



Legalisation at the Indian High Commission

It appears that after three and a half years of signing of the Hague Convention, India is now considering its implementation. A few weeks back it was reported that India is trying hard to attract investments in the face of the global economic slowdown, and it was relaxing documentation for foreigners to start a business in the country. Corporate Affairs Ministry made a statement that "Foreign companies no longer need to get their documents certified at the Indian embassy or high commission in their respective countries and new rules would shortly come into place. New arrangement for certification and apostillisation under the Hague Convention are in place and will be announced soon".

Recently the Indian High Commission, London made a statement that it will not re-authenticate a public document that has been apostilled (legally attested, authenticated) by the authorities of the UK Government i.e. the Foreign & Commonwealth Office. Indian High Commission said that a document apostilled by UK Government is entitled to recognition in India and no further certification or legalization by the High Commission of India in London or its consulates in Birmingham or Edinburgh are required. However if clients still require legalisation at the Indian High Commission they would be required to provide the following undertaking:

Undertaking

I, ----- S / o, D / o, W/o, -----

born on ----- , holder of ----- passport

No.----- and resident of -----

-----do state as follows:

I fully understand that following Foreign and Commonwealth Office legalisation of my document(s), according to the Hague Convention, I do not require further legalisation from the High Commission of India. However, I wish for my document/ s to be further legalised by

Consular Services of the High Commission of India, and I do therefore hereby undertake to the following:

1. I will pay the High Commission of India Consular Fees in full and will not seek any refund of those fees at any time and under any circumstances from the High Commission of India.
2. I will not, nor will my successors, bring any form of legal action against the High Commission of India in respect of their legalisation.
3. I will take full responsibility for High Commission of India's legalisation of my document/ s.

Signature:

Name: -----

Date: -----

It is advisable that the above undertaking should be signed by clients and not the notary. It is inevitable that the legalisation requirements in India have to move towards “Apostille only” but the pace will really depend on how quickly India understands that the provisions of the Hague Convention and recognition of the documents without the stamp of the Indian High Commission.

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