

ANNEX-I

**ACCESS TO FOREIGN LEGAL INFORMATION AND ACCESS TO INDIAN LEGAL
INFORMATION ABROAD: QUESTIONNAIRE FOR INDIAN STAKEHOLDERS**

I. GENERAL:

1. Which of these best describes your position?
- Judge, Supreme Court of India
 - Judge, High Court (please specify: _____)
 - Litigating lawyer
 - Senior Counsel
 - Counsel
 - Partner in a law firm
 - Other: _____
 - Transactional lawyer
 - Academic
 - Other: _____

[Note to Judges: Please skip Questions 2 – 4]

2. Which city / cities are you currently based in? _____
3. How many years have you been practicing / researching law?
- 5 – 10 years
 - 10 – 15 years
 - 15 – 20 years
 - 20 – 25 years
 - Above 25 years
4. What is your focus area?
- Transactional legal practice
 - Litigation
 - Arbitration
 - as counsel
 - as arbitrator
 - both
 - Legal research
 - Other: _____

II. ACCESS TO FOREIGN LAW IN INDIA:

5. In which of these areas have you dealt with foreign law?
- Litigation in Courts
 - International Arbitration
 - In India
 - Outside India
 - Advice on transactions
 - Enforcement of foreign judgments
 - Enforcement of arbitral awards
 - Proceedings for interim relief: _____
 - Legal research
 - Other: _____

6. What part of your work do transnational / international legal issues constitute?
- < 5 %
 - 5 – 10 %
 - 10 – 25%
 - 25 – 50%
 - > 50 %
7. In which of these branches of law have you accessed foreign law in the past?
- Commercial contracts
 - Sale of goods
 - Construction and engineering contracts
 - Oil and gas
 - Infrastructure
 - Shipping / maritime
 - Energy
 - Other: _____
 - Family law
 - Marriage and nullity of marriages
 - Divorce and legal separations
 - Rights of children
 - Succession / inheritance
 - Other: _____
 - Constitutional / Administrative law
 - Corporate law
 - Consumer Contracts
 - Insurance
 - Bankruptcy / Insolvency
 - Other: _____
8. Which of the following countries or regions have most often sought foreign legal information (check all relevant boxes)?
- United States
 - England
 - France
 - Germany
 - Other European Counties (_____)
 - Singapore
 - China
 - Japan
 - Other Asian countries (_____)
 - Middle East / Gulf region (_____)
 - Australia
 - Africa (_____)
 - Other: _____
9. How frequently do you require information / input on foreign law?
- Daily
 - Weekly
 - Fortnightly
 - Monthly
 - Only occasionally
 - Never

10. Please rank in the order of priority the kind of foreign legal information have you accessed / sought out for (check all boxes applicable in case you have used a combination of these options):

Rank

- Copies (or translations) of actual and bare statutes
- Copies (or translations) of case law
- A commentary / narrative description of the law in a particular subject area, including citations to and / or descriptions of relevant laws, statutes or cases
- Foreign legal periodicals / journals
- A legal opinion written by an expert applying foreign law to a set of facts
- A certification on the state of the foreign law applied to facts by the applicable foreign judicial authority

11. Please rank in the order of priority the sources you consult to ascertain foreign law?

Rank

- Free Internet sites (official / government / institutional or academic websites, WorldLII for access to legislation / case law etc.)
- Private online databases (such as Westlaw, LexisNexis etc.)
- Local libraries (Judges' libraries, Indian Society of International Law, Indian Law Institute, University libraries etc.)
- Personal / law firm's collection
- Embassies / Government agencies of the relevant country
- Other: _____

12. How do you locate legal practitioners / academics / other experts from the relevant jurisdiction?

- Colleagues' referrals
- Referrals from network of law firms of which our firm is a member / law firms with which we interact
- Internet (websites such as Legal 500, Who's Who Legal, Chambers and Partners)
- Legal directories: _____
- Other: _____

13. In your opinion, is locating / hiring an adequate expert on foreign law difficult?

- Yes
- No
- Not Sure

14. Rank these factors in the order of the difficulties in hiring an expert.

Rank

- Expenses for hiring an expert
- Quality of the expert
- Locating the expert
- Other: _____

15. Who in your opinion have you most often used / appointed / consulted as an expert in foreign law?
- Foreign expert
 - Law Professor
 - Legal Practitioner
 - Retired Judge
 - Other: _____
 - Foreign specialized institute: please specify _____
 - Foreign Government agencies / embassy
 - Member of foreign judicial authority
16. In your opinion, are there already sufficient resources available to find and ascertain foreign law for your legal practice or are more resources needed?
- Yes, there are already sufficient resources available
 - No, there is not enough information available
 - No, the information available is of inadequate quality or reliability
 - No, there is inadequate organization / accessibility of such information
 - No, because of lacking or poor translations
 - Other: _____
17. From your experience, do local libraries (Judges' libraries, Indian Society of International Law / Indian Law institute etc.) have adequate resources (latest editions of books, foreign periodicals/ journals)?
- Yes
 - No
 - Not Sure
18. In what time frame do you normally need information on foreign law?
- One day
 - One day – One week
 - One week
 - One – Two weeks
 - Two – Three weeks
 - One month
 - One - Six months
 - Other: _____
19. In your opinion, what would be the best practice that the Indian courts should adopt to ascertain foreign law?
- Legal opinion of expert in foreign law
 - Ex officio* without any expert assistance (illustratively, by own research with / without assistance from a specialized institute, university, specialized government department)
 - Ex officio* submitting a request for ascertaining the state of the foreign law applied to facts by the applicable foreign judicial authority under a bilateral or multilateral treaty
 - Submitting at the request of a party (or parties) a request for ascertaining the state of the foreign law applied to facts by the applicable foreign judicial authority under a bilateral or multilateral treaty

20. What in your opinion should be the steps taken to facilitate access of foreign law in Indian proceedings / legal research?

III. ACCESS TO INDIAN LAW ABROAD:

21. Have you been approached to give an opinion / expert evidence / information / input on / certificate of Indian law in cross-border / transnational proceedings?

- Yes
- No

22. Which area(s) of your practice was your opinion / evidence sought for?

- Litigation in Courts
- International Arbitration
- Advice on transactions
- Enforcement of judgments
- Enforcement of arbitral awards
- Proceedings for interim relief: Please specify _____
- Legal research
- Other: please specify _____

23. How frequently are approached for an expert opinion / opinion on Indian law?

- One month
- Six months
- Six months to a year
- Other: _____

24. Are you aware how the foreign party / law firm located you?

- Colleague's referrals
- Referrals from network of law firms of which our firm is a member / law firms with whom we interact with
- Internet (websites such as Legal 500, Who's Who Legal, Chambers and Partners)
- Legal directories: _____
- Other: _____

25. What branch of Indian law did your opinion(s) concern?

- Contract Law / Sale of Goods
- Indian civil procedure and practice
- Property
- Corporate Law
- Family Law
- Consumer law
- Constitutional / Administrative law
- Other: _____

26. In your experience, do you believe that there are already sufficient resources available to find and ascertain Indian law by foreign lawyers / parties?
- Yes, there are already sufficient resources available
 - No, there is not enough information available
 - No, the information available is of inadequate quality or reliability
 - No, there is inadequate organization / accessibility of such information
27. Would you support Hague Conference of Private International law's initiative to develop a global convention on access to foreign law in civil and commercial matters?
- Yes
 - No
 - Not Sure
28. What in your experience has been the response of foreign lawyers in accessing and applying Indian Law? Are they satisfied with the resources available to access Indian legal information?
29. What in your opinion should be the steps taken to facilitate access to Indian law in foreign proceedings / legal research?

I sincerely thank you for completing this survey.