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India: Legalisation of Indian documents

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Introduction

The Ministry of External Affairs (MEA) in India offers legalisation of Indian documents in the form of either an apostille or an attestation. The apostille is used to legalise documents for use in countries that are party to the Hague convention regarding apostilles, whereas the attestation is necessary for documents to be used in all other countries.¹

This note describes the procedure for obtaining an attestation or apostille from the MEA through either an online or an offline application procedure, and is based on an interview with representatives of the Indian Ministry of External Affairs (MEA) in New Delhi, which was carried out in December 2019.

It is not possible to correct mistakes or make other changes to a legalisation. If it is necessary to make changes to the legalisation, the process will have to start over.²

Online application

Both attestations and apostilles can be applied for online via the e-Sanad web portal.³ The portal has several stakeholders in India, amongst others the MEA, Indian diplomatic missions abroad and the Ministry of Human Resource Development.⁴

In order to apply for legalisation of a document, the applicant can go to the web portal, where the applicant will be guided in the application and pay a fee of 50 rupees for transmission of the documents. When applying for an attestation, the applicant must pay a fee of 40 rupees for case processing.⁵

The information given in the application is then automatically transferred to the Document Issuing Authorities (DIAs) for digital verification. When the digital verification has been successfully concluded, the apostille will be transferred digitally to

¹ Ministry of External Affairs, New Delhi, December 2019.

² Ministry of External Affairs, New Delhi, December 2019.

³ eSanad, year of issue n/a.

⁴ Ministry of External Affairs, New Delhi, December 2019.

⁵ Ministry of External Affairs, New Delhi, December 2019.

the applicant's e-Register. According to the MEA representatives, this process may take up to one day.⁶

Offline application

Both attestation and apostilles can be applied for offline through the State Home Department. Upon verification of the documents by the State Home Department, the applicant must go to one of the MEA branches located across India. These offices are manned by External Service Providers (ESPs). The ESP branch office will then forward the original document to the MEA headquarters in New Delhi, where the signature from the State Home Department will be verified.⁷

If the MEA can verify the signature from the State Home Department, they will legalise it and return it to the local branch of the MEA. They always receive the original document sent for attestations offline. According to the MEA, this process will take approximately two days to conclude.⁸

Concerning legalisations through the MEA in New Delhi

The MEA office in New Delhi has two officers employed, who are authorised to sign legalisations. In each of the other 15 branch offices across India, one officer is authorised to sign. Every authorised officer has a personalised stamp.

The officers making the legalisations in New Delhi have a collection of at least 400 signatures of officers with authority to issue documents across the country that MEA use for the purpose of legalisation. The officers at MEA take care that these are updated quarterly.⁹

The MEA is able to verify signatures and legalise a broad range of documents, including personal documents, education certificates and commercial documents. The commercial documents are, however, legalised in cooperation with the Chamber of Commerce. The personal documents include birth, marriage, and death certificates.¹⁰

The apostille contains information on the issuing officer, whose signature the MEA is legalising with the apostille. If the name of the issuing officer is unreadable, the MEA officer will ask the State Home Department whether they have been able to verify the officer and his/her signature. If so, the MEA will legalise the document, but will write N/A instead of the information of the issuing officer. If the State Home Department have not been able to verify the issuing officer and signature, the MEA will not legalise the document for the applicant. The MEA is able to look all their former attestations up in a database, but cannot tell exactly when the attestation has been made.¹¹

⁶ Ministry of External Affairs, New Delhi, December 2019.

⁷ Ministry of External Affairs, New Delhi, December 2019.

⁸ Ministry of External Affairs, New Delhi, December 2019.

⁹ Ministry of External Affairs, New Delhi, December 2019.

¹⁰ Ministry of External Affairs, New Delhi, December 2019.

¹¹ Ministry of External Affairs, New Delhi, December 2019.

References

Oral source

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