

Agreement Between The Government Of India And The Government Of Japan Regarding Settlement Of Certain Indian Claims [1963] INTSer 21

AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF JAPAN REGARDING SETTLEMENT OF CERTAIN INDIAN CLAIMS

Tokyo, 14 December 1963

The Government of India and the Government of Japan,

DESIRING to reach a final settlement of certain Indian claims in connection with the Treaty of Peace between India and Japan,

HAVE agreed as follows :

Article 1

The Government of Japan, in discharge of their obligations under Article 8 (a) of the Treaty of Peace between India and Japan of the 9th June, 1952, to consider on their merits claims for loss or damage to property or for personal injury or death which arose before the existence of a state of war and which have been presented or represented by the Government of India, agree to pay to the Government of India nine million Yen (9,000,000) in final settlement of all such claims by the Government of India as well as by Indian physical and juridical persons including juridical persons of Indian character, for which the Government of Japan are responsible according to international law.

Article 2

The Government of India accept the payment by the Government of Japan of the amount mentioned in Article 1 as a full and final settlement of all claims referred to in Article 8(a) of the Treaty of Peace between India and Japan.

The Government of India undertake to guarantee that after the payment of the amount mentioned in Article 1, the Government of Japan shall not have to pay any further compensation for the claims referred to in the preceding paragraph.

Article 3

The amount mentioned in Article 1 shall be paid in Indian Rupees to the Government of India at the rate of exchange of 75.60 Yen to one rupee Within the shortest, practicable time which will not exceed three months from the date of the coming into force of the present Arrangement, in accordance with the procedure to be agreed upon between the two Governments.

Article 4

The responsibility for distributing the amount mentioned in Article 1 among the claimants shall be undertaken exclusively by the Government of India.

Article 5

The present Arrangement shall enter into force on the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed the present Arrangement.

DONE in duplicate at Tokyo the fourteenth day of December, 1963, in the English language.

For the Government of India

Sdl
LALJI MEHROTRA

For the Government of Japan

Sdl
MASAYOSHI CHIRA

Tokyo December 14, 1963

Monsieur Ambassador,

I have the honour to refer to Article 3 of the Arrangement between the Government of Japan and the Government of India regarding the settlement of certain Indian claims signed to-day and to confirm on behalf of my Government the following understandings reached between the two Governments regarding the payment which the Government of Japan have agreed to make under Article I of the Arrangement

1. The Government of India agree that the payment of the rupee equivalent of 9 million Yen will be made out of moneys returned by them in accordance with Article 4 of the Peace Treaty between Japan and India, which are now held in India in non-resident accounts with the Bank of Tokyo Ltd., Bombay and Calcutta, and the Mitsui Bank Ltd., Bombay.

2. The payment of the Government of Japan under Article 1 of the arrangement will be made in the above-mentioned Indian Rupees by a Japanese foreign exchange bank to be designated by the Government of Japan.

I have further the honour to request Your Excellency to confirm the foregoing understandings on behalf of your Government.

I avail myself of this opportunity to renew to Your Excellency, Monsieur l'Ambassadeur, the assurance of my highest consideration.

Sdl
MASAYOSHI CHIRA
Minister for Foreign Affairs of Japan His Excellency

Mr. LALJI MEHROTRA,
Ambassador Extraordinary and Plenipotentiary of India to Japan.

Tokyo December 14, 1963

Your Excellency,

I have the honour to acknowledge receipt of your Excellency's Note of to-day's date, which reads as follows :

"I have the honour to refer to Article 3 of -the Arrangement between the Government of Japan and the Government of India regarding the settlement of certain Indian claims signed to-day and to confirm on behalf of my

Government the following understandings reached between the two Governments regarding the payment which the Government of Japan have agreed to make under Article i of the Arrangement :

1. The Government of India agree that the payment of the rupee equivalent of 9 million Yen will be made out of monies returned Q them in accordance with Article 4 of the Peace Treaty between Japan and India, which are now held in India in non-resident accounts with the Bank of Tokyo Ltd., Bombay and Calcutta, and the Mitsui Bank Ltd., Bombay.

2. The payment of the Government of Japan under Article 1 of the Arrangement will be made in the above-mentioned Indian Rupees by a Japanese foreign exchange bank to be designated by the Government of Japan.

I have further the honour to request Your Excellency to confirm the foregoing understandings on behalf of your Government". I have further the honour to confirm -the foregoing understandings on behalf of the Government of India.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Sdl-

LALJI MEHROTRA
Ambassador Extraordinary and Plenipotentiary of India to Japan.

His Excellency Mr. MABAYOSHI CHIRA,
Minister for Foreign Affairs of Japan.