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Law Council welcomes amendments to India's Rules for Foreign Lawyers and Law Firms

All comments to be attributed to Law Council of Australia President, Ms Juliana Warner

The Law Council of Australia welcomes recent amendments to the Bar Council of India's Rules for registration and regulation of foreign lawyers and law firms, which aim to clarify the framework under which foreign lawyers and law firms can practise foreign and international law, represent clients in arbitration proceedings, and engage in other non-litigious activities relating to foreign and international law in India on a reciprocal basis.

Australian lawyers who register under these rules will be able to engage in corporate legal matters in India such as joint ventures, mergers and acquisitions, intellectual property matters, drafting of contracts, and other related transactional work. They will be able to represent clients in arbitration cases and provide legal advice on Australian law and the law of other jurisdictions in which they are qualified.

The amended rules replace regulations initially gazetted in March 2023 and contain significant new provisions clarifying the scope of practice for foreign lawyers including those enabling foreign lawyers to provide legal advice to clients in India on a fly-in fly out basis for up to 60 days in aggregate within any 12-month period without registration, and new provisions enabling foreign lawyers to refer matters to Indian advocates.

The Law Council has long advocated for a more open and reciprocal legal services market in India on the basis that there are mutual benefits for both foreign lawyers and the domestic legal profession in both jurisdictions, and that the availability of integrated transnational legal services plays an essential role in facilitating trade and investment, economic growth and business confidence.

The Law Council looks forward to engaging constructively with the Bar Council of India on the recent amendments to the Rules, particularly with respect to registration requirements and costs for Australian lawyers.

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