

On the Rise of Lawyers in Lobbying in India

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Bhargavi Zageri, *Notes from the Field: How India's Corporate Law Firms are Influencing Her Legal, Policy and Regulatory Frameworks*, HLS Program on the Legal Profession Research Paper No.2014-19, 2014, available at [SSRN](#)

Just as there has been a striking growth in [scholarship on Indian law](#) in recent years, there has also been a blossoming of writing on the Indian legal profession. Some of this writing has been less academic, and targeted at Indian lawyers themselves. Fitting the growing affluence of the Indian bar, there are now at least three online publications – [Legally India](#), [Bar & Bench](#), and [Livelaw](#) – that provide the latest news of the day about law firms, judges, law schools, and well known advocates in India. At the same time, a number of scholars, both inside and outside of India, have begun writing extensively on different aspects of the profession.

For example, in recent years Jayanth Krishnan has written on the motivations for the creation of “[peel-off](#)” law firms in the Indian corporate bar, Swethaa Ballakrishnen on [women's relative success](#) in Indian corporate law firms, Pavan Mamidi on [small town lawyers](#), Umakanth Varottil on the growth of the [M&A bar in India](#), Abhinav Chandrachud on the motivations of Indian [Supreme Court clerks](#), Greg Shaffer, James Nedumpara, and Aseema Sinha on building India's [legal capacity](#) for international trade disputes, and David Wilkins and Mihaela Papa on how [globalization has impacted](#) the legal profession in India. Much, although certainly not all, of this recent writing on the Indian legal profession has taken place as part of the Globalization, Lawyers, and Emerging Economies ([GLEE](#)) Project at the Center on the Legal Profession (CLP) at Harvard Law School (full disclosure: I am currently a fellow at CLP and have contributed to the GLEE project).

One particularly compelling recent piece in this line of scholarship is by Bhargavi Zaveri, an affiliate research fellow at CLP, entitled *Notes from the Field: How India's Corporate Law Firms are Influencing Her Legal, Policy and Regulatory Frameworks*, which provides a textured account of the role of lawyers in lobbying in India. While lawyers in many countries lobby, scholars have often neglected this face of the profession, perhaps because it is not an area where lawyers have an occupational monopoly. Rather lobbying is an economic and political sphere that lawyers engage in competition for dominance over, or at least a piece of the pie, with other professional and social groups. This is similar to fields like policymaking, where in many countries lawyers, economists, policy school graduates, and others vie for influence, each with their own disciplinary skill sets, professional reputations, and networks.

As Zaveri notes, lobbying in India, like many countries, has historically been viewed as a democratically suspect commercial activity that has connotations with corruption. Before economic liberalization much lobbying was behind closed doors, with former bureaucrats and other political insiders playing a dominant role. Today, other non-lawyer actors, particularly public relations firms, are prominently involved in lobbying Parliament and Ministers in crafting legislation. However, Zaveri shows that law firms have increased their lobbying presence in recent years, specifically around rulemaking, with several prominent Indian law firms such as Amarchand Mangaldas and J Sagar starting lobbying practices, and boutique lobbying firms also entering the market. Given its poor reputation in the public's eyes lawyers at these firms are hesitant to call what they do “lobbying”, preferring euphemisms like “Policy and Government Affairs”, and they are quick to point out their activities generally help entire industries and not just particular clients.

Zaveri convincingly argues that an empowered post-liberalization regulatory state in India has opened more doors for lawyers to become involved in lobbying, especially around the rule making process. India's regulatory state legitimizes

itself in part through transparency measures, and, more recently, participatory decision-making, which formalize procedures for giving input into the creation of rules and regulations. Bureaucrats and regulators also rely on outsiders, particularly lawyers, to provide the detailed policy and legal inputs that they use to justify decisions that are increasingly open to public scrutiny. This gives lawyers a clear competitive advantage compared to other lobbyists when it comes to influencing regulation. Indeed, law firms have even been known to draft rules on the behalf of regulators.

Foreign companies entering the Indian market have been especially drawn to law firms for their lobbying. Many foreign companies are bound by anti-bribery laws in their home countries and see law firms as a relatively clean way to shape regulations and decision-making within the Indian government more generally. For example, many law firms lobby the Foreign Investment Promotion Board on the behalf of foreign clients, which plays a critical role in approving foreign investment in India.

Although the scope of her project was understandably limited, one wishes that Zaveri had been able to explore more generally the practice of lobbying in India. For example, do lawyer lobbyists frame their professional obligations towards clients or the public differently than other lobbyists? While the piece draws some comparisons to lawyers' lobbying practices in the United States and the United Kingdom it would have been useful to know more about how the professional identities of lawyer lobbyists in these countries differ to their counterparts in India. More generally, one wonders what the role of lawyers and the profession in India should be in shaping the normative framework in which different economic interests and the government interacts.

The Indian legal profession – at a reported [1.3 million lawyers](#) – is at least the second biggest in the world and, if it isn't already, will likely soon become the largest. (By way of illustration: In 2000 there were 531 approved law schools in India. By 2013 there were [1390](#)). Over the past twenty-five years the Indian profession has gone from one almost exclusively oriented around courts and litigation to one with a robust, albeit relatively small, corporate bar and many new subfields, like lobbying, that are giving lawyers a new role in Indian society. Scholars, like Zaveri, tracking these developments in India both provide a window into the unique characteristics of the Indian legal profession, but also how larger economic and political pressures may shape the profession in similar ways across continents and cultures.

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