

UNITED NATIONS



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10 October 1974

COMPULSORY JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE  
DECLARATION BY INDIA

Sir,

I have the honour, upon instructions from the Secretary-General, to inform you that, on 18 September 1974, the Government of India deposited with the Secretary-General a declaration recognizing as compulsory the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice.

That declaration, in accordance with its own provisions, revokes and replaces the previous declaration by the Government of India which was deposited on 14 September 1959 with the Secretary-General.

..... I am transmitting herewith, in accordance with article 36, paragraph 4, of the Statute of the International Court of Justice, a copy of the English text and a French translation of the above-mentioned declaration.

Accept, Sir, the assurances of my highest consideration.

A handwritten signature in dark ink, appearing to read 'Erik Suy', written in a cursive style.

Erik Suy  
The Legal Counsel



PERMANENT REPRESENTATIVE OF INDIA  
TO THE UNITED NATIONS  
3 EAST 64TH STREET  
NEW YORK, N. Y. 10021

September 17, 1974.

Excellency,

I have the honour to forward a letter dated 15th September, 1974, from the Minister of External Affairs of India, H.E. Sardar Swaran Singh, addressed to you containing the Declaration of the Government of the Republic of India about the jurisdiction of the International Court of Justice. I shall be grateful if Your Excellency could kindly arrange to circulate this communication to all the Members of the United Nations and to the parties to the Statute of the Court.

Accept, Excellency, the assurances of my highest consideration.

(Rikhi Jaipal)  
Ambassador

H.E. Dr. Kurt Waldheim,  
Secretary-General of the  
United Nations,  
New York.

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Encl.



विदेश मंत्री, भारत  
MINISTER OF EXTERNAL AFFAIRS,  
INDIA

New Delhi,  
September 15, 1974.

Excellency,

I have the honour to declare, on behalf of the Government of the Republic of India, that they accept, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate such acceptance, as compulsory ipso facto and without special agreement, and on the basis and condition of reciprocity, the jurisdiction of the International Court of Justice over all disputes other than :

- (1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
- (2) disputes with the government of any State which is or has been a Member of the Commonwealth of Nations;
- (3) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of India;
- (4) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which India is, has been or may in future be involved;
- (5) disputes with regard to which any other party to a dispute has accepted the compulsory jurisdiction of the International Court of Justice exclusively for or in relation to the purposes of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of a party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court;
- (6) disputes where the jurisdiction of the Court is or may be founded on the basis of a treaty concluded under the auspices of the League of Nations, unless the Government of India specially agree to jurisdiction in each case;
- (7) disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or Government of India specially agree to jurisdiction;

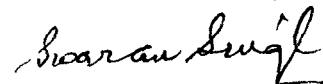
- (8) disputes with the Government of any State with which, on the date of an application to bring a dispute before the Court, the Government of India has no diplomatic relations or which has not been recognised by the Government of India;
- (9) disputes with non-sovereign States or territories;
- (10) disputes with India concerning or relating to :
  - (a) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;
  - (b) the territorial sea, the continental shelf and the margins, the exclusive fishery zone, the exclusive economic zone, and other zones of national maritime jurisdiction including for the regulation and control of marine pollution and the conduct of scientific research by foreign vessels;
  - (c) the condition and status of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it;
  - (d) the airspace superjacent to its land and maritime territory; and
  - (e) the determination and delimitation of its maritime boundaries.
- (11) disputes prior to the date of this declaration, including any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter.

2. This declaration revokes and replaces the previous declaration made by the Government of India on 14th September 1959.

3. I shall be grateful if Your Excellency could kindly arrange to circulate this communication to all the Members of the United Nations and to the parties to the Statute of the Court.

Please accept, Your Excellency, the assurances of my highest consideration.

Yours sincerely,

  
(Swaran Singh)

Minister of External Affairs.

H.E. Mr. Kurt Waldheim,  
Secretary-General to the United Nations,  
New York.