

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

STARRED QUESTION NO:422
ANSWERED ON:19.12.2002
ENTRY OF FOREIGN LAWYERS
VILAS BABURAO MUTTEMWAR

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government propose to amend the Bar Council rules to allow the entry of foreign lawyers;
- (b) if so, the details in this regard;
- (c) whether the Law Commission of India has urged the Government not to make drastic changes in the Bar Council rules;
- (d) whether advice of the Law Commission has been taken into consideration while finalising the proposed amendment to the Bar Council rules; and
- (e) if not, the reasons therefor?

Answer

MINISTER OF STATE FOR COAL, MINES, LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD)

(a) & (b): The Bar Council of India has been empowered under the Advocates Act, 1961 to frame rules for discharging its functions under the Act, which can be amended by the said Council only. The Bar Council of India has informed that it has not made any rules regarding the entry of foreign lawyers in the country and the Council has been strongly opposing the entry of foreign lawyers. Nevertheless, under the existing provisions of the Advocates Act, 1961, a foreign national is entitled to be enrolled as an advocate in India only if citizens of India are permitted to practise law in his country and that if any citizen of India is prevented from practising the profession of law in any country or is subjected to unfair discrimination in that country, no subject of such a country is entitled to practise the profession of law in India. Thus, foreign nationals are permitted to practise law in India on reciprocal basis only. However, the Act does not provide for practice of the profession of law in India by any foreign national who is not enrolled as an advocate under the Act.

(c) to (e): The Law Commission of India has undertaken study of the Advocates Act, 1961 and has circulated a Working Paper on its review to various institutions, including the Bar Council of India, for comments. The Law Commission has yet not finalised its report.