

The following information from the Registry of the International Court of Justice has been communicated to the Press:

On December 22nd, 1955, the Portuguese Minister to the Netherlands handed in to the Registrar of the International Court of Justice an Application instituting proceedings before the Court by the Portuguese Republic against the Republic of India.

The Application, which founds the jurisdiction of the Court on the acceptance by both States of the compulsory jurisdiction of the Court under Article 36 (2) of the Statute of the Court, sets out the claims of Portugal to certain rights of passage over Indian territory, between the Portuguese territory of Damão (Littoral Damão) and the Portuguese enclaved territories of Dadra and Nagar-Aveli, and between these two territories. It is claimed that the rights in question are based inter alia on the treaty concluded in 1779 between Portugal and the sovereign of Punem, who had dominion at that time over the territories of Dadra and Nagar-Aveli, and that the rights had been enjoyed since that date without interruption until July 1954 when India began to prevent Portugal from exercising the right of passage, a course in which India had persisted since that date, as a result of which Portugal had been unable to come to the aid of the enclaves and their inhabitants when attacked and occupied by armed bands coming from Indian territory. The Application further contends that diplomatic démarches by the Portuguese Government have proved fruitless, and it asks the Court:

- a) To recognize and declare that Portugal is the holder or beneficiary of a right of passage between its territory of Damão (littoral Damão) and its enclaved territories of Dadra and Nagar-Aveli, and between each of the latter, and that this right comprises the faculty of transit for persons and goods, including armed forces or other upholders of law and order, without restrictions or difficulties and in the manner and to the extent required by the effective exercise of Portuguese sovereignty in the said territories;
- b) To recognize and declare that India has prevented and continues to prevent the exercise of the right in question, thus committing an offense to the detriment of Portuguese sovereignty over the enclaves of Dadra and Nagar-Aveli and violating its international obligations deriving from the above-mentioned sources and from any others, particularly Treaties, which may be applicable;
- c) To adjudge that India should put an immediate end to this de facto situation by allowing Portugal to exercise the above-mentioned right of passage in the conditions herein set out.

Upon receipt of the Application, the Registrar forthwith notified the Government of India of the institution of these proceedings, in accordance with Article 40, paragraph 2, of the Statute of the Court.

The Hague, 23rd December, 1955.

-----