


भारत का राजपत्र
The Gazette of India

व्यवहारणः

EXTRAORDINARY

भाग III—खण्ड 2

PART III—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 2] नई दिल्ली, शनिवार, अक्टूबर 28, 1972/कार्तिक 6, 1894
No. 2] NEW DELHI, SATURDAY, OCTOBER 28, 1972, KARTIKA 6, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION

New Delhi, the 28th October 1972

No. UI/222(66)/71.—In exercise of the powers conferred by section 3 of the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947), the Central Government hereby declares that the provisions of Article I, Article II and Article V [Sections 17, 18(b), (d), (e) and (g), 19, 20 and 21] of the Schedule to the said Act shall, subject to the modifications specified below, apply *mutatis mutandis*, to the International Crops Research Institute for the Semi-Arid Tropics and to its officers recruited on an international basis, except that the exemptions under Sections 18 and 19 shall apply only to the non-Indian officials of the said Institute.

Modifications

1. In the Articles so applied,—

- (i) for the words "United Nations", wherever they occur, the words "International Crops Research Institute for the Semi-Arid Tropics" shall be substituted;
- (ii) for the words "Secretary-General" wherever they occur, the word "Director" shall be substituted

2. In Section 17 and Section 20, for the words "General Assembly" and "Security Council", the words "Governing Board" shall be substituted.

3. In Section 19,

(i) for the words "Secretary-General and all Assistant Secretaries-General", the word "Director" shall be substituted;

(ii) for the words "their spouses", the words "his spouse" shall be substituted.

AVTAR SINGH,
Secretary (West).

ACT No. XLVI of 1947
(PASSED BY THE DOMINION LEGISLATURE)

(Received the assent of the Governor General of the 20th December 1947)

An act to give effect to the Convention on the Privileges and Immunities
of the United Nations

WHEREAS it is expedient to give effect to the Convention on the Privileges and Immunities of the United Nations, and to enable similar privileges and immunities to be enjoyed by other international organisations and their representatives and officials;

It is hereby enacted as follows:-

1. Short title: This act may be called the United Nations (Privileges and Immunities) Act, 1947.
2. Conferment on United Nations and its representatives and officers of certain privileges and immunities. - (a) Notwithstanding anything to the contrary contained in any other law, the provisions set out in the Schedule to this Act of the Convention on the Privileges and Immunities, adopted by the General Assembly of the United Nations on the 13th day of February 1946, shall have the force of law in India.

(2) the Central Government may, from time to time, by notification in the official Gazette, amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the said Convention set out therein.
3. Power to confer certain privileges and immunities on other international organisations and their representations and officers - Where in pursuance of any international agreement, convention or other instrument it is necessary to accord to any international organisation and its representatives and officers privileges and immunities in India similar to those contained in the provisions

set out in the Schedule, the Central Government may, by notification in the Official Gazette, declare that the provisions set out in the Schedule will, subject to such modifications, if any, as it may consider necessary or expedient for giving effect to the said agreement, convention or other instrument apply mutatis mutandis to the international organisation specified in the notification and its representatives and officers, and thereupon the said provisions shall apply accordingly and, notwithstanding anything to the contrary contained in any other law, shall in such application have the force of law in India.

4. Power to make rules: - The Central Government may make rules for carrying out the purposes of this Act.

UNITED NATIONS (PRIVILEGES AND IMMUNITIES) ACT, 1947

THE SCHEDULE

ARTICLE I
JURIDICAL PERSONALITY

SECTION 1. The United Nations shall possess juridical personality. It shall have the capacity:

- (a) to contract:
- (b) to acquire and dispose of immovable and movable property:
- (c) to institute legal proceedings.

ARTICLE II

PROPERTY, FUNDS AND ASSETS

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

SECTION 3. 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 other form of interference, whether by executive, administrative, judicial or legislative action.

SECTION 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

SECTION 5. 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 any other currency.

SECTION 6. In exercising its rights under Section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member in so far as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

SECTION 7. The United Nations, its assets, income and other property shall be:

(a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) exempt from 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 the country into which they were imported except under conditions agreed with the Government of that country;

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

SECTION 8. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charges or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE V

OFFICIALS

SECTION 17. The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

SECTION 18. Officials of the United Nations shall:

- (b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations.
- (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the government concerned;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

SECTION 19. In addition to the immunities and privileges specified in section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

SECTION 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

SECTION 21. The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.