

No. 48663

**Switzerland
and
India**

**Agreement on social security between the Swiss Confederation and the Republic of India.
New Delhi, 3 September 2009**

Entry into force: *29 January 2011 by notification, in accordance with article 19*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Switzerland, 28 June 2011*

**Suisse
et
Inde**

**Convention de sécurité sociale entre la Confédération suisse et la République de l'Inde. New
Delhi, 3 septembre 2009**

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Texte authentique : *anglais*

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**Agreement on Social Security
between
the Swiss Confederation and the Republic of India**

The Swiss Federal Council

and

the Government of India,

Hereinafter referred to as “Contracting States”,

Being desirous of regulating their mutual cooperation in the field of social security, of facilitating the movement of employed and self-employed persons in the other Contracting State and, in particular, of avoiding that employed and self-employed persons are subject to compulsory coverage under the legislation of both Contracting States at the same time,

Have agreed as follows:

Article 1 Definitions

1. For the purpose of this Agreement,

- a) “legislation”
means, as regards Switzerland, the laws and regulations concerning the social security systems covered by the scope of this Agreement (paragraph 1 of Article 2);

as regards India, the laws and regulations concerning the social security systems covered by the scope of this Agreement (paragraph 2 of Article 2);

- b) “competent authority”
means, as regards Switzerland, the Federal Social Insurance Office;

as regards India, the Ministry of Overseas Indian Affairs;

- c) “competent institution”
means, as regards Switzerland, the competent Compensation Fund for old-age, survivors’ and invalidity insurance;

as regards India, the Employees Provident Fund Organization;

- d) “liaison body”
means, as regards Switzerland, the Federal Social Insurance Office;

as regards India, the Employees Provident Fund Organization;

2. Any other term has the meaning assigned to it under the applicable legislation of the respective Contracting State.

Article 2 Scope

This Agreement shall apply:

1. as regards Switzerland to the federal laws concerning
 - a) old-age and survivors’ insurance;
 - b) invalidity insurance;
 - c) accident insurance;
 - d) health insurance.

2. as regards India, the legislations concerning
 - a) old-age and survivors' pension;
 - b) permanent total disability pension;
 - c) health insurance.

Article 3 General rule

Unless otherwise provided in this Agreement and subject to Articles 5 to 9, an employed or self-employed person who works in the territory of a Contracting State shall, in respect of that work, be subject only to the legislation of that Contracting State.

Article 4 Refund of contributions and Portability of Pensions

Where a person of a Contracting State is subject to the legislation of the other Contracting State, such person shall be refunded the contributions made or the pension earned paid, in accordance with the applicable legislation, at the time of his relocation from the second Contracting State as set out below:

1. In so far as Switzerland is concerned, the person will be refunded the contributions in accordance with the Swiss legislation at the time of relocation.
2. In so far as India is concerned, the person will be paid the withdrawal benefit or the pension in Switzerland or a third country as the case may be in accordance with the Indian legislation at the time of relocation.
3. Payments shall be made in cash directly to the beneficiaries.
4. When the agency of one Contracting State pays benefits in freely convertible currency, the conversion rate shall be the rate of exchange in effect on the day when the payment is made.

Article 5 Posted persons

An employed person who is subject to the legislation of a Contracting State and who is temporarily posted to the territory of the other Contracting State to perform services for the same employer shall, in respect of these services, be subject only to the legislation of the first Contracting State during the first 72 months of the posting as though these services were performed in its territory.

Article 6 Self-employed persons

A self-employed person who ordinarily resides in the territory of a Contracting State and who works for his own account in the territory of the other Contracting State or in the territories of both Contracting States, shall, in respect of that work, be subject only to the legislation of the first Contracting State.

Where the same activity is considered to be self-employment under the legislation of one Contracting State and employment under the legislation of the other Contracting State, that activity shall be subject to the legislation of only the first Contracting State if the person is a resident of that State.

Article 7 Public employees

An employee of a public service or public corporation who is posted by one Contracting State to the territory of the other Contracting State shall be subject to the legislation of the Contracting State which posted him.

Article 8 Travelling Personnel Employed in International Transport

(1) A person working in the territory of both Contracting States as travelling personnel for an international carrier which, on behalf of others or on its own account, transports passengers or goods by air, and which has its registered office in the territory of one Contracting State, shall, with respect to such work, be subject only to the legislation of this Contracting State.

(2) However, if such person is employed by a branch or permanent agency which the company has in the territory of one Contracting State other than the Contracting State in whose territory it has its registered office, he shall, with respect to such work, be subject only to the legislation of the Contracting State in whose territory the branch or permanent agency is located.

(3) Notwithstanding the preceding two paragraphs, if the person is employed wholly or mainly in the territory of the Contracting State where he is a resident, he shall be subject to the legislation of that Contracting State, even if the company which employs him has neither its registered office nor a branch or permanent agency in that territory.

(4) A person who is a member of the crew of a sea-going vessel flying the flag of a Contracting State shall be subject to the legislation of the