



भारतीय विधिज्ञ परिषद्

BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

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Press Release Dated 21.10.2025

In view of the statement made on behalf of the Bar Council of India before the Hon'ble High Court of Delhi, on 21.08.2025, in W.P. (C) No.12656/2025, titled Atul Sharma Vs. Bar Council of India & another, the Press Release dated 05th August 2025 stands withdrawn and is hereby substituted by the following Press Release to bring to the attention of all legal practitioners, law firms both Indian and foreign, clients, and members of the public, the instances of unauthorized, unregistered, and impermissible collaborations or combinations between Indian law firms/ Advocates and foreign law firms/ Advocates.

The Bar Council of India has noted with grave concern that certain foreign law firms/ Advocates/entities, in association with Indian law firms/ Advocates, are presenting themselves as unified or integrated global legal service platforms. These combinations are often structured through Swiss Vereins, strategic alliances, exclusive referral models, or joint branding initiatives, and are publicly promoted under combined identities. This portrays to clients and the public at large a de facto integrated legal practice across jurisdictions, including within India.

The Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2023 (as amended in 2025) lay down the prerequisites, procedural formalities, and substantive requirements for any Indian-foreign law firm collaboration. The Rules require registration, disclosure, governance, and ethical compliance. Entities functioning as Indian-foreign law firms as defined under Rule 2 are required to be registered before they commence any activity that could be interpreted as the practice of law. Any arrangement that creates a joint platform, uses a unified brand, involves co-branding of legal services, or results in shared client servicing in violation and in non-consonance with the Rules, and/or without registration for permissible practice, shall be deemed to be in contravention of the Rules.

The Hon'ble Supreme Court of India in Bar Council of India v. A. K. Balaji & Ors., (2018) 5 SCC 379, reaffirmed that foreign law firms cannot do indirectly what they cannot do directly. The Court explained that the expression "practice of law" extends far beyond courtroom advocacy. It includes giving legal advice, drafting contracts, participating in negotiations, preparing documents, and all connected services. The Court held that in determining what amounts to practice of law, the principle of pith and substance applies. The true nature of the activity is decisive, not its form or terminology. Whether the structure is a Swiss Verein, an exclusive referral model, a consultancy, or a network, if in substance the activity amounts to legal practice in India or from India, it falls within the scope of the Advocates Act, 1961 and the regulatory jurisdiction of the Bar Council of India.

A foreign law firm or group of firms may only practice foreign law and international law in non-litigious matters in India after registration under the Bar Council of India Rules. It cannot practice Indian law in any form in India, directly or indirectly. It cannot under its head or brand practice Indian law in any form even though the work is executed by an Indian firm acting under that name. It cannot appear in courts or tribunals, nor can it draft or advise on Indian law transactions.

In terms of the Gazette Notification dated 13 May 2025 and the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022 (as amended in 2025), it is expressly clarified that foreign lawyers and foreign law firms are prohibited from appearing before any court, tribunal, or other statutory or quasi-judicial authority in India, or before any authority legally competent to take evidence on oath. This prohibition flows from the definition of "practice of law" under the Advocates Act, 1961, and the judgments of the Hon'ble Supreme Court including Bar Council of India v. A.K. Balaji & Ors., (2018) 5 SCC 379.

For abundant clarity, arbitral tribunals, though not bound to apply the Indian Evidence Act, 1872, are nevertheless authorities legally competent, where they so choose, to take evidence on oath under Section 19(3) of the Arbitration and Conciliation Act, 1996. Accordingly, when an arbitral tribunal seated in India elects to receive or record evidence on oath, the prohibition under the Gazette Notification and the Bar Council Rules naturally extends to such proceedings. This position has also been reaffirmed through the Bar Council's clarifications to parties wherein it was emphasized that cross-examination and arguments on Indian law issues constitute advocacy and are reserved exclusively for advocates enrolled under the Advocates Act, 1961.

For further clarity, if an arbitration involves a discrete and identifiable issue of foreign or international law, a foreign lawyer may address or cross-examine strictly on that limited foreign-law issue provided that the arbitral tribunal does not record that portion as evidence on oath within the meaning of Section 19(3) of the Arbitration and Conciliation Act, 1996, and such participation does not extend to any Indian law issue. Once evidence is received or recorded on oath, or where Indian law governs the substance of the issue, any participation by a foreign lawyer amounts to the practice of Indian law and is prohibited.

The permitted sphere of practice for foreign lawyers remains strictly limited to non-litigious advisory work relating to foreign law and international law, and only in the manner and within the duration permitted under Rule 8(5) (Fly-In Fly-Out) or after due registration under the Bar Council of India's regulatory framework. Foreign lawyers may advise or appear in international arbitration seated in India only to the extent the dispute involves questions of foreign or international law. Where the governing law is Indian law, or where evidence is recorded on oath, they may not appear or participate in advocacy functions.

The prohibition applies equally whether the foreign law firm acts directly or whether an Indian firm operates under its head, brand, or group identity. If an Indian firm holds itself out to the public as part of a foreign law firm or group, then in substance it amounts to practice of Indian law by that foreign firm or group, which is impermissible under the Rules.

The Supreme Court also held that the Advocates Act applies not only to individual advocates but equally to companies, firms, associations, or juridical persons. If prohibition applies to an individual foreign lawyer, it applies equally to a foreign law firm, to a network styled as an association, and to any group of lawyers acting collectively. Institutional entities and natural persons who control, manage, or facilitate such arrangements are all bound by the Act and the Rules. Partners, etc. who are in pith and substance involved in practice of law, may, therefore, be held jointly and severally liable for violations.

Advocates discharge public functions and are subject to the highest standards of conduct. The Courts have held that the Advocates Act and the rules framed under Section 49 regulate not only the rights of appearance in courts but also the discipline and organisation of the profession. The observations underline that lawyers must maintain professional discipline and avoid any arrangement or publicity that undermines fairness, transparency, or the integrity of representative institutions of the Bar. These principles extend equally to firms and collectives. Any collaboration or publicity that confers unfair advantage or circumvents the regulatory framework offends these standards.

From information available in the public domain, certain law firms and advocates are *prima facie* found violating the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2023 (as amended in 2025). Appropriate proceedings or actions under the Rules are being undertaken against such entities.

The Council has issued separate show-cause notices to concerned entities and individuals involved in these arrangements. The notices direct them to submit comprehensive written explanations, full documentation of the arrangements, and declarations as to structure, operations, governance, and regulatory disclosures. Failure to comply may result in proceedings under the Advocates Act, 1961 and the Rules, including proceedings for professional misconduct and other statutory consequences. The Council is also in the process of issuing show cause notices to other entities which appear similarly placed. These matters are under consideration. No final view has been taken. Any continuation of professional or public activity under combined names or any similar structure without registration and approval from BCI will be inquired into. Persistence with such models may be considered as aggravating factors.

The Bar Council of India reiterates that it has adopted a liberalised and transparent regulatory framework for entry of foreign lawyers and firms. They may practice foreign law and international law in India after registration. They may not practice Indian law or engage in litigation. The framework is designed to safeguard the sovereignty of the Indian legal profession while permitting lawful cross-border cooperation.

The Council further reminds all advocates and law firms of their obligations under Chapter II, Part VI, Rules of the Bar Council of India, which deal with the Standards of Professional Conduct and Etiquette. Rule 36 of the above-referred Rules prohibits solicitation and advertising. Continuous publicity through media announcements, ceremonial launches, social media campaigns, or joint branding beyond permitted particulars amounts to professional misconduct.

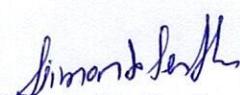
The Schedule to Rule 36 restricts public communication to basic information such as name, address, contact details, enrolment particulars, qualifications, and areas of practice in generic terms. Announcements of mergers, launches, or combinations that project a single integrated global platform in India will invite scrutiny both under the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2023 (as amended in 2025) and Rule 36 under Chapter II, Part VI, Rules of the Bar Council of India, which deal with the Standards of Professional Conduct and Etiquette.

The Council has observed multiple public communications including launch events of foreign-linked entities, press releases announcing membership in international networks, and websites portraying India offices as part of a single global firm. These will be assessed also under the principle of pith and substance. Where the content in substance advertises, solicits, or holds out integrated legal practice, it will be deemed to be treated as a violation. The Council will act accordingly under the Advocates Act, 1961 and the Rules.

Nothing in this Press Release affects the specific factual determinations or pending clarifications issued in individual cases. This Press Release serves as a general regulatory and public communication intended to reinforce uniform compliance.

This Press Release and the earlier Press Release do not pronounce guilt. They record the issuance of show-cause notices, with further show-cause notices being in the pipeline, and clarify the regulatory position. It urges all advocates and law firms to audit their websites, media announcements, and social media to remove prohibited content. Clients and members of the public are advised to verify consonance with the Rules and the registration status of any firm claiming cross-border collaboration. Non-compliance after inquiry and finding may lead to reprimand, suspension, or removal from the sphere of what amounts in pith and substance to practice of law. Entities may face directions to cease such arrangements. Individuals in control may face personal consequences.

This clarification is issued in the larger public and professional interest, ensuring consistency with the guidance already provided earlier.



(Srimanto Sen)
Principal Secretary
Bar Council of India