Regulation of Foreign Lawyers and Foreign Law Firms in India

***Prelims**: Indian Polity and Governance | Current events of national importance*

Why in News?

Recently, the Bar Council of India (BCI) has released new rules to govern the entry of foreign lawyers and law firms in India.

- **Amended rules** - Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022.
- **Coverage**
  - It prescribes the areas these firms are allowed to practice in
  - Registration requirements and the fees they have to pay
  - Disciplinary action they may be subject to for non-compliance
- **Registration fees** – It may be *revised periodically by the BCI* and may be adjusted to reflect the costs imposed on Indian lawyers or firms practicing in the foreign jurisdiction.
- **Working jurisdiction** – Foreign lawyers and firms can practice law in India ***in non-litigious matters only***.
- They are strictly ***prohibited from appearing before Indian courts***, *tribunals* or other statutory or regulatory authorities unless explicitly permitted by the BCI.

Permitted Areas of Practice
• Engaging in *corporate legal matters.* • Representing clients in both *institutional and ad hoc international arbitration cases* conducted in India. • Providing legal advice and opinions concerning the laws of their country of primary qualification, international law, and the foreign laws of other jurisdictions. • Providing legal expertise and advice, and appearing as a lawyer for entities having a principal office or address in the foreign country of their primary qualification or any other foreign country
Barred Areas
• Conveyancing of property, title investigation, or similar work. • *Drafting, preparing, or filing documents* for proceedings before Indian courts, tribunals, or other authorities.

- They *can open offices in India* subject to informing the BCI of the particulars of such offices.
- They may *engage Indian advocates* registered as foreign lawyers and/or Indian-Foreign law firms and who were enrolled under the Advocates Act for advice on Indian law.
- *Indian lawyers or firms may enter into partnerships* with foreign lawyers or law firms

only if they are registered under these Rules.
- Indian lawyers may work as employees, consultants, or advisors in law firms abroad without requiring registration under these Rules.
- **Disciplinary action** - Foreign lawyers and firms "shall normally be subject to the same ethical and practice standards laid down ***under the Advocates Act, 1961***".

Quick Facts

Bar Council of India

• It is a *statutory body* under Advocates Act, 1961 to regulate and represent the Indian Bar.
• **Composition** – It consists of Members elected from each state bar council, Attorney General of India (ex-officio member) and Solicitor General of India (ex-officio members)
• It *elects its own chairman and vice-chairman* for a period of 2 years from among its members.
• **Functions** – It *prescribes standards* of professional conduct and exercises disciplinary jurisdiction over the bar and sets standards for legal education and grants *recognition to law universities*.
• It protects the *rights, privileges of advocates* and also provides financial assistance to organise welfare schemes.

Reference

Bar and Bench| New Rules for Regulating Foreign Law Firms & Lawyers

