

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](#)

