

Reference: C.N.506.2019.TREATIES-I.4 (Depositary Notification)

DECLARATIONS RECOGNIZING AS COMPULSORY THE JURISDICTION OF  
THE INTERNATIONAL COURT OF JUSTICE UNDER ARTICLE 36,  
PARAGRAPH 2, OF THE STATUTE OF THE COURT, 15 OCTOBER 1946

INDIA: DECLARATION UNDER ARTICLE 36 (2) OF THE STATUTE

The Secretary-General of the United Nations, acting in his capacity as depositary,  
communicates the following:

The above action was effected on 27 September 2019.

.... In accordance with paragraph 4 of article 36 of the Statute of the International Court of Justice,  
the Secretary-General transmits herewith the text of the declaration.

10 October 2019



(Original: English)

“27 September 2019

Excellency,

I have the honour to inform you, on behalf of the Government of India, that India's Declaration under paragraph 2 of Article 36 of the Statute of the International Court of Justice is hereby replaced, with immediate effect, by the enclosed Declaration.

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

(Signed)  
Syed Akbaruddin

Declaration recognizing the jurisdiction of the International Court of Justice as compulsory

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, including the measures taken for protection of national security and ensuring national defence;

(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 to which India is not a party; and disputes concerning the interpretation or application of a multilateral treaty to which India is a party, unless all the parties to the treaty are also parties to the case before the Court or the 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 recognized 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.

12) This declaration revokes and replaces the previous declaration submitted by the Government of India on 18 September, 1974.

13) The Government of India reserves the right at any time, by means of a written notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to amend or terminate the present declaration.

(Signed)  
(Dr. S. Jaishankar)  
Minister of External Affairs  
New Delhi, 18 September 2019”