



Strategiser - Enabler - Protector

General Counsels' Association of India

A-602, Saransh Apartments, Patparganj, New Delhi - 110092
A Society registered under the Societies Registration Act XXI of 1860
Society Registration Number 297/2022
Website: www.gcai.in Email: info@gcai.in

February 23, 2025

**Shri Arjun Ram Meghwal Ji,
Honorable Minister of Law and Justice,
Government of India,
New Delhi -110001**

Subject: Suggestions and recommendations on The Advocates Act, 1961 and The Advocates (Amendment) Bill, 2025 ("Amendment Bill")

Respected Minister of Law & Justice,

At the outset, the General Counsel Association of India appreciates the Hon'ble Minister's initiative for taking up the revision of the Advocates Act, 1961 which is long overdue and needs to be updated to reflect the current business environment and the development of the legal profession. We place our sincere thanks for giving us an opportunity to express our views on the Amendment Bill, although the consultation of the same has been concluded and the revised Amendment Bill will be processed afresh for consultation since we humbly believe that it may be valuable to consider our preliminary insights as your Ministry works through the revisions. Please treat this as an interim representation and we shall review and comment when the revised Amendment Bill is available for consultation.

Legal Practitioner and Advocate

The proposal creates two types of persons who are in the "practice of law". We agree that the wider definition of "Practice of Law" should encompass both litigious and non-litigious work.

It is important that the distinction between "Advocate" and "Legal Practitioner" be kept as is envisaged in the Amendment Bill. The definition of "Advocate" rightfully means an advocate entered in any roll under the provisions of this Act and should remain so.

The definition of Legal Practitioner which covers Law Graduates doing legal work in organizations should be limited to organizations that are "*incorporated and registered in India*".

Legal Practitioners engaged in the "Practice of Law" in any private or public organization (including corporate entities), may opt to enroll and remain on the rolls and be regarded as "Advocates" **during their employment**; and thereafter be permitted to appear only for their employer during the duration of their employment.



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It is clarified that Legal Practitioners may choose not to enroll as “Advocates” and can continue in the “Practice of Law” provided they may represent only before such authority which specifically allows non-Advocates to appear before them.

The experience of a Legal Practitioner in the “Practice of Law” **shall** be validated by the respective State Bar Councils and Bar Associations, Courts/Tribunals/Quasi-judicial forums **on basis of certification** by any organization in which they engage in the “Practice of Law”.

Legal Practitioner and Legal Privilege

Per Section 134 of the Bhartiya Sakshya Adhiniyam, 2023, no one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal adviser...”.

Legal Practitioners should be considered as “legal advisor” and enjoy the same privilege of confidentiality in respect of legal advice and communications with their organizations.

Right to practice law

Section 29 of the Advocates Act state that the Advocates to be the only recognized class of persons entitled to practice law. With the expanded definition of the Legal Practitioner, we believe that Section 29, should be amended to read as under:

29. Legal practitioners to be the only recognised class of persons entitled to practise law.—*Subject to the provisions of this Act and any rules made thereunder, there shall, as from the appointed day, be only one class of persons entitled to practise the profession of law, namely, Legal Practitioners.*

For avoidance of doubt, it is clarified that the Legal Practitioner shall be entitled to practice and enroll under this Act or revive his/her enrollment/ Sanad which was surrendered for taking up full time employment in accordance with the Rules.

For the purposes of this Act, any Legal Practitioner who remained in full time employment shall be deemed to have practiced for the period during which the Legal Practitioner was engaged in the Practice of Law.



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Also Section 33 would need to be appropriately addressed.

Conduct of Legal Practitioners

We laud the vision of the Ministry of Law and Justice that the Legal Practitioner should be eligible for seeking experience certification from the concerned authorities like the Bar Council of India, State Associations or State Bar, as the case may be, we therefore believe that an appropriate Code of Conduct may be advised for the Legal Practitioners who seek such certification.

We thank you again for your initiative to recommend changes to the Advocates Act.

Thanking you,

**For and on behalf of
GENERAL COUNSELS' ASSOCIATION OF INDIA**

Dr. Sanjeev Gemawat
Founder