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No. AN/LC/GEN/100/ITIDR

Date: 28.11.2017

To



All PCsDA/ PCA(Fys)/PIFAs/ CsDA/ CFAs(Fys)/IFAs

Subject: Indian Treaties with an International Dispute Resolution Clause.

Please find enclosed a copy of the Ministry of Defence (Finance), GS II Section Circular bearing ID No. 30(3)/GS-II/2017 dated 09.10.2017 and Foreign Secretary, Min. of External Affairs DO No. 15490/FS/2017 dated 13.09.2017 on the subject for information and compliance.

Encl:- As above


(Kavita Garg)
Sr. Dy. CGDA (AN)

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(Kavita Garg)
Sr. Dy. CGDA (AN)

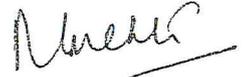
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Government of India
Ministry of Defence (Finance)
GS-II Section

CIRCULAR

Subject: Indian treaties with a dispute resolution clause.

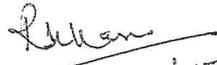
Please find enclosed a copy of Ministry of External Affairs DO No. 15490/FS/2017 dated 13.09.2017, on the subject cited above for information and necessary action.



(Mansi Mehta)
AFA (GS-II)

1. Addl FA (AK) & JS
2. Addl FA (AN) & JS
3. Addl FA (SM) & JS
4. Addl FA (DP) & JS
5. Addl FA (RK) & JS
6. FM(LS)/FM(Air)/FM(Navy)

Ministry of Defence (Fin/GS-II) ID No 30(3)/GS-II/2017 dated 09.10.2017


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AFA (DAD-CV)

Amjg

BSR/ Addl FA (RK) & JS
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विदेश सचिव
FOREIGN SECRETARY



विदेश मंत्रालय, नई दिल्ली-11
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI-110011
Phone : 2301 2318 Fax : 2301 6781
E-mail : dirfs@mea.gov.in

No. 15490/FS/2017

13 September 2017

Dear Secretary

I am writing in the context of various Indian treaties with a dispute resolution clause wherein the President of the International Court of Justice (ICJ) or other judges of the ICJ or Secretary General of the Permanent Court of Arbitration (PCA), The Hague are prescribed as the Appointing Authority for an Arbitrator or the presiding Arbitrator.

2. Different treaties are administered by different Ministries/Departments depending on the subject matter of the treaty. The disputes arising out of such treaties in which Government of India is made a party are handled by the nodal Ministry/Department which administers the treaty or the Ministry/Department to which the subject matter of dispute may relate.

3. It has come to notice that the counsel appointed by certain Ministries/Departments often directly write to the ICJ or the PCA in correspondence concerning their role in terms of treaty provisions.

4. It is pertinent to note that all communications by the ICJ or the PCA to States/Governments are sent to the Ambassadors of the respective States to the Kingdom of Netherlands.

5. Therefore, responses to any such communication from the ICJ or the PCA or for that matter all communication on behalf of Government of India to the ICJ or PCA and other international bodies based in The Hague should be from Government of India i.e. the nodal Ministry/Department through the Indian Ambassador in The Hague.

Best wishes,

Yours sincerely,

DIR (XS)

4/10/17

(Dr. S. Jaishankar)

All Secretaries to the Government of India

1277/AD/DIR/1111
15/9/17
5098/6/2017
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