

CHAPTER 7

Suits by Aliens and by or Against Rulers, Ambassadors, Envoys, etc.

1. Change in Law—The Code of Civil Procedure (Amendment) Act, 1951 (No. II of 1951) has substituted new Sections 83 to 87B in the Code for the old Sections 83 to 87. The changes made in the law on the subject should be carefully studied. (Please also *see* C.P.C. Amendments of 1976).

2. Aliens—(1) Alien friends may sue in any Court of competent jurisdiction as if they were citizens of India. Alien enemies can also sue in the like manner but with the permission of the Central Government: provided they are residing in India. Every person residing and carrying on business without a license of the Central Government in a foreign country at war with India, is for this purpose, deemed to be an alien enemy residing in a foreign country (Section 83).

(2) The provisions in this part of the Code are silent as to suits against aliens, whether friends or enemies. Such suits would be governed by the general provisions of Civil Procedure Code.

3. Foreign States and Foreign Rulers—(1) Any 'Foreign State' can sue in a competent Court in India to enforce a private right vested in the Ruler or in any or its officers in his public capacity (Section 84). The Central Government can appoint recognised agents for such Foreign Rulers by whom appearances, acts and applications under the Code may be made on behalf of such Ruler. The appointment can be for a specified suit or suits for all such suits in which the Ruler may be a party. A recognised agent so appointed by the Central Government can authorise or appoint any other person to perform the above acts as if he were himself a party to such suit(s) (Section 85).

(2) No Ruler of a Foreign State may, however, be sued except with the consent of the Central Government certified in writing by a Secretary to that Government Exception is however made in cases of suits filed by a person as a tenant of immovable property against his Ruler landlord [Section 86(1)]. The grant of the permission by the Central Government is governed by the conditions laid down in sub-section (2) of Section 86.

(3) *Immunity from arrest etc.*—A ruler of a foreign State cannot be arrested under the Civil Procedure Code. A decree can be executed against his property; but only with the consent of the Central Government certified in writing by one of its Secretaries [sub-section (3) of Section 86].

(4) *Ambassadors etc*—Ambassadors and Envoys of foreign State and High Commissioners of Commonwealth countries and their specified staff enjoy the same immunity from process of

Civil Courts as Foreign Rulers enjoy under Section 86 of the Code [Sub-section (4) of Section 86].

(5) *Definitions*—Expressions ‘Foreign State’ and ‘Ruler’ in relation to such a State have been defined in Section 87 of the Code. A Foreign State and Ruler of such a State require recognition by the Central Government and every Court shall take judicial notice of the fact whether a State has or has not been so recognised and as to who has been recognised for the time being, as the head of the state. [Sub-section (2) of Section 87A].

4. (1) Former Indian Rulers—The immunities and privileges extended to Rulers of foreign States under Section 85 and sub-sections (1) and (3) of Section 86 are enjoyed by Rulers of those former Indian States which may, by notification in the Official Gazette, be specified for the purpose.

(2) *Notification under Section 87B of the Code of Civil Procedure*—A notification issued by the Central Government specifying the former Indian State for the purposes of clause (a) of sub-section (2) of Section 87B of the Code is reproduced in the Appendix to this Chapter.

5. Exemption from, personal appearance in Courts—The persons entitled to exemption from personal appearance in Courts are specified in Section 133(1) of the Code of Civil Procedure as substituted by Act No. 66 of 1956. The persons to whom Section 87B applies are also entitled to this exemption.

APPENDIX

[Paragraph 4(2)]

[Published in the Gazette of India (Extraordinary) Part II, Section 3, dated the 1st April, 1951].

Ministry of States, notification No. S.R.O.468, dated the 1st April 1951.

In pursuance of clause (a) of sub-section (2) of section 87B of the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government hereby specifies the former Indian States mentioned in the Schedule hereto annexed for the purposes of the said section.

THE SCHEDULE

1. Athgarh.
2. Athmallik.
3. Bamra.
4. Baramba.
5. Baudh.

6. Bonai.
7. Daspalla.
8. Dhenkanal.
9. Gangpur.
10. Hindol.
11. Kalahandi.
12. Keonjhar.
13. Khandpara.
14. Mayurbhanj.
15. Narsinghpur.
16. Nayagrah.
17. Nilgiri.
18. Pal Lahara.
19. Patna.
20. Rairakhol.
21. Ranpur.
22. Sonapur.
23. Talcher.
24. Tigiria.
25. Kharsawan.
26. Seraikella.
27. Nandgaon.
28. Bastar.

29. Kanker.
30. Udaipur (Madhya Pradesh).
31. Sakti,
32. Chhuikhadan.
33. Raigarh.
34. Kawardha.
35. Sarangarh.
36. Korea.
37. Khairagarh.
38. Surguja.
39. Jashpur.
40. Changbhakar.
41. Makrai.
42. Loharu.
43. Dujana.
44. Pataudi.
45. Banganapallel.
46. Pudukkottai.
47. Sandur.
48. Ambaliara.
49. Balasinor.
50. Bansda.
51. Baria.

52. Bhaderwa.
53. Cambay.
54. Chotta Udepur.
55. Danta.
56. Dharampur.
57. Ghodasar.
58. Idar.
59. Iol.
60. Jambughoda.
61. Jawahar.
62. Khadal.
63. Katosan.
64. Lunawada.
65. Malpur.
66. Mohanpur.
67. Mansa.
68. Palanpur.
69. Punadra.
70. Radhanpur.
71. Ranasan.
72. Rajpibla.
73. Sachin.
74. Sant.

75. Sudasna.
76. Surgana.
77. Valasna.
78. Varsoda.
79. Vasna.
80. Vijayangar.
81. Wao.
82. Sanjeli.
83. Tharad.
84. Vakhtapur.
85. Likhi.
86. Mandwa.
87. Dehrota.
88. Hapa.
89. Sathamba.
90. Umeta.
91. Magodi.
92. Pelaj.
93. Tajpuri.
94. Kurundward (Senior).
95. Kurundward (Junior).
96. Akalkot.
97. Savanur.

98. Miraj (Senior).
99. Miraj (Junior).
100. Mudhol.
101. Phaltan.
102. Sangli.
103. Aundh.
104. Ramdurg.
105. Bhor.
106. Jamakhandi.
107. Jath.
108. Swantwadi.
109. Wadi Jagir.
110. Jangira.
111. Baroda.
112. Kolhapur.
113. Teri Garhwal.
114. Banaras.
115. Rampur.
116. Cooch Behar.
117. Patiala.
118. Kapurthala.
119. Nabha.
120. Jind.

121. Faridkot.
122. Kalsia.
123. Nalagarh.
124. Malerkotla.
125. Travancore.
126. Cochin.
127. Gwalior.
128. Indore.
129. Alirajpur.
130. Barwani.
131. Dewas (Senior).
132. Dewas (Junior).
133. Dhar.
134. Jaora.
135. Jhabua.
136. Jobat.
137. Kathiwara.
138. Khilchipur.
139. Kurwai.
140. Narsingharh.
141. Raigarh.
142. Ratlam.
143. Sailana.

144. Sitamau.
145. Mathwar.
146. Piploda.
147. Pathair.
148. Muhammadgarh.
149. Nimkhera.
150. Jamnia.
151. Rajgarh.
152. Khaniadhana.
153. Alwar.
154. Bharatpur.
155. Dholpur.
156. Karauli.
157. Banswara.
158. Bundi.
159. Dungarpur.
160. Jhalawar.
161. Kishengarh.
162. Kotah.
163. Mewar.
164. Partapgarh.
165. Shahpura.
166. Tonk.

167. Jaipur.
168. Jaisalmer.
169. Bikaner.
170. Jodhpur.
171. Lawa.
172. Khushalgarh.
173. Nirmrana.
174. Sirohi.
175. Nawanagar.
176. Bhavanagar.
177. Porbandhar.
178. Dhurangadhra.
179. Morvi.
180. Gondal.
181. Jafrabad.
182. Wankarnor.
183. Palitana.
184. Dhrol.
185. Limbdi.
186. Rajkot.
187. Wadhwa.
188. Lakhtar.
189. Sayla.

190. Chuda.
191. Vala.
192. Jasdán.
193. Amarnagar (Thana Devli).
194. Vadia.
195. Lathi.
196. Muli.
197. Bajana.
198. Virpur.
199. Malia.
200. Kotda Sangani.
201. Jetpur.
202. Bilkha.
203. Patdi.
204. Khirasra.
205. Vanod.
206. Barwala.
207. Katodia.
208. Lodhika.
209. Vasavad.
210. Jalia Devani.
211. Zainabad.
212. Vithalgadh.

213. Tharoch.
214. Chamba.
215. Mandi.
216. Suket.
217. Keonthal.
218. Sirmur.
219. Bhagat.
220. Balsan.
221. Bashahr.
222. Jubbal.
223. Mahlog.
224. Dhami.
225. Bahjji.
226. Kuthar.
227. Kumarsain.
228. Baghal.
229. Mangal.
230. Kunihar.
231. Darkoti.
232. Sangri.
233. Beja.
234. Delath.
235. Ratesh.

236. Rawingarh.

237. Dhadi.

238. Ghund.

239. Khaneti.

240. Madhan.

241. Theog.

242. Koti.

243. Bhopal.

244. Bilaspur.

245. Kutch.

246. Tripura.

247. Manipur.

248. Ajaigarh.

249. Baoni.

250. Baraundja.

251. Bijawar.

252. Chhatarpur.

253. Charkhari.

254. Datia.

255. Maihar.

256. Nagod.

257. Orchha.

258. Panna.

259. Rewa.

260. Samthar.

261. Alipura.

262. Banka Pahari

263. Beri.
264. Bhaisaunda.
265. Bihar.
266. Bijna.
267. Dhurwai.
268. Garrauli.
269. Gaurihar.
270. Jaso.
271. Jigni.
272. Kamta Rajaula.
273. Kothi.
274. Lugasi.
275. Naigawan Rebai.
276. Pahara.
277. Paldeo (Nayagaon).
278. Sarila.
279. Sohawal.
280. Taraon.
281. Tori Fatehpur.
282. Hyderabad.
283. Mysore.
284. Jammu and Kashmir.