

Legalisation of documents used in India

You will have read in the summer edition of the Notary (issue No 50) that, in response to Mark Kober-Smith's e-mail, Dr. Bernasconi, first secretary to the Hague Conference, was going to contact the India High Commission (IHC) in London to the effect that there was no need for them to legalise documents which had had an apostille affixed by the FCO, since India was a member of the Hague Convention.

Sanjay Gogia reports on developments:

While with effect from 29th August 2007, the Indian Ministry of External Affairs started issuing apostilles on documents in India for the use of documents overseas, the Hague Convention has not been implemented by IHCs and consulates around the world, including the ones in London and Birmingham. However, following Dr. Bernasconi's representation, the IHC, London made the following statement on their website,

“It will not reauthenticate a public document that has been apostilled by the authorities of the UK government. A document apostilled by UK Government is entitled to recognition in India and no further certification or legalisation by the High Commission of India in London or its Consulates in Birmingham or Edinburgh is required.”

While this step was generally applauded by notaries, the information did not apparently filter through to the lawyers, commercial agents and authorities in India, since notaries were finding that their clients were insisting on legalisation by the IHC and were not prepared to accept that it was not necessary or indeed that the IHC were no longer legalising documents which had been apostilled.

The impasse does not appear to have lasted long, for the announcement has now disappeared from the IHC's website and, as before, the IHC are legalising the apostilled documents of any one who asks.

This may be a good thing in the short term, so that documents will be accepted in India. But it is important that in the long term this issue should be resolved in order to enable clients in the UK to reduce their costs and the time for documents to be used in India.



Notaries should continue to tell clients that legalisation by the IHC is unnecessary.

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