GENERAL STUDIES II

US Court Order and India's Sovereignty: Hague Service Convention, Jurisdiction and Due Process Explained for UPSC

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A US federal court's November 2026 order permitting alternative service of civil court documents on two Indian officials through Indian judicial channels has raised important questions about sovereignty, cross-border litigation, jurisdiction and due process. The case provides a valuable UPSC GS Paper II example of how international conventions interact with domestic procedural law. This Civil Service Gurukul analysis explains the 1965 Hague Service Convention, the role of India's Ministry of Law and Justice, relevant provisions of the Code of Civil Procedure, sovereign immunity and the distinction between procedural service and legal liability. It includes verified legal context, balanced India–US relations analysis, Prelims facts, practice MCQs and a model Mains answer.

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UPSC CURRENT AFFAIRS | GS-II | INTERNATIONAL RELATIONS

US Court Order and India's Sovereignty: Hague Service Convention, Jurisdiction and Due Process Explained for UPSC

A November 2026 US court order has renewed debate over international civil litigation, the service of foreign summons, state sovereignty and legal accountability. Understand the law, the current-affairs context and its relevance for UPSC Prelims and Mains.

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GS Paper II

Polity and International Relations

1965
Hague Service Convention

UPSC 2027
Prelims and Mains Preparation

Excerpt / Brief Summary

A US federal district court order dated 9 November 2026 permitted a civil lawsuit filed by Gurpatwant Singh Pannun to be served on India's National Security Adviser Ajit Doval and former Research and Analysis Wing chief Samant Goel through Indian courts.

The order presents an important case study in cross-border civil litigation, the 1965 Hague Service Convention, the Code of Civil Procedure, 1908, diplomatic relations and the difference between procedural service and determination of liability.

For UPSC aspirants, the central analytical principle is that allowing a summons to be served does not establish the truth of allegations or determine the liability of a defendant.

Most Important UPSC Concept

Service of summons ? establishment of jurisdiction ? determination of liability ? enforcement of judgment.

These are legally distinct questions and may be considered at different stages of litigation.

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1. Why Is Cross-Border Civil Litigation in the News?

On 9 November 2026, Judge Katherine Polk Failla of the US District Court for the Southern District of New York issued a procedural order in the civil case *Gurpatwant Singh Pannun v. Government of India and Others*, Case No. 1:24-cv-07021.

The plaintiff has made allegations concerning an alleged conspiracy to assassinate him in the United States. Those allegations remain allegations in the context of this procedural development.

The court permitted the plaintiff to pursue service of court documents on Ajit Doval and Samant Goel through identified Indian judicial channels. The order required submission of a proposed service packet by 30 November 2026.

The court referred to Article 19 of the Hague Service Convention and relevant provisions of India's Code of Civil Procedure, 1908.

India's Response

India rejected the civil allegations and raised objections concerning the manner in which foreign judicial documents should be served. The Indian position emphasises the designated Central Authority under the Hague Convention.

What the Order Does Not Establish

- It does not decide whether the allegations are true.
- It does not establish civil liability.
- It does not award compensation.
- It does not finally settle all questions of jurisdiction or immunity.
- It does not make any future foreign judgment automatically enforceable in India.

UPSC candidates should describe this as a **procedural order concerning service**, not as a substantive judicial determination of wrongdoing.

2. Hague Service Convention, 1965: Meaning and Objectives

The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters was concluded on 15 November 1965.

Its principal purpose is to facilitate the transmission and service of judicial documents abroad while protecting the rights of parties involved in cross-border litigation.

Main Objectives

- Create recognised channels for serving judicial documents across borders.
- Improve legal certainty and procedural cooperation.
- Help ensure that defendants receive appropriate notice.
- Reduce uncertainty in international civil proceedings.
- Respect the procedural requirements of participating states.

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Central Authority Mechanism

Contracting states designate a Central Authority responsible for receiving requests for service from other contracting states.

For India, the designated Central Authority is the **Ministry of Law and Justice**.

Article 19: Why Is It Relevant?

Article 19 preserves other methods for transmitting documents for service abroad where such methods are permitted by the internal law of the receiving state.

In the November 2026 order, the US court interpreted Article 19 alongside provisions of Indian procedural law to permit a proposed route through Indian courts.

That interpretation was made in the particular litigation. It should not be presented as a universal authorisation for bypassing every state's Central Authority.

Important Distinction

The Hague Service Convention concerns service of documents. It is not a convention that automatically establishes liability, confers jurisdiction over every defendant or provides for the execution of all foreign judgments.

3. Indian Legal Framework: Code of Civil Procedure, 1908

The Code of Civil Procedure, 1908 (CPC) provides rules relating to civil proceedings, summons and the treatment of foreign judgments in India.

Provision	UPSC Relevance
Section 29	Service of foreign summonses and other processes under specified conditions
Order V Rule 21	Transmission of summons where the defendant resides within another court's jurisdiction
Section 13	Conditions under which a foreign judgment is not conclusive
Section 14	Presumption concerning foreign judgments on production of certified copies
Section 44A	Execution of qualifying decrees of superior courts of reciprocating territories in India

Section 29 and Order V Rule 21

Section 29 addresses service of foreign summonses and other processes under the conditions provided by law. Order V Rule 21 deals with the transmission of summons to another court having jurisdiction where the defendant resides.

In the November 2026 proceedings, the US court considered Section 29(c), the relevant Indian notification and Order V Rule 21 in evaluating the proposed service route.

Section 13: When Is a Foreign Judgment Not Conclusive?

Section 13 provides exceptions to the conclusiveness of a foreign judgment, including circumstances where:

a. The foreign court lacked competent jurisdiction.

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b. The judgment was not given on the merits.

c. The decision involved specified errors relating to international law or refusal to recognise applicable Indian law.

d. The proceedings were opposed to natural justice.

e. The judgment was obtained by fraud.

f. The judgment sustains a claim founded on breach of Indian law.

Section 44A: Enforcement

Section 44A permits execution in India of certain money decrees from specified superior courts of reciprocating territories, subject to statutory conditions and the exceptions under Section 13.

Foreign judgments from non-reciprocating territories are not directly executable through Section 44A. Their enforcement generally requires an appropriate proceeding in India.

UPSC Memory Point

Section 29 = Foreign summons

Section 13 = Conclusiveness of foreign judgment

Section 14 = Presumption as to foreign judgments

Section 44A = Execution of specified foreign decrees

4. Service, Jurisdiction, Liability and Enforcement: Four Different Concepts

Concept	Meaning	What It Does Not Automatically Establish
Service of Process	Formal notification of court proceedings to a party	Truth of allegations
Jurisdiction	Legal authority of a court to hear and decide a dispute	Final liability
Adjudication on Merits	Judicial determination of the substantive issues	Automatic enforceability abroad
Recognition and Enforcement	Legal effect or execution of a foreign decision in another country	Unconditional execution in India

A court can permit a procedural step while leaving other legal questions unresolved. Similarly, a judgment from one country may face separate recognition or enforcement requirements in another country.

These distinctions protect procedural fairness and prevent premature conclusions from interlocutory court orders.

5. India's Sovereignty and Sovereign Immunity

What Is State Sovereignty?

State sovereignty refers to a state's legal independence and authority within its territory, subject to its international obligations.

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International litigation may create sensitive questions when legal proceedings in one country involve another state or its officials.

What Is Sovereign Immunity?

Sovereign immunity concerns the extent to which a foreign state may be subjected to the jurisdiction of another state's courts.

Questions of immunity can involve the distinction between states, state officials, official acts, private acts and applicable exceptions. The treatment of each issue depends on the relevant legal framework.

Why Is the Issue Complex?

Courts must reconcile competing legal principles such as:

- The sovereignty of states.
- The rights of parties seeking judicial remedies.
- Jurisdictional and immunity rules.
- International procedural cooperation.
- Natural justice and the right to a fair hearing.

Service of documents, by itself, should not be confused with a final judicial rejection of an immunity claim.

Constitutional Relevance

Article 51 of the Indian Constitution, a Directive Principle of State Policy, encourages the promotion of international peace and security, respect for international law and settlement of international disputes by arbitration.

It provides an important constitutional reference for understanding India's commitment to peaceful international cooperation.

6. Implications for India–US Relations

India and the United States maintain substantial strategic, technological, economic and security ties. Legal controversies involving public officials can nevertheless produce diplomatic disagreements.

India's Concerns

- Protection of sovereignty and official functions.
- Compliance with recognised service procedures.
- Protection against allegations that have not been proved.
- Clarification of jurisdictional and immunity issues.

US Judicial Perspective

- Courts apply domestic procedural law and relevant treaty obligations.
- Litigants may seek lawful methods of serving documents abroad.
- Procedural authorisation does not decide the merits of a dispute.
- Judicial independence must be distinguished from the executive's foreign policy.

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The appropriate UPSC approach is to recognise the legitimate legal concerns and procedural safeguards on both sides without treating an unresolved allegation as an established fact.

7. Governance, Rule of Law and Ethical Dimensions

The controversy also offers broader lessons relevant to public administration and governance.

Rule of Law

Legal disputes should be handled through established procedures rather than speculation or political pressure.

Natural Justice

Parties should receive fair notice and an opportunity to be heard, subject to applicable law.

Institutional Independence

Judicial decisions should be distinguished from executive positions and diplomatic statements.

Responsible Public Communication

Public institutions and the media should avoid presenting procedural orders as final judgments.

Accountability and Sovereignty

Appropriate legal accountability and respect for sovereign rights should be pursued through lawful mechanisms.

8. Constructive Way Forward

1. **Strengthen judicial cooperation:** Improve clarity on internationally recognised methods of service.
2. **Follow treaty obligations:** Apply the Hague Convention and relevant domestic procedural rules consistently.
3. **Ensure procedural fairness:** Protect notice, opportunity of hearing and due-process safeguards.
4. **Clarify immunity questions:** Resolve disputes through the appropriate legal forums rather than through presumptions.
5. **Maintain diplomatic channels:** Prevent procedural disputes from unnecessarily disrupting broader bilateral relations.
6. **Promote factual communication:** Distinguish allegations, interlocutory orders and final judgments.

Effective international legal cooperation requires both respect for sovereignty and a commitment to fair, predictable procedures.

9. UPSC Prelims: Quick Revision Notes

- **Hague Service Convention:** Concluded in 1965.
- **Scope:** Service abroad of judicial and extrajudicial documents in civil or commercial matters.
- **India's Central Authority:** Ministry of Law and Justice.
- **Article 19:** Preserves certain methods permitted by the internal law of the destination state.
- **CPC Section 29:** Service of specified foreign summonses and other processes.

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- **Order V Rule 21:** Transmission of summons to another court.
- **CPC Section 13:** Foreign judgments and exceptions to conclusiveness.
- **CPC Section 44A:** Execution of qualifying foreign decrees from reciprocating territories.
- **Article 51:** India's constitutional commitment to international peace and respect for international law.
- **Key distinction:** Service does not establish liability.

10. UPSC Prelims Practice MCQs

Q1. Consider the following statements about the Hague Service Convention:

1. It deals with the service abroad of judicial and extrajudicial documents in civil or commercial matters.
2. It automatically confers jurisdiction on every court of a contracting state.
3. Its Article 19 concerns methods of service permitted by the internal law of the destination state.

Which statements are correct?

A. 1 only

B. 1 and 3 only

C. 2 and 3 only

D. 1, 2 and 3

> **Correct Answer: B.** Statements 1 and 3 are correct. The Convention addresses service procedures, not automatic jurisdiction over defendants.

Q2. Which CPC provision primarily identifies exceptions to the conclusiveness of foreign judgments?

A. Section 9

B. Section 13

C. Section 80

D. Section 96

> **Correct Answer: B. Section 13.** It specifies situations in which a foreign judgment is not conclusive.

Q3. A foreign court allows the service of a civil summons on an individual. Which conclusion is necessarily justified?

A. The individual has been found legally liable.

B. A merits trial has been completed.

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C. A procedural step concerning notification has been authorised.

D. Any resulting foreign decree is automatically executable in India.

Correct Answer: C. Authorisation of service is a procedural act; it does not determine liability or enforceability.

Q4. Consider the following statements:

1. Section 44A CPC concerns execution of certain decrees from reciprocating territories.
2. All foreign judgments can be executed in India without judicial scrutiny.

Choose the correct answer.

A. 1 only

B. 2 only

C. Both 1 and 2

D. Neither 1 nor 2

Correct Answer: A. Section 44A provides a specific mechanism subject to statutory conditions. Statement 2 is incorrect.

11. UPSC Mains GS-II Practice Question

Question (15 Marks | 250 Words)

"Cross-border civil litigation highlights the tension between state sovereignty, judicial cooperation and due process." Discuss with reference to international legal conventions and India's procedural framework.

Model Answer

Introduction: Cross-border civil litigation arises when a dispute before the court of one country requires procedural action involving persons or institutions in another country. Such proceedings raise questions of jurisdiction, international cooperation and national sovereignty.

International legal framework: The 1965 Hague Service Convention provides recognised methods for serving civil and commercial judicial documents abroad. Its Article 19 preserves certain routes permitted under the receiving state's internal law.

Indian legal framework: Section 29 and Order V Rule 21 of the Code of Civil Procedure concern the service and transmission of summons. Sections 13 and 44A address distinct issues concerning the conclusiveness and execution of foreign judgments.

Key challenges: First, states must protect sovereign rights and official functions. Second, plaintiffs require access to lawful judicial remedies. Third, defendants must receive proper notice and fair hearing. Fourth, differences between legal systems may create disputes over the appropriate method of service.

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India–US context: The November 2026 procedural order illustrates these tensions. However, permission to serve legal documents is not a determination of the underlying allegations or a final decision on immunity.

Way forward: Both states should support treaty-compliant legal cooperation, clarify institutional responsibilities, uphold natural justice and continue diplomatic engagement.

Conclusion: Sovereignty and due process need not be treated as mutually exclusive. Clear legal procedures, judicial independence and respect for international obligations can help reconcile legitimate state interests with fair access to justice.

12. Answer-Writing Keywords for UPSC Mains

Key terms: Territorial sovereignty, international judicial cooperation, service of process, jurisdiction, sovereign immunity, natural justice, procedural fairness, judicial independence, recognition and enforcement, rule of law, Article 51.

Suggested answer structure: Definition ? Legal framework ? Competing concerns ? Contemporary illustration ? Balanced way forward ? Conclusion.

13. Frequently Asked Questions

What is the Hague Service Convention?

It is a 1965 international convention establishing recognised procedures for serving judicial and extrajudicial documents abroad in civil or commercial matters.

Does the Convention permit foreign courts to decide every case involving Indian citizens?

No. Service of process and jurisdiction are separate legal questions.

Can a foreign court's permission to serve a summons prove wrongdoing?

No. It authorises a procedural step and does not resolve the allegations on their merits.

What is the role of India's Ministry of Law and Justice?

It is India's designated Central Authority under the Hague Service Convention for relevant service requests.

What is the UPSC relevance of the November 2026 development?

The issue connects international relations, procedural law, state sovereignty, judicial cooperation, due process and governance under GS Paper II.

Are all foreign judgments automatically enforceable in India?

No. Indian law imposes recognition and enforcement requirements, including provisions under Sections 13 and 44A CPC where applicable.

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14. Conclusion: International Cooperation with Respect for Sovereignty

The November 2026 US court order demonstrates why procedural details matter in international legal disputes. Allowing a method of service does not establish the truth of accusations, decide liability or automatically require enforcement of a foreign judgment.

For India, the broader challenge is to preserve sovereign interests and lawful procedures while maintaining international judicial cooperation and procedural fairness.

Civil Service Gurukul Key Takeaway: The best UPSC answers distinguish service, jurisdiction, immunity, adjudication and enforcement, and analyse each through the principles of sovereignty, natural justice and international cooperation.

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