

LEGAL SERVICES COUNTRY PROFILE

INDIA

International Legal Services Advisory Council

Attorney-General's Department

Australia

January 1998

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Introduction

The International Legal Services Advisory Council (ILSAC) was established in late 1990 by the Australian Government to assist in improving Australia's international performance in legal and related services. To help achieve this purpose profiles for seventeen countries and economies of the Asia Pacific region have been prepared. The Profiles, which are intended as a guide only, cover Australia, Cambodia, China, Fiji, Hong Kong, India, Indonesia, Japan, Laos, Malaysia, Papua New Guinea, The Philippines, Singapore, South Korea, Taiwan, Thailand and Vietnam.

ILSAC is chaired by the Hon Sir Laurence Street AC KCMG and comprises representation from private legal practice, the Law Council of Australia, commercial dispute resolution centres, education institutions and relevant Government departments and agencies.

This third edition of the Profiles is designed to provide an overview of the legal and related services sector in each country or economy. The information in the Profiles is organised under the following main headings:

1. General information:	key data, legal language, form of government and economic indicators.
2. Basic legal information:	system and sources of law, structure and regulation of the legal profession, law-making bodies and professional legal education.
3. Legal services market:	professional legal associations, local, Australian and foreign law firms, and commercial dispute resolution.
4. Market access requirements:	foreign lawyer admission requirements, regulation and restrictions on foreign lawyers/firms and recent regulatory changes.
5. Australian legal services:	prospects for Australian legal services; Australian dispute resolution services and Australian legal education and training services.
6. References/sources:	list of source material and date of information contained in the profile.

Comments, additional information or corrections, and suggestions for improvement of this Profile would be welcome.

How to order

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**ILSAC Secretariat
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Email: ilsac.secretariat@ag.gov.au
<http://law.gov.au/aghome/advisory/ilsac/ilsac.htm>**

1 General information

Official name

India's official name is the Republic of India.

Population

In 1996, India's population was estimated at 900 million, with an estimated growth rate of 2 per cent per annum.

Languages

The Constitution provides that after 1965 Hindi should be used for all official purposes. However, the *Official Languages Act 1963* provides that English, as well as Hindi, may be used for all official purposes including the business of Parliament. In addition, Article 345 of the Constitution provides for the adoption by the State Legislatures, for official purposes of State, of any of the fourteen regional languages listed in the Eighth Schedule to the Constitution. These are Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Tamil, Telugu and Urdu. Hindi is spoken by the largest number of people in India, although English is also commonly used in addition to Hindi and is most generally used in commercial dealings.¹

Legal language

The official language of the various state High Courts and the Supreme Court is English. It is not uncommon for the High Court to order that evidence be recorded in English. English is also most commonly used in the subordinate City Courts, although in the District Courts the vernacular is most frequently used. Even in the lower courts English may be used and a translation provided if a party is not fluent in English.² English is also used in all statutes, case law reports, law texts and journals.³

Form of government

India has a parliamentary form of Government based upon the English model and legislative power is vested in the Parliament. Although India is a member of the Commonwealth of Nations, its Head of State is not the British Monarch. The relationship between India and the Commonwealth was determined at the Prime Ministers' Meeting held in London in April 1949. The meeting was arranged to consider the constitutional issues arising out of a decision of the Indian Constituent Assembly to adopt a republican form of Government. The final communique stated that:

'The Government of India have informed the other Governments of the Commonwealth of the intention of the

Indian people that under the new Constitution which is about to be adopted, India shall become a sovereign independent Republic. The Government of India have, however, declared and affirmed India's desire to continue her full membership of the Commonwealth of Nations and her acceptance of the King as the symbol of free association of its independent member-nations and as such the Head of the Commonwealth. The Governments of the other countries of the Commonwealth, the basis of whose membership of the Commonwealth is not hereby changed, accept and recognise India's continuing membership in accordance with the terms of this declaration'.

India has a federal system of government in which the Constitution divides power between the Central Union Government and the Indian States. The Indian Federal Parliament is headed by a President who exercises all executive authority on the advice of a council of ministers. The President is elected for a five-year period by an electoral college composed of the elected members of the Union and State Legislature. Whenever the President is absent, the Vice-President performs the functions of the President. At other times, the Vice-President acts as the Chairman of the Rajya Sabha (Council of States or Upper House). The Prime Minister and other Ministers are appointed by the President and the President can dismiss Ministers on the advice of the Prime Minister. The Parliament is bicameral and consists of the Rajya Sabha, and the Lok Sabha (the House of the People or Lower House). The Rajya Sabha consists of no more than 250 members, 12 nominated by the President and the remaining elected by member of the State legislature or representing the Union Territories on a population basis. Members of the Lok Sabha are elected for a period of up to five years. Membership of the Lok Sabha is composed of no more than 544 members, of whom 525 represent territorial constituencies in the States, 17 represent the Union Territories and two are nominated members of the Anglo-Indian community.⁴

- President: Kocheril Raman Narayanan.
- Vice President: Krishnas Kant.
- Prime Minister: The Hon. Mr I K Gujral.
- Minister for Law Justice & Company Affairs:
The Hon Mr Ramriakant-Khalap.
- Secretary (Legal Affairs): V.K. Aggarwal.
- Secretary (Legislative Department): Mr K L Mohanpuria.
- Attorney-General: Mr Asjpl Desai.
- Chief Justice of India: Justice J.S. Verma.

Economic information

Basic indicators	1993-94	1994-95	1995-96	1996-97
GDP US\$b	731.9	858.3	985.8	No Available
WPI (Index with Base 91-92 = 100)	258.3	286.8	299.5	319.8 (Jan 97)
Exports US\$b	22.2	26.3	31.7	24.2 (April-Dec 96)
Imports US\$b	23.3	28.6	36.6	27.4 (April-Dec 96)

Source: Indian Economic Survey 1996-67.

Per cent of GDP in services sector

In the 1992–93 financial year, financial services accounted for approximately 33 per cent of GDP.⁵

Total two-way trade with Australia (1993–94)	\$1,289,164
as % of total Australian trade	1.0
rank in total Australian trade	19
Value of Australian exports (1993–94)	\$861,744
as % of Australian exports	1.3
market ranking in Australian exports	17
% growth (five-year trend)	11.1
Value of Australian imports (1993–94)	\$427,420
as % of Australian imports	0.7
market ranking in Australian imports	25
% growth (five-year trend)	12.6

Source: Department of Foreign Affairs and Trade, *Composition of Trade—Australia, 1993–94*.

2 Basic legal information

Legal system

India is a common law country whose legal system is derived from and based upon English common law. However, most of the Indian laws are codified, although the courts have developed a large body of Indian case law.⁶

See *Law Making Bodies* below for more information on the division of power between the Union and the States.

Sources of law

The main sources of law are the Constitution of the Republic of India, statute and case law. The Constitution is similar to the Bill of Rights of the American Constitution. Part III of the Constitution contains a number of fundamental rights. Many of the laws of India are customary or traditional laws such as Hindu (which governs more than 85 per cent of the population), Muslim, Buddhist, Christian, Parsi and Jewish.⁷

Structure of the legal profession

The legal profession is structured similarly to the English model. Following the introduction of the *Advocates Act 1976*, there is now only one class of practitioners known as Advocates. Senior Advocates, on the other hand, are 'distinguished lawyers', with over 15 years of experience, who are invited to be enrolled as Senior Advocates at the Supreme Court or the High Court in the State. A Senior Advocate must always appear with a Junior and can settle, but not draft, proceedings etc.

Regulation of the legal profession

All Advocates must be on the roll of one of the sixteen State Bar Councils in order to practise. The State Bar Councils are statutory bodies constituted under the *Indian Advocates Act 1961*. Each of the Bar Councils elects a member to represent its State on the Bar Council of India which is the principal Bar Council. The State Bar Councils are responsible for enrolments and the regulation of the profession. They are also responsible for taking disciplinary actions and for maintaining minimum standards of legal education.

The Supreme Court of India has a separate set of rules for the regulation and admission of Senior Advocates. (See *Structure of the Legal Profession* above for more information on Senior Advocates).

Law-making bodies

Legislative power is divided between the Union and the States. Residual power is vested in the Union and in the case of a conflict of laws the Union law overrides the State law. The constitution prescribes that the law-making powers of the Union and State bodies are divided into three lists, namely the Union List, the State List and the Concurrent List. Matters of national importance such as defence, external affairs, citizenship, customs, taxation, postal and telegraph services are on the Union List and, accordingly, within the exclusive legislative competence of the Union. Matters of local interest such as agriculture, local law enforcement and land are on the State List and within the exclusive legislative competence of State bodies. Matters on the Concurrent List such as social welfare, price controls, labour and welfare are within the legislative competence of both the Union and the States. Residual powers for all matters not listed in the three lists are vested in the Union.⁸

Law derived from Australia

The Indian laws relating to monopolies and restrictive trade practices, consumer protection and corporations draw to a considerable extent on Australian laws.

Court structure

The Supreme Court, which is established under the Constitution, is the highest court of appeal in India. The Supreme Court exercises original jurisdiction in disputes between States and also advises on questions of law put to it by the President. The Supreme Court comprises the Chief Justice and no more than 25 other judges. Judges of the Supreme Court are appointed by the President and may only be removed on the order of the President following an address passed by each House of Parliament.⁹

Below the Supreme Court are the High Courts and the lower State Courts which are called the Courts of Session and the Courts of Magistrates. The eighteen High Courts exercise original jurisdiction and supervise the lower courts. Judges of the High Court of a State are appointed by the President.

Professional legal education

Primarily trained

Indian advocates are primarily trained in India, although many hold law degrees from the United Kingdom.

Qualifications for practice

An applicant for admission to practice as an advocate on a State roll must be an Indian citizen and must:

- be of or over 21 years of age;
- have successfully completed a three year law degree at an Indian University recognised by the applicable State Bar Council; and
- have completed a practical training course of one year with an advocate of the High Court with at least 15 years experience..

Foreign applicants who have successfully completed a law degree or equivalent at an overseas university recognised by the Bar Council of India may also be admitted provided that the foreign country also admits Indian advocates (that is, reciprocity applies) and the applicant is of or over 21 years of age.

The courses and syllabi of all law institutions in India are governed by the Bar Council of India Trust.¹⁰

Principal universities

There are over 412 law colleges, university departments and one law university. Some 250,000 law students are currently enrolled.¹¹ Some of the universities offering law degrees recognised by the Bar Council as suitable for admission purposes are:¹²

- Andhra University;
- Bangalore University;
- Dr Ambedkar Government Law College (affiliated with the Pondicherry University);
- Gauhati University;
- Indian Law Society's Law College;
- Jai Narain Vyas University;
- Maharshi Dayanand University;
- Mangalore University;
- National Law School of India;
- University of Burdwan;
- University of Delhi; and
- University of Kerala.

(For more information on Indian Universities and law courses see *The Lawasia Directory of Law Courses in the Asia and*

West Pacific Regions, published by the Centre for Legal Education in Sydney.)

Other domestic training institutions

Information not available.

Postgraduate legal courses

Most of the universities in India offer both Masters and Doctorate programs in Law.

Practical legal training

Graduates must complete a one year practical training course with an advocate of the High Court with at least 15 years experience before gaining admission to a State Roll by the Bar Council.

Foreign legal training

Sources

The United Kingdom is the main source of legal education outside India at both the undergraduate and postgraduate levels. However the United States and Switzerland are also popular study destinations.

Skills obtained

Information not available.

3 Legal services market

Professional associations (law societies/bar associations)

The Bar Council of India
AB/21 Lal Bahadur Shastri Marg
New Delhi 110 001
India

The Bar Association of India
93 Lawyers' Chambers
Supreme Court of India
New Delhi 110 001
India

Local legal firms

Local legal firms

Most lawyers operate as sole practitioners. There are approximately 20 firms (which are generally family-owned) with more than eight to ten lawyers.¹³ The largest Indian law firm has twenty partners and eight other fee earners (note that firms are limited in size to a maximum of twenty partners).¹⁴

Bombay is India's commercial centre and has many of the business law firms with international expertise are located there. New Delhi, the political capital, and Bangalore are also important locations for law firms.

Local lawyers

There are over 400,000 advocates on the rolls of the State Bar Councils.¹⁵ Lawyers in active practice may number about 100,000.¹⁶

Percent in international commerce

The vast majority of Indian firms offer a 'full service practice'. A minority is involved in international work.¹⁷

Dollar value of legal services

Information not available.

Local legal firms involved in international work

Local firms with international expertise reportedly number around 25. The more significant are listed below. Few of these have overseas offices, but some have a direct presence in London (Gagrat & Co and Singhanian & Co) and/or an

associated office in New York (Singhania & Co and J. Pathok & co) and the Arabian Gulf (Advani & Co).

Practice mix

The local law firms involved in international work listed below all practise corporate law and are reported as possessing the following particular strengths:¹⁸

- Advani & Co—general corporate practice;
- Amarchand & Mangaldas—corporate finance, banking, litigation, joint venture and foreign investment;
- Mullu & Mulla & Cragie Blunt & Caroe - corporate, banking, finance, infrastructure, joint venture, foreign investment, taxation, litigation and arbitration;
- Dva & Associates - foreign investment, infrastructure, corporate, banking, mergers and organisation, joint ventures;
- Anand & Anand - intellectual property;
- Remfry & Sagar - intellectual property, trademark and patent litigation;
- Crawford Bayley & Co—litigation, foreign investment, intellectual property, taxation and joint ventures;
- Gagrat & Co—customs, excise and foreign exchange work;
- J B Dadachanji & Co—litigation, joint ventures, international contracts, foreign investment, foreign taxation, foreign exchange and banking;
- Kanga & Company (Regd)—banking, foreign investments, international contracts, international private law, maritime and admiralty law and international taxation of foreign corporations and nationals;
- Kochhar & Co - telecommunications, aviation, petroleum, foreign investments, corporate, banking and commercial
- Singhania & Co—foreign investment, foreign exchange control, banking, private international law, mergers and acquisition and international commercial arbitration; and
- Thakker & Thakker—foreign exchange, joint venture projects, intellectual property, taxation and telecommunications.

Australian and other foreign legal firms

Australian firms

Although it is understood that a number of Australian firms have informal referral arrangements with Indian law firms, Clayton Utz, through its membership of Lex Mundi, is associated with the Indian firm Singhanian & Co. Additionally, through its Pacific Rim Advisory Council, Clayton Utz has close working relationships with Mulla & Mulla & Craigie Blunt; Caroe in Bombay and Kocchar & Co in New Delhi.

Australian lawyers

No Australian lawyers are known to be practising home country or international law in India.

Local lawyers

Not applicable.

Foreign legal firms

Until recently, no foreign firms had a commercial presence in India as a licence to practise could not be obtained from the Bar Council of India. Strong lobbying from United States and United Kingdom firms, and the focus of the Uruguay Round Services negotiations has seen improvements to foreign lawyer access to the legal services market. The United States firm, White and Case, was the first firm to open a liaison office officially in India (in Bombay) and several other foreign firms followed.

The following international law firms are either operating in India or have some other form of association or representation in India.¹⁹

Allen & Overy (UK)	Gibson Dunn & Crutcher (US) (Associated with Bhasin & Co, New Delhi)
Arnold & Porter (US) (Associated with Amarchand & Mangaldas & Hiralal Shroff & Co. Bombay)	Green David Conway & Co (UK)
Ashurst Morris Crisp (UK)	Law offices of Hideki Kojima (Japan)
Baker & McKenzie (US)	Ince & Co (UK)
Chadbourne & Parke Associates (US)	Kelly Drye & Warren (US)
Clayton Utz (Australia)	Khanna & Bhasin (US) (Associated with
Cleary Gottlieb Steen and Hamilton (US)	
Clifford Chance (UK)	
Clyde & Co (UK)	
David Polk & Wardwell (US)	
Denton Hall (UK)	
Fenwick & West (US)	
Fox & Gibbons (UK)	
Freshfields (UK)	

Bhasin & Co. New Delhi)	Shearman & Sterling (US)
Lawrence Jones (UK)	Simmons & Simmons (UK)
LeBoeuf Lamb Leiby & MacRae (US) (Associated with Singhania & Co)	Simpson Thacher & Bartlett (US)
Linklaters & Paines (UK)	Skadden Arps Slate Meagher & Flom (US)
Masons (UK)	Slaughter and May (UK)
Milbank Tweed Hadley & McCloy (US)	Stampfli Keller & Partner (Switzerland)
Morrison & Foerster (US)	Sullivan & Cromwell (US)
Norton Rose (UK)	Vogel Rohner & Helsenstein (Switzerland)
Penningtons (UK)	White & Case (US)
Richards Butler (UK)	Wilde Sapte (UK)
	Zaiwalla & Co (UK)

Status of international law firms in India

Although, White and Case (US), Ashurst Morris & Crisp (UK) and Chadbourne and Park (US) have opened representative offices in India, the operation of these offices are currently the subject matter of litigation. The matter is now pending before the Supreme Court of India. An earlier order of the Bombay High Court held that these offices were in breach of the advocates Act by providing Indian law advice and also the Foreign Exchange Regulation Act in relation to operation of representative offices.

Commercial arbitration

Firms/centres

Arbitration in India is regulated by the *Arbitration Act 1996*. The Indian Council of Arbitration is the most important Indian organisation for arbitration. The Council was founded by the Indian Government, the Federation of Indian Chambers of Commerce and Industry and other similar bodies in 1965. The Council has a wide range of public and private sector members. The Council provides arbitration services between Indian parties and between Indian and foreign parties irrespective of whether the parties are members of the Council or not.

Other bodies which provide arbitration facilities include the Chambers of Commerce, various trade associations and the Indian Merchants' Chamber.

Foreign arbitration awards may be enforced in India by making an application to any of the State High Courts seeking the enforcement of the award as a judgment of that High Court. If the Court is satisfied that the foreign award does not go against public policy. The Court must pass a decree to the effect that the award is as an award of that respective High Court in India. Thus, arbitral awards can be then enforceable as a judgment of that High Court.

Principal coverage

The Indian Council of Arbitration can administer arbitrations even when parties to an arbitration have agreed to arbitrate a dispute using Rules other than those prescribed by the Council.²⁰

No Foreign restrictions

Foreign lawyers may appear in arbitration proceedings.

International instruments

In 1961, India enacted the *Foreign Awards (Recognition and Enforcement) Act* in fulfilment of its obligations under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. However, despite the implementation of the New York Convention, enforcement of arbitration awards in India remained difficult. This was primarily for two reasons. First, it was generally the policy of the Indian government (both State and Central) to include an Indian-law clause in international contracts. Therefore, all disputes were decided according to Indian law. Secondly, section 9 of the *Foreign Awards (Recognition and Enforcement) Act* had extended the scope of ‘domestic awards’ that contemplated in the New York Convention. Section 9 provided that ‘nothing in the Act shall apply to any award made on an arbitration agreement governed by the law of India’. Consequently, a foreign award was to be treated as a ‘domestic award’ for enforcement purposes, solely because the parties have agreed that the substantive law of the contract is Indian law.²¹

The Indian *Arbitration and Conciliation Act 1996* (‘Act’) is based on the United Nations Commission on International Trade Law Rules (‘UNCITRAL’). Under the Act, it is now open for parties to use any procedural law that they desire to resolve their disputes.

4 Market access requirements

Foreign lawyer/firm regulation

There are a number of foreign law firms and foreign lawyers operating in India. However, unless admitted by the Bar Association of India, foreign lawyers may only practise home country and international law.

Body responsible

The Indian Government and the Bar Association of India are both responsible for the regulation of foreign lawyers and law firms.

Laws & regulations

The *Advocates Act 1976*

The *Indian Advocates Act 1961*

Foreign lawyer admission to practice requirements

The *Advocates Act* prohibits foreign lawyers from appearing in Indian Courts. Nevertheless, foreign lawyers who satisfy educational and other requirements (see below) may apply for admission to a State Bar Council as an Indian advocate.

Citizenship

Foreign nationals who are not Indian citizens may be eligible for admission if their home country recognises Indian lawyers as eligible for admission.

Educational qualifications

Foreign nationals must have completed their legal studies at an Indian university or any other university recognised by the Bar Council of India.

Additional educational requirements

There are no other formal educational requirements. However, the Bar Council Rules provide that applicants must have a knowledge of English of a graduate standard.

Experience

Not applicable.

Pupillage period

Law graduates must normally complete a practical legal training course and successfully complete the Bar examination before being eligible for admission to a State Roll by the Bar Council. (No information is available as to whether foreign lawyers must complete a period of practical legal training or whether they can apply to the Bar Council for this to be waived).

Government approvals

As mentioned above, foreign lawyers are, essentially, not permitted by the Government to practise Indian law. Those wishing to practise home country or international law must first apply for a work permit (see *Additional Requirements* below).

Other

Foreign national applicants for admission must be of, or over, 21 years of age. All applicants must make a formal application to the Bar Council and pay a fee of between Rs 250 and Rs 750.

Admission authority

**The Bar Council of India
AB/21 Lal Bahadur Shastri Marg
Facing Supreme Court Building
New Delhi 110 001
India**

**The Bar Association of India
93 Lawyers Chambers
Supreme Court of India
New Delhi 110 001
India**

Special admission

There are no special admission procedures other than those for Senior Advocates who are invited to be enrolled as such (see *Structure of the Legal Profession* above for further information).

Additional requirements

Visa restrictions

A business visa is required for entry into the country and one visa is issued per entry. The visa allows for a three month stay but may be extended.

Work permits

All foreign lawyers wishing to practise in India must apply to the Reserve Bank for a work permit. The duration of a work permit is determined on an individual basis.

Regulation of foreign law firms

Use of firm name

Information not available.

Employment of local lawyers

There is no set requirement for the employment of local lawyers. However, the government has certain set targets for the employment of local persons and employers are encouraged to comply with these targets.

Local firm association

Foreign law firms are permitted to form associations with local law firms.

Government approvals

Information not available.

Other

India is a member of the International Labour Organisation (ILO) and is a party to the ILO's major conventions.

Restrictions on practice

Local law

Unless admitted as an Indian advocate, foreign lawyers are not permitted to practise local law.

Home law

Australian law firms wishing to establish in India may practise Australian or International law.

Foreign law

See *Home Law* above.

International law

Foreign and local firms may advise on International law.

Other

Foreign lawyers are eligible to appear before Indian arbitration tribunals.

Recent regulatory changes

The Indian Government is at present considering the whole issue of foreign lawyers with a view to greater liberalisation in the hope of boosting foreign investment.

The Bar Association of India has endorsed, in principle, the concept of allowing foreign lawyers and law firms greater access to the Indian market, subject to a number of provisos—most notably reciprocity. The Bar Council is also concerned that the *Advocates Act*, which allows Indian lawyers to appear in any court in the country, makes no provision for the regulation of foreign lawyers.

The Bar Council has also called for a uniform code of conduct applicable to all lawyers practising in India.²²

The Indian and Australian Government are presently negotiating the terms of an Investment Promotion and Protection Agreement (IPPA)

5 Australian legal services

Australian law firms

There are no Australian law firms with representative offices in India. However, Clayton Utz, through its membership of Lex Mundi, is associated with the Indian firm Singhania & Co.

Prospects for Australian legal services

The Indian legal system is well serviced by highly educated domestic lawyers and its demand profile for foreign legal services differs somewhat from other countries in the Asia-Pacific region. One area in which there is some potential for Australian legal services providers is practice management, particularly in relation to information technology and management and corporate practises.

Perhaps the greatest potential for Australian legal service providers, however, is in support of other Australian businesses entering the Indian market. The liberalisation of the Indian economy is opening up a variety of business opportunities and Australian businesses are increasingly taking advantage of them. In particular, a growing number of Australian businesses are becoming involved in primary and secondary industry projects. The Director of India's National Council of Applied Economic Research, Professor S Rao, recently acknowledged that dry land farming, long-distance telecommunications and minerals exploration and exploitation are potential growth areas for Australian businesses.²³

Australia is perceived internationally as having expertise in the area of highly specialised large-scale primary and secondary industry projects. Given the growing number of Australian business projects and the similarity of legal systems, there is potential for an increasing demand for Australian legal expertise in this area.

The Australian Government is giving priority to promoting Australia's trading relationship with India. In 1994, the Government's East Asia analytical Unit released a report entitled 'India's Economy at the Midnight Hour, Australia's India Strategy', which highlighted the potential for mutually beneficial trade and investment opportunities, particularly following the liberalisation of and improved access to the Indian market.

In 1995, the Minister for Trade, Senator Bob McMullan, led the largest contingent of Australian business leaders ever to visit India. The Australian industries represented on the Trade Mission included telecommunications, mining, infrastructure, food processing, banking, insurance and education services.

Dispute resolution services

Centres/firms

The **Australian Centre for International Commercial Arbitration (ACICA)** provides services for the settlement of international commercial disputes of all kinds to the region. ACICA was established in 1985 as a company limited by guarantee and incorporated in Victoria by The Institute of Arbitrators, Australia. The Institute of Arbitrators has as its main objectives the education and training of arbitrators and their grading, the nomination of arbitrators to arbitrate disputes and the promotion of arbitration as a means by which commercial disputes can be resolved. ACICA has entered into arrangements with the International Centre for Settlement of Investment Disputes in accordance with the provisions of the *Convention on the Settlement of Investment Disputes between States and Nationals of Other States 1965 (ICSID)*.

ACICA has Co-operation and Trade Arbitration Agreements with 34 International Arbitral Centres around the world including those in the world's major trading nations in Asia, Europe, the Middle East and the Americas.

ACICA is a member of the Council of Asia Pacific Commercial Dispute Resolution Centres and has close relationships with the International Chamber of Commerce Court of Arbitration in Paris.

ACICA has concluded a Co-operation Agreement and is in regular communication with the Hong Kong International Arbitration Centre.

For further information on ACICA, contact:

**The Secretary General
Australian Centre for International Commercial Arbitration
Level 1
22 William Street
Melbourne Vic. 3000
Telephone: (03) 9629 6799
Facsimile: (03) 9629 5250**

The **Australian Commercial Disputes Centre (ACDC)** provides consulting, training and dispute resolution services both domestically and internationally. It concentrates on mediation, expert appraisal and determination. ACDC has entered into arrangements with the International Centre for Settlement of Investment Disputes in accordance with the provisions of the ICSID Convention.

ACDC is the London Court of International Arbitration (LCIA) Registry for the whole Asia-Pacific Region. LCIA's services are available to all involved in international commercial activity. It is open to any party to elect to have his/her dispute

determined under the internationally recognised LCIA Arbitration Rules or UNCITRAL Rules.

ACDC is also a member of the Council of Asia Pacific Commercial Disputes Centres.

For further information on ACDC, contact:

**The Chief Executive Officer
Australian Commercial Disputes Centre
Level 5
50 Park Street
Sydney NSW 2000
Telephone: (02) 9267 1000
Facsimile: (02) 9267 3125**

Legal education and training

Overseas students studying law in Australia

In 1993, there was one Indian student recorded as studying law/legal studies at an undergraduate level and one student recorded as studying law/legal studies at a postgraduate level at an Australian (public & private) University.²⁴

Short courses

Information not available.

Overseas students studying in Australia

Commonwealth-funded higher education institutions

In 1993, there were 486 Indian students recorded as studying at Australian publicly funded tertiary institutions.²⁵

Overall

The number of Indian students coming to Australia is expected to increase dramatically over the coming years. Indeed India is seen as a potential growth market. Australia has been actively marketed by Australian education services recently as a study destination. As a result, the number of student visas issued in 1992/93 period grew to 763, an increase of 259 or 51 per cent over the previous period. In the nine month period to March 1994 there was a further 71 per cent increase in student visas issued as compared to the same period in the previous year.²⁶

In 1993, the Reserve Bank of India moved to relax the exchange limits for prospective students. The Indian Government also increased the convertibility of the rupee in the 1994–95 budget to allow for education transactions.²⁷

Qualifications recognised

Persons holding Indian degrees may be eligible for admission to graduate courses in Australia.

Australian Education Centre representation

The Australian Education Centre is not represented in India.

Dollar value of educational services

Information not available.

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- 27 Department of Foreign Affairs and Trade, op. cit.