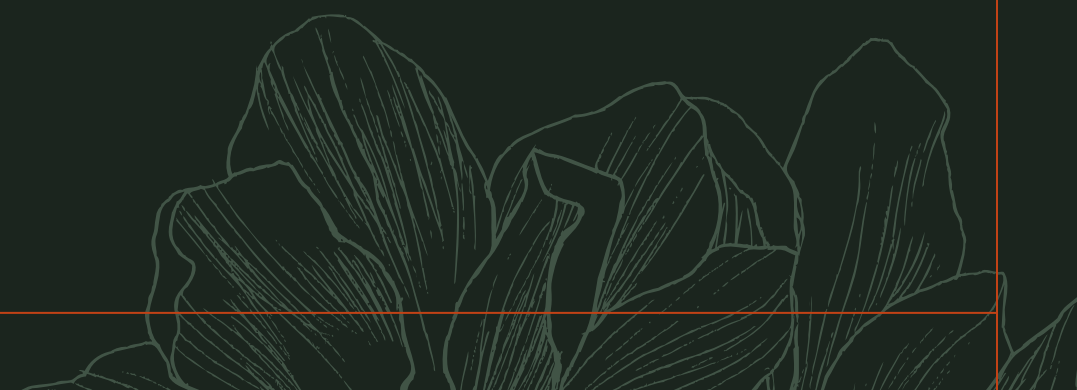
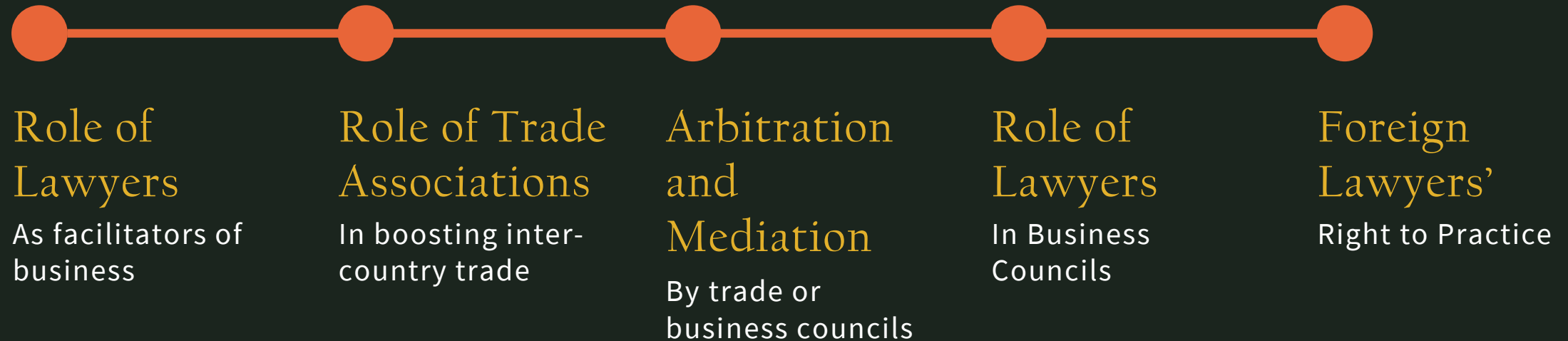




# Business Council

**S. S. Naganand**  
**[Senior Advocate]**

# Roadmap

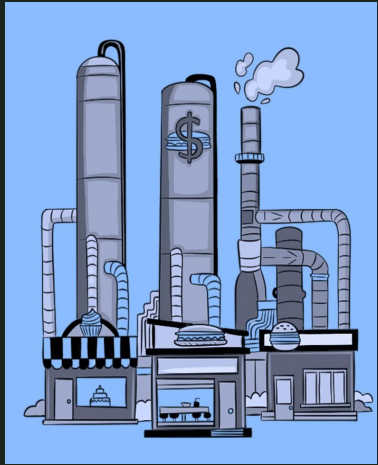


# Role of lawyers as facilitators of business – Pre-dispute and thereafter...

- Leading difficult conversations
- Being proactive in responding to the legal and political climate that the client operates within
- Giving the client a launch pad rooted in a sound understanding of the laws in force at the time while giving them the room to grow to other jurisdictions
- The ability to agree to disagree (with the client)
- Risk analysts and Consultants

# Role of trade associations in boosting inter-country trade

- Trade associations act as forums for discussion and serves as an organized system for members to ventilate their concerns or views.
- Trade associations often spearhead crucial reforms, policy advocacy and regulatory harmonization
- Active trade associations often undertake activities that allow for information exchange of knowledge dissemination and sharing of best practices, globally
- Trade associations worldwide often shape the face of government relations while also making or breaking business connections



**INDUSTRY & LABOUR**



**GOVERNMENT**

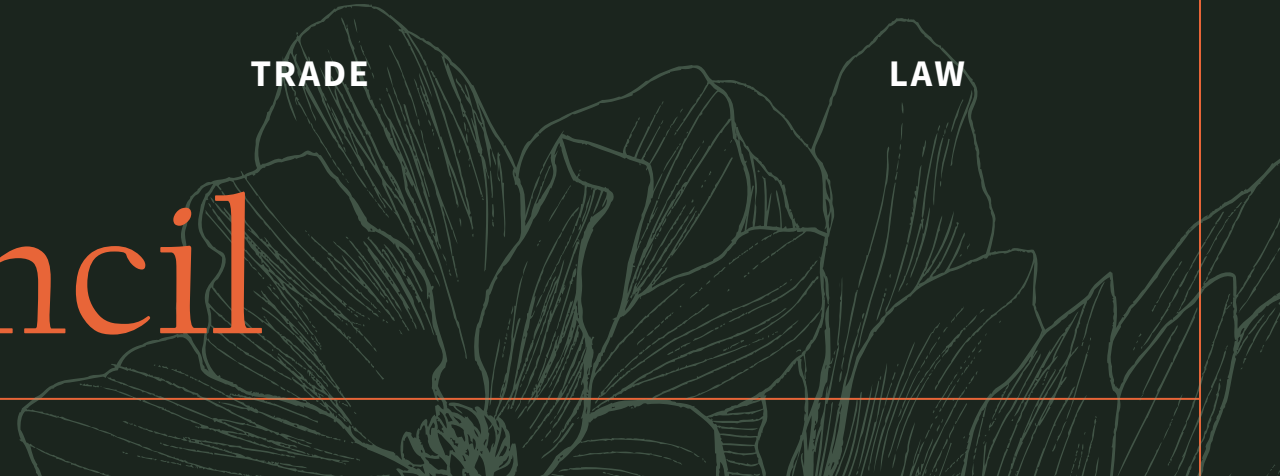


**TRADE**



**LAW**

# Business Council



# Business Council

- A business council is an assemblage of volunteer professionals, possessing deep industry knowledge and expertise.
- The 9 working groups of the BRICS Business Council - Infrastructure, Manufacturing, Financial Services, Energy & Green Economy, Skills Development, Agribusiness, Deregulation, Regional Aviation and Digital Economy
- Objectives – To create a platform and a point of confluence for entities and individuals with unique and varied skillsets to share insights and gain a holistic, globalized perspective.

# Arbitration by trade or business councils

- Facilitation of Neutral Arbitrators
- Impartial Conflict Resolution
- Industry-Specific Expertise
- Streamlined and Efficient Process
- Confidentiality
- Enforceability
- Cost-Effective

# Mediation by trade or business councils

- Selection of experienced Mediators
- Consensual Process
- Preserving of Business Relationships and long-term collaboration
- Informal and allows for flexibility
- Confidentiality
- Not binding on the parties
- Harkens a proactive approach



# Role of Lawyers in Business Councils

- Legal Advisory and Policy Advocacy
- Contract Drafting and Review
- Compliance Management
- Intellectual Property protection and Litigation Management
- M&A Support
- ESG Compliance

# Foreign Lawyers' Right to Practice in India

- The Bar Council of India vide press release dated 19-03-2023 clarified and regulated the practice of foreign lawyers in India
- Thus, foreign lawyers may restrict their services purely to the range of services pertaining to legal advisory under the present laws of practice
- Principle of Reciprocity – Foreign lawyers from countries where Indian lawyers are permitted to practice may also practice within the territory of India

# Foreign Lawyers' Right to Practice in India

- The press release was in pursuance of compliance with *Bar Council of India v. A.K. Balaji*, (2018) 5 SCC 379 wherein, the Supreme Court desired the BCI or Government of India to frame rules allowing and regulating the entry of foreign lawyers and law firms in India in a restricted sphere not impacting the advocates in India.
- Foreign lawyers may appear for clients in International Commercial Arbitration
- The circular is intended to apply only to foreign lawyers and law forms and not to any non-lawyers, BPO, etc.

# Factors driving collaboration between foreign law firms and Indian law firms

- Robust economic growth and scope for creating an efficient network
- Reforms encouraging and leading to significant foreign investment
- Recent developments regulating legal advisory work by foreign lawyers in India

# Aspects to be considered when choosing to partner with an Indian law firm

- Areas of Specialization and Expertise
- Ability of the firm to function at a global scale
- Past success in navigating complex cases or transactions

# Preferable qualities in a host firm

- Advanced technological capabilities, infrastructure and involvement in ensuring seamless cross-border transactions
- A work environment that fosters opportunities
- Creating strategic alliances – domestically and internationally to spearhead networking efforts
- Ability to deliver unparalleled services and responsiveness to the clients' needs



Thank you