

Regulation of Foreign Lawyers and Foreign Law Firms in India

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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](#)

