

CONVENTION REGARDING THE COMMERCIAL RELATIONS BETWEEN JAPAN AND INDIA.

Signed at London, July 12, 1934.

Ratification notified by the Government of Great Britain, September 12, 1934.

Ratified September 13, 1934.

Ratification notified by the Government of Japan, September 14, 1934.

Effective from September 14, 1934.

Promulgated September 15, 1934.

Ratifications exchanged at London, October 22, 1934.

His Majesty the Emperor of Japan and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, desiring to facilitate trade and commerce between Japan and India, have decided to conclude a Convention for this purpose and have accordingly appointed as their Plenipotentiaries:-

His Majesty the Emperor of Japan:

His Excellency Mr. TSUNEO MATSUDAIRA, His Imperial Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of St. James;

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For India:

The Rt. Hon. Sir JOHN ALLSEBROOK SIMON, G.C.

S.I., K.C.V.O., M.P., His Principal Secretary of State for Foreign Affairs;

The Rt. Hon. Sir SAMUEL JOHN GURNEY HOARE, Bt., G.C.S.I., G.B.E., C.M.G., M.P., His Secretary of State of India;

Who, having communicated their full powers, found in good and due form, have agreed as follows:-

ARTICLE 1.

The territories to which the present Convention applies are, on the part of His Majesty the Emperor of Japan, all the territories and possessions belonging to or administered by His Majesty the Emperor (such territories being hereinafter referred to as Japan); and on the part of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India. British India, together with States in India which, by treaty with His Majesty the King of otherwise, may be entitled to be placed with regard to the stipulations of the present Convention on the same footing as British India (such territories being hereinafter referred to as India).

ARTICLE 2.

Articles produced or manufactured in the territories of one of the High Contracting Parties, on importation into the territories of the other, from whatever place arriving, shall not be subjected to duties or charges other or higher than those imposed on like articles produced or manufactured in any other foreign country.

ARTICLE 3.

Notwithstanding anything contained in the present Convention, the Government of India shall have the right of imposing or modifying from time to time special customs duties on the importation into India of articles produced or manufactured in Japan, other or higher than those imposed on like articles produced or manufactured in any other foreign country, at such rates as the Government of India may consider to be necessary to correct the effects of any variation

variation of the exchange value of the yen relative to the rupee subsequent to the 31st day of December, 1933; provided that no modification in any such rate shall be made until it has been in force for at least five weeks.

In imposing or modifying or on being requested by the Government of Japan to modify such special customs duties, the Government of India shall give full consideration to all relevant factors which tend to raise the export prices of articles produced or manufactured in Japan, and shall limit the rates of such duties to what is necessary to correct the effects of any variation of the exchange value of the yen relative to the rupee on the duty-paid value of articles produced or manufactured in Japan and imported into India.

Reciprocally, the Government of Japan shall have the right of imposing or modifying from time to time special customs duties on the importation into Japan of articles produced or manufactured in India, other or higher than those imposed on like articles produced or manufactured in any other foreign country, at such rates as the Government of Japan may consider to be necessary to correct the effects of any variation of the exchange value of the rupee relative to the yen; provided that such right shall not accrue to the Government of Japan so long as the exchange value of the rupee relative to the yen is not below the value of 0.732 yen, and that no modification of any such rate shall be made until it has been in force for at least five weeks.

In imposing or modifying or on being requested by the Government of India to modify such special customs duties, the Government of Japan shall give full consideration to all relevant factors which

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tend to raise the export prices of articles produced or manufactured in India, and shall limit the rates of such duties to what is necessary to correct the effects of any variation of the exchange value of the rupee below 0.732 yen on the duty-paid value of articles produced or manufactured in India and imported into Japan.

ARTICLE 4.

While reserving to the Government of Japan and to the Government of India the right to make such changes in their customs tariffs as may be necessary for the protection of their own interests, the High Contracting Parties agree that when any modification of its customs tariff by either country results in the trade interests of the other being adversely affected in any appreciable measure, the Governments of the two countries shall, upon the request of the Government of the country adversely affected, forthwith enter into negotiations with the object of reconciling as far as possible the interests of the two countries.

ARTICLE 5.

The present Convention shall be ratified. The instruments of ratification shall be exchanged in London as soon as possible. The date on which the instrument of ratification of each of the High Contracting Parties has been completed will be communicated to the other through diplomatic channels, and the present Convention shall enter into force, in advance of the exchange of the instruments of ratification, as from the date on which the later of the two communications required under the present Article shall have been made.

ARTICLE 6.

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The present Convention shall remain in force until the 31st day of March, 1937.

In case neither of the High Contracting Parties shall have given notice to the other six months before the said date of his intention to terminate the Convention, it shall continue operative until the expiration of six months from the date on which either of the High Contracting Parties shall have given notice of termination to the other.

In witness whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at London, in duplicate, this twelfth day of the seventh month of the 9th year of Showa, corresponding to the twelfth day of July, 1934.

For Japan:

(L.S.) T. MATSUDAIRA.

For India:

(L.S.) JOHN SIMON.

(L.S.) SAMUEL HOARE.

PROTOCOL.

Signed at London, July 12, 1934.

Effective from September 14, 1934.

Promulgated September 15, 1934.

At the moment of proceeding this day to the signature of the Convention regarding the Commercial Relations between Japan and India, the undersigned Plenipotentiaries, being duly authorized to that effect, have agreed as follows regarding the importation of Japanese cotton piece-goods into India:-

ARTICLE 1.

For the purposes of the present Protocol:-

The expression "cotton year" means a year beginning on the 1st day of January;

The expression "cotton piece-goods year" means a year beginning on the 1st day of April;

A cotton piece-goods year and the cotton year in which that cotton piece-goods year begins are referred to as "corresponding"; and

The expression "yard" means a linear yard.

ARTICLE 2.

The customs duties to be imposed on importation into India of cotton piece-goods manufactured in Japan shall not exceed the following rates:-

- (a) Plain greys -- 50 per centum ad valorem or 5½ annas per pound, whichever is higher;

(b)

(b) Others -- 50 per centum ad valorem.

If hereafter the Government of India should decide to impose a specific duty on cotton piece-goods other than plain greys, it will not impose on such piece-goods, being the manufacture of Japan, a specific duty exceeding 5½ annas per pound.

ARTICLE 3.

(1) If in any cotton year 1 million bales of raw cotton are exported from India to Japan, the quantity of cotton piece-goods which may be exported from Japan to India in the corresponding cotton piece-goods year shall be a basic allotment of 325 million yards.

(2) If the exports of raw cotton from India to Japan in any cotton year are less than 1 million bales, the allotment of cotton piece-goods ^{for the corresponding cotton piece-goods} year shall be the basic allotment diminished by 2 million yards for every 10,000 bales of the deficit or for any residual quantity thereof exceeding 5,000 bales.

(3) If the exports of raw cotton from India to Japan in any cotton year exceed 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment increased by 1½ million yards for every 10,000 bales of the excess or for any residual quantity thereof exceeding 5,000 bales;

Provided that the allotment of cotton piece-goods shall not in any case exceed 400 million yards for any cotton piece-goods year.

(4) If the exports of raw cotton from India to Japan in any cotton year exceed 1½ million bales, the excess shall be added to the quantity of raw cotton exported from India to Japan

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in the following cotton year for the purpose of determining the allotment of cotton piece-goods for the cotton piece-goods year corresponding to such following cotton year.

(5) For the purposes of the calculations under the present Article and under Articles 4, 5, 6 and 7, any raw cotton or cotton piece-goods which have been imported and then re-exported shall be exclude.

ARTICLE 4.

(1) The allotment of cotton piece-goods which may be exported from Japan to India during the first half of any cotton piece-goods year shall be 200 million yards;

Provided that, if in the first half of any cotton piece-goods year the exports of cotton piece-goods from Japan to India exceed the allotment for the whole of that cotton piece-goods year, the allotment for the first half of the following cotton piece-goods year shall be 200 million yards less such excess.

(2) The allotment of cotton piece-goods which may be exported from Japan to India during the second half of any cotton piece-goods year shall be the annual allotment for that year less 200 million yards;

Provided that, if the quantity exported from Japan to India in the first half of any cotton piece-goods year is less than 200 million yards, as increased or diminished under Article 5, the allotment for the second half of that cotton piece-goods year shall include the quantity of the deficit up to a quantity not exceeding 20 million yards.

ARTICLE 5.

ARTICLE 5.

Notwithstanding anything hereinbefore contained.

- (a) If less than the allotment for any cotton piece-goods year is exported from Japan to India in that year, the quantity of the deficit up to a quantity not exceeding 20 million yards may be exported in the first half of the following cotton piece-goods year in addition to the allotment for that half-year; and
- (b) A quantity not exceeding 20 million yards of cotton piece-goods may be exported from Japan to India in any cotton piece-goods year, other than the cotton piece-goods year in which the present Protocol terminates, in addition to the allotment for that year; but such excess shall be deducted from the allotment for the first half of the following cotton piece-goods year.

ARTICLE 6.

If the present Protocol should come into effect at any time other than the beginning of a cotton piece-goods year, the first cotton year shall, for the purposes of the Protocol, be deemed to begin on the 1st day of January, 1934, and the first cotton piece-goods year on the 1st day of April, 1934.

ARTICLE 7.

- (1) For the purposes of the present Protocol cotton piece-
goods

goods shall be divided into the four categories of:-

- (a) Plain greys,
- (b) Bordered greys,
- (c) Bleached (white) goods, and
- (d) Coloured (printed, dyed or woven) goods;

and the allotment for any cotton piece-goods year shall be divided into sub-allotments among these four categories, consisting of portions of the allotment as follows:-

Plain greys	45 per centum,
Bordered greys	13 per centum,
Bleached (white) goods	8 per centum,
Coloured (printed, dyed or woven) goods	34 per centum,

and, save as provided in paragraph (2), the export of cotton piece-goods in each category in any cotton piece-goods year shall be restricted to the said portions.

(2) Transfers may be made from one sub-allotment to another, subject to the following conditions:-

- (a) The allotment for any cotton piece-goods year shall not thereby be increased;
- (b) The amount transferred from a sub-allotment for bordered greys or from a sub-allotment for bleached (white) goods shall not exceed 20 per centum of the amount of such sub-allotment, and the amount transferred from any other sub-allotment shall not exceed 10 per centum of the amount of such sub-allotment; and

(c)

(c) A sub-allotment for bordered greys or a sub-allotment for bleached (white) goods shall not be increased by more than 20 per centum of the amount of such sub-allotment, and any other sub-allotment shall not be increased by more than 10 per centum of the amount of such sub-allotment.

(3) The principles of the present Article shall apply also to quantities of cotton piece-goods exported from Japan to India under Article 5 in excess of the yearly allotments, as if such quantities were yearly allotments.

ARTICLE 8.

Nothing contained in the present Protocol shall be deemed to affect the rights of either High Contracting Party under Article 2 or Article 3 of the Convention regarding the Commercial Relations between Japan and India of this day's date.

ARTICLE 9.

The present Protocol shall come into force simultaneously with the Convention regarding the Commercial Relations between Japan and India of this day's date and shall remain in force until the 31st day of March, 1937.

Done at London, in duplicate, this twelfth day of the seventh month of the 9th year of Showa, corresponding to the twelfth day of July, 1934.

For Japan:

T. MATSUDAIRA.

For India:

JOHN SIMON.

SAMUEL HOARE.

條約彙纂 第一卷 裁萃

印度

日本國及印度間通商關係ニ關スル條約

昭和九年（一九三四年）七月二十二日「ロンドン」ニ於テ署名
昭和九年（一九三四年）九月二十二日英國批准通知

昭和九年（一九三四年）九月十三日准
昭和九年（一九三四年）九月十四日帝國批准通知

昭和九年（一九三四年）九月十四日實
昭和九年（一九三四年）九月十五日公
昭和九年（一九三四年）九月二十二日「ロンドン」ニ於テ批准書交換

日本國皇帝陛下並ニ「グレート・ブリテン」、「アイルランド」及「グ
レート・ブリテン」海外領土皇帝印度皇帝陛下ハ日本國及印度間ノ貿易
及通商ヲ容易ナラシメンコトヲ欲シ之ガ爲條約ヲ締結スルコトニ決シ依
テ左ノ如ク其ノ全權委員ヲ任命セリ
日本國皇帝陛下

英國駐劄特命全權大使松平恒雄

「グレート・ブリテン」、「アイルランド」及「グレート・ブリテン」
海外領土皇帝印度皇帝陛下

印度ノ爲ニ

外務大臣、下院議員「サー、ジオン、オールスブルツク、サイモン」
印度大臣、下院議員「サー、サミュエル、ジオン、ガーニ、ホーア」
右各全權委員ハ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後左
ノ如ク協定セリ

第一條

本條約ノ適用セラルル領域ハ日本國皇帝陛下ニ在リテハ皇帝陛下ニ屬シ
又ハ其ノ管治スル一切ノ地域及屬地ハ右ノ領域ハ以下之ヲ日本國ト稱ス
トシ「グレート・ブリテン」、「アイルランド」及「グレート・ブリテ
ン」海外領土皇帝印度皇帝陛下ニ在リテハ英領印度及皇帝陛下トノ條約
又ハ其ノ地ニ依リ本條約ノ規定ニ關シ英領印度ト同一ノ地步ニ置カルベ
キ印度内ノ諸邦ハ右ノ領域ハ以下之ヲ印度ト稱ストス

第二條

締約國ノ一方ノ領域ニ於テ産出セラレ又ハ製造セラレタル物品ハ何レノ地ヨリ到ルヲ問ハズ他方ノ領域ヘノ輸入ニ當リ別國ニ於テ産出セラレ又ハ製造セラレタル同様ノ物品ニ課セラルル所ト異ルカ又ハ之ヨリ高キ税金又ハ課金ヲ課セラルルコトナカルベシ

第三條

本條約ノ規定スル所如何ニ拘ラズ印度政府ハ日本國ニ於テ産出セラレ又ハ製造セラレタル物品ノ印度ヘノ輸入ニ當リ別國ニ於テ産出セラレ又ハ製造セラレタル同様ノ物品ニ課セラルル所ト異ルカ又ハ之ヨリ高キ特別關稅ヲ印度政府ガ千九百三十三年十二月三十一日後ニ於ケル圓對一ルビ一ノ爲替價值ノ變動ノ影響ヲ是正スルニ必要ナリト認ムル率ニテ課シ又ハ隨時之ガ變更ヲ爲スノ權利ヲ有スベシ但シ右率ガ少クトモ五週間實施セラレタル後ニ非ザレバ之ガ變更ヲ爲サザルモノトス

右特別關稅ヲ課シ若ハ變更スル場合又ハ日本國政府ニ依リ之ガ變更ヲ要求セララルル場合ニハ印度政府ハ日本國ニ於テ産出セラレ又ハ製造セラレ

タル物品ノ輸出價格ヲ騰貴セシムベキ一切ノ關係要因ニ付充分ノ考慮ヲ拂フベク且右關稅ノ率ハ之ヲ日本國ニ於テ產出セラレ又ハ製造セラレタル物品ニシテ印度ニ輸入セラレタルモノノ稅金込價格ニ及ボス圓對「ルピー」ノ爲替價值ノ變動ノ影響ヲ是正スルニ必要ナル程度ニ止ムベシ相互的ニ日本國政府ハ印度ニ於テ產出セラレ又ハ製造セラレタル物品ノ日本國へノ輸入ニ當リ別國ニ於テ產出セラレ又ハ製造セラレタル同様ノ物品ニ課セラルル所ト異ルカ又ハ之ヨリ高キ特別關稅ヲ日本國政府ガ「ルピー」對圓ノ爲替價值ノ變動ノ影響ヲ是正スルニ必要ナリト認ムル率ニテ課シ又ハ隨時之ガ變更ヲ爲スノ權利ヲ有スベシ但シ右權利ハ「ルピー」對圓ノ爲替價值ガ七十三錢二厘未滿ニ非ザル限り日本國政府ニ發生スルニトナク又右率ガ少クトモ五週間實施セラレタル後ニ非ザレバ之ガ變更ヲ爲サザルモノトス

右特別關稅ヲ課シ若ハ變更スル場合又ハ印度政府ニ依リ之ガ變更ヲ要求セラルル場合ニハ日本國政府ハ印度ニ於テ產出セラレ又ハ製造セラレタル物品ノ輸出價格ヲ騰貴セシムベキ一切ノ關係要因ニ付充分ノ考慮ヲ拂

フベク且右開稅ノ率ハ之ヲ印度ニ於テ產出セラレ又ハ製造セラレタル物
品ニシテ日本國ニ輸入セラレタルモノノ稅金込價格ニ及ボス七十三錢ニ
厘未滿ニ於ケル一ルビト一ノ爲替價值ノ變動ノ影響ヲ是正スルニ必要ナ
ル程度ニ止ムハシ

第 四 條

締約國ハ日本國政府及印度政府ニ各自ノ利益ノ保護ノ爲必要ナル關稅變
更ヲ爲スノ權利ヲ留保シ何レカノ一方ノ國ノ關稅變更ガ相當ノ程度ニ於
テ他方ノ貿易上ノ利益ニ惡影響ヲ及ボスニトト爲ル場合ニハ兩國政府ガ
惡影響ヲ受ケタル國ノ政府ノ要求ニ基キ能フ限り兩國ノ利益ヲ調和セシ
ムル目的ヲ以テ直ニ商議ヲ開始スベキコトヲ約ス

第 五 條

本條約ハ批准セララルベシ批准書ハ成ルベク速ニ「ロンドン」ニ於テ交換
セララルベシ締約國ノ一方ノ批准書ノ完成セラレタル日ハ外交手續ニ依リ
他方ニ通知セララルベク本條約ハ批准書交換ニ先チ本條ニ依リ要求セラ
ル兩通知中後ノ通知ガ爲サレタル日ヨリ實施セララルベシ

第六條

本締約ハ千九百三十七年三月三十一日ニ至ル迄引續キ效力ヲ有スベシ
締約國ノ何レノ一方モ本條約ヲ失効セシムルノ意思ヲ右ノ日ノ六月前ニ
他方ニ通告セザル場合ニハ本條約ハ締約國ノ何レカノ一方ガ他方ニ之ガ
失効ニ付テノ通告ヲ爲シタル日ヨリ六月ノ期間ノ滿了ニ至ル迄引續キ効
力ヲ有スベシ

右證據トシテ各全權委員ハ本條約ニ署名調印セリ

昭和九年七月十二日即チ千九百三十四年七月十二日「ロンドン」ニ於テ
本書ニ通ヲ作成ス

日本國ノ爲ニ

松 平 恒 雄 (印)

印度國ノ爲ニ

シモン、サイモン (印)
サミュエル、ホーア (印)

Def. Doc. # 1873 A - G

CERTIFICATE OF AUTHENTICITY

I, who occupy the post of the Chief of the Archives Section of Foreign Office, hereby certify that the document hereto attached, printed in Japanese, English, French, Germany, Russian, Spanish, Chinese, and Manchurian, consisting of 2844 pages and entitled "Collection of Treaties and Conventions between Japan and various countries. Vol I." is a book compiled and issued by the Japanese Government (Foreign Office).

Certified at Tokyo,
on this 9th day of July, 1947

/S/ HAYASHI, Kaoru (seal)

I hereby certify that the above signature and seal were affixed hereto in the presence of the Witness.

At the same place,
on the same date.

Witness: /S/ URABE, Katsuma (seal)

文書成立ニ關スル證明書

(五號)

自分ハ外務省文書課長ノ職ニ居ル者ナル處、茲ニ添付セル日本語及英佛、獨、露、西、漢、滿語ニ依リ印刷セラレ二八四四頁ヨリ成ル條約彙纂第一卷(日本國及各國間諸條約)ト題スル印刷物ハ日本政府(外務省)ノ編纂發行ニ係ル文書ノ一ナルコトヲ證明ス

昭和二十二年七月九日 於東京

林

驥

右署名捺印ハ自分ノ面前ニ於テ爲サレタルモノナルコトヲ證明ス

同日於同所

立會人 浦部勝馬