

Inaugural Combar India Roundtable Conference, New Delhi, 15-16 September 2017

Developments in cross-border litigation, international arbitration and the future of dispute resolution in bilateral investment treaties

Ever since I acted for Aberdeen Global in its claim against an Indian company, Satyam, (in relation to a fraud described as ‘India’s Enron’), I had been interested in developing my practice to include work connected with the Indian jurisdiction. When I heard that COMBAR were holding the Inaugural Combar India Roundtable Conference in New Delhi, it was too good an opportunity to miss.

India has the world’s second largest legal profession with more than 600,000 lawyers¹ while 1.5 million people of Indian descent² live in the UK and more than 100,000 people are employed by Indian companies in this country³. After many false dawns, the liberalisation of the Indian legal market and the prospect of foreign law firm entry are now said to be a matter of when not if. Perhaps heralding this increased openness, 2016 saw the establishment of the Mumbai Centre for International Arbitration, first-of-its-kind arbitral institution in India, as a joint initiative between the Government of Maharashtra and the domestic and international business and legal communities, in order to transform Mumbai into a major international financial centre. With Brexit fast approaching, that Theresa May’s first trade mission as Prime Minister in November 2016 was to India was no surprise. The potential opportunities for the English commercial bar are obvious.

Following a scouting visit to Mumbai and New Delhi in 2016, COMBAR had put together an impressive programme for the Inaugural Combar India Roundtable Conference in New Delhi which picked up on developments in cross-border litigation, international arbitration and the future of dispute resolution in bilateral investment treaties. With 24 attending from the UK and over 50 of the biggest names in dispute resolution from across India, the attendee list was impressive. A Friday evening drinks reception and superb buffet supper at The Lodhi hotel gave attendees the perfect opportunity to get to know each other. Saturday at the ITC Maurya Hotel saw a full programme of three panel discussions, respectively chaired by Sir Bernard

¹ ‘Opening of Indian Legal Market Report presented by INBA’, Manoj Hamburabi, S Ramaswamy, Kaviraj Singh, Indian National Bar Association, 5 Sep 2016, p. 75.

² ‘INDIA MATTERS: How stronger educational and cultural ties can help to unlock the full potential of the UK–India relationship’, British Council, 2015, https://www.britishcouncil.org/sites/default/files/india_matters.pdf, p. 11.

³ ‘India meets Britain: Tracking the UK’s top Indian companies’, Grant Thornton India Tracker 2016, <https://www.grantthornton.co.uk/globalassets/1.-member-firms/united-kingdom/pdf/publication/2016/india-meets-britain-2016-report.pdf>, p. 6.

Rix, Charles Béar QC and Hon. Dr Justice Chandrachud, a judge of the Supreme Court of India. It was a great privilege to be able to compare the different perspectives offered by the various experts in their fields from the Indian and English bar and, indeed, to be able to raise issues directly with them in the various break-out sessions. In addition to developing my understanding of trans-border issues relevant to the English and Indian jurisdictions, it was fascinating to be given an insight into the increasing importance of disputes arising out of bilateral investment treaties. Discussion continued late into the evening over dhal and other delicacies from the ITC Maurya's world-famous Bukhara restaurant.

In the course of the conference, I gained a greater understanding of how the Indian legal market operates and the opportunities that there are for the English commercial bar and was able to develop further my network of Indian contacts, building on those I made while acting for Aberdeen, some of whom were in attendance. Since my return, I have been able to continue to expand my knowledge of the Indian jurisdiction further, attending a Knowledge Sharing session on "Decoding the Indian Insolvency & Bankruptcy Code – Practice, Regulatory and Adjudicatory Trends" run by the Indian firm, Link Legal, at The Law Society.

While this was my first experience of an international COMBAR conference, the format and size of the event was particularly conducive to meeting and getting to know as many people as possible. For more junior attendees such as myself it was a privilege to be able to get to know more senior members of the profession from both this and the Indian jurisdiction in such informal surroundings – an attractive attribute for a networking event. The social events were perfectly pitched to allow delegates to have an opportunity to talk to a wide variety of people.

I am hugely grateful to the Bar Council and the Chancery Bar Association for their support in awarding me an International Legal and Professional Development Grant and giving me the opportunity to see for myself the international opportunities that are out there for the English bar. I cannot recommend attendance at an international conference highly enough. I am already plotting my return to India.

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