

1	2	3	4	5
21.	Rajasthan	40	50	10
22.	Sikkim	03	03	Nil
23.	Tripura	04	04	Nil
24.	Uttarkhand	09	11	02
TOTAL		906	1079	173

Simultaneous elections to Lok Sabha and State Legislative Assemblies

419. SHRI C. M. RAMESH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether there is a move on the part of Government to have simultaneous Lok Sabha and State Assembly elections in the year 2019;

(b) whether Government has held discussions with the Election Commission, different political parties, various stakeholders and leading legal luminaries in this regard; and

(c) if so, the details thereof

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.P. CHAUDHARY): (a) to (c) The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice had examined the issue of simultaneous elections to Lok Sabha and State Legislative Assemblies in consultation with various stake-holders including Election Commission of India. The Committee has given certain recommendations in this regard in its 79th Report. The matter has been referred to the Law Commission for further examination so as to work out practicable roadmap and framework for conduct of simultaneous elections.

Participation of foreign lawyers in international arbitration proceedings in India

420. SHRI KANAKAMEDALA RAVINDRA KUMAR: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has held any consultation with the Bar Council of India (BCI) to arrive at any concrete conclusion, *inter alia*, regarding regulating the participation of foreign lawyers in international arbitration proceedings in the country;

- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.P. CHAUDHARY): (a) to (c) Yes Sir, Government had consulted with Bar Council of India and various State Bar Councils and other stake holders regarding entry of foreign law firms/lawyers, which also includes participation of foreign lawyers in international arbitration proceedings. Response is still awaited from Bar Council of India and some State Bar Councils. Law Commission of India (LCI) had submitted its 266th report on the issue to Government of India on 23.03.2017 wherein LCI has recommended the entry of foreign law firms/lawyers. The Ministry has also forwarded the 266th report to Bar Council of India and various State Bar Councils to furnish their views/comments.

Meanwhile, Hon'ble Supreme Court of India in its judgment dated 13.03.2018 in Civil Appeal Nos.7875-7879 of 2015 titled Bar Council of India Vs A.K. Balaji and Ors. held that foreign law firms cannot set up, offices in India or practice in Indian Courts, but there is no bar for the foreign law firms or foreign lawyers to visit India for a temporary period for giving legal advice regarding foreign law on diverse international legal issues on a 'fly in and fly out' basis if it does not amount to practice. Hon'ble Supreme Court in para 42. of the judgment held that:

"42. It is not possible to hold that there is absolutely no bar to a foreign lawyer for conducting arbitrations in India. If the matter is governed by particular rules of an institution or if the matter otherwise falls under Section 32 or 33, there is no bar to conduct such proceedings in prescribed manner. If the matter is governed by an international commercial arbitration agreement, conduct of proceedings may fall under Section 32 or 33 read with the provisions of the Arbitration Act. Even in such cases, Code of Conduct, if any, applicable to the legal profession in India has to be followed. It is for the Bar Council of India or Central Government to make a specific provision in this regard, if considered appropriate."

The 266th Report of Law Commission and the aforesaid Supreme Court Judgment dated 13.03.2018, are under consideration of Government of India.

Proxy voting for NRI and internal migrant voters

421. SHRI B. K. HARIPRASAD: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether Government is planning to allow proxy voting for NRI and internal migrant voters, if so, the details thereof and if not, the reasons therefor;