

No. T4410/24/2006

New Delhi, the 23th March '06

The Ministry of External Affairs has been receiving summons, notices and other judicial processes etc. in criminal and civil or commercial matters from the various courts in India for servicing the same on the persons residing outside the geographical limits of the Republic of India.

2. It is reiterated here that service of judicial processes outside India, including summons/show cause notices etc. is regulated by reciprocal arrangements with foreign countries, finalized and notified by the Ministry of Home Affairs, as per statutory provisions in the Criminal Procedure Code (Section-105). In the absence of such notified arrangements, the question of service of judicial processes outside India is required to be examined and decided by the Ministry of Home affairs, in view of the relevant India Municipal laws,

3. As per Allocation of Business Rules of the Government of India, the Ministry of Home Affairs is the nodal Ministry and Central authority for seeking and providing the mutual legal assistance in criminal law matters. The Ministry of Home Affairs receives all kind of such requests, examines and takes appropriate action.

4. Similarly, the cases pertaining to civil and commercial matters are required to be taken up with the Ministry of Law & Justice, as that Ministry performs all the above mentioned functions, with regard to civil law matters as per Allocation of Business Rules of the Government of India. The Ministry of Law & Justice finalizes and notifies treaties and arrangements with others countries as per the relevant statutory provisions in the Code of Civil Procedure.

It is therefore requested that all requests for seeking assistance from a foreign country including the service of all kinds of judicial processes or other documents be directly submitted to the Ministry of Home Affairs in criminal law matters and to the Ministry of Law and Justice in the civil and commercial matters.

6. It is requested that the information contained in the above paras may also kindly be suitably brought to the notice of the judicial authorities under your jurisdiction.

To be circulated amongst all judicial Officers
24-4-06

Sd/-
(R.R.Dash)
Joint Secretary to the
Government of India

HIGH COURT OF MADHYA PRADESH : JABALPUR

Endt. No. C/1676
III-1-5/57 Ch.-4

Jabalpur, dt. 20th April, 06.

- The copy forwarded to :
1. Registrar, High Court of M.P., Bench at Indore/Gwalior;
 2. Additional Registrar, (J.)/(D.E.)/(A.W.)/(A.)/(A.)/(Vig.)/(vl.) High Court of M.P., Jabalpur;
 3. P.P.S. to Hon'ble the Chief Justice, High Court of M.P. Jabalpur for place the matter before His Lordship;
 4. P.S. to Registrar General/Registrar (Vig.)/Registrar(Judl.), High Court, of Madhya Pradesh, Jabalpur;
 5. P.A. to Director/Additional Director, JOTRI, High Court of M.P. Jabalpur;
 6. District and Sessions Judge HOSHANGABAD

for information.

20/4/06
(GAURI SHANKAR DUBEY)
ADDITIONAL REGISTRAR.

S.W.
24.4.06

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