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The Advocates Act amendment debate: what is at stake for law firms

The Advocates Act, 1961 is being reconsidered. This article explains the 2025 draft Bill, why it was withdrawn and what firms should watch next.

The Advocates Act, 1961 is the foundation of the legal profession in India. It was written for a Bar of individual court practitioners. More than six decades later, the profession includes large firms, in-house legal departments, arbitration specialists and cross-border advisers. The pressure to update the Act has been building for years.

The 2025 draft

In February 2025 the Law Ministry published a draft Advocates (Amendment) Bill for public comment. Among other things it proposed to:

- widen the definition of "legal practitioner" to cover lawyers working in law firms, companies and other organisations;
- give the Central Government a role in regulating the entry of foreign lawyers and firms;
- tighten provisions on professional conduct, including on boycotts of court work.

Why it was withdrawn

Bar bodies across the country objected, most strongly to provisions seen as affecting the independence of the profession and the autonomy of the Bar Council. Within days the Government withdrew the draft for reconsideration and said it would consult further.

What has happened since

The conversation did not end. In 2026 the Bar Council of India circulated its own draft of amendments. One notable difference is in the definition of legal practitioner, which in the Council's draft does not extend to in-house counsel working for private companies in the way the 2025 draft had proposed.

Why firms should care

Three questions in this debate go to the heart of how firms operate.

Who is a legal practitioner? The answer decides who is regulated, who enjoys professional privileges and how in-house lawyers relate to the Bar.

Is the firm recognised? Today the Act sees individuals. Recognition of firms would allow registration, data and firm-level standards.

Who regulates cross-border practice? Clarity here affects every Indian firm with international clients or ambitions.

Principles for good reform

- Protect the independence of the Bar. It is a public good, not a privilege.
- Consult widely and early, including firms outside the metros.
- Regulate for the profession as it is today, not as it was in 1961.
- Keep the advocate's duty to the court at the centre.

The role of an industry body

Individual firms seldom have the time to study drafts line by line. An association can gather views, test them against evidence and present them constructively. Reform done with the profession will last. Reform done to it will not.

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Read online: https://indianlawfirmsassociation.com/advocates-act-amendment-debate/

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