

Specimen Signatures (11 copies)

1. _____ 1. _____
 2. _____ 2. _____

Annexe IX**(Reference Chapter III, Para B.II.15(c))**

No. D-II/451/12(4)/2005

22 November 2005

The Ministry of External Affairs presents its compliments to Diplomatic and Consular Missions as well as International Organizations in New Delhi and has the honour to invite reference to Ministry's Note Verbale of even number dated 28 June 2005 conveying admissibility of and procedure for refund of VAT paid by privileged entities like Embassies, High Commissions, Diplomats, International Organizations and their entitled personnel on purchases of goods in the National Capital Territory of Delhi.

2. The Government of NCT of Delhi has now revised the Schedule VI of the Delhi VAT Act (which lists the privileged entities eligible to claim refund of VAT) by including Missions that have started functioning recently in New Delhi and has also extended the admissibility of refund to purchases made by all eligible diplomats/officials of these entities, including purchases for personal use. Additionally, refund of VAT has now been allowed on purchase of petrol, diesel and other fuels as well. Other terms and conditions governing refunds and the VAT claim procedure conveyed in Ministry's circular letter dated 28 June 2005 remain unchanged.

3. The Ministry of External Affairs avails itself of this opportunity to renew to the Diplomatic Missions and Consular Missions as well as International Organizations in New Delhi the assurances of its highest consideration.

**All Diplomatic & Consular Missions and
All International Organizations**

(Annexure to Note No. D-II/451/12(4)/2005 dated 22 November 2005)

Government of National Capital Territory of Delhi
Finance (Accounts) Department
Delhi Sachivalaya, I.P. Estate, New Delhi-02

NOTIFICATION

No.F.101(352)/2005-FIN(A/Cs) - In exercise of the powers conferred by Section 102 of the Delhi Value Added Tax Act, 2004 (Delhi Act 3 of 2005), the Lt. Governor of National Capital Territory of Delhi hereby makes the following Rules to further amend the Delhi Value Added Tax Rules, 2005, namely:-

RULES:

1. Short title and commencement:

- (1) These Rules may be called the Delhi Value Added Tax (Third Amendment) Rules, 2005.
- (2) They shall come into force on the date of their publication in the Delhi Gazette.

2. Amendment of Rule 35:

In the Delhi Value Added Tax Rules, 2005, in Rule 35, in sub-rule (1), in clause (b), the words and brackets “(other than petrol, diesel and other fuels)” occurring after the words “the goods” and before the words “are for the official use” shall be omitted.

By order and in the name of the
Lt. Governor of the National Capital Territory of Delhi

(Dr. Pooja Gupta)
Deputy Secretary, Finance (T&E)

Dated: 7.10.2005

Annexe X**(Reference Chapter VII, Para C.I.18(f))**

No. D.VI/451/6/2014

31 October 2014

The Ministry of External Affairs, New Delhi, presents its compliments to all Offices of UN & its Specialized Agencies and International Organizations in India and, in continuation of Ministry's Note Verbale No. D.VI/451/6/2014 dated 15 September 2014 regarding revision of import duty free annual monetary ceilings on consumer items like food, drugs, medicines, liquor, cigarettes, books, periodicals, toiletries, etc., with effect from 1 January 2015 for internationally recruited senior officials of the United Nations and its Specialized Agencies and other International Organizations, who are recognized by the Government of India, has the honour to state that during the period October to December of a calendar year, all UN/International Organizations, as individual entities, may intimate to the Ministry, the internationally recruited senior officials in place in the Organization, as also the specimen signatures for the forthcoming year of the officials, as per proforma enclosed at Annexure I, which may be forwarded to the Protocol Special Section of the Ministry well in time (not later than 15th of December of the calendar year).

2. The mode of drawal of the import duty free quota is as follows:-
 - (i) The entitled officials are permitted to draw up to two indents in a calendar year subject to the annual ceiling of US\$ 2000/- for single persons and US\$ 2500/- for those accompanied by family members
 - (ii) The Exemption Certificates in respect of the entitled officials are to be submitted together in one lot.
 - (iii) The Head of the UN/International Organization is required to countersign on the Exemption Certificate.
 - (iv) The date of arrival of the entitled official and his/her Identity Card particulars (ID number and validity period) are required to be mentioned on the body of the Exemption Certificate.
 - (v) To the extent possible, details of the items being imported may be indicated in Column 3 of the Exemption Certificate.
 - (vi) Copies of the invoice/packing list, Airway bill/Bill of Lading may be attached with the Exemption Certificate.
3. The Ministry of External Affairs, New Delhi, avails itself of this opportunity to renew to all Offices of UN & its Specialized Agencies and International Organizations in India the assurances of its highest consideration.

All Offices of UN & its Specialized Agencies and International Organizations

Annexure I

(A) Internationally recruited officials of the United Nations and its Specialized Agencies and International Organizations, in place as in October/November/December of the year _____ Name of the Organization: _____

S.No.	Name	Designation	Date of Arrival in India	ID Card No.	Validity of ID Card	Whether single or accompanied by family
1.						
2.						
3.						
4.						

(B) Specimen signatures (11 copies) of Internationally recruited officials of the United Nations and its Specialized Agencies and International Organizations, during the forthcoming year _____

S.No.	Name	Designation	ID Card No.	Validity of ID Card	Specimen Signature (1)	Specimen Signature (2)
1.						
2.						
3.						
4.						

Annexe XI**(Reference Chapter X, Para A and Para D)**

No. D-VI/451(I)/1/98

9 June 2005

The Ministry of External Affairs, Government of India, presents its compliments to the Missions/Posts and other accredited International Organizations in India and has the honour to inform that the Protocol Special Section of this Ministry receives many Exemption Certificates for drawal of the quarterly quota of liquor/beverages/provision items without indicating the following essential information:

- (i) Identity Card particulars (ID number and validity period), date of arrival of the Diplomatic Official, on the body of the Exemption Certificate; and
 - (ii) Details of the product in column 3 of the Exemption Certificate (i.e., detailed description of goods as per invoice) such as brand name, product name of liquor/beverages/cigarette/provision items. (In many cases, only generic terms like beer, Australian/French red-wine/white wine, etc., are used. It is also observed that, in some cases, Light Drinks were included in the category of Provisions.
2. In order to further streamline the processing of these papers, the procedures and guidelines to be followed are reiterated in the succeeding paragraphs.
 3. Exemption Certificates may be submitted invariably mentioning the details of the products showing clearly their brand names. Items without such details would be deleted in future in order to avoid protracted correspondence.
 4. Further, only one Exemption Certificate per diplomat shall be presented for the quarterly quota of liquors/beverages/cigarettes/items of provision. Exemption Certificates in respect of all diplomats in a Mission are to be submitted together in one lot. Supplementary requests from the same Diplomat/ Privileged Person for drawal of drinks/provision items in any quarter will not be entertained.
 5. The Ministry of External Affairs avails itself of this opportunity to renew to the Missions/Posts and other accredited diplomatic International Organizations the assurances of its highest consideration.

Missions/Posts/International Organizations**New Delhi**

(Reference Chapter XI, Para G.9)

No. D-VI/451(I)/1/98

12 February 2004

The Ministry of External Affairs, Government of India, presents its compliments to the Embassies, High Commissions, Consular Offices and Offices of the United Nations and International Organizations in India and has the honour to bring to their attention that it is not permitted to import beef and beef products in any shape or form into India.

2. The Ministry of External Affairs further brings to the kind attention of the esteemed Embassies, High Commissions, Consular Offices and Offices of the United Nations and International Organizations that import into India of the following livestock and livestock products also stands prohibited with immediate effect:

- (i) Domestic and wild birds including captive birds;
- (ii) Day-old chicks, ducks, turkey and other newly hatched avian species;
- (iii) Hatching eggs;
- (iv) Eggs and egg products;
- (v) Semen of domestic and wild birds;
- (vi) Meat and meat products from avian species, including wild birds;
- (vii) Feathers;
- (viii) Products of avian origin intended for use in animal feeding; or for agricultural or industrial use;
- (ix) Live pigs and pig meat products;
- (x) Pathological materials and biological products from birds.

3. The prohibition of items mentioned in the preceding paragraph shall be in force for a period of six months or till such time it is modified or withdrawn, whichever is earlier.

4. The Ministry of External Affairs, Government of India, avails itself of this opportunity to renew to the Embassies, High Commissions, Consular Offices and offices of the United Nations and international Organizations the assurances of its highest consideration.

**All Embassies, High Commissions, Consular Offices and
Offices of the United Nations and International Organizations
In India**

Annexe XIII**(Reference Chapter XI, Para H.10)**

No. D-III/451/1/2001-Pt.

10 April 2003

The Ministry of External Affairs, Government of India, presents its compliments to the Diplomatic and Consular Missions and International Organizations and has the honour to state that, with development of new communication technologies, several Foreign Diplomatic Missions are desirous of utilizing satellite earth communication systems. The existing guidelines were circulated to all Diplomatic and Consular Missions and International Organizations vide the Note dated 15 December 1989, and reiterated vide the Note dated 8 December 1993. In order to facilitate the use of modern communication systems, revised guidelines have been drawn up which are enumerated below.

2. Diplomatic and Consular Missions and International Organizations desiring to receive TV programmes via satellite through installation and use of dish antennae on their premises in New Delhi or elsewhere are required to obtain clearance from the Ministry of Communications through the Ministry of External Affairs. The following technical information may be furnished along with their applications for installation of TV Receive Only (TVRO) dish antennae:

- (a) Proposed location of receiving facility;
- (b) Name and orbital location of desired satellites;
- (c) Frequency band(s) to be received
- (d) Type and size of the antenna (whether steerable or not);
- (e) Height of the antenna above ground level;
- (f) Type of antenna feed used;
- (g) Type and gain of Low-Noise Amplifier (LNA).

3. In this regard, the Missions may kindly note the following requirements:
- i) The diameter of the dish antenna should normally not exceed 2.5 meters, as this is generally adequate for satellite T.V. reception;
 - ii) Application for installation of larger dish antennae, if technically necessary, would be considered on merits in each case;
 - iii) The permission to receive TV and satellite TV signals through dish antenna from their national satellites shall not imply Government of India's agreement to the beaming of such signals towards Indian Territory;
 - iv) Use of these dish antennae for transmission purpose is prohibited.

4. As regards satellite communication (reception and transmission) between the Missions and their respective Headquarters, the following requirements may kindly be noted:

- i) Satellite earth stations for two-way captive communications can be allowed on a case-to-case basis and only with the prior approval of the Ministry of External Affairs. For this purpose, the concerned Diplomatic Mission or International Organization is required to provide information as per the enclosed Application form and its Annexures.
- ii) Composite digital voice/data/video services can be considered up to a maximum data rate of 2 MBPS. The size of the earth station should not exceed 2.4 meters for C-band and 1.2 meters for Ku-band.
- iii) Communications will be permitted only to the seat of the Government of the concerned Diplomatic Mission. Connectivity to PSTN/ISDN/WLL/Basic/Cell Phone, etc., will not be permitted.
- iv) The permission will be valid for 3 years. For further operations, fresh permission will need to be sought in each case.
- v) The permission will be strictly based on the conditions of reciprocity.

5. Missions would continue to be authorized, as at present, to avail of the facility of HF wireless communication links with their Headquarters, on the basis of reciprocity.

6. Missions are requested to obtain the necessary permissions for the installation and operation of their satellite TV reception and communications equipment through the Protocol Division of this Ministry in accordance with the guidelines indicated above.

7. The Ministry of External Affairs, Government of India, avails itself of this opportunity to renew to Diplomatic and Consular Missions and International Organizations the assurances of its highest consideration.

All Diplomatic & Consular Missions and International Organizations

(Annexure to Note No. D-III/451/1/2001-Pt. dated 10 April 2003)

Instructions and Guidelines for applying for permission to set up and operate Satellite Earth Station in Embassy premises:

1. Any Foreign Government who wishes to set up and operate a captive satellite earth station in its embassy premises in India for establishing a communication link between embassy in India and the seat of its Government should submit this application to Ministry of External Affairs of the Government of India in triplicate with complete details
2. The Government of India will examine this application and convey its decision on a case-to-case basis.
3. If permission is granted, the earth station should be operated as per the parameters/conditions mentioned therein. If any of the parameters is changed, permission for the same should be obtained.
4. The communication link should be for the sole purpose of communication between the Embassy of any country in India and the seat of that Government through satellite. Connection to PSTN/ISDN/WLL/Basic/Cell Phone/PMRT is not allowed.
5. Composite digital voice/data/video services can be considered up to a maximum data rate of 2 MBPS.
6. The size of the earth station antenna should not exceed 2.4 m for C-band and 1.2 m for Ku-band.
7. The permission, if granted, among other things, will also be based on the premise that similar permission will be granted for establishing and operating satellite earth station in the premises of Indian Embassy/Consulate/Mission in the country of the applicant.
8. The permission is valid for 3 years from date of issuing the permission. For operation beyond three years, fresh permission should be sought. There is no fee for processing the application.
9. The operation of earth station should be started only after getting the permission.
10. Government of India will seek any further clarification, if required, while processing the application.

(Reference Chapter XV, Para C.3(b))

No. D-II/458/1/2005

12 December 2005

The Ministry of External Affairs, Government of India, presents its compliments to all Missions/Consular Posts and other accredited International Organizations in India and has the honour to state that it has been brought to the attention of the Ministry that vehicles are being used with registration CD/AF or CC/AF or UN/AF. Some vehicles have been reported to be in use in this manner for periods as long as one year without proper registration.

2. The Ministry would like to reiterate that the practice of using a vehicle without proper registration with 'AF' (AF: Applied For) plates is against local laws. Permission granted by the Ministry for purchase/acquisition of a vehicle by a foreign Mission and its entitled members, either with or without exemption/refund of duties, cannot be construed to accord it the status of a diplomatic vehicle. Privileges and immunities will be accorded only to properly registered CD vehicles and any vehicle with 'AF' plate will not be entitled to privileges & immunities. The Ministry will not be able to extend any assistance in case of detention/fines arising out of the intervention of traffic authorities in India in case of vehicles with improper and/or unregistered number plates.

3. Missions/Posts and other International Organizations are advised that immediately after purchase/acquisition of a vehicle proposed to be used with diplomatic/consular/UN registration, necessary documents for allotment of a proper number plate may be completed and submitted to the Protocol Special Section of this Ministry (Room No. 1099, Jawaharlal Nehru Bhawan, Janpath, New Delhi – 110 011) and the vehicle be registered with the licensing authority with this number before it starts plying on roads.

4. The Ministry of External Affairs avails itself of this opportunity to renew to Missions/Consular Posts and other accredited International Organizations the assurances of its highest consideration.

**All Diplomatic Missions, Consular Posts and
International Organizations**

Annexe XV***(Reference Chapter XVI, Para H.14(a))***

No. D-II/451/12(I)/2003

6 July 2005

The Ministry of External Affairs presents its compliments to Diplomatic & Consular Missions as well as International Organizations in New Delhi and has the honour to reiterate that Diplomatic Missions and Privileged Persons are exempted from payment of Central Excise on locally purchased items like motor vehicles, air conditioners, etc., on reciprocal basis. This exemption can be availed of by submitting a request along with the original Proforma Invoice indicating the amount of Excise Duty to the Protocol Special Section of this Ministry.

2. All the Diplomatic & Consular Missions as well as International Organizations wishing to avail of Central Excise concession are encouraged to **avail of the exemption before the purchase of the items** as the process of refund of Central Excise takes more time. Following documents are required to be submitted to Protocol Special Section of this Ministry (in triplicate) to claim refund of Excise duty:

- a. An undertaking that the vehicle will not be sold or otherwise disposed of before the expiry of three years from the date of purchase and that, in the event of non-compliance, the Diplomatic or Consular Mission will pay the excise duty for which refund is claimed;
- b. Certificate that vehicle shall be put to official use of the Mission or Consulate;
- c. Original invoice from the Dealer;
- d. Attested copy of manufacturer's invoice evidencing payment of excise duty;
- e. Attested copy of registration book;
- f. **Form R** along with Pre-Receipt of the cheque duly signed by the claimant.

3. The claim should be submitted to the Protocol Division of the Ministry **immediately on purchase of the vehicle for which refund is being claimed**. The claim should be submitted in triplicate and all documents should be stamped with the esteemed Mission's seal. **The excise duty is refunded on the basis of reciprocity only.**

4. The Ministry of External Affairs avails itself of this opportunity to renew to the Diplomatic and Consular Missions as well as International Organizations in New Delhi the assurances of its highest consideration.

All Diplomatic & Consular Missions

All International Organizations

(Reference Chapter XVII, Para A.1)

No. CAS-7(5)96-DIV-L
Bureau of Civil Aviation Security
(Ministry of Civil Aviation)
Government of India
New Delhi – 110 001
Date: 01.07.2002

AVSEC ORDER NO. 5/2002

In exercise of the powers conferred by Section 5A of the Aircraft Act, 1934 (XII of 1934), delegated to him by the Central Government vide the Government of India, Ministry of Civil Aviation notification S.O. number 1797 dated 3 July 1997, the Commissioner of Security, Civil Aviation, Bureau of Civil Aviation Security, for the purpose of security of the aircraft operations, directs that:-

- (i) The packages constituting diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use. These bags should also bear the name and address of the consignee as well as that of the Foreign Diplomatic Mission/Consular Post as sender.
- (ii) Diplomatic bags of any classification, i.e., carried by a courier or sent as cargo shall not be opened under any circumstances by the security staff. In case of serious doubts about the contents of these bags, the matter shall be brought to the notice of the Protocol Division of the Ministry of External Affairs who would take appropriate action. Such suspicious baggage shall not be transported until and unless the doubts are cleared to the satisfaction of security staff.
- (iii) Diplomatic bags which are carried as hand baggage by the diplomatic courier shall not be screened provided the diplomatic courier (holder of diplomatic passport) produces official documents from the concerned foreign diplomatic mission indicating his status, the number of packages constituting the diplomatic bag and a **certificate** stating that the packages constituting the diplomatic bag do not contain any substance which would be dangerous and harmful to the aircraft or its passengers.

- (iv) Prescribed pre-embarkation security checks shall be carried out on the person of diplomatic courier and other packages carried by him/her provided they are not otherwise exempted from security check in terms of this Bureau Circular No. 12/2002 dated 1.5.2002 and amended from time to time.
 - (v) Diplomatic bags to be transported as cargo/registered baggage shall be X-ray screened as per the security instructions in force. In case of serious doubts about the contents of these bags, the matter shall be brought to the notice of the Protocol Division of the Ministry of External Affairs who would take appropriate action. Such suspicious baggage shall not be transported until and unless the doubts are cleared to the satisfaction of security staff.
2. The following instructions with regard to dispatch/receipt of diplomatic bags at the airport shall be followed:
- (i) The concerned diplomat will report in the Police Control Room. The Officer In-Charge will contact the Airport Manager and arrange Airports Authority vehicle to carry the diplomatic bags.
 - (ii) An entry gate will be designated corresponding to the blue gate on terminal I. Up to two members of the concerned diplomatic mission shall be issued temporary entry permit as per the usual procedure to go up to the aircraft in AAI vehicle. On return, they shall surrender the temporary pass at the concerned airport security control room.
 - (iii) In respect of such diplomatic missions who may like to send or receive a diplomatic bag by/from the aircraft, the concerned person will report to the Police Control Room. He will be allowed to go into the aero bridge to hand over/receive the diplomatic bag. However, the concerned person(s) shall pass through normal security channels. Here it may be clarified that the diplomatic bag is not to be checked, as mentioned in foregoing paragraphs. However, the couriers are liable to security check.

(Veeranna Aivalli)
Commissioner of Security (CA)

Distribution as per standard list

(Reference Chapter XVIII, Para G.12)

No. E-IV/107/111/82

21 November 2001

The Ministry of External Affairs presents its compliments to the Diplomatic Missions and United Nations and its Specialized Agencies in New Delhi and has the honour to refer to this Ministry's circular No. E-V/107/436/84 dated 20.1.1977 and circulars No. E-V/107/31/33 dated 4.7.94, 17.8.95, 1.4.98 and 24.4.2000 regarding formalities to be completed for grant of Protected Area Permit/Restricted Area Permit (PAP/RAP).

2. It has been decided to reduce the minimum notice period for processing applications for PAP/RAP from eight weeks to four weeks. The revised instructions are given below:

“Diplomatic and official passport holders who wish to visit, stay or pass through the areas mentioned below are required to obtain necessary Restricted/Protected Area Permits from the Ministry of External Affairs. Applications (in triplicate in the enclosed form & duly filled in all respects) should be submitted to the Northern Division, Ministry of External Affairs, South Block, Room No. 235-K, New Delhi, giving a minimum of **4 (four) weeks**’ notice to process the relevant case. Application does not imply automatic issue of permits.

It is requested that the esteemed Embassies/High Commissions/United Nations and its Specialized Agencies, while forwarding the applications for grant of PAP/RAP, may kindly ensure that the applications are complete in all respects and are sent a minimum of four weeks before the date of travel. Incomplete applications or applications with shorter notice than four weeks shall be returned.”

3. The areas for which a PAP/RAP is required are given below:

PROTECTED-AREAS

1. MANIPUR : Loktak Lake, Imphal, Mourang INA Memorial, Keibul Deer Sanctuary & Waithe Lake, Kongjam War Memorial (To and from Imphal By Air only)

2. NAGALAND : Kohima, Dimapur, Phek District, War Cemetery, Dzukou Valley
3. MIZORAM : Vairangte, Thingadawi and Aizwal
4. ARUNACHAL PRADESH : Itanagar, Ziro, Along, Pasighat, Miao, Namadapha Tapi, Sejusa (Puki) Bhalukpong
5. SIKKIM : Songri, Tsangu (Chhangu Lake), Mangan, Singhik, Tong, Chungthang, Lachung and Yunthang
6. UTTAR PRADESH : Nanda Devi Sanctuary, Niti Ghati, Kalindi Khal in Chamoli, Uttar Kashi District, adjoining areas of Milan glacier and Pithorgarh
7. HIMACHAL PRADESH : Poo, Khab Sumdo, Dhankar, Tabo Gompa, Kaja Morang, Dabbling, Lahul and Spiti
8. JAMMU & KASHMIR : Khaise Sub-Division (Drokaupa Area) – Khaltse Dumkhar, Skorduchan, Hanudo, Biana Dha, Nubra Sub-Division-Lah, Khardung La – Khalsar, Trit up to Panamik, Leh, Khardung La up to Hunder, Leh Sabo, Digar La-Digar, Labab-Khungru, Gampa-Tangar (only for trekking), Nyoma Sub-Division-Leh, Upshi, Chumathang, Mahe, Puga, Tso-Morari Lake, Kozok, Debring, Karu, Chang-la Durbuk, Tangtso, Lukung, Spankmik (Pangong Lake up to Spankmik). Group of 4 or more persons are allowed as tourists.
9. RAJASTHAN : Western side up to Indo-Pak border of National Highway No. 15 running from Sriganaganagar to Sanchere.

RESTRICTED AREAS

1.	SIKKIM	:	Gantok, Rumtek, Phodang, Pemayangtse, Khecheperi and Tashiging.
2.	A N D A M A N & NICOBAR ISLANDS	:	Municipal Area, Port Blair, Havelock Island, Long, Neil Island, Jolly Byoy, North and South Cingue, Red Skin, Mayabunder, Diglipur, Mt. Harriet and Madhuban.

4. The Ministry of External Affairs avails itself of this opportunity to renew to the Diplomatic Missions and United Nations and its Specialized Agencies the assurances of its highest consideration.

**All Diplomatic Missions,
United Nations Office and
Specialized Agencies**

(Reference Chapter XVIII, Para G.16)

No. D-II/465/1/2005

14 December 2005

The Ministry of External Affairs presents its compliments to all the Diplomatic Missions/Consulates and International Organizations based in India and has the honour to offer to a large number of requests being received in the Protocol Division of the Ministry for providing security to members of visiting diplomatic/official/business delegations from countries. The Ministry wishes to emphasize that, since these requests are received at rather short notice and need to be handled on an urgent basis, it is imperative that the Notes Verbale concerned provide complete information in support of the request and are submitted to the correct Division of the Ministry.

2. The Ministry would like to reiterate that Protocol Division handles visits, including security arrangements of Heads of Government/State, Vice-President and equivalent and Foreign Ministers (Protocol I Section) and security arrangements at Chanceries and residences of Heads of Mission and visits of Heads of Mission outside New Delhi (Protocol-II Section). All visits of Ministers, other than Foreign Ministers, and other official/business delegations are handled by the Territorial Divisions concerned in the Ministry. The Note Verbale requesting security arrangements should, accordingly, be sent to the correct Division of the Ministry for timely action. The Note Verbale should also provide information about (i) the nature of visit, i.e., on invitation of Government of India or privately arranged, (ii) the coordinating/host Ministry/Organization in India, (iii) the composition of the delegation, (iv) the specific threat perception for the delegation as a whole or for any particular member, and (v) the detailed itinerary in India.

3. The Ministry of External Affairs in New Delhi avails itself of this opportunity to renew to all the Diplomatic Missions/Consulates and International Organizations the assurances of its highest consideration.

All Diplomatic Missions/Consulates in India
All International Organizations

Annexe XIX**(Reference Chapter XXI, Para A)**

No. D.III/465/66/2017

15.10.2018

The Ministry of External Affairs presents its compliments to all the Diplomatic Missions/Posts, UN and other Inter-governmental Agencies in the territory of India and, with reference to this Ministry's Note Verbale No. D.III.451/(18/11)/75(PH-124) dated 29th November 1975 regarding the Model Contract Form containing terms and conditions of service of locally recruited staff in their Missions and subsequent amendments in this regard circulated vide Notes No. D.III/465/64/87 dated 2nd November 1988, dated 20th May 2004 and dated 25th April 2006 and Note No. D.III/465/7/2010 dated 07th January 2011, has the honour to enclose herewith a revised 'Model Contract Form'.

The Model Contract Form attached herewith only indicates the minimum terms that should be offered to the Indian employees. The Missions, however, may extend terms and benefits to their local Indian employees which are better than those indicated. The Model Contract may accordingly be modified by agreement between the parties, wherever the terms and conditions offered are more than in the Model Contract.

The Ministry of External Affairs avails itself of this opportunity to renew to all the Diplomatic Missions/Posts and UN and other Inter-governmental Agencies in the territory of India the assurances of its highest consideration.

**All Diplomatic Missions/Posts and
UN and other Inter-governmental Agencies
in India**

**As issued on 15 October 2018 by Ministry of
External Affairs, New Delhi**

MODEL CONTRACT FORM

This Service Contract has been concluded between the _____ (Name of the Mission) and Mr./Mrs./Miss _____ (Name of the employee), resident of _____ on the following terms and conditions:

1. Particulars of the person to be employed:

- a) Name of the employee:
- b) Name of Father/Mother:
- c) Place and date of birth:
- d) Nationality:
- e) Sex:
- f) Education Qualifications:

2. Designation of the employee:

- Administrative Officer
- Marketing/Commercial Assistant
- Public Relations Officer
- Executive Assistant/Secretary
- Social Secretary
- Receptionist
- Telephone Operator
- Office Assistant/Assistant
- Translator
- Mechanic
- Plumber
- Electrician
- Driver
- Housemaid/Cook

Housekeeper

Cleaner

Sweeper

Gardener

Security Guard

Messenger

Other categories employed by the Mission/Post

3. **Probation Period:**

One to three months as mutually agreed. During the period of probation, the services of the employee may be terminated without notice and without assigning any reason thereof.

If the services of the employee are terminated during the period of probation, he/she will be allowed reasonable time, not less than 7 days, for vacation of accommodation, which might have been provided by the Mission.

4. **Scale of pay and allowances:**

(i) Pay and scale of pay:

(ii) Allowances:

Note:

1. The Ministry of Labour & Employment keeps updating the minimum standard wages for Skilled, Semi-Skilled and Un-Skilled workers from time to time. The latest information can be accessed through its website, <<https://labour.gov.in/minimum-wages-central-sphere>>.

2. The employee shall also be entitled for annual increase in salary which shall, at the minimum, be linked to the rise in Consumer Price Index, in addition to the annual increments.

5. **Bonus or ex-gratia payment:**

One month's additional salary for each year of completed service, payable annually.

6. **Leave:**

- (a) Annual Leave: 30 days (This leave could be accumulated up to a maximum period of 120 days).
- (b) Paid Sick Leave: 30 days per year of service. Entitlement of sick leave becomes operative after 3 months' service and would be available on production of a medical certificate.
- (c) Maternity Leave: **26 weeks**
- (d) Casual Leave: 12 days in a year
- (e) Other holidays: Holidays observed by the Mission will be applicable to local employees as well. Employees of the categories such as Security Guard, Cooks, Waiters, etc, might be given compensatory leave in lieu of such holidays, particularly for days which are observed as holidays in India.

7. **Working Hours:**

8 hours per day exclusive of lunch hour; 5 working days = 40 hours per week.

Or as mutually agreed upon in writing. However, not more than 9 hours per day, exclusive of lunch hour; 5 working days per week.

8. **Overtime:**

At double the rate of regular employment

9. **Retirement Age:**

60 years. A Mission may, however, at its discretion, employ/appoint an employee beyond the age of 60 years.

10. **Termination of Employment:**

- (a) Notice: One month on either side or one month's salary in lieu thereof.

- (b) The grounds of termination of the contract from the Embassy will be (a) inadequate performance (b) willful misconduct, disobedience or neglect of duties, (c) breach of security, (d) discourtesy, misbehavior with colleagues or superiors, and (e) frequent lack of punctuality without due justification to the satisfaction of the Mission. In keeping with laws of natural justice, the Mission should take care to avoid unilateral/arbitrary action. The Mission is required to serve a show cause notice on the employee before termination, except in case of breach of security.
- (c) Terminal Benefits: One month's salary for each completed year of service for employee with a minimum of one year's service. Terminal benefits will be paid when the termination takes place on any ground including on grounds of dismissal, ill-health, redundancy or old age retirement. These terminal benefits would also apply in the case of voluntary resignation. Salary in this clause would mean last salary drawn at the time of termination. There will not be any monetary ceiling in the amount of gratuity to be paid to the employee.
- (d) In addition to benefits in (c), under the Employees Provident Fund Scheme every employee shall be entitled and required to become a member of the Fund from the date of joining. According to this scheme, each employee will contribute 10% or 12% of his/ her salary as provided under Employee Provident Fund Act towards provident fund and an equal amount will be deposited by the Employer. The total amount with interest will be paid to the employee on resignation, termination or retirement.

The benefits in (c) and (d) above will also be available to the dependents/legal heirs of the employee in the event of his/her death during service.

Note : The Model Contract only sets out the minimum standard for the employment of local employees of the foreign Missions/Posts in India. The Missions, however, may extend benefits to their employees which are better than those recommended. They may modify the terms and conditions contained in the Model Contract Form to give larger benefits to their employees.

(Reference Chapter XXII, Para A.3)

No. D-II/465/5/99

8 April 2003

The Ministry of External Affairs presents its compliments to all the Diplomatic Missions/Consulates, UN and other International Organizations in India and has the honour to bring to their notice that Diplomatic Missions are not permitted to take any unilateral action to put up barricades outside their premises and regulating or impeding traffic as part of security measures. Such unilateral measures are in total violation of local laws. Considering that Government of India is taking all necessary steps to provide adequate security and protection to Diplomatic Missions located in India through its security/police agencies, such unilateral action is highly objectionable and unwarranted.

2. All Foreign Missions are advised that any such security measures can only be taken in consultations with and approval of the Ministry of External Affairs.
3. The Ministry of External Affairs avails itself of this opportunity to renew to all the Diplomatic Missions/Consulates, UN and other International Organizations in India the assurances of its highest consideration.

**All the Diplomatic Missions/Consulates,
UN and other International Organizations,
New Delhi**

Annexe XXI**(Reference Chapter XXIV, Para B.5&6)**

No. D-VI/451(5)/1/98

10 March 1999

The Ministry of External Affairs presents its compliments to all the Foreign Diplomatic Missions in New Delhi and has the honour to state that it has been decided to:-

- (a) Allow Foreign Embassies/Missions/Diplomats to open Foreign Currency Accounts with Commercial Banks (including Foreign Banks) who are also authorized dealers;
 - (b) Permit Diplomatic Missions to keep their funds in Fixed Deposits subject to normal terms and conditions of such deposits;
 - (c) Permit Foreign Diplomats to open Savings Bank/Fixed Deposit Accounts in their names, subject to normal terms and conditions of operating these accounts; and
 - (d) Pay interest on Savings/Term Deposit Accounts in the same way as in the case of EEFC/RFC accounts.
2. It has also been decided that once the funds are withdrawn from Foreign Currency Accounts and converted into Indian Rupees, they shall not be allowed to be reconverted and repatriated.
 3. The Reserve Bank of India will issue necessary instructions to the concerned Banks for giving effect to the above decisions in the near future.
 4. The Ministry of External Affairs avails itself of this opportunity to renew to the Foreign Diplomatic Missions in New Delhi the assurances of its highest considerations.

All Foreign Diplomatic Missions in New Delhi

(Reference Chapter XXVI, Para G.7 to 9)

No. D-III/465/1/2011

28 February 2011

The Ministry of External Affairs presents its compliments to all the Diplomatic and Consular Missions, U.N. Specialized Agencies and other Inter-Governmental Organizations in New Delhi and has the honour to state that in the recent past a number of requests are being received seeking Ex-post-facto approval of this Ministry for the creation of new posts in the Missions/ Posts in India.

2. The Ministry has taken a dim view of such requests. Attention is drawn to the instructions and guidelines circulated earlier vide this Ministry's circular No. D-III/465/30/2005 dated 16 February 2006 [appended below].

3. It is, therefore, brought to the attention of the esteemed Diplomatic and Consular Missions and U.N. Specialized Agencies that such ex-post-facto approval cases will not be considered in future

The Ministry of External Affairs avails itself of this opportunity to renew to all the Diplomatic and Consular Missions, U.N. Specialized Agencies and other Inter-Governmental Organizations in New Delhi the assurances of its highest consideration.

**All Diplomatic and Consular Missions,
U.N. Specialized Agencies and other
Inter-Governmental Organizations,
New Delhi**

(Annexure to Note No. D-IV/465/1/2011 Dated 28.2.2011)

(Reference Chapter XXVI, Para G.7 to 9)

No. D-III/465/30/2005

16 February 2006

The Ministry of External Affairs presents its compliments to the Diplomatic and Consular Missions, UN Specialized Agencies and other Inter-Governmental Organizations in New Delhi and has the honour to state that there have been instances where a number of Missions have not obtained prior formal concurrence of the Government of India for creating new posts in their respective establishments. The Ministry comes to know of the creation of new posts as a *fait accompli* when the Missions apply for Identity Card and other documents after arrival of the incumbent assigned to the new post.

2. Article 11 of the Vienna Convention on Diplomatic Relations, 1961, states:

“In the absence of specific agreement as to the size of the Mission, the receiving State may require the size of a Mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular Mission.

“The receiving State may equally, within similar bounds and on a non-discriminatory basis, refuse to accept officials of a particular category.”

3. Creation of a new post not only increases the size of the Mission but also has implications on privileges and immunities, involving the principle of reciprocity as well. Before creating a new post, formal concurrence of the Government of India shall be obtained by applying/making a request, along with details of the post and the responsibilities assigned to it, to the Protocol-III Section. To avoid inconvenience to the Mission concerned as also the new arrival, formal concurrence to the creation of the post shall be obtained well in advance of the arrival of the incumbent. A mention shall also be made in the request that, on the principle of reciprocity, the Government of India would also be entitled to create new posts in the Indian Mission(s) in the country concerned.

4. To avoid delays in processing papers for replacement members, when a member of the Mission is being assigned to replace another, the names and designations of both – the one who is leaving/has left India and the name of his/her successor – should, as far as possible, be communicated in the same Note Verbale.

5. The Ministry of External Affairs avails itself of this opportunity to renew to the Diplomatic and Consular Missions, UN Specialized Agencies and other Inter-Governmental Organizations in New Delhi the assurances of its highest considerations.

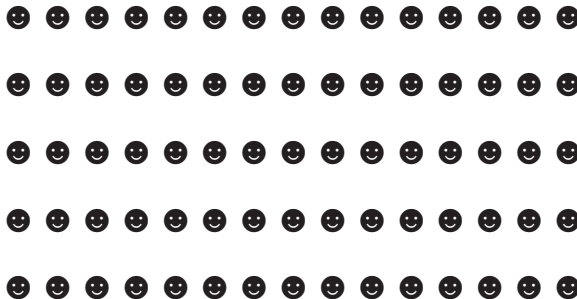
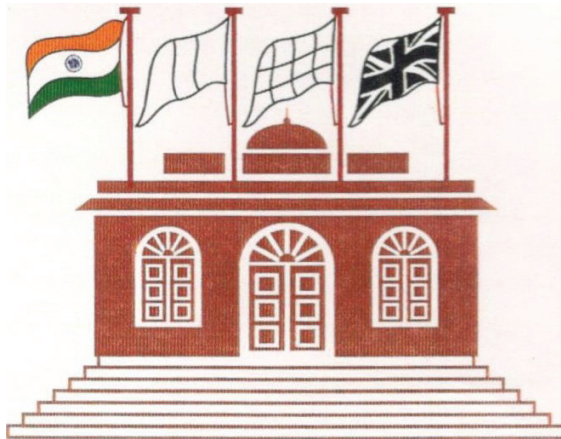
**All Diplomatic and Consular Missions,
UN Specialized Agencies, and
Other Inter-Governmental Organizations
in New Delhi**

Annexe XXIII

(Reference Chapter XXVIII, Para B.10)

**Display of Indian National Flag
with Flags of other Nations
(Para 3.32 of the Flag Code)**

When displayed in a straight line with flags of other countries, the Indian National Flag shall be on the extreme right, i.e., if an observer were to stand in the center of the rows of the flags facing the audience, the Indian National Flag should be to his extreme right. The position is illustrated in the diagram below:-

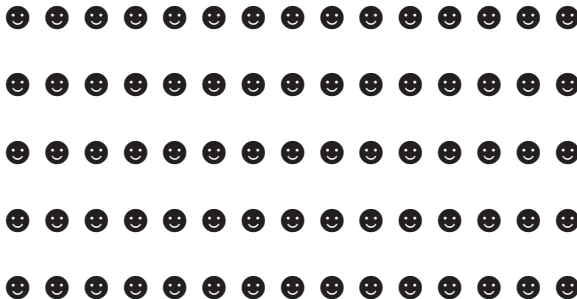


AUDIENCE

(Reference Chapter XXVIII, Para B.12)

**Display of Indian National Flag against a wall
with another Flag from crossed staffs
(Para 3.35 of the Flag Code)**

When displayed against a wall with another Flag from crossed staffs, the Indian National Flag shall be on the right, i.e., the Flag's own right, and its staff shall be in front of the staff of the other Flag. The position is illustrated in the diagram below:-



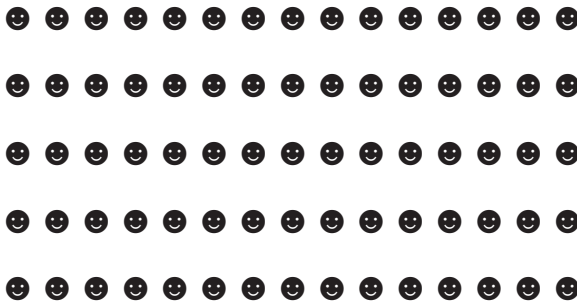
AUDIENCE

Annexe XXV

(Reference Chapter XXVIII, Para B.13)

**Display of Indian National Flag
with Flag of United Nations
(Para 3.36 of the Flag Code)**

When the United Nations' Flag is flown along with the Indian National Flag, it can be displayed on either side of the Indian National Flag. The general practice is to fly the Indian National Flag on the extreme right with reference to the direction which it is facing (i.e., extreme left of an observer facing the mast flying the Flags). The position is illustrated in the diagram below:-



AUDIENCE

(Reference Chapter XXXIII, Para D.7)

**Reserve Bank of India
Exchange Control Department
Mumbai – 400 001**

Notification No. FEMA.93/2003-RB

9 June 2003

Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) (Amendment) Regulations, 2003

In exercise of the powers conferred by clause (i) of sub-section (3) of Section 6, sub-section (2) of Section 47 of the Foreign Exchange Management Act, 1999 (42 of 1999), and in partial modification of its Notification No. FEMA21/2000-RB dated 3 May 2000, the Reserve Bank of India makes the following amendments in the Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulations 2000, namely:-

1. Short title and Commencement:

- (i) These Regulations may be called the Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) (Amendment) Regulations, 2003.
- (ii) They shall come into force on the date of their publication in the Official Gazette

2. Amendment of the Regulations:

In the Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulations 2000, after Regulation 5, the following Regulation shall be inserted, namely:

“5 A. Purchase/sale of Immovable Property by Foreign Embassies/
Diplomats/Consulates General

A Foreign Embassy/Diplomat/Consulate General may purchase/sell immovable property in India other than agricultural land/plantation property/farm house provided (i) clearance from Government of India, Ministry of External Affairs, is obtained for such purchase/sale, and (ii) the consideration for acquisition of immovable property in India is paid out of funds remitted from abroad through banking channel.”

(K.J. Udeshi)
Executive Director

Annexe XXVII**(Reference Chapter XXXV, Para A.1)**

ARRANGEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDIA
AND
THE GOVERNMENT OF THE _____
FOR AUTHORIZING THE DEPENDENTS
OF MEMBERS OF A DIPLOMATIC MISSION OR CONSULAR POST
TO ENGAGE IN GAINFUL EMPLOYMENT

The Government of the Republic of India and the Government of _____ :

Recognizing the mutual interest in allowing dependents of members of the diplomatic mission and consular posts of the sending State to engage in gainful employment, on a reciprocal basis, in the territory of receiving State;

Desirous of facilitating the engagement of such dependents in a gainful employment in the receiving State;

Have agreed as follows :

ARTICLE 1
DEFINITIONS

For the purposes of this Arrangement:

- (a) "A member of a diplomatic mission or consular post" means any employee of the sending State who is not a national of or permanently resident in the receiving State and who is assigned to official duty in the receiving State in a diplomatic mission or consular post;
- (b) "Dependent" means:-
- i. Spouse of the member of diplomatic mission or consular post, in accordance with the laws of receiving State
 - ii. Unmarried dependent children, up to the age of 25 years, forming part of the household of the member of diplomatic mission or consular post
 - iii. Unmarried dependent children, suffering from any physical or mental disabilities, forming part of the household of the member of diplomatic mission or consular post.

ARTICLE 2

AUTHORISATION TO ENGAGE IN A GAINFUL EMPLOYMENT

- (a) The dependents of a member of a diplomatic mission or consular post of the sending State shall be authorized, on a reciprocal basis, to engage in a gainful employment in the receiving State in accordance with the provisions of the law of the receiving State.
- (b) The receiving State shall retain the right to withhold authorization for employment in certain areas.
- (c) The grant of authorisation to a dependent to engage in gainful employment does not release a dependent from any requirement, formality or stipulation relating to personal traits, credentials, work experience or other criteria regularly imposed on any employment. In case of activities requiring special qualifications, it shall be necessary for a dependent to comply with the relevant requirements.
- (d) Any authorization to engage in a gainful occupation in the receiving State shall, in principle, be valid only during the tenure of the member of a diplomatic mission or consular post in the receiving State.
- (e) Change in employment/occupation would require fresh authorisation.

ARTICLE 3

PROCEDURE

- (a) A request for authorization to engage in a gainful employment shall be sent on behalf of the dependent by the diplomatic mission or consular post of the sending State to the Protocol Division of the Ministry of Foreign/External Affairs of the receiving State.
- (b) The procedure followed shall be applied in a manner so as to enable the dependent engage in a gainful employment as soon as possible and any requirements relating to work permits and similar formalities shall be favorably applied.
- (c) The relevant authorities of the receiving State shall subsequently inform the diplomatic Mission of the sending State, through diplomatic channels, whether the applicant has been authorised to engage in a gainful employment.

ARTICLE 4
CIVIL AND ADMINISTRATIVE PRIVILEGES AND IMMUNITIES

In the case of dependents who enjoy immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations, 1961 or Vienna Convention on Consular Relations, 1963 or under any other applicable international instrument including the rules of the customary international law, such immunity shall not apply in respect of any act or omission carried out in the course of the gainful employment and falling within the civil or administrative jurisdiction of the receiving State.

ARTICLE 5
CRIMINAL IMMUNITY

In the case of dependents who enjoy immunity from the criminal jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations, 1961 or Vienna Convention on Consular Relations, 1963 or under any other applicable international instrument including the rules of the customary international law or under any other applicable international instrument:

- (a) The provisions concerning immunity from the criminal jurisdiction of the receiving State shall continue to apply in respect of any act carried out in the course of the gainful employment. However, in case of serious offences, upon the request of the receiving State, the sending State shall give due consideration to waiving the immunity of the dependent concerned from the criminal jurisdiction of the receiving State.
- (b) The sending State shall also give due consideration to waiving the immunity of the dependent from the execution of a sentence.

ARTICLE 6
FISCAL, SOCIAL SECURITY AND EXCHANGE CONTROL
REGIMES

In accordance with the Vienna Convention on Diplomatic Relations, 1961 or under any other applicable international instruments, dependents shall be subject to the fiscal, social security and exchange control regimes of the receiving State for matters connected with their gainful employment in that State.

**ARTICLE 7
RECOGNITION OF DEGREES**

This arrangement does not imply the recognition of degrees, grades or studies between the two countries.

**ARTICLE 8
SETTLEMENT OF DISPUTES**

Settlement of any differences or disputes regarding the interpretation or application of this Arrangement, and modifications thereto, if required, shall be carried out through mutual consultations.

**ARTICLE 9
DENUNCIATION OF THE ARRANGEMENT**

Either of the Parties may denounce this arrangement by means of notification of its intention to do so to the other Party, in writing through diplomatic means. The denunciation shall take effect six months following the date of notification.

**ARTICLE 10
ENTRY INTO FORCE**

This Arrangement shall enter into operation on signature and shall continue in operation until terminated by either Party by providing six months' notice in writing.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Arrangement.

Done at _____ on the ____ day of _____ in two originals each in Hindi, _____ and English languages, all texts being equally authentic. In case of any divergence, the English text shall prevail.

For the Government of
of Republic of India

For the Government

Name:
Signature:

Name:
Signature:

PART IV

**[Forms in usable size (A-4) are available in the attached CD
(placed at the back inside cover).**

**These can also be downloaded from MEA Website
<<http://meaprotocol.nic.in>]**

