



**SOUTH ASIA INTERNATIONAL ECONOMIC LAW NETWORK (SAIELN) & CENTRE
FOR TRADE AND INVESTMENT LAW (CTIL)**

DISCUSSION SESSION

APRIL 05, 2018, 4:30 PM – 6:00 PM

NALANDA, INDIAN INSTITUTE OF FOREIGN TRADE, NEW DELHI

Introducing the Organisers

The Centre for Trade and Investment Law (CTIL) has been set up in the year 2016 by the Ministry of Commerce and Industry, Government of India at the Indian Institute of Foreign Trade. The Centre aims to be a thought leader in the various domains of international economic law such as the WTO law, investment law, and legal issues relating to economic integration.

SAIELN is a network of academics and practitioners seeking to promote the development of academic research in intl. economic law in South Asia region.

**Theme: Entry of Foreign Law Firms and Lawyers into India: The Continuing
Debate**

Of late, permitting the entry of foreign law firms and their impact on India's legal sector has become one of the most controversial topics within the legal community. This debate first manifested itself in 1998 with the *Lawyer's Collective case* in the Bombay High Court and was subsequently re-examined by the Madras High Court in *A.K. Balaji v. Bar Council of India*. In the recent decision of *Bar Council of India v. A.K. Balaji and Ors.* (13th March, 2018), the Supreme Court of India has finally expressed its views on these critical issues. This decision has a significant bearing on foreign investment in the legal sector, on India's aspirations of becoming an arbitration hub and generally on the future development of legal services in India.

The Supreme Court has allowed foreign lawyers to participate in arbitrations on a "fly in and fly out basis" on a "casual basis". While this was allowed by the Madras High Court as well, the Apex Court has clarified that this is not an absolute right for foreign lawyers. This decision has left several doubts on the way forward for institutional arbitration in India. While the Supreme Court decision has relied upon a strict interpretation of the Advocates Act, it is perhaps time that the Parliament intervenes by amending this statute and bringing it to terms with the realities of the globalising profession.

This discussion session, which is jointly organised by the Centre for Trade and Investment Law (CTIL) and South Asia International Economic Law Network (SAIELN), seeks to analyse the implications of the Supreme Court decision prohibiting entry of foreign law firms and discuss the best way forward for the Indian legal profession.