

F.No. 12(77)10Judl
Government of India
Ministry of Law and Justice
Department of Legal Affairs
(Judicial Section)

Shastri Bhawan, New Delhi
Dated 18.8.2011

Office Memorandum

Sub: Service Abroad of Judicial and Extra-judicial Documents under the Hague Convention of 1965/Mutual Legal Assistance Treaties/Reciprocal arrangements with foreign countries in Civil and commercial Matters-regarding

The undersigned is directed to refer to the subject cited above and to state that this Department is the Central authority for service of summons/notices in foreign countries under the provisions of the above Agreements.


2. It has been observed by this Department that a large numbers of documents received from the various courts are incomplete in one respect or the other and it gets quite difficult to process those documents to the foreign countries for service.

3. It is therefore requested to all Registrar Generals of supreme Court/High Courts to circulate the following information to the courts within their jurisdiction with the direction to ensure the particulars of documents before sending the same to this Department:-

S. No.	Particulars of information	
1.	Summons/Notices in duplicate shall be issued providing 3 months time in advance this to Department for affecting the service in foreign countries	
2.	Full address of the party and translation of the documents in the official language of requesting country wherever necessary.	
3.	The Central Authority, USA has authorized to receive the summons/notices under Hague Convention of 1965 to an agency, Process Forward International. The Notice/summons for USA may therefore be sent directly by the Courts to Process Forwarding International, 633 Yesler Way, Seattle, WA 98104, USA along with the required fee etc.(details available at www.hcch.net).	
4.	Ministry of Home Affairs is the nodal ministry and Central Authority for seeking and providing the mutual legal assistance in <u>criminal law matters</u> . Ministry of Home Affairs receives all kind of such requests, examines and takes appropriate action(as per circular no T4410/14/2006 dated 30.04.2010 of Ministry of External Affairs).	
5.	The Central Authorities in Canada are charging a cost of Rs. \$ 50.00 Canadian for the process of service under the Hague convention of Service e Abroad of Judicial and Extra Judicial Matters.1965. The payment accompanying the documents to be served must be in the form of a traveller's cheque or a cheque, in the amount of Can \$50 per request. The travellers cheque or cheque must be drawn on a <u>Canadian Bank</u> . The details may be seen at www.hcch.net	
6.	Consulate General of India in Sydney has informed that the Sheriff's Office of NSW levies a fee of AUD 54 for serving summons through their office. The fee could be remitted in favour of the Consulate General of India, Sydney and the details of the 'Head of Account' under which such payment has to be debited be provided for making necessary action.. (details available at www.hcch.net).	
7.	This Department process the service of summons/notices in civil and commercial matters issued by an Indian court fore service on a person residing in a foreign country with which there is any reciprocal arrangement. The list of member State/non-member State may be seen at www.hcch.net	

4. Since the number of requests from various courts on the subject has increased to manifold, the incomplete documents received in this regard will be returned to the court concerned with a copy of this circular.

5. This issues with the approval of Hon'ble MLJ


(M.A.Khan Yusufi)
Joint Secretary and Legal Adviser

To

1. Registrar General, Supreme Court of India.
2. Registrar General of all the High Courts.

FTS No. 1003/P-82/15
 No.12(80)/2013-Judl
 Department of Legal Affairs
 Judicial Section

The Notice/Summon received for processing under the provision of 'The Hague Convention of 1965 in Civil and Commercial Matters' are sent herewith for taking further necessary action as per details mentioned below. A copy of our OM dated 18.08.2011 has been printed over leaf, which may also be perused for ready reference.

Sl. No.	Particulars of information
1.	As per experience, various foreign authorities are not entertaining our request for legal assistance in such matters if the date of appearance of respondents/hearing of case are less than three months. Due to large no of such requests being received from various courts in India/ foreign authorities, this Department also needs one month time in processing the requests in this department as well as the time taken by postal department. Therefore Kindly issue a fresh notice/summon in the matter providing 4-5 months time in advance for affecting the service in foreign countries.
2.	Kindly send the Notice/summon in original alongwith the copy of petition in duplicate.
3.	(i) Full address of the party are not given (ii) translation of the documents in the official language of requested country wherever necessary (viz in the case of China, Arabian Countries etc.) is required.
4.	The Central Authority, USA has authorized to receive the summons/notices under Hague Convention of 1965 to an agency, Process Forward International, 633 Yesler Way, Seattle, WA 98104, USA. The Notice/summons for service in USA may therefore be sent directly by the Courts to Process Forwarding International along with the required fee etc. (details available at www.hcch.net).
5.	Ministry of Home Affairs is the nodal ministry and Central Authority for seeking and providing the legal assistance in criminal law matters. Ministry of Home Affairs receives all kind of such requests, examines and takes appropriate action (as per circular no T 4410/14/2006 dated 30.04.2010 of Ministry of External Affairs). Please send the documents to Legal Cell, Internal Security-II Dvsn., MHA, Hall-B, 1st floor, NDCC-II Building, Jai Singh Road, New Delhi-110001. PH-23438115/8184/8083, Fax-8045. Email-us-legal@mha.gov.in.
6.	The Central Authorities in Canada are charging a cost of Rs. \$ 50.00 Canadian for the process of service under the Hague convention of Service Abroad of Judicial and Extra-Judicial Matters, 1965. The payment, accompanying the documents to be served, must be in the form of a traveller's cheque or a cheque, in the amount of Can \$50. The travellers cheque or cheque must be drawn on a Canadian Bank. The details may be seen at www.hcch.net .
7.	Consulate General of India in Sydney has informed that the Sheriff's Office of NSW levies a fee of AUD 54 for serving summons through their office. The fee could be remitted in favour of the Consulate General of India, Sydney and the details of the 'Head of Account' under which such payment has to be debited be provided for making necessary action. (details available at www.hcch.net).
8.	The documents as received alongwith the report are sent herewith for taking further necessary action at your end. As per the report received from the High Commission of India, UK, the Original summons returned by the UK authorities due to its language in Hindi have been sent directly by the High Commission to Mr. Ankit Kasliwal.
9.	The summon/notice sent to the foreign country for service has been received back from them for want of some requirement as mentioned in their report. In order to send a fresh request by completing all procedural requirements as desired by that country, a fresh summon/notice in the matter is required so that this Department could send another request for doing needful in the matter.
10.	Kindly send the request in the prescribed 'Request Form' under the Hague convention of 1965.
11.	Kindly send the original court notice (containing the seal of the court).
12.	This Department deals with the request issued by Indian Courts seeking legal assistance for service of summons in a foreign countries and not in India.
13.	A request has already been sent to the foreign country(s) in the matter. A copy of the forwarding letter is enclosed.
14.	The summon/notice sent to the foreign country for service has been received back with some remarks on the envelope which is in foreign language/ without any remarks. In order to send a fresh, a fresh summon/notice in the matter is required enabling this Department to send it again.

Dh.
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 DY
 Assistant Legal Adviser (Judl.)

SO (Judl.)
 Supdt. (L)