Country or Jurisdiction: Republic of India

Overview: Indian citizenship is required for admission to the bar. Although the Advocates Act allows for the admission of foreign nationals from countries that permit Indian citizens, duly qualified, to practice law, this route is not available at this time. The Bar Council of India, which is empowered inter alia to prescribe the requirements for admission to the bar “has decided not to permit foreign lawyers into India.”1 It is expected that eventually foreign nationals will be made eligible for admission, perhaps in a limited role, but there is no established or indicative time frame for this. Admission to the bar requires that the applicant meet all of the following requirements: (a) be a citizen of India (except as noted above), (b) have received a degree in law awarded in India or outside India, in each case recognized by the Bar Council of India, (c) pass the All India Bar Examination, except if the applicant’s law degree was received before the academic year 2009-2010 and (d) for persons (such as Indian citizens) holding a foreign law degree recognized by the Bar Council of India, pass a qualifying exam.

Bar Name(s): Bar Council of India, State Bar Council of the State where enrolled (admitted).

Jurisdiction of the Bar: Nationwide. A person enrolled with any State Bar Council is entitled to practice law throughout India.

Challenges for U.S. (Foreign) Lawyers:

US and other foreign lawyers face daunting challenges to being admitted to the bar. The primary hurdle is obviously the requirement for Indian citizenship. Although the requirement for Indian citizenship is qualified by an exception, the Bar Council of India has decided against allowing

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foreign nationals to be admitted at this time. This position could change in the future. Note that the Ministry of Law & Justice, while reporting the Bar Council of India's decision, stated that “the said decision is being subject to a more detailed and rational scrutiny in the light of the opinions and points of view of different stakeholders.”\(^2\) The Advocates Act provides for foreign (non-Indian) nationals to be eligible for enrollment “if citizens of India, duly qualified, are permitted to practice law in that other [foreign] country”\(^3\) and provided such foreign country is not one that has been officially notified by the Government of India as one that “prevents citizens of India from practicing the profession of law or subjects them to unfair discrimination.”\(^4\) Although the US (as a country) meets these threshold eligibility requirements, the Bar Council of India has not applied this exception to allow US or other foreign citizens to be admitted to the bar.

Besides the citizenship requirement, only certain US JD law degrees (listed herein under Educational Requirements) are recognized by the Bar Council of India for purposes of enrollment as an advocate. Lawyers with US law degrees that are not recognized by the Bar Council of India can have their law schools apply to the Bar Council of India for recognition.\(^5\) This is expected to be a time consuming process.

Applicants having a recognized foreign law degree are required to take a qualifying examination conducted by the Bar Council of India, except if they enrolled for the foreign law degree before 21 February 2005.\(^6\) This qualifying examination is in addition to the All India Bar Examination, passing which is a condition to enrollment as an advocate.\(^7\) The bar examination is

\(^3\) Advocates Act, § 24(1)(a) *proviso*.
\(^4\) Advocates Act, § 47(1).
required only for candidates who completed their law degree on or after the academic year 2009-2010.\(^8\)

**Character & Fitness Requirements:** There is no character or fitness investigation as a condition for admission. However, a person “convicted of an offence involving moral turpitude” cannot be admitted as an advocate.\(^9\) There are other less relevant grounds, which may be applicable in specific cases. The period of disqualification continues only for a period of two years after release of the person.\(^10\)

**Educational Requirements:** US and other foreign lawyers must have a three year degree in law (Indian or foreign) that is recognized by the Bar Council of India. The following law degrees (JD) from the US have been recognized by the Bar Council of India as of this time:\(^11\)

- Cornell Law School
- Georgetown University
- Southwestern University
- University of Michigan
- University of Texas
- Marshall the School of Law of the College of William & Mary, Virginia
- Syracuse University College of Law, New York
- Widener University School of Law, Wilmington
- Cleveland-Marshall College of Law, Cleveland State University
- University of Pennsylvania Law School
- University of Wisconsin
- University of California, Berkeley
- Fordham University, New York
- Loyola University School of Law, Chicago
- Santa Clara University School of Law, California
- Hofstra University School of Law, New York

**Language Proficiency Requirements:** There is no requirement to be proficient in a local (Indian) language. English is the only non-Indian language used in the legal profession in India.

**Legal / Regulatory Requirements:**

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\(^9\) Advocates Act, § 24A(1)(a).

\(^10\) Advocates Act, § 24A(1) *proviso*.

The Advocates Act, 1961 amends and consolidates the law applicable to the legal practitioners, and provides for the establishment of the Bar Council of India and the State Bar Councils. The Advocates Act vests in the Bar Council of India the power to make rules in respect of its functions, including to prescribe “the class or category of persons entitled to be enrolled as advocates.” 12 An application for admission is to be made in prescribed form to the State Bar Council within whose jurisdiction the applicant proposes to practice. 13

Only advocates are “entitled to practice the profession of law” 14, which includes both litigation and corporate advisory work. 15 A court or tribunal may permit a person not enrolled as an advocate to appear before it in any particular case. 16

**Practical Experience / Traineeship Requirements:** None.

**Reciprocity with Other Jurisdictions:** There is no reciprocity with other jurisdictions, even though reciprocity is contemplated in the Advocates Act. One of the functions, for example, of the Bar Council of India is “to recognize on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate…” 17 Also, Section 47(2) of the Advocates Act empowers the Bar Council of India “to prescribe the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India shall be recognised for the purpose of admission as an advocate under [the Advocates Act].” The Advocates Act provides for a form of reciprocal disbarment, whereby citizens of any country that “prevents

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12 Advocates Act, § 49(1), sub-clause (ag).
13 Advocates Act, § 25.
14 Advocates Act, § 29.
16 Advocates Act, § 32.
17 Advocates Act, § 7(1), sub-clause (ic).
citizen of India from practicing the profession of law or subjects than to unfair discrimination” are not entitled to practice law in India.\footnote{Advocates Act, § 47(1).}

**Resources for Additional Information:** Website of the Bar Council of India at

[www.barcouncilofindia.org](http://www.barcouncilofindia.org)