



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

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The Bar Council of India has taken note of the public statements and internal developments within the Society of Indian Law Firms (SILF), regarding the BCI's 2025 amended Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India.

Main reasons of SILF's objections to the regulations-

In BCI's considered opinion, SILF does not represent the broad spectrum of Indian law firms. It functions primarily as a closed group dominated by a few large, well-established firms. Its stance and actions do not reflect the concerns or aspirations of more than 90% of India's smaller or emerging law firms.

In fact, the consistent feedback BCI has received indicates that SILF has historically acted to preserve its members commercial interests at the expense of young, deserving Indian lawyers and new legal practices striving to grow in an increasingly competitive and global legal arena. SILF seemingly does not want the young talents and budding Law Firms of India to flourish and grow. In contrast, the BCI's Regulations aim to protect the interest of such smaller, deserving, capable, talented and ambitious Law Firms and Lawyers of India. They should also get an opportunity to gain global exposure, establish their presence internationally, and demonstrate their capabilities on the world stage.

It is a matter of record that many of the firms comprising SILF have maintained close, long-standing professional affiliations with major foreign law firms. These affiliations have enabled a parallel legal services economy, wherein foreign legal work is funnelled through select Indian firms. This has systematically denied fair opportunities to the vast majority of Indian legal practitioners.

It is to be noted that for over two decades, SILF has consistently opposed any progress toward reciprocity or structured engagement with foreign firms, thereby stalling the growth and global presence of Indian law firms in international jurisdictions. This obstructionist stance, in BCI's view, has had a regressive effect on the Indian legal profession's international standing.

The BCI's decision to notify the amended Regulations in May, 2025 was based on extensive consultations and overwhelmingly positive feedback from Indian law firms across the country. Contrary to the misleading claims being circulated, these Rules do not allow foreign lawyers to practice Indian law, litigate in Indian courts, or appear before any Indian tribunal or statutory authority. They restrict foreign law firms and lawyers strictly to advisory roles in non-litigious matters involving foreign law, international law, or international commercial arbitration, all subject to regulatory oversight and a No Objection Certificate (NOC) from the Government of India.

Unfortunately, SILF has not engaged in any open or transparent discourse regarding the actual implications of these Rules. It has instead relied on vague assertions. SILF is very well aware that Section 24 of the Advocates Act clearly provides that foreign nationals may be enrolled in India on a reciprocal basis, subject to conditions.

The judgment in *Bar Council of India v. A.K. Balaji* (affirmed by the Hon'ble Supreme Court) makes this distinction very clear. Foreign lawyers may not appear in court or engage in Indian legal matters, but are not barred from engaging in advisory work, consultancy, and international arbitration related to foreign law. The Rules amended in 2025 Rules have been carefully framed in line with this legal position, and any contrary reading is not just erroneous, it is misleading.

BCI's Committee-

It is worth highlighting that the BCI has already constituted a high-level committee chaired by Mr. Cyril Shroff and comprising senior partners from leading law firms, including Mr. Ajay Bahl, Mr. Suhail Nathani, Mr. Sandip Bhagat, Mr. Mahesh Agarwal, and Mr. Amit Kapur. These members have been tasked with reviewing the rules and incorporating feedback from stakeholders. All interested individuals and organizations, including SILF, are welcome to make suggestions either to the Committee or directly to BCI. The BCI is committed to considering all bona fide concerns in the spirit of constructive legal reform.

SILF, it must be reiterated, is a voluntary body that, despite its name, does not represent the majority of Indian law firms. In fact, it is estimated that over 90 to 95% of Indian law firms, particularly small and medium-sized practices, are outside the fold of SILF.

Conference of Indian Law Firms in September 2025 at Mumbai-

In view of the past conduct of SILF, where discussions have repeatedly been reduced to obstructions, BCI has chosen to broaden its consultation process. It has resolved to individually engage with law firms nationwide and proposes to convene a national-level conference of Indian law firms in Mumbai this September, 2025 where all viewpoints, especially those of smaller and emerging firms, will be heard.

Monopoly of Few Big Firms-

It is widely acknowledged that a small group of Firms have monopolized corporate, transactional, and arbitration work in India through a combination of scale, proximity to decision-makers, and indirect arrangements with foreign clients. This has stifled the growth of smaller law firms and talented young lawyers. The BCI, through these Regulations, seeks to democratize access to cross-border legal work and dismantle the structural monopolies that have long existed within the Indian legal services sector.

Further, it is important to bring to public attention that SILF has not held the elections for its office bearers in decades and continues to operate as an exclusive association. It cannot claim representative status for the thousands of law firms operating across India. BCI is in the process of preparing a centralized registry of all law firms and lawyers practicing within them, with the aim of establishing a democratically-elected pan-India organization of Indian law firms. This organization will ensure that voices from every region and practice level are included in the policy dialogues.

In addition to the above, the Bar Council of India considers it essential to highlight certain crucial aspects that have either been misrepresented or conveniently ignored by SILF in its recent correspondence and public statements.

SILF has also attempted to mischaracterize the Regulations by claiming that Indian legal practice is being compromised. In fact, the Regulations explicitly protect Indian legal sovereignty. This conduct is not only unbecoming of members of the legal fraternity but also undermines the institutional integrity of a statutory regulatory authority under the Advocates Act, 1961.

SILF has not, to date, explained with any clarity how the implementation of the amended 2025 Regulations will result in harm to Indian lawyers or law firms.

One of the core fears that appears to motivate SILF's opposition, though rarely stated openly, is the apprehension that foreign law firms, once registered under the regulatory framework, may choose to work directly with smaller and mid-sized Indian law firms or talented young lawyers rather than continuing to route their work exclusively through the handful of large, entrenched Indian firms that dominate SILF.

Moreover, it is paradoxical that many of these very SILF member firms have already established offices abroad or entered into informal tie-ups with foreign law firms, gaining significant cross-border legal work and commercial advantage for themselves, while resisting efforts that would allow others similar opportunities.

The Bar Council of India reiterates that its Regulations are designed to dismantle decades long monopolies, reduce gatekeeping by elite firms, and democratize access to international opportunities.

Salient Feature of Regulations-Younger and smaller law firms stand to benefit meaningfully from these measures.

The amended 2025 Regulations explicitly safeguard Indian legal sovereignty, placing stringent and well-defined limits on the scope of permissible activities by foreign lawyers and law firms.

Foreign lawyers and law firms are strictly prohibited from practicing Indian law in any form. This includes representing clients in Indian courts, tribunals, or statutory authorities. Rule 8(2)(b) expressly bars foreign lawyers and law firms from appearing before courts, tribunals, or any other statutory or regulatory authorities in India. There are no exceptions to this rule.

However, foreign lawyers and law firms may seek personal legal advice solely for their own internal requirements, such as matters concerning office establishment, local lease agreements, employment contracts, and related Indian regulatory compliance, as clarified under Rule 9(iii), which is to be read in conjunction heading of Rule 9 and with Rule 8.

Foreign lawyers and foreign law firms must secure a No Objection Certificate (NOC) from the Government of India before commencing any permitted activity, as laid out in Rule 4(a).

The scope of permitted practice under the amended 2025 Regulations is strictly confined to non-litigious, advisory work relating to the laws of the foreign lawyer's home jurisdiction, laws of other foreign jurisdictions, and international legal matters, including public and private international law and international legal instruments.

Rule 8(2)(c) prohibits foreign lawyers and law firms from indulging in conveyancing of property, title investigation or similar work and also drafting, preparing or filing the documents before any Indian court, tribunal or any other such authority which is empowered to record evidence on oath.

Rule 8(2)(e) authorizes foreign lawyers and law firms to participate in, represent, and advise clients in international commercial arbitration and other forms of ADR conducted in India, where the dispute involves foreign or international law or where at least one party is based outside India.

The BCI affirms that these Rules were formulated after thorough legal vetting and with due regard to international best practices, India's commercial and diplomatic interests, and the evolving needs of a globally integrated legal profession. The regulatory mechanism ensures transparency, accountability, and compliance with Indian laws without jeopardizing the interests of Indian advocates.

BCI's Committee to invite opinion of all stake holders-

Finally, the BCI welcomes constructive dialogue but will not be misled by fear-mongering, misinformation, or attempts to protect the commercial interests of a few at the cost of many. The amended Regulations are not just legally sound, they are forward-looking, inclusive, and designed to elevate the Indian legal profession on the world stage.

The sub committee constituted by the Bar Council of India has invited comments on the points of reference outlined in its recent resolution. All interested parties who wish to make submissions are requested to do so within a period of 15 days by writing to bci.foreignlawfirm@gmail.com. The BCI resolution dated 12.06.2025, along with the relevant points of reference, is available on the official BCI website.

As per the Regulations any individual, law firm, or entity, whether foreign or India which directly or indirectly circumvents, violates, or seeks to subvert the provisions of the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022 (as amended in 2025), shall be subject to strict regulatory action. Such action may include suspension or cancellation of registration, imposition of monetary penalties, forfeiture of the security deposit, debarment from future registration for a specified period, and where applicable, initiation of disciplinary or criminal proceedings under relevant Indian laws. The Bar Council of India shall exercise its authority firmly to uphold the integrity, fairness, and transparency of legal practice in India.

At the same time the Bar Council of India remains steadfast in its resolve to uphold the dignity, growth, and international recognition of the Indian legal community. It is also duty bound to protect the rights, privileges, and interests of advocates, including law firms, under the framework of the Advocates Act, 1961. Law firms and legal professionals should have no apprehension regarding the validity, scope, or intent of these Regulations.

The Committee constituted by the BCI has been established solely to promote inclusive consultation and to incorporate wider professional feedback, it is not the result of any legal uncertainty or reconsideration. The BCI's resolution is unequivocal, the Regulations are validly in force, have not been stayed by any court, and are not under abeyance. They represent a deliberate and lawful step toward opening new, regulated opportunities for Indian lawyers in a globalized legal environment. BCI remains committed to ensure that every Indian lawyer and law firm is empowered, heard, and protected through this process.


(Srimanto Sen)
Principal Secretary
Bar Council of India