

# Kavita Sharma LL.M. '89

By Milton Kiang

## A degree in law isn't always for a career in law

Kavita Sharma's inspiration for entering law school came after she was unjustly fired from her English teaching job at Hindu College at the University of Delhi.

"I was quite shattered," explained Sharma. "Then a lawyer friend of my father's insisted that I should come out of my gloom and fight for my rights. With much trepidation, I filed a case against the College in the High Court of Delhi."

"He gave me a lot of courage and said that I myself should study law. In fact, he made it a pre-condition that he would fight my case at no cost only if I did law and then join the legal profession."

His encouragement resulted in not just one, but two law degrees – an LL.B. from Delhi University and an LL.M. from UBC.

Although Sharma never ended up practicing law, her education helped her further her teaching career. In January 1998, she became the principal of Hindu College, ten years after she had won her case against it in 1989.

"I was the first woman to not only head Hindu College in its hundred years of history, but also the first woman to head a co-educational college at Delhi University. This had its own challenges and it's my training in law that helped me to overcome and succeed."

Today, Sharma heads the International India Centre, a New Delhi institution that fosters international dialogue on economic, political and social issues. In this interview, Sharma compares the Indian and Canadian legal systems, and why, in this age of globalization, lawyers will need to work across borders.

### What are the major differences in the way law is practiced in Canada and India?

The practice of law seems very different in Canada and India although both belong to the Commonwealth and follow the common law (except in Quebec). However, it seems to me that Canada has both diversified its justice delivery system and also simplified rules and procedures to make it faster.

In India, many of the laws are antiquated and procedures are so convoluted and multi-tiered that the delivery of justice is very slow. It has bred opaqueness and lack of probity in the system. It has also resulted in a huge back log of cases and for the majority of the people, it is literally true that justice is delayed and therefore denied.

### Do you come across any Canadian lawyers in India?

There are hardly any Canadian lawyers working in India because no foreign lawyers are allowed to practice in India. This includes prohibition on the opening of law firms.



### Why aren't foreign law firms allowed to open in India?

The ostensible reason for such a policy is that allowing foreign lawyers to practice in India would dilute the administration of justice but perhaps there are more fundamental issues like reciprocity in recognition of degrees, eligibility to practice and others. Of course, it is also the guarding of the turf. There are however, informal arrangements both between law firms and individual lawyers in both countries. These are bound to increase as Canada and India invest in each other's countries.

I think that gradually there will be no option but to allow lawyers to practice in the broad sense of the term in different parts of the world or at least to enter into formal collaborative arrangements. We live in a globalized world which has shrunk because of rapid transport and communication. The information technology revolution has shrunk the world even further with instant communication. There is also much greater mobility of people which has created challenges pertaining to citizenship, family law, commercial law, taxation and others.

Besides there are international issues like climate change, sustainable development, transfer of technology, copyrights, trademarks and patents, to name just a few. Hence, I see that at least in such areas, there will be a need to break boundaries.

### How has your UBC LL.M. degree benefited your career?

The LL.M. degree has helped me a lot in not only my administrative work but in developing a conceptual understanding of the fundamental issues underlying surface manifestations. I realized that what appear as difficulties have deeper roots and unless the root problems are resolved, issues will continue to arise. It made me endeavor in my work to constantly improve systems and structures so that they remain both flexible but orderly, and equitable. ●

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