



Ministry
of Justice



सत्यमेव जयते
Government of India
MINISTRY OF LAW & JUSTICE

Memorandum of Understanding between
the Ministry of Justice of the United Kingdom
and the Ministry of Law and Justice of the Government of the Republic
of India
concerning co-operation between both countries in the sphere of law
and justice

The Ministry of Justice of the United Kingdom and the Ministry of Law and Justice of the Government of the Republic of India hereinafter referred to as "the Participants";

Desirous of strengthening existing relations between the two Participants to reflect the Enhanced Strategic Relationship between the United Kingdom and the Republic of India, for exchanging information and promoting co-operation and for the general good of citizens and legal persons;

Recalling our common legal heritage and longstanding relationship based on friendship and cooperation with the objective of advancing the rule of law and the interests of legal practitioners.

Recognising the growing importance of ties between the two nations and their peoples and the vital part played by the Rule of Law in these relationships,

Desiring to strengthen their cooperation in promoting friendship and exchange of legal services between both countries, and

Recognising that closer ties between members of the legal profession in India and England and Wales will be mutually beneficial to the practice of law in both countries;

In recognition of their longstanding mutual regard, their shared goals of protecting and developing the rule of law in their respective jurisdictions and internationally, and in recognition of the historic ties between their two jurisdictions, the Participants have decided to formulate a Memorandum of Understanding.

The Participants intend that this Memorandum should provide a framework through which they can strengthen their cooperation and continue to develop positive and mutually beneficial relationships.

The Participants have hereby reached the following understanding:

Part 1

General

1.1 The Participants, when co-operating in accordance with this Memorandum, will act within their competency and in accordance with the National Laws and international obligations of their respective countries.

1.2 Co-operation between the Participants under this Memorandum is to be limited to areas that are within the competence of the Ministry of Justice of the United Kingdom and Ministry of Law and Justice of the Government of the Republic of India respectively.

Part 2

Co-operation between the Participants

2.1 Recognising that in a rapidly changing and globalizing world, clients will require legal services across jurisdictions, and that legal professionals may need to adapt their forms of practice organisation and modes of service delivery to best serve their clients, the Participants will co-operate in the following areas:

- (i) the promotion of the principles of Rule of Law, in particular, the ability of citizens and legal persons of the Participants to seek redress for differences, conflicts and disputes through the courts, arbitration, mediation or alternative dispute resolution and to have access to effective legal aid;
- (ii) the advancement of public confidence in the judicial system including supporting the independence of the judiciary and legal sectors in both countries;
- (iii) working together to promote greater co-operation between judicial and legal professionals in both countries in the exchange of expertise and training;

(iv) the exchange of experiences on the training of the legal professionals including prosecutors in both countries, in particular, in respect of legal education, ethics and accountability;

(v) the exchange of experience through information sharing visits, and training between both countries on enhancing the legal knowledge of government officials, in particular, devising government litigation policy, legal drafting and research based policy and law making;

(vi) to consider the framing of regulations for the exchange of lawyers between India and England and Wales with the aim of enabling Indian and English and Wales lawyers to experience and gain knowledge of the practice of law in both jurisdictions;

(vii) to promote meetings, holding and organizing symposiums, conferences and joint courses on different issues and matters related to the rule of law and its applications, and opportunities for the exchange of information regarding current issues of international significance.

2.2 Both the Participants agree to consider:

- the visit of lawyers from each Participant regarding foreign law or their own system of law and on international law;

-the visit of lawyers from each Participant to conduct arbitration proceedings in respect of disputes arising out of a contract relating to international commercial arbitration;

-promoting Indian, English and Wales lawyers to share best practices, experience and to gain knowledge of the practice of the law of both the Participants;

Part 3

Joint Consultative Committee – Establishment and Functions

3.1 Both the Participants agree to establish a Joint Consultative Committee composed of the representatives of the Participants.

3.2 Each Participant may appoint additional persons to take part in the meetings of the Consultative Committee.

3.3 The functions of the Consultative Committee are -

- (a) to make specific proposals for realising the objectives on cooperation and suggesting possible ways for implementing the same;
- (b) to consider how the exchange of experiences and expertise can best be facilitated, including by way of exchange of information and visits.

3.4 The functions and membership of the Joint Consultative Committee will be reviewed annually.

Part 4

Meetings and Reports of Joint Consultative Committee

4.1 The Joint Consultative Committee will meet on a date jointly decided, by video conference or at a venue agreed between the participants--

- (a) in ordinary session once a year; and
- (b) in extraordinary session, whenever necessary.

4.2 The Committee's recommendations and decisions are to be recorded in the reports of its meetings.

Part 5

Confidentiality

5.1 Any information or intelligence, communicated or obtained under the arrangement will be treated as confidential and will be used only for the purposes specified by this Memorandum of Understanding. They will be accorded in the receiving country the same protection in respect of confidentiality and official secrecy as applied in that country to the same kind of information, documents or other such communications obtained in its own territory.

5.2. Such information and documents may be used only in investigative, administrative and judicial proceedings.

5.3 Where personal data are exchanged under this Memorandum of Understanding, the Participants will ensure that such data is used only for the purposes indicated and according to any conditions the Participant providing the data may impose.

5.4 Neither Participant will use evidence or information obtained under this Memorandum of Understanding for purposes other than those stated in this arrangement without the prior consent of the Participant providing the data.

- 5.5 The above confidentiality provisions at Clause 5.3 and 5.4 will not—
- (i) apply to any confidential information or documentation received by one Participant from the other—
 - (a) which is or becomes public knowledge; or
 - (b) which must be disclosed pursuant to a statutory, legal or parliamentary obligation placed upon the Participant making the disclosure;
 - (ii) prevent either Participant from using any techniques, ideas or know-how gained during the performance of this Memorandum of Understanding to the extent that this does not result in—
 - (a) a disclosure of the other Participant's confidential information and documentation; or
 - (b) an infringement of the other participant's intellectual property rights.

Part-6

Relationship with other Treaties, Agreements and MOU

6. The provisions of this Memorandum of Understanding will not prejudice the performance of the international obligations provided for in the international treaties to which one or both of the Participants is a signatory.

Part-7

Costs and Expenses

7. Each Participant agrees to bear its own travel and other expenses such as accommodation, local transport and medication in cases of its delegation/members.

Part-8

Resolution of Disputes

8. Any difference or dispute that may arise regarding the interpretation or application of this Memorandum of Understanding should, as far as possible, be settled or resolved through mutual consultations or negotiations or through Diplomatic Exchange.

Part 9

Concluding provisions

9.1 The Central Authority in the two countries is designated to implement this Memorandum of Understanding. That Authority –

- (a) in the United Kingdom, is the Head of International Relations for the relevant policy Directorate of the Ministry of Justice; and
- (b) in the Republic of India, is the Joint Secretary, Administration in the Department of Legal Affairs, of the Ministry of Law and Justice.

9.2 The provisions of this Memorandum of Understanding represent the understandings reached between the Participants and will enter into effect on

signature by both Participants, remaining valid for ten years to be renewed automatically, unless one party notifies the other in writing of its intention to terminate it.

9.3 The provisions of this Memorandum of Understanding may be amended at any time by the mutual written consent of the Participants.

9.4 Either Participant may withdraw from the Memorandum of Understanding at any time. Notice of withdrawal will be in writing and forwarded to the other party through diplomatic channels.

9.5 In witness whereof, the undersigned signatories, being duly authorized by their respective governments, have signed the present Memorandum of Understanding.

Signed at London on the 10th day of July 2018 in two originals each in English and Hindi languages, each text being equally authentic. However, in case of difference, English text will prevail.

(The Rt Hon David Gauke MP)
Lord Chancellor and Secretary of
State for Justice
For Her Majesty's Government

(Ravi Shankar Prasad)
Minister for Law and Justice
For the Government of the
Republic of India