



Foreign &
Commonwealth
Office

South Asia Department
Foreign and Commonwealth Office
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04 August 2014

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0168-14

Thank you for your emails of 6 and 11 February asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

- 1) *Copies of relevant agreements between Her Majesty's Government (HMG) U.K. and the Government of India (GOI).*
- 2) *I am interested in all relevant documents, including all recent correspondence on this topic held by the Foreign Commonwealth Office (FCO) in London, U.K., or the British High Commission (BHC) in New Delhi, India. This should include, but is not restricted to, diplomatic immunity extended to the number and level of seniority of UK-based British Council staff working for the British Council in India. This should not include the name of the members of staff concerned, and therefore should not allow people to identify them and should have no data protection implications.*
- 3) *Whether Her Majesty's Government (HMG) has requested diplomatic immunity for any Indian nationals employed locally in India.*
- 4) *Any information regarding requests by the British Council to the FCO concerning extending diplomatic immunity to staff members in India involved in all pending criminal legal proceedings in India. In the event that the entire request is not possible, please proceed to answer individual questions. I will not, for example, accept a rejection based on cost grounds that cover all aspects of this request.*

Later you refined your request to:

- 1) *Corresponding to Point 1 in my origin request is hereby narrowed down to: All document/s responding to this question that is a valid agreement today.*

- 2) *With regards to points 2 to 4 of my original request, I hereby narrow it down further to: All document/s covering incidents since 2007.*

I am writing to confirm that we have now completed the search for the information which you requested.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold one document that falls within the scope of your request. A copy of the document is enclosed. Also, in answer to your above questions:

1. Diplomatic relations between Her Majesty's Government (HMG), through its Missions in India, and the Government of India are governed and maintained in accordance with the Vienna Convention on Diplomatic Relations (VCDR) 1961.

http://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf

2. All UK-based staff in approved diplomatic positions in our Missions in India, including from the British Council Division and other government departments, are accredited in accordance with Article 8, Section 1 of the VCDR and afforded associated immunities and privileges. The details of appointment of members of the Missions must be provided to the Ministry of Foreign Affairs, under Article 10 of the VCDR.
3. Under Article 8, Section 2 of the VCDR, HMG would only accredit an Indian national as diplomatic staff following consent from Gol. Limited associated immunities and privileges would be afforded in such cases. However, HMG has never requested such accreditation.
4. Under Article 31 of the VCDR, the aforementioned diplomatic staff in Point 2 enjoy immunity from the criminal jurisdiction of India, and from its civil and administrative jurisdiction other than certain specified exceptions. They are not obliged to give evidence as a witness. However, HMG's general policy is that immunity should not be unreasonably maintained. HMG adheres to the basic principle under international law that all persons enjoying privileges and immunities must respect the laws and regulations of the receiving State.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

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Yours sincerely,

South Asia Department



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