



General Counsels' Association of India

July 21, 2026

**The Chairman
Bar Council of India
21, Rouse Avenue Industrial Area
Near Bal Bhawan, New Delhi 110002**

Subject: Representation on the Draft Advocates (Amendment) Bill, 2026 ("the Amendment Bill 2026") – Recognition of Advocates and Legal Practitioners Serving as General Counsels/In-House Counsels in the Private Sector, Public Sector and Joint Sector

Dear Sir,

On behalf of the General Counsels' Association of India ("GCAI"), representing General Counsels, in-house legal professionals and legal leadership across Indian industry, we respectfully submit this representation in response to the Draft Advocates (Amendment) Bill, 2026 circulated by the Bar Council of India ("BCI") for stakeholder consultation.

At the outset, GCAI places on record its appreciation for the comprehensive reform initiative undertaken by the BCI in consultation with the Ministry of Law and Justice. The proposed amendments present an important opportunity to modernise the regulatory architecture of the Indian legal profession and align it with a rapidly transforming economy and India's national aspiration of becoming a Viksit Bharat by 2047.

GCAI particularly welcomes the proposed strengthening and statutory recognition of Indian law firms, the emphasis on professional development, legal education, emerging areas of practice and the internationalisation of the Indian legal profession. These reforms provide a compelling policy basis to address one remaining structural anomaly: the non-recognition or inadequate recognition of advocates and qualified legal practitioners who practise law as General Counsels and in-house counsels within the government or non-government, public or private organizations ("Corporate Sector"). private-sector, public-sector and joint-sector organisations.

1. A Historic Opportunity to Modernise the Legal Profession

The Advocates Act, 1961 was enacted when the predominant conception of legal practice was court centric. The Indian economy and the legal profession have since undergone a fundamental transformation. Modern legal practice extends far beyond courtroom advocacy and includes corporate and commercial law; mergers and acquisitions; banking, finance and securities; competition; insolvency and restructuring; arbitration and mediation; technology, artificial intelligence, data protection and cybersecurity; intellectual property; infrastructure, energy and environmental law; taxation; regulatory compliance; international trade; and corporate governance.



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A substantial part of this work is performed by advocates and legally qualified professionals working as General Counsels and in-house counsels, within the Corporate Sector. Professional recognition should therefore follow the nature and substance of legal work performed, rather than merely the organisational form in which the lawyer practises.

In view of the above, we recommend that the definition of the “Legal Practitioner” in sub-section (i) of Section 2 of the Advocates Act, 1961 be amended as follows:

“legal practitioner” means any Advocate practicing before any Court, tribunal and quasi judicial body or any law graduate whether enrolled with the state bar council, and/or employed in government or non-government, public or private organization, including but not limited to statutory and autonomous bodies and corporate entities incorporated and registered in India, for rendering legal advisory, transactional, regulatory, compliance, arbitration, mediation, dispute resolution, litigation management, drafting, documentation, governance or other professional legal functions.”

2. Corporatisation and Institutionalisation of Legal Services

GCAI welcomes the proposal to statutorily recognise and register Indian law firms. If the law expressly recognises that legal practice may be organised through institutional law firms, the same reform logic should extend to advocates and Legal Practitioners practising law within the institutional framework of the Corporate Sector.

The distinction between an advocate providing corporate, commercial, transactional, regulatory or arbitration advice through a law firm and an advocate providing substantially the same professional legal services as an in-house counsel is increasingly artificial. Recognition should follow the legal function performed, not merely the organisational vehicle through which it is performed.

Section 29 of the Advocates Act, 1961, states that Advocates is the only recognized class of persons entitled to practice law. As referred to in section 1 above, we propose that the definition of the Legal Practitioner should be expanded and 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 practice 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 practice 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.



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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."

Also, Section 33 of the Advocates Act, 1961, would need to be appropriately addressed.

3. Professional Development Across New and Specialised Facets of Law

Draft itself recognises the expanding frontiers of legal practice by proposing professional development opportunities in areas such as commercial and corporate law, arbitration and mediation, technology and artificial intelligence, cyber law and digital evidence, taxation and insolvency, international legal practice and advocacy.

Many of these specialised fields are practised every day, at considerable depth and scale, by General Counsels and in-house legal teams, as Legal Practitioners. It would be incongruous to recognise these fields as legitimate areas for professional development of advocates while excluding advocates whose principal professional practice consists precisely of those fields merely because they practise as salaried in-house counsel.

4. GCAI's Consistent Representations and Engagement

GCAI has consistently raised this issue with the Bar Council of India through representations dated 23 June 2023, 3 November 2023, 25 July 2024 and 16 May 2025, besides meetings, discussions and engagements from time to time. These representations sought recognition of in-house legal practice and appropriate amendment of Rule 49 of the Bar Council of India Rules so that bona fide legal practice in full-time employment is not excluded merely because of the employment relationship.

The present comprehensive amendment exercise provides the appropriate legislative opportunity to resolve this long-standing issue in a coherent and future-facing manner.

5. In-House Counsel Are an Integral Part of the Legal and Governance Ecosystem

General Counsels and in-house counsels interpret law, ensure compliance, advise boards and management, structure transactions, draft and negotiate contracts, prevent disputes, conduct investigations, manage litigation and arbitration, interact with regulators, protect stakeholder interests and embed ethical governance within organisations. Their contribution to the Corporate Sector is therefore integral to the administration of law, preventive justice, corporate governance and responsible economic activity.

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A strong in-house legal profession reduces avoidable disputes by ensuring that businesses receive sound legal advice before disputes arise. An effective General Counsel acts not merely as a lawyer to the enterprise but as a guardian of legality, governance, compliance, institutional integrity and responsible decision-making.

6. Recognition Must Extend Across to the Corporate Sector

Legal practitioners perform substantially similar professional functions whether employed by private-sector companies, Central or State public-sector undertakings, statutory corporations, government-controlled enterprises, banks and financial institutions, joint-sector companies or other institutional employers. There is no principled basis for recognising legal work performed for a Government organisation while excluding equivalent legal work performed by an advocate for a private-sector, public-sector or joint-sector organisation.

The decisive test should be the nature of the professional function: whether the individual is duly qualified and substantially engaged in performing legal functions. The ownership structure of the employer should not determine whether such work constitutes legal practice.

7. Proposed Legislative Amendment – Simple, Precise and Effective

GCAI respectfully submits that the minimum necessary correction can be achieved through a limited amendment to the proposed definition of “legal practitioner” in clause (i), by inserting, after the words “Government organisation”, the words “private sector, public sector or joint sector organisation”.

However, to avoid a narrow interpretation tied only to litigation and drafting, GCAI recommends a more comprehensive formulation that expressly recognises modern non-contentious, advisory, transactional, regulatory and in-house legal practice. The preferred drafting is set out in Annexure A.

8. Consequential Alignment of Rule 49

The statutory amendment should be accompanied by consequential harmonisation of Rule 49 of the Bar Council of India Rules so that salaried employment does not, by itself, result in cessation of professional status where the advocate continues to perform bona fide legal functions for the employer.

Recognition may appropriately be accompanied by disclosure of in-house employment to the State Bar Council, confirmation that principal duties are legal in nature, continuing professional development, adherence to professional ethics and disciplinary jurisdiction, conflict and confidentiality standards, and such calibrated rules regarding rights of audience as may be considered appropriate.



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9. **Alignment with Global Professional Standards**

Across mature legal markets, in-house practice is recognised as a legitimate professional career path. Modern regulation increasingly focuses on professional qualification, ethical duties and the nature of legal services rather than treating corporate employment as an exit from the legal profession. India, aspiring to become a global center for commerce, arbitration, technology, finance and professional services, should similarly develop a modern and inclusive conception of legal practice.

10. **Viksit Bharat @2047 Requires a Viksit Legal Profession**

The aspiration of Viksit Bharat 2047 requires strong institutions, predictable regulation, efficient dispute resolution, high standards of corporate governance and a globally competitive professional-services ecosystem. India's economic growth will generate enormous demand for lawyers specialising in transactions, infrastructure, energy transition, technology, AI, data governance, financial services, international trade, competition, intellectual property, arbitration, insolvency and regulatory law.

The legal profession must therefore offer a continuum of professional opportunity across litigation, law firms, in-house practice, public and joint sectors, academia, ADR and regulatory practice, rather than maintaining artificial barriers between legitimate branches of the same profession.

11. **Transformational Opportunity for Young Advocates – Skills and Employment**

Recognition of in-house practice as a legitimate and regulated stream of advocacy would be path-breaking for young advocates. It would open structured professional careers across companies, start-ups, MSMEs, banks, financial institutions, public-sector enterprises, technology companies, infrastructure, manufacturing, energy, healthcare, e-commerce and emerging sectors while allowing advocates to retain their professional identity and connection with the organised legal profession.

This single reform can create multiple avenues for professional development, skill-building and employment. It can encourage enterprises, including MSMEs and start-ups, to establish professional legal functions and employ qualified advocates, thereby expanding preventive legal services throughout the economy.

12. **Skill Development and Continuing Professional Education**

Recognition would enable the BCI and State Bar Councils to build specialised continuing professional development pathways for in-house advocates in corporate law and governance, arbitration, technology and AI, cyber and data law, insolvency, competition, ESG and sustainability, financial regulation, international transactions and sector-specific regulatory practice.



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Industry can become an important partner of the Bar Council, universities and law schools in providing internships, mentorship, practical training, industry exposure, secondments and continuing legal education, thereby bridging the gap between legal education and professional readiness.

13. **Strong Law Firms and Strong In-House Legal Functions Are Complementary**

Strengthening Indian law firms and recognising in-house legal practice are complementary, not competing, objectives. Strong law firms provide specialised external advice, advocacy and transaction capability. Strong in-house teams provide institutional knowledge, preventive legal advice, governance oversight, risk management and strategic coordination. A globally competitive Indian legal ecosystem requires both.

14. **Specific Recommendations**

- i. Amend the proposed definition of “legal practitioner” by inserting the words “private sector, public sector or joint sector organisation” after the words “Government organisation”.
- ii. Preferably adopt the expanded definition in **Annexure A** so that recognition extends expressly to advisory, transactional, regulatory, compliance, arbitration, mediation, dispute management, governance and other professional legal functions.
- iii. Expressly recognise General Counsels, in-house counsels, legal officers and equivalent legal professionals whose principal functions consist of rendering legal advice or performing legal work.
- iv. Make consequential amendments to Rule 49 so that full-time salaried employment in a bona fide legal capacity does not automatically result in cessation of professional recognition.
- v. Establish a proportionate registration/intimation framework for in-house advocates, including ethical standards, continuing professional development and disciplinary accountability.
- vi. Ensure professional development programmes under the amended Act are equally accessible and relevant to advocates practising in corporate, private- sector, public-sector and joint-sector environments.
- vii. Create structured collaboration among BCI, State Bar Councils, industry, GCAI, universities and law schools for internships, mentoring, skilling and employment opportunities for young advocates.
- viii. Consider constituting a BCI–Industry/In-House Counsel Working Group to recommend consequential rules and professional standards.

Conclusion – A Small Amendment with Transformational Potential

The Draft Advocates (Amendment) Bill, 2026 represents a historic opportunity to shape the Indian legal profession for the coming decades. Recognition of advocates serving as General Counsels and in-house counsels is the logical extension of the proposed reforms.



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A Viksit Bharat requires a Viksit Legal Profession—modern, inclusive, professionally regulated, globally competitive and capable of creating opportunities for the next generation of Indian advocates.

GCAI respectfully requests the Bar Council of India to consider this proposal favorably and incorporate the suggested amendment before finalisation of the Bill. GCAI would be pleased to participate in any consultation, committee or working group constituted for developing the appropriate statutory and regulatory framework.

With respectful regards,

Yours sincerely,
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Cc:

1. Shri Arjun Ram Meghwal, Honorable Minister of Law & Justice, Government of India
2. Dr Rajiv Mani, The Law Secretary, Ministry of Law & Justice, Government of India

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ANNEXURE A

PROPOSED LEGISLATIVE AMENDMENT AND RATIONALE

1. Minimum Amendment Requested

In clause (i), in the proposed definition of “legal practitioner”, after the words “Government organisation”, insert the words: “private sector, public sector or joint sector organisation”.

2. Preferred Comprehensive Formulation

“legal practitioner” means any Advocate practicing before any Court, tribunal and quasi-judicial body or any law graduate whether enrolled with the state bar council, and/or employed in government or non-government, public or private organization, including but not limited to statutory and autonomous bodies and corporate entities incorporated and registered in India, for rendering legal advisory, transactional, regulatory, compliance, arbitration, mediation, dispute resolution, litigation management, drafting, documentation, governance or other professional legal functions.”

3. Rationale

- The present reform recognises specialised professional development in corporate and commercial law, arbitration and mediation, technology and AI, cyber law, taxation and insolvency, and international legal practice. These are core areas of modern in-house legal practice.
- The proposed statutory recognition of Indian law firms demonstrates that legal practice is no longer confined to the traditional individual-litigator model.
- Recognition based on legal function rather than employment form removes an artificial distinction between lawyers performing comparable professional work in law firms and in-house legal departments.
- The amendment will bring in-house advocates within professional ethics, continuing education and regulatory accountability.
- It will create significant new pathways for young advocates, skill development and employment across private, public and joint sectors.
- It aligns the legal profession with the institutional and economic requirements of Viksit Bharat 2047.

4. Consequential Rule 49 Principle

Rule 49 should be harmonised to provide that an advocate does not cease to be professionally recognised merely by reason of full-time salaried employment where the advocate’s principal duties consist of bona fide legal practice or legal services for the employer, subject to appropriate intimation, ethical, continuing professional development and regulatory requirements prescribed by the Bar Council.



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5. Policy Outcome

The proposed amendment is limited in drafting but transformational in effect: it modernises the concept of legal practice, integrates a major segment of qualified lawyers into the organised profession, strengthens governance and preventive legal services, supports professional regulation, and creates multiple new avenues of skilling and employment for young advocates.