

## 19. India

Statement made in the Sixth Committee, Seventy-first session (2016), 30th meeting, 3 November 2016:<sup>39</sup>

India being a dualistic State, a treaty will not automatically form part of the domestic law; it applies only as a result of their acceptance by internal procedures. Thus, resort to provisional application of treaties *i.e.*, treaties being applicable on the States before its entry into force, will go against the principle of dualism.

Statement made in the Sixth Committee, Seventy-second session (2017), 19th meeting, 24 October 2017:<sup>40</sup>

India being a dualistic State, treaties do not automatically form part of the domestic law. Their provisions become applicable only as a result of their acceptance by internal procedures.

Statement made in the Sixth Committee, Seventy-sixth session (2021), 17th meeting, 26 October 2021:<sup>41</sup>

In a dualist legal system like in India, where treaties must be transposed or incorporated into national law to become effective, it is a typical requirement of domestic law of certain States that the competent organ may only agree to provisional application of a treaty if national law is already in conformity with the treaty or is brought into conformity with it.

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<sup>39</sup> Full text available at: [https://www.un.org/en/ga/sixth/71/pdfs/statements/ilc/india\\_3.pdf](https://www.un.org/en/ga/sixth/71/pdfs/statements/ilc/india_3.pdf).

<sup>40</sup> Full text available at: [https://www.un.org/en/ga/sixth/72/pdfs/statements/ilc/india\\_1.pdf](https://www.un.org/en/ga/sixth/72/pdfs/statements/ilc/india_1.pdf).

<sup>41</sup> Full text available at: [https://www.un.org/en/ga/sixth/76/pdfs/statements/ilc/17mtg\\_india\\_1.pdf](https://www.un.org/en/ga/sixth/76/pdfs/statements/ilc/17mtg_india_1.pdf).