

CONSULAR CONVENTION
BETWEEN
THE GERMAN DEMOCRATIC REPUBLIC AND
THE REPUBLIC OF INDIA

The German Democratic Republic and the Republic of India,

Desiring to regulate consular relations and to contribute towards further developing the friendly relations between the two States,

Have decided to conclude a Consular Convention and for this purpose have agreed as follows:

CHAPTER I

Definitions

Article 1

For the purposes of this Convention:

1. "Consular post" means a consulate-general, consulate, vice-consulate or consular agency;
2. "Consular district" means the area assigned to a consular post for the performance of consular functions;
3. "Head of consular post" means the person charged with the duty of acting in that capacity;
4. "Consular officer" means any person, including the head of a consular post, charged with the performance of consular functions;
5. "Consular employee" means a person who performs administrative or technical functions in the consular post but who is not a consular officer;
6. "Member of the service staff" means any person employed in the domestic service of a consular post;
7. "Members of the consular post" means consular officers, consular employees and members of the service staff;
8. "Members of the family" means the spouse of a member of the consular post, his children and parents and those of his spouse, provided that they form part of the household of the member of the consular post, are residing with him, are supported by him and are not citizens of the receiving State;
9. "Consular premises" means buildings or parts of buildings and land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;
10. "Consular archives" comprise all the official correspondence, documents, books, cipher and the technical means of work of the consular post as well as articles of furniture designed for their safe keeping and protection;
11. "Vessel of the sending State" stands for any watercraft lawfully flying the flag of the sending State;
12. "Aircraft of the sending State" means any aircraft lawfully registered in the sending State and displaying its nationality sign;
13. "Citizen of the sending State" means any person having the citizenship of the sending State pursuant to its laws and regulations;
14. "Juridical persons of the sending State" means bodies corporate established pursuant to the laws and regulations of the sending State.

CHAPTER II

Establishment of a consular post and
appointment of consular officers

Article 2

(1) A consular post may be established in the receiving State only with that State's consent.

(2) The seat of the consular post, its status and the area of the consular district shall be agreed upon between the sending State and the receiving State.

Article 3

(1) Prior to the appointment of the head of the consular post by the sending State, the consent of the receiving State to the appointment of such a person shall be obtained through diplomatic channels.

(2) After such consent has been obtained, the diplomatic mission of the sending State shall transmit to the Ministry of External Affairs of the receiving State through diplomatic channels the consular commission or other document appointing the head of the consular post. The said commission or document shall specify the full name of the head of the consular post, his citizenship, his rank, the seat of the consular post and the consular district.

(3) The head of the consular post may perform his functions only after he has been granted an *exequatur* by the receiving State. The *exequatur* shall be granted as soon as possible. Pending its delivery, the receiving State may allow the head of the consular post to perform his functions provisionally.

Article 4

(1) If for some reason or other the head of the consular post is unable to perform his functions or if the post of the head of the consular post is temporarily vacant, the sending State may charge a consular officer of the consular post concerned or of another of its consular posts or a member of the diplomatic staff of its diplomatic mission in the receiving State to act temporarily as head of the consular post. The sending State shall notify in advance the receiving State through diplomatic channels the full name and other particulars of the acting head of the consular post.

(2) The person temporarily acting as head of the consular post shall enjoy the same rights, facilities, privileges and immunities as are accorded to the head of the consular post under this Convention.

(3) If a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is temporarily put in charge of the consular post, he shall continue to enjoy diplomatic privileges and immunities.

Article 5

(1) The sending State shall notify in writing to the receiving State through diplomatic channels the full name as well as the rank of all consular officers other than the head of the consular post.

(2) The receiving State shall be notified in advance of the arrival and the final departure of a member of the consular post as well as of members of his family.