

Apostille Convention

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The **Allahabad High Court** recently ruled that the Government cannot disbelieve Apostille documents Issued by the countries signatory to the **Apostille Convention**.



[Ref- Live Law]

About the judgement:

- The case of **Naromattie Devi Ganpat vs. Union of India**, checked the eligibility of a foreign citizen of Indian origin for an [Overseas Citizen of India \(OCI\) Card](#).
- The respondents cannot compel the petitioner to produce a **Nativity Certificate**, in case of **failure to maintain** it by the government authorities.
- The court highlighted India as a signatory to the **Hague Convention**, citing the Ministry of External Affairs **recognized 'Apostille' documents as legally valid**.
- The court directed for processing the petitioner's OCI Card application under Section 7A of the [Citizenship Act, 1955](#).
- It mandated the **conversion of the petitioner's visa** to expedite the issuance of the OCI Card.

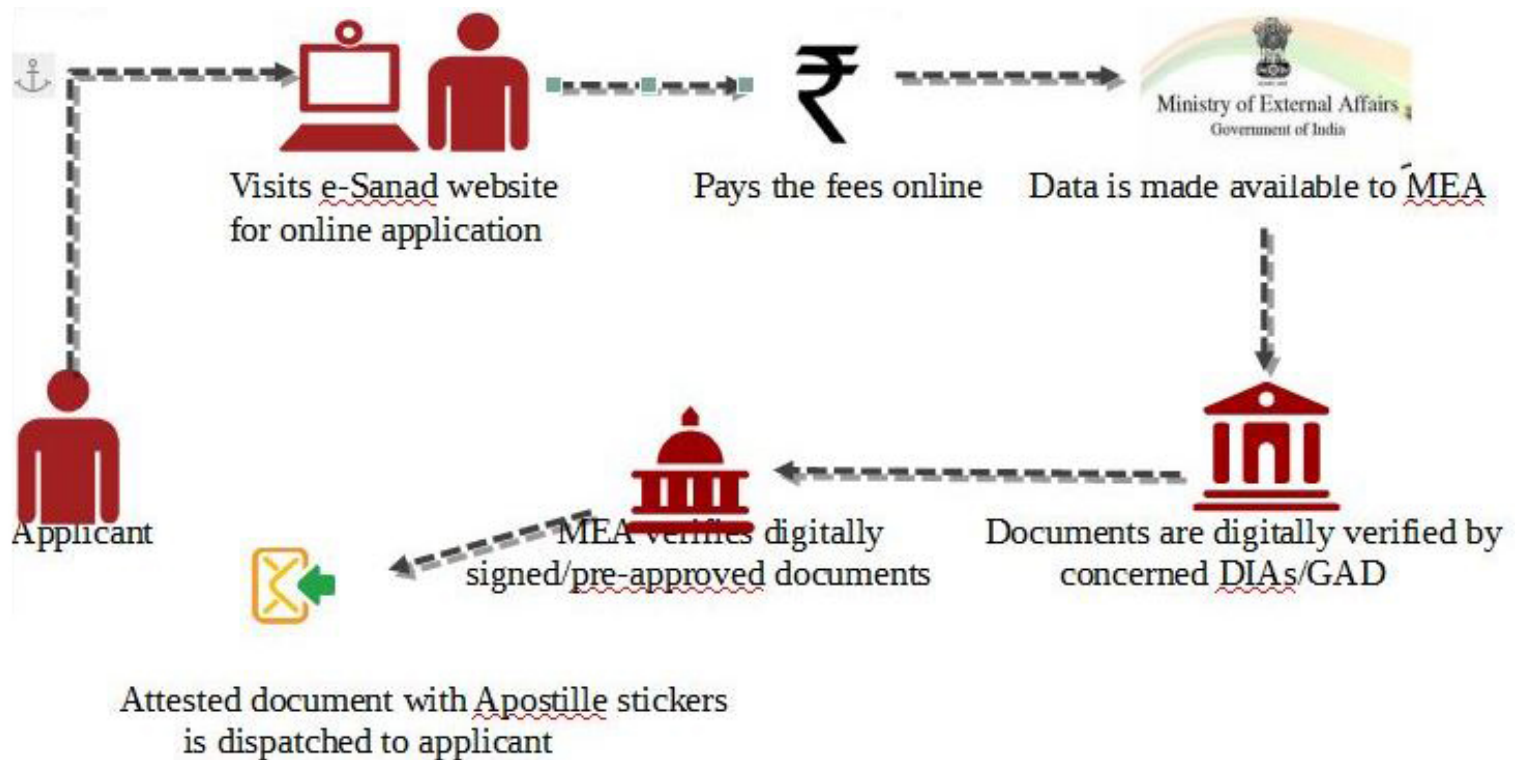
About Apostille Convention:

- It is known as The Convention of **Abolishing the Requirement of Legalisation** for Foreign **Public Documents**.
- This is an international treaty drafted by the **Hague Conference on Private International Law (HCCH)**, and signed on 5 October **1961**.
- It is intended **to simplify the procedure** through which a document, issued in one of the contracting states, can be certified for legal purposes in the other contracting states.
- A certification under the Convention is called an **apostille or Hague apostille**.
- **An apostille** is an international **certification comparable to a notarisation**, and may supplement a local notarisation of the document.

Purpose and Procedure:

- An apostille issued by the **state of origin is sufficient** to certify the document, and removes the need for **further certification** by the destination state.

- Apostille is done for **personal documents** (Birth & death, marriage certificates, Affidavits, Power of Attorney) and **educational documents** (degree, diploma, secondary certificates).
- As **India is a member** of the Hague Apostille Convention, 1961, no further attestation or legalization of a document apostilled by a member country, should be required.
- An apostilled document should be treated as a **legalized document** for all purposes in India by all concerned, under the **international obligation** under the Convention.



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