

No. 6952

**UNITED STATES OF AMERICA
and
INDIA**

Agreement for financing certain educational exchange programmes (with memorandum). Signed at New Delhi, on 19 June 1963

Official text: English.

Registered by the United States of America on 8 October 1963.

**ÉTATS-UNIS D'AMÉRIQUE
et
INDE**

Accord relatif au financement de certains programmes d'échange dans le domaine de l'enseignement (avec mémorandum). Signé à New Delhi, le 19 juin 1963

Texte officiel anglais.

Energistré par les États-Unis d'Amérique le 8 octobre 1963.

No. 6952. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF INDIA FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMMES. SIGNED AT NEW DELHI, ON 19 JUNE 1963

The Government of the United States of America and the Government of India :

Desiring to promote further mutual understanding between the peoples of the United States of America and India by a wider exchange of knowledge and professional talents through educational contacts;

Recalling the Agreement of 2nd February 1950 (as amended)² between the two countries on the same subject, have agreed as follows :

Article 1

The United States Educational Foundation in India established under the Indo-U.S. agreement of 2nd February, 1950 (hereinafter designated "the Foundation") shall continue to function under the terms of the present agreement. The two Governments specifically reaffirm their intention that the foundation shall continue to be recognized by the Government of the United States of America and the Government of India as an organisation created and established to facilitate the administration of the educational programme to be financed by funds made available by the Government of the United States of America under the terms of the present agreement. Except as provided in Article 3 hereof, the Foundation shall be exempt from the domestic and local laws of the United States of America and of India as they relate to the use and expenditures of currencies or credits for currencies, for the purposes set forth in the present Agreement.

The funds made available by the Government of the United States of America, within the conditions and limitations hereinafter set forth, shall be used by the Foundation or such other instrumentality as may be agreed upon by the Government of the United States of America and the Government of India for the purposes of

- (1) financing studies, research, instruction, and other educational activities
 - (i) of or for citizens and nationals of the United States of America in India,

¹ Came into force on 19 June 1963, upon signature, in accordance with article 15.

² United Nations, *Treaty Series*, Vol. 89, p. 127; Vol. 222, p. 402; Vol. 358, p. 270, and Vol. 388, p. 348.

- and (ii) of or for citizens and nationals of India in United States of America schools and institutions of learning located in or outside the United States of America;
- (2) financing visits and interchanges between the United States of America and India of students, trainees, teachers, instructors and professors, and
 - (3) financing such other related educational and cultural programmes and activities such as an evaluation, testing and advisory centre and workshops in American studies, as are provided for in budgets approved in accordance with Article 3 hereof.

Article 2

In furtherance of the aforementioned purposes, the Foundation may, subject to the provisions of the present Agreement, exercise all powers necessary to the carrying out of the purposes of the present Agreement including the following :

- (1) Receive funds.
- (2) Open and operate bank accounts in the name of the Foundation in a depository or depositories to be designated by the Secretary of State.
- (3) Disburse funds and make grants and advances of funds, including payment for transportation, tuition, maintenance and other expenses incidental thereto.
- (4) Acquire, hold, and dispose of property in the name of the Foundation as the Board of Directors of the Foundation may consider necessary or desirable provided however that the acquisition of any real property shall be subject to the prior approval of the Secretary of State.
- (5) Plan, adopt, and carry out programmes in accordance with the purposes of the present Agreement.
- (6) Recommend to the Board of Foreign Scholarships of the United States of America, students, trainees, professors, research scholars, teachers, instructors, residents in India, and institutions of India, to participate in the programme.
- (7) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programme as it may deem necessary.
- (8) Provide for periodic audits of the accounts of the Foundation as directed by auditors selected by the Secretary of State.
- (9) Engage an Executive Officer, and administrative and clerical staff and fix and pay the salaries and wages thereof and incur other administrative expenses as may be deemed necessary out of the funds made available.

- (10) Administer or assist in administering or otherwise facilitate educational and cultural programmes and activities that further the purposes of the present Agreement but are not financed by funds made available under this Agreement, provided, however, that such programmes and activities and the Foundation's role therein shall be fully described in advance in annual or special reports made to the Government of India and to the Secretary of State as provided in Article 6 hereof, and provided that no objection is interposed by either the Government of India or the Secretary of State to the Foundation's role therein.

Article 3

All commitments, obligations and expenditures by the Foundation shall be made pursuant to an annual budget to be approved by the Secretary of State. Such budgets, when approved, shall be communicated to the Government of India for its information along with a statement of the source of the funds included in the budget.

Article 4

The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of ten Directors (hereinafter designated "the Board"), five of whom shall be citizens of the United States of America and five of whom shall be citizens of India. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to India (hereinafter designated "the Chief of Mission") shall be Honorary Chairman of the Board. He shall cast the deciding vote in the event of a tie vote by the Board and shall appoint the Chairman of the Board. The Chairman as a regular member of the Board shall have the right to vote. The Government of India shall have the power to appoint and remove the citizens of India on the Board. The Chief of Mission shall have the power to appoint and remove the citizens of the United States of America on the Board, at least two of whom shall be officers of the United States Foreign Service establishment in India.

The Directors shall serve from the time of their appointment until the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside India, expiration of service or otherwise, shall be filled in accordance with the appointment procedures set forth in this Article.

The Directors shall serve without compensation but the Foundation is authorized to pay the necessary expenses of the Directors in attending the meetings of the Board.