

**GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE  
DEPARTMENT OF LEGAL AFFAIRS**

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**LOK SABHA  
UNSTARRED QUESTION NO-6019  
TO BE ANSWERED ON 04.04.2018**

**Foreign Law Firms**

**6019. SHRI KUNWAR HARIBANSH SINGH:**

**SHRI S.R. VIJAYAKUMAR:**

**SHRI NARANBHAI KACHHADIYA:**

**SHRI T. RADHAKRISHNAN:**

**SHRI A. ANWHAR RAAJHAA:**

**SHRI GAJANAN KIRTIKAR:**

**SHRI BIDYUT BARAN MAHATO:**

**SHRI SUDHEER GUPTA:**

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

- (a) whether the Government proposes to allow the foreign legal firms to practice in the country.
- (b) if so, the details thereof along with the reasons for the same and the process laid down for the said entry;
- (c) whether the Advocates Act prevent non-citizen/firms from carrying out legal business in the country;
- (d) if so, the details of proposal being prepared by the Government to integrate foreign legal firms and profession of advocates;
- (e) whether new rules/amendments in the Advocate Act are likely to enable Indian Legal firms to set up offices in the other countries and get the services of able foreign partners and if so, the details thereof; and
- (f) whether the Bar Council of India has lodged protest to revoke ban on foreign firms and if so, the details thereof along with the response of the Government thereto?

**ANSWER**

**MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION  
TECHNOLOGY  
(SHRI RAVI SHANKAR PRASAD)**

(a) & (b) The matter regarding entry of foreign law firms is under consideration of Government. The 266<sup>th</sup> Report of Law Commission and the Supreme Court Judgment dated 13.03.2018 in the case of Bar Council of India Vs A.K. Balaji and Ors , which deals with the issue, are also under consideration of Government.

(c) ,(d) & (f) Hon,ble Supreme Court of India in its judgment dated 13.03.2018 in Civil Appeal Nos.7875-7879 of 2015 titled Bar Council of India Vs A.K. Balaji and Ors. held that foreign law firms cannot set up offices in India or practice in Indian Courts, but there is no bar for the foreign law firms or foreign lawyers to visit India for a temporary period for giving legal advice regarding foreign law on diverse international legal issues on a ‘fly in and fly out’ basis if it does not amount to practice. It was further held that if the matter is governed by particular rules of an arbitral institution or if the matter otherwise falls under section 32 or 33 of Arbitration and Conciliation act, 1996 there is no bar on foreign lawyers to conduct such proceedings in India. Law Commission of India submitted its 266<sup>th</sup> report titled “The Advocate Act,1961 (Regulation of Legal Profession)”, which is under consideration of Government of India, along with the aforesaid order of Hon,ble Supreme Court.

(e) Yes, Bar Council of India protested the entry of foreign law firms before Hon’ble Supreme Court in SLP titled Bar Council of India Vs A.K. Balaji and Ors. The 266<sup>th</sup> Report of Law Commission and the aforesaid Supreme Court Judgment dated 13.03.2018, which deals with the matter, are under consideration of Government of India.