

# **OECD Workshop on Regulatory Barriers to Competition in Professional Services: Measurement and Reform Experiences**

## **EVALUATING RECENT EFFORTS AND MISSED OPPORTUNITIES TOWARDS COMPETITIVE LEGAL SERVICES IN INDIA**

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# Introduction to Legal Professional Regulation in India

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- *The Advocates Act of 1961* (“Act of 1961”) is the principal legislation governing Indian lawyers.
- The Act of 1961 permits a unitary class of lawyers called advocates licensed to practice the profession of law. (*Lawyers Collective v Bar Council of India* WP No 1526/1995; *Bar Council of India v A.K. Balaji* AIR 2018 SC 1382)
- Advocates are defined under the Act of 1961 to mean those advocates whose names appear in the state bar council rolls.
- The profession is regulated by a self regulatory authority (called the Bar Council of India or “BCI”), assisted by state bar councils, all comprising of lawyer members.
- Two defining features of the Indian legal profession : a) a unitary class of professionals vis-à-vis multiple and competing professionals; and b) self- regulation model vis-à-vis a co-regulatory model of regulation.

# The Tussle for Dominance

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- Professionalist-Independent Approach
- Competitive- Consumer Approach
- Movement led by bar association and authorities
- Movement steered by the Government of India through its various ministries and departments

# Turf War

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- Unauthorised practice of law suits
- Entry of foreign firms
- Big 4 Accounting and Auditing firms

# Concluding Remarks

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- Recent Push to Competition- Multidisciplinary Accounting Partnerships
- To be formed as per Guidelines for ‘Formation of Multi-disciplinary Partnership as per the Chartered Accountants Act, 1949’, 2021 (“MDP Guidelines”)
- Company secretaries, advocates, cost and works accountants, architects, and actuaries.