



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

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"True Facts about BCI's Rules regarding Entry, Rules and Regulations of Foreign Lawyers and Law firms in India"

There are some misgivings in circulation about the recently published Gazette notification by BCI regarding entry of Foreign lawyers and law firms in India. BCI, therefore deems it appropriate to clarify the issue and place the following facts for the information of all Advocates and general public, so that there is no scope of any misapprehension or misinformation.

1. Foreign lawyers and Law Firms shall be allowed to advise their clients about Foreign laws and International laws only.
2. They would render advisory work about such laws for their foreign clients only.
3. Foreign lawyers and law firms shall be allowed to function in non litigation areas only.
4. Foreign lawyers and law firms shall not be allowed to appear in any Court, Tribunal, Board, before any Statutory or Regulatory Authority or any forum legally entitled to take evidence on oath and/or having trappings of a court.
5. Entry of foreign lawyers would be on reciprocal basis only i.e. lawyers of only those countries would be permitted in India, where Indian lawyers are also permitted to practice.
6. Foreign lawyers would be allowed to appear for their clients in International Commercial Arbitration.

Experience and facts show that MNCs and foreign commercial entities, in case of International Commercial Arbitration, don't

prefer India as a venue of Arbitration Proceedings, because they are not allowed to bring lawyers and law firms from their own countries to advise them in International Commercial Arbitration Proceedings, thus, making them to prefer London, Singapore, Paris etc. as the venue for Arbitration Proceedings. BCI's rules will, now, encourage India being preferred as a venue for such International Arbitration Proceedings, thus, helping India become a hub of International Commercial Arbitration.

7. The SC on 13th March 2018 in BCI vs A K Balaji & Ors had desired the BCI or Govt Of India to frame rules about entry and regulation of Foreign Lawyers and Foreign Law Firms.
8. The directions of Supreme Court were to be followed. BCI, therefore, stepped in to bring out these rules allowing foreign lawyers entry in a very restricted sphere which is not going to impact at all Advocates practicing in India.

BCI stands committed to protect and safeguard interest and welfare of Advocates in the Country and requests the entire Advocate's fraternity to welcome these rules in National Interest.

9. It is to be noted that this rule should not be misconstrued to allow any non lawyer or any BPO/ etc. any agent, to come to India and start practising in any sphere, and/or under any trading style, if in pith and substance, it amounts to practise of law as held in A.K.Balaji & Ors. Moreover reciprocity is the very essence of the Rule, which may be kept in mind.


(Srimanto Sen)

Secretary
Bar Council of India