

**Sanjeev Nasiar**

ADVOCATE

VICE-CHAIRMAN

**Bar Council of Delhi**

& Chairman, Special Committee  
to consider BCI Rules for Registration  
and Regulation of Foreign Lawyers &  
Foreign Law Firms in India, 2022



Mob. : 9899047270

Phone : +91-11-41752340, 45603795

+91-11-45603739, 43559586

E-mail : sanjeevnasiar@gmail.com

barcouncilofdelhi@rediffmail.com

Web. : www.delhibarcouncil.com

दिल्ली विधिज्ञ परिषद्

**BAR COUNCIL OF DELHI**

(Statutory Body Constituted under the Advocates Act, 1961)

2/6, Siri Fort Institutional Area, Khel Gaon Marg, New Delhi-110 049

Ref. No. : .....

Dated : 06.06.2023

**The Chairman,  
Bar Council of Delhi  
New Delhi.**

### INTERIM REPORT

Bar Council of Delhi was pleased to appoint a Special Committee under the Chairmanship of the undersigned vide its resolution dated 20.03.2023 (to consider Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022).

The Special Committee comprised of various Members of BCD, President and Secretary of Delhi High Court Bar Association and other Bar Associations of Delhi and Chairman and Secretary of the Coordination Committee.

The Committee held its first meeting on 27.03.2023 at NSCI, New Delhi, where although the general consensus was against the Rules framed by Bar Council of India permitting entry of Foreign Lawyers and Foreign Law Firms in India, however, after preliminary discussions having been held on seriousness of consequences of Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022, it was considered appropriate that the leaders of the Bar will examine the implications of the Bill.

In its second meeting held on 05.04.2023 at 2<sup>nd</sup> Floor, Delhi High Court premises, New Delhi, which was presided over by Mr. Mohit Mathur, President, Delhi High Court Bar Association, Mr. Sandeep Sharma, Secretary, and Mr. Naresh C. Sharma, Chairman and Mr. Raman Sharma, Hony. Secretary, Coordination Committee, Mr. Nitin Ahlawat, President, Delhi Bar Association, Mr. Jagdeep Vats, President, and Mr. O.N. Sharma, Secretary, New Delhi Bar Association, Mr. I.S. Saroha, President, Rohini

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Court Bar Association, Mr. Anil Gautam, Armed Forces Tribunal Bar Association, Mr. Vipin Chaudhary, Secretary, Saket Court Bar Association, Mr. Rajesh Mandal and others, along with other office bearers of Bar Associations who were also present along with others, it was unanimously felt by all the leaders that the notification of Bar Council of India permitting Foreign Lawyers and Foreign Law Firms to practice in India, has very serious repercussions and it was specifically pointed out that the notification is much beyond even the judgment of Hon'ble Supreme Court in the case of "Bar Council of India Versus A.K Balaji & Others".

Again, in the third meeting held on 11.05.2023 at 2<sup>nd</sup> Floor, Delhi High Court premises, New Delhi, it was unanimously felt that the notification of Bar Council of India dated 10.03.2023, regarding the rules framed by Bar Council of India has far reaching effect on the legal profession in India and has been issued without taking the legal fraternity across the country into confidence.

During deliberations, it was highlighted that under these rules, the Bar Council of India has permitted Foreign Lawyers and Foreign Law Firms to open offices in any part of the country and they will be deemed to be Advocates within the definition of Sections 29, 30 and 33 of the Advocates Act, 1961.

It was also highlighted that the Foreign Lawyers and Foreign Law Firms and Solicitor Firms will be governed by the laws applicable in their country and they are free to solicit, advertise and share commissions etc., which is not permissible under the Rules framed by Bar Council of India for lawyers practicing in India. This would also mean that the legal profession in India, which is considered to be a "Noble profession", would come within the definition of "Commercial Activity".

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It was also observed that there is no level playing field nor there is any categorical provision for reciprocity under these rules, as the Indian lawyers need to register with solicitor firms, and are required to pass Solicitors Qualification Examination (SQE). It was strenuously discussed that as per the Apex Court Judgment in A.K. Balaji case, Foreign Lawyers and Foreign Law Firms were neither entitled to open office nor be Advocates or practice on either side, whether it is "litigious or non-litigious".

It was also felt that the Advocates in India are going to be subject to jurisdiction of consumer forum and will have to face the cases to be lodged by their clients, before the Consumer Redressal Forum.

It was also strongly felt that the notification of Bar Council of India would not only undermine the legal profession but would completely destroy the existing framework of legal profession and the Advocates and fraternity would suffer substantially.

The rules framed by Bar Council of India were considered detrimental to the interest of each and every Indian Advocate.

It was also considered that the "Bar Council of India Rules" will substantially damage the legal profession in India and jeopardize the interest of all the Indian Advocates and the Justice Delivery System.

It was also resolved that all the Bar Associations will hold meetings of the lawyers in their respective Bar Associations to apprise their members of the consequences of the notification of Bar Council of India and **in the meantime, the Bar Council of India should stay the rules framed vide notification dated 10.03.2023.**

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In terms of the third meeting of Special Committee held on 11.05.2023, the New Delhi Bar Association, Patiala House Court organized a larger meeting of their members, which was attended by very huge gathering. The members further discussed the effect and consequences of Bar Council of India notification at length and all the members expressed their anguish at the manner in which the notification has been issued and its consequences, so much so, there was an overwhelming opposition to the Bar Council of India Rules.

Since the summer vacations have started and the registration has already been commenced by Bar Council of India, keeping in view the decisions already taken by the Special Committee, more particularly for stay of its notification by the Bar Council of India, in the given facts and circumstances, the interim report is submitted to immediately apprise the Bar Council of India and all concerned.

With regards,

(Sanjeev Nasiar)

Vice Chairman, Bar Council of Delhi  
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c.c. to:- All Special Committee Members

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B.O. : 1-F, Lawyers' Chambers, High Court of Delhi, New Delhi-110 003 Ph.: 23387701



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