

REGISTRAR GENERAL
HIGH COURT, CALCUTTA



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BYFAX/ POST.

NO. 4595 -RG

Date: 18-05-2010

To

1. The District Judge, South 24-Parganas, Alipore.
2. The District Judge, North 24-Parganas, Barasat.
3. The District Judge, Bankura.
4. The District Judge, Birbhum.
5. The District Judge, Burdwan.
6. The District Judge, Cooch-Behar
7. The District Judge, Dakshin Dinajpur, Balurghat
8. The District Judge, Darjeeling.
9. The District Judge, Hoghly.
10. The District Judge, Howrah.
11. The District Judge, Jalpaiguri.
12. The District Judge, Malda.
13. The District Judge, Murshidabad.
14. The District Judge, Nadia.
15. The District Judge, Paschim Midnapore.
16. The District Judge, Purba Midnapore.
17. The District Judge, Purulia
18. The District Judge, Uttar Dinajpur, Raigunj.
19. The District Judge, A & N Islands at Port Blair.
20. The Chief Judge, City Civil Court, Calcutta.
21. The Chief Judge, City Sessions Court, Calcutta
22. The Chief Metropolitan Magistrate, Calcutta.
23. The Principal Judge, Family Court-I, Calcutta, Bankshall Court, Calcutta.
24. The Additional Principal Judge, Family Court-II, Bankshall Court, Calcutta.

*H.D. to put up with
file before L.C.J.*

fb
Registrar.
City Civil Court, Calcutta.

18.5.10

Sub:- Non-recognition of Apostile documents by Indian
Courts -reg.

Sir,

I am directed to send herewith a copy of the letter bearing FTS No. 1359/LS/office/2010 dated 28.4.2010 received from the Ministry of Law Justice, Government of India, on the above-mentioned subject for your information and future guidance.

Yours faithfully,

(T.K.GUPTA)

Registrar General

Encl. As stated (one Sheet)

*Circulate
24/5/2010*



SPEED POST

भारत सरकार

GOVERNMENT OF INDIA

विधि एवं न्याय मंत्रालय

MINISTRY OF LAW & JUSTICE

विधि कार्य विभाग

DEPARTMENT OF LEGAL AFFAIRS

FTS No. : 1359/LS Office/2010

Dated the 28th April, 2010

The Registrar General,
Calcutta High Court,
Kolkata.

Subject: Non-recognition of Apostile documents by the Indian Courts – reg.

Sir,

You may be aware that India became a Party to the Hague Apostile Convention of 1961 w.e.f. 14th July, 2005. The Convention came into effect for India w.e.f. 29th August, 2007 and is being followed in letter and spirit, by the Government of India. The primary object of the Convention is to abolish the requirement of diplomatic or consular legalisation of foreign public documents. Each State Party to the Convention has designated a Competent Authority to certify the authenticity of the signature on the document, the capacity in which the person signing the document acted, identity of the seal or stamp, which the document bears and issues an Apostile Certificate. On the issuance of Apostile by the Competent Authority of a State Party in whose territory a document originates, legalisation or authentication thereof is not necessary in the other State Parties to the Convention, in whose territory it may be produced. In other words, any document apostilled by the Competent Authority of a foreign country who is a party to the Convention, and is to be used in India, does not require re-authentication by the Indian Mission in that foreign country where the document has originated or other authorities within India. Abolishing the requirement of second stage authentication of foreign public documents is an International obligation, assumed by India by virtue of becoming a Party to the Convention and the Indian Authorities are bound to carry that obligation.

It has, however, been observed that certain Courts in India are insisting on the re-authentication of the documents apostilled in a foreign State Party, thereby defeating the very object of the Convention. We would, therefore, request that you may kindly impress upon the subordinate Courts working under the administrative control of the Hon'ble High Court, that any document produced before them, having been apostilled in a foreign country, would not require re-authentication by the Indian Mission or any other Authority within India and that they should honour the obligation imposed upon India by virtue of having become a Party to the Hague Convention. Any negative approach by the subordinate Courts in the matter, would only invite embarrassment to the Government of India before the International community. It may be stated that Italian Embassy has informed us that their citizens in particular are facing difficulty in the Family Court, Kolkata.

We hope that you will be kind to take an early action in the matter.

Yours faithfully

(S. K. DULLO)

Additional Legal Adviser

27.04.2010