

CENTRE FOR THE STUDY OF THE LEGAL PROFESSION

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BENGALURU

**COMMENTS ON THE PROPOSED
AMENDMENTS TO THE
ADVOCATES ACT, 1961**

Comments on the Draft Advocates (Amendment) Bill, 2026

Submitted to

the Bar Council of India

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EXECUTIVE SUMMARY

The executive summary presents a summary of the recommendations submitted. The recommendations have been grouped under the following nine headings. For ease of reference, a table containing the comments is added as an annexure.

I. Enrollment fees

The proposed amendment introduces a very steep hike in the enrollment fee across the board. In [*Gaurav Kumar v. Union of India*](#) (Gaurav Kumar) the Supreme Court cautioned against unreasonable and excessive fees as it may lead to disparity and perpetuate discrimination. Based on directions passed by Courts and the BCI on minimum stipends for junior advocates, an enrollment fee of INR 22,500 would amount to a harsh burden resulting in a barrier to entry into the legal profession. It is recommended that the enrollment fees be revised to drop amounts not essential to the enrollment stage and alternative models involving installments or stipulating smaller annual amounts be explored. Additionally, it is recommended to provide concessions for women advocates and introduce a staggered fee structure accounting for intersectionalities of advocates. The proposed amendment introduces a financial qualifier for availing of concessions which is problematic and unclear. Another proposed proviso allows BCI to revise fee structure through subsequent notifications. This must be omitted as it is ultra vires the parent statute (the Act) which prescribes the enrollment fee.

II. Welfare Fund provisions

The proposed amendments to Sections 6 and 7 stipulate that one or more funds or a trust can be created to support the functions of the State Bar Councils (SBCs) and the Bar Council of India (BCI). The ambit of the welfare functions is expanded to cover financial assistance to “deserving advocates”, organizing seminars, conducting professional development programmes and welfare schemes (insurance, pension, medical relief, social security schemes for certain advocates). While welfare schemes and funds for the benefit of workers and employees have often been created, concerns regarding implementation are rampant. Looking at the several state level Advocates’ Welfare Funds which receive 20% of the enrollment fees collected by SBCs, Courts have noted discrepancies in management and disbursement of funds. Recommendations to strengthen the existing provisions are made. In this light, it is recommended that receipts and disbursements must be made periodically disclosed to enable a performance audit.

Additionally, the Act must prohibit diversion of sums and ensure that new funds without clear earmarked purposes are not set up. The proposed amendment stating that financial assistance may be given to “deserving candidates” must be supplemented with objective criteria to ensure disbursements are non-arbitrary.

III. Representation of women in State Bar Councils

While the present version of the proposed amendment is a historic step towards achieving gender diversity in the composition of SBCs, a few concerns need to be addressed so that the amendment’s objectives may be realized. Firstly, women’s representation in SBCs should be increased to 30%, which is in line with extant provisions for women’s reservation in other fields including judicial service. Secondly, it should be clarified that the positions that are not specifically reserved for women are open to all and that more women members can be selected other than the minimum number that has been reserved for their representation. Thirdly, the geographical representation mandate that has been made part of the co-option for women should be applied across all positions. In the alternative, at least more positions should be co-opted to ensure that all geographical areas are represented, and these positions should be open to both men and women advocates. Fourthly, in furtherance of the assurances made before the Hon’ble Supreme Court in [*Pankaj Sinha v. Union of India*](#), the co-option metric should be broadened to ensure adequate representation for Advocates with disabilities and other similarly under-represented backgrounds including members of the Scheduled Castes, Scheduled Tribes, Other Backward Classes, the LGBTQI community and religious minorities.

IV. Legal Education Committee

The proposed amendments expanding the number of members and composition of the Legal Education Committee are a welcome step in ensuring that regulation of legal education, while remaining autonomous and in the hands of the BCI, includes representation from the legal academic community. However, in line with contemporary developments in the higher education sector more generally, as well as other autonomous disciplines such as medicine, further reforms in the regulation of legal education within the BCI’s ambit are possible to ensure that the regulatory framework is both robust and up-to-date. Firstly, BCI may review the functioning of the Directorate of Legal Education as well as the Directorate of Legal Studies and Law Reforms and evaluate the continued necessity of two bodies. The composition and functions may be spelled out clearly in section 10 the Act itself by incorporating suitable amendments. Secondly, a further amendment may be added to Section 10 to authoritatively clarify the role, power and functions of the LEC in the statute itself. This will remove ambiguities in the functioning of the LEC vis-

a-vis the Directorate and other bodies constituted by the BCI through Rules or Circulars, which have the potential for causing regulatory confusion and lack of clarity among various stakeholders. Thirdly, there should be a functional separation between the LEC, the Directorate of Legal Education, and the Accreditation Committee, which should respectively undertake the processes of regulation, standard-setting and accreditation. To enable this, the provisions of Rules 29 and 34 of the LE Rules should be incorporated into the Act itself by way of suitable additions to Section 10 to establish the Directorate of Legal Education and the Accreditation Committee as independent Committees under the BCI. Fourthly, the composition of the LEC under section 10(2)(b) should be further expanded to 30 members of whom 15 members should be academics, who possess deep knowledge in the field of education. It is recommended that this be done by retaining the 9 nominees of BCI, 3 Judicial Members, 7 Academic Members and 3 ex-officio members, and adding eight more academic members (two representatives of Private Law Colleges along with six representatives from the Consortium of National Law Universities), who are important stakeholders in legal education today. Finally, to ensure a selection that is independent, it is recommended that a further amendment be made to mandate the nomination of academic members by an independent selection committee on the lines of s. 5 of the NMC Act, 2019.

V. Professional Development Programmes for Advocates

The proposed amendments to Section 6 of the Act are aimed at professional development programmes as a post-enrolment, continuing education scheme for advocates with emphasis on knowledge and skill upgradation. This is an important step as continuing legal education can help advocates to sustain and perform well in the legal profession. However, a few matters may require greater clarity. Firstly, the proposed amendments mention that the BCI may constitute centres of excellence in legal education or the National Legal Academy, as per the recommendations of the Hon'ble Supreme Court in *Ajay Vijh*. For a National Legal Academy to be established and effectively work, its objectives, functions, governance and composition must be adequately conceptualized and stipulated. It is also recommended that a clear delineation of the proposed National Legal Academy's relationship with the BCI, SBCs, universities and existing legal education and professional training institutions be provided in the statute. Secondly, the proposed amendments must mandate these programmes to be conducted on a time-bound basis and yearly or half-yearly. The proposed amendments could also clarify whether these programmes would carry some certificates of participation or credits to act as an incentive. Thirdly, the proposed amendments merely empower the SBCs to provide such programmes. This may render the implementation to be non-uniform across SBCs, reducing the overall effectiveness. It is recommended that the proposed amendments provide

clarity on who will regulate these programmes as there is overlap of jurisdiction with both the BCI and SBCs being empowered equally.

VI. Citizenship criteria

The proposed amendments to sections 24 and 47 of the Act may disproportionately impact several stakeholders, including OCI students studying in India and Indian lawyers practicing in other jurisdictions, besides foreign nationals choosing to study law in India. It would have a deleterious effect on the ability of both Indian CLEs to attract foreign students as well as prevent Indian law firms from expanding their services to foreign jurisdictions (especially from SAARC countries). It may reciprocally result in other jurisdictions (such as the United Kingdom, Hong Kong, and Singapore) which are at present friendly to Indian lawyers, amending their registration process which would affect the employability of Indian lawyers in these jurisdictions. Accordingly, it is recommended that these amendments in their present form be dropped entirely.

As an alternative to the present amendments, it is further recommended that the regulation of Advocates who are not Indian citizens, but resident in India, may follow a three-tier structure. Firstly, the OCIs shall be permitted to register as advocates, if they have obtained their qualifying degree from India, or if they have qualified the [Qualifying Examination for Indian Nationals Holding Foreign Law Degrees](#) and satisfied other prescribed criteria. Secondly, Foreign Nationals, not being OCIs, shall be permitted to register as advocates, if they have obtained their qualifying degree from India and satisfied other prescribed criteria. Thirdly, Foreign Nationals, not being OCIs, who have not obtained their qualifying degree from India, may only apply to register as foreign lawyers. Fourthly, the BCI may, if required, specify other qualifying criteria in Section 24, which does not have the effect of an absolute restriction against foreign nationals applying to register as advocates.

Finally, the proposed amendments do not adequately address the Supreme Court's observations in [A.K. Balaji v Bar Council of India](#) about how misconduct will be regulated, and to that extent suffer from defects similar to those identified by the [Society of Indian Law Firms \(SILF\)](#) in response to the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022. Specific grounds for suspension and cancellation of registration should be specified in the Act itself, so that the suspension and cancellation process is not arbitrary and is also in line with the principles of Ease of Doing Business. The Act may also require synchronization with the Immigration and Foreigners Act, 2025 for enabling temporary work permits that would support a fly-in, fly-out system. In the absence of such regulations, a fly-in, fly-out system may not even take off.

VII. Election Tribunals

The proposed amendments to sections 14A and 15A leave a few issues unaddressed. First, some State Bar Councils already provide for election tribunals to resolve election-related disputes. The proposed amendment to Section 14A, by proposing an alternative procedure for disposing of State level election disputes, may render extant State-level tribunals defunct. Secondly, it is suggested that the proposed amendments clarify the substantive scope of the Election tribunal's powers under Section 15A, keeping in mind the Hon'ble Supreme Court's decision in [*Bar Council of Delhi v. Surjeet Singh*](#). In this matter, it is suggested that the [Delhi Bar Council Election Rules](#) and the [Punjab & Haryana Bar Council Election Rules](#) serve as a potential model as they clearly specify the tribunal's powers, composition, and other rules concerning the tribunal's functioning.

VIII. Dispute Resolution

The proposed proviso to Section 36B is a welcome clarification of the BCI's power to issue interim directions. However, it is recommended that the scope of the powers, along with the evidentiary standard (prima facie or a stricter threshold) on which such powers may be exercised, be specified explicitly in the Act, with a provision mentioning the right to fair hearing. Moreover, the proposed section introduces a fee, along with supporting documents, for the filing of a complaint, but it is unclear how this fee is to be determined. It is recommended that the proposed amendments prescribe a modest fee with an express waiver for indigent complainants.

IX. Other Recommendations

The draft amendments are silent on two matters that we recommend be addressed. First, no provision is made for minimum stipends for junior advocates, despite the BCI having already issued [directions](#) recommending the same. Given that early career financial instability disproportionately affects first generation lawyers, women, and advocates from marginalized backgrounds, it is recommended that a provision be added mandating compliance with minimum pay standards laid down by the BCI through circulars, along with appropriate warnings and penalties for non-compliance. Comparable statutory models exist in other professions, such as in the Chartered Accountants Regulations, 1988, Apprenticeship Rules, 1992. It is suggested that this graded, tier-based approach be adopted for junior advocates as well.

Secondly, it is recommended that candidates contesting SBC elections, or being considered for co-option, be statutorily required to file a public disclosure affidavit alongside their nomination. This affidavit should

require disclosure of the number and demographic composition of junior advocates engaged in the candidate's chamber, details of stipends paid to them, compliance with the Prevention of Sexual Harassment Act including the constitution of an Internal Committee where applicable, the nature and extent of court exposure given to juniors, and any pending or past complaints of professional misconduct or harassment against the candidate. Such disclosure would foster ethical leadership within SBCs and tie eligibility for election or co-option to demonstrable compliance with minimum pay and workplace safety standards.

INTRODUCTION

This document has been prepared by the Centre for the Study of the Legal Profession (“Centre”) at the National Law School of India University, Bengaluru, in response to the Bar Council of India’s letter dated 18.07.2026, inviting public comments from the legal fraternity on the draft proposed amendments to the Advocates Act, 1961 (Act).

The Centre was established with the aim of promoting equity, inclusion, and justice within the legal profession in India. The Centre’s primary focus is on advancing rigorous empirical research to enhance understanding of the Indian legal profession (its structure, regulation, norms, and practices) and contributing to informed debates that strengthen the legal profession and its role in advancing justice and social development.

The Advocates Act, 1961 has not been subject to any substantive amendment since 1993. In the three decades since, a number of changes have occurred in the legal profession. As such, an amendment to the Act to bring it up-to-date is long overdue. However, it is important that the historic autonomy of the profession be preserved, which has been attempted in the present iteration by the BCI leading the drafting process. At the same time, internal processes and practices followed by the BCI must be rigorous, transparent and in line with the best practices followed in other professional sectors.

Momentous amendments of this nature provide more than an opportunity to update the text of the law. They also lay out a vision for the legal profession of the future and represent a chance to review the working of various aspects of the legislation over the last several decades and make changes where needed based on the experience of past practice. In this light, the Centre has thoroughly reviewed the draft Amendments and, barring a few, recommends that the amendments be undertaken albeit with some changes and additions to make them more comprehensive. Some additional issues relating to the profession which have not been covered in the draft amendments are also proposed to be included.

The Centre’s recommended changes to the draft are directed towards ensuring greater regulatory clarity, increased statutory authority, more representative processes, and a focus on supporting various marginalised groups in the profession. These, we believe, will go a long way in ensuring that the legal profession is able to contribute to the nation’s growth, while upholding the Constitutional values of equality, dignity and fraternity.

These comments have been submitted on behalf of the Centre. The list of contributors is:

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This submission has been prepared in our academic and research capacity. The views, analysis, and recommendations expressed herein represent those of the authors alone. They do not necessarily reflect the views of the National Law School of India University.

For convenience, the discussion has been grouped under nine thematic headings, dealing with various aspects of the proposed Amendments.

THEME-WISE COMMENTS ON THE DRAFT ADVOCATES (AMENDMENT) BILL, 2026

I. Enrollment Fee

Section 24 of the Act prescribes the enrollment fees payable as a pre-condition for enrollment of advocates. Since 1993, for advocates belonging to the general category, the fee is stipulated as INR 750 of which INR 600 goes to the relevant SBC and the remaining INR 150 goes to the BCI. Advocates belonging to Scheduled Castes and Scheduled Tribes were required to only pay INR 125.

The Supreme Court observed in [Gaurav Kumar v. Union of India](#) (Gaurav Kumar) that despite the explicit statutory limit, SBCs were collecting a range of miscellaneous fees. A review of different SBCs revealed that the fees being charged from advocates at the time of enrollment ranged from INR 15,000 to INR 42,000 depending on the SBC. The steep fees were evidently causing great disparity and perpetuating systemic discrimination leading to prospective invalidation (to avoid refund of fees already paid). The Supreme Court cautioned that SBCs must adhere to the prescribed statutory limits. The amount mentioned in Section 24(1)(f) cannot be defeated by citing miscellaneous services or by renaming the nomenclature of amounts collected at the stage of enrollment.

The proposed amendment to Section 24(1)(f) hikes the enrollment fees to a total of INR 22,500 for advocates belonging to the general category. INR 18,000 of this amount would belong to the relevant SBC and the remaining INR 4500 to the BCI. Advocates with benchmark disability or belonging to the Scheduled Castes, Scheduled Tribes are required to only pay one-fourth of prescribed enrollment fee.

Significant implications flowing from the change in the enrollment structure and recommendations thereto are described below:

1. Steep Hike in Enrollment Fees

The change in the enrollment fee for advocates belonging to the general category amount represents a thirty-fold increase (from INR 750 to INR 22,500). For advocates belonging to the Scheduled Castes and Scheduled Tribes, the hike is even more steep as it represents a forty five-fold increase (from INR 125 to INR 5,625).

In the Gaurav Kumar litigation decided in 2024, the Supreme Court noted that the median stipend of an entry lawyer ranges between INR 10,000 to INR 15,000. Most recently, a few weeks ago, the Supreme Court remarked in [Sarika Tyagi v. Union of India](#) that young graduates receive “modest stipends...which are often insufficient to meet even their basic living expenses.” The Bar Council of India has sought to address this issue through [progressive directions recommending minimum stipends for junior lawyers](#). For junior lawyers in rural areas the amount recommended is INR 15,000 while for junior advocates in urban areas the amount recommended is INR 20,000. The amounts prescribed bear out the pay gap between junior advocates working in urban and rural areas and that advocates working in the latter may bear a greater burden on the enrollment fee.

As cautioned by the Courts, enrollment fees must neither be unreasonable nor tantamount to a barrier. It ought to be strictly limited to sums required at the time of enrollment as there are ways in which bar councils can collect amounts at the later stage of an advocate’s career. The proposed steep hike in enrollment fees may result in creating a barrier to entry into the legal profession. It is recommended that the enrollment fees for all advocates be reconsidered to drop the amounts which are not essential to the enrollment stage. Moreover, models involving splitting payments into installments spread over a number of years or even smaller annual amounts as are charged by other professional organizations may be explored and introduced.

Another problem with the proposed amendment is that it does not account for intersectionalities that many advocates face. For example, advocates having benchmark disability *and* belonging to Scheduled Caste or Scheduled Tribe get no additional concession. To counter this, it is recommended to roll out a staggered structure with fee bands so that advocates facing intersectionalities are eligible to pay lower amounts. Additionally, while some of the other proposed amendments focus on improving women’s representation, there is no fee concession provided to women advocates.

2. Financial Incapacity Qualifier for availing concessions

A significant change proposed to Section 24 is that any advocate having benchmark disability or belonging to Scheduled Castes or Scheduled Tribes wishing to avail the lower fee option must demonstrate that he or she is “*unable to pay the fee due to his financial condition*”. The addition of such an additional condition may be omitted given that there was a reasonable basis for the Act to provide concessions in the first place and advocates from vulnerable circumstances continue to have lower representation.

In the minimum, the amendment does not elaborate on the documentation required to substantiate financial incapacity. Lack of statutory clarity on such a crucial provision may give rise to arbitrary and inconsistent application and standards across the country which is undesirable and can perpetuate discrimination.

3. Subsequent Enrollment Fee Changes through notification

The proposed amendment to Section 24 reserves the power of the BCI to revise the enrollment fee through a notification, in consultation with the central government. As emphasized by the Supreme Court in the Gaurav Kumar litigation, enrollment fee is a *fiscal* pre-condition flowing from Section 24(1)(f) which can only be collected with valid authority of law. Once Section 24(1)(f) prescribes the enrollment fee, the same cannot be altered by a notification, which is a form of delegated legislation as it would be *ultra vires* the parent statute (the Act).

II. Welfare Fund Provisions

Sections 6(2) and 7(2) of the Act state that the SBCs and BCI, respectively, can open one or more funds for the purpose of giving financial assistance to organise welfare schemes for the indigent, disabled or other advocates and legal aid. The proposed amendments to Sections 6 and 7 stipulate that one or more funds but also a trust can be created to support the functions of the SBCs and the BCI. The ambit of the welfare functions is expanded to cover financial assistance to “deserving advocates”, organizing seminars, conducting professional development programmes and welfare schemes (insurance, pension, medical relief, social security schemes for certain advocates).

Governments or other actors have often set up welfare schemes and funds for the benefit of workers and employees. For advocates, the central legislation called The Advocates’ Welfare Fund Act, 2001 was set up to fund welfare measures such as insurance schemes and cessation payments upon payment of additional membership fees. This legislation is under the aegis of the Act and mandates contributions from SBCs, apart from member advocates. [Section 15 of The Advocates’ Welfare Fund Act, 2001](#) stipulates that every SBC must pay 20% of the enrollment fee received under Section 24(1)(f) of the Act to the respective welfare fund.

Unfortunately, there have been several gaps. Hence, when proposing to expand the spread and ambit of welfare schemes, the learnings from the glaring gaps on transparency and implementation of several state level Advocates’ Welfare Funds must be used to improve the provisions. In June 2024, the Madras High

Court had to [intervene to direct disbursal of welfare fund money to eligible members without undue delays](#). Owing to reports of inconsistent criteria followed for disbursal of sums from the Delhi Advocates' Welfare Fund, the Delhi High Court directed the Delhi government [to frame adequate rules](#). In Kerala, a matter involving [lack of records, no proper audit and allegations of gross negligence and misappropriation](#) of large sums prompted the Special Judge to hand over the investigation to the Central Bureau of Investigation.

Taking a leaf from the functioning of state level Advocates' Welfare Funds, four recommendations are made. First, the proposed amendment states that financial assistance may be given to "deserving candidates" which is vague. Given the issues faced in implementing, objective criteria and circumstances must be identified so that disbursements are non-arbitrary. Second, to bolster transparency of any funds created and managed, the proposed amendments must mandate periodic disclosure of receipts and disbursements related thereto to enable a performance audit. Third, it is recommended that the Act explicitly prohibits diversion of sums maintained in any of the funds. Fourth, current requirements must be reviewed so that any new fund without clearly demarcated earmarked purposes are not set up. Multiple funds may lead to undesirable fragmentation and difficulties in monitoring results.

III. Representation of Women in State Bar Councils

The proposed amendments have tried to increase the representation of women in the composition of SBCs. This is done by amending the current Section 3 by providing for reservation of a specific number of elected positions for women.

While this is a historic step towards achieving gender diversity in the composition of SBCs, a few concerns need to be addressed so that the amendment's objectives may be realized. The issues and related recommendations are outlined below.

1. Inadequate representation of women

Even after the proposed amendments, the total number of positions reserved for women in SBCs do not amount to 30%.

- In the instance of SBCs with electorates less than five thousand, combining reserved positions and co-opted positions, 3 seats out of 15, i.e., 20% of membership, are reserved for women.

- In the instance of SBCs with electorates exceeding five thousand but not exceeding ten thousand, combining reserved and co-opted positions, 5 seats out of 19, i.e., 21% of membership, are reserved for women.
- In the instance of SBCs with electorates exceeding ten thousand, combining reserved positions and co-opted positions, 7 seats out of 33, i.e., 26% of membership, are reserved for women.

As per directions given by the Supreme Court in [Yogamaya v. Union of India](#) in December, 2025 the total number of positions reserved for women advocates either through election or co-option (discussed below) should at least be 30%. [Data suggests](#) that female candidates constitute just over one-third or 33% of the total number of advocates entering the field of litigation every year after passing the [AIBE](#) but that these numbers drop drastically when it comes to [representation within SBCs](#). States like [Chhattisgarh](#), [Gujarat](#), [Rajasthan](#), etc., that have reserved seats for women for direct recruitment to the position of Civil Judge (Junior Division) have reserved around one-third of the seats. Hence, women's representation in SBCs should also follow the same percentages.

Additionally, the amended provision is drafted in a manner that can be construed to restrict the number of women being elected to the SBCs to the reserved positions only. The language in the amendment states that out of the total strength of a specific State Bar Council, a specific number will consist of women. This can be read to mean that while the reserved positions are for women to contest elections, the non-reserved ones are essentially not open to all.

It should be clarified that the positions that are not specifically reserved for women are open to all and that more women members can be selected other than the minimum number that has been reserved for their representation.

Furthermore, while these reforms in the composition of the SBCs are a welcome first step, they will remain inadequate if diversity does not eventually reach the BCI as well. In the long run, given the BCI is the apex regulator of one of the oldest professions in the world, the statutory framework will need to evolve beyond the current model based on geographical representation to include people from all backgrounds.

2. Co-option mechanism: Diversity and geographical representation concerns

The amendment highlights the concept of “co-option” of a specific number of women, depending on the size of the electorate of the SBCs, in addition to positions of membership reserved for only women to contest. Co-option would act as another route to bring in enough women if the election process does not ensure the same. However, there are certain other concerns.

As per BCI’s explanations appended to the proposed amendments, the proposed co-option is to be done keeping in mind certain geographical areas which are often underrepresented in the overall composition of the SBC. However, it is unclear why the co-option provision places this onus only on women candidates. The geographical representation mandate that has been made part of the co-option for women should be applied across all positions. In the alternative, at least more positions should be co-opted to ensure that all geographical areas are represented, and these positions should be open to both men and women advocates.

The amendment also simply states that women who will be co-opted shall be “deserving women who are unable to contest but are able to contribute”. This is extremely ambiguous and without any clear parameters regarding the selection criteria, every SBC may adopt its own methodology that can favor certain persons over others. Hence, it is recommended that the objective criteria for co-option of women should be made clear in the parent Act so that there is uniformity and no misuse across the SBCs.

Significantly, co-option is currently only limited to women advocates. In the case of [Pankaj Sinha v. Union of India](#), the BCI told the Supreme Court that “adequate representation shall be provided to advocates belonging to specially abled categories by means of co-option...”. However, the proposed amendment does not have any provision to ensure representation of persons with disabilities. There is also no provision providing for co-option of advocates from other marginalized groups within the profession, including Scheduled Castes, Scheduled Tribes, Other Backward Classes, the LGBTQI community, or religious minorities.

IV. Legal Education Committee

The amendments proposed to Section 10 pertain to expansion of the Legal Education Committee (LEC) from the existing 10-member composition to 25 members with wider representation. This amendment leads to three key issues, discussed below.

1. Need for statutory clarity on the existing work/mandate of the LEC and other bodies

Section 10(2)(i) of the existing Act does not specify the role/function of the LEC. It is primarily detailed in the [Rules of Legal Education, 2008](#) and [various circulars issued by the BCI](#). From a perusal of the Rules of Legal Education, 2008 (LE Rules), the key roles appear to include:

- a. Verification of compliance with the LE Rules
- b. Granting approval for affiliation applications by Universities and Centres of Legal Education (CLE). However affiliation of institutions (not necessarily National Law Universities) is the [primary responsibility](#) of the University to which affiliation is sought.
- c. Addition of more sections (classes) / new courses by existing CLEs
- d. [Constitution of Inspection Committees](#) for reviewing infrastructure requirements at CLEs
- e. Determining the norms of accreditation of CLEs through an Accreditation Committee (Rule 29 read with Rule 31)
- f. Establishing the Directorate of Legal Education (Rules 34-36), recommending the Director of Legal Studies (Rule 35) and the Legal Education Officer (Rule 36)
- g. Making recommendations to the BCI in respect of recognition of law degrees offered by any Foreign University, including conducting enquiries therefor (Rules 37 read with Rule 39)
- h. Serving as the dispute resolution body of the BCI for any disputes relating to legal education (Rule 43)
- i. Recommending amendments to be moved by the BCI to the Rules of Legal Education, 2008 (Rule 47).

From the above, it can be seen that the LEC undertakes a wide range of work. Further, other bodies have been established either under LE Rules or BCI circulars, the roles of which are not specified in the Act nor under the proposed amendment. For example, while some States [such as Tamil Nadu](#) also appear to constitute Legal Education Committees, it remains unclear how they work or collaborate with the BCI's LEC. Additionally, a Directorate of Legal Studies and Law Reforms was purported to be constituted *vide* the [BCI Resolution No.115/2012](#). The gist of the discussion and the resolutions of the Directorate of Legal Studies and Law Reforms are to be placed before the LEC of BCI or before BCI for necessary action and final decision. Thus, this body appears to be duplicating functions of the LEC without having appropriate statutory backing.

In this context, it is recommended as follows:

- 1.1. BCI may review the functioning of the Directorate of Legal Education as well as the Directorate of Legal Studies and Law Reforms and evaluate the continued necessity of two bodies. The composition and functions may be spelled out clearly in section 10 the Act itself by incorporating suitable amendments.
- 1.2. A further amendment may be added to Section 10 to authoritatively clarify the role, power and functions of the LEC in the statute itself. This will remove ambiguities in the functioning of the LEC vis-a-vis the Directorate and other bodies constituted by the BCI through Rules or Circulars, which have the potential for causing regulatory confusion and lack of clarity among various stakeholders.

The above recommendations may be read along with the recommendations mentioned under Sl. No. (2) below.

2. The mode of regulation in comparison with other sectors as well as proposed changes to education regulation generally

The landscape of higher education regulation in the country is undergoing a transformation at present. The [VBSA Bill, 2025](#), which has been introduced in the Lok Sabha, provides for replacing the existing University Grants Commission (UGC) with three councils to be set up for the regulation of higher education, with functions being trifurcated into regulation, accreditation and standards.

Within the VBSA framework, legal and medical education is given regulatory autonomy. A comparison with medical education shows that it is regulated under the National Medical Commission Act, 2019. The National Medical Commission (NMC) regulates medical education via four autonomous Boards established under section 16 of the National Medical Commission Act, 2019 - the under-graduate medical education board, post-graduate medical education board, medical assessment and rating board and the ethics and medical registration board. Thus, even in the medical field, there exists a functional separation in matters of standards, accreditation and regulation.

In the legal field at present, the existing LEC handles all three functions as indicated above. Keeping in mind the trends in other fields of professional education as well as the regulation of higher education more generally, it is recommended that there may be merit in making a separation for functional efficiency and autonomy, which would enable the BCI to adopt the best practices of the day.

Following the VBSA model of functional separation but retaining the autonomy of the BCI in line with the NMC, we recommend the establishment of three independent bodies that would work under the aegis of BCI, overseeing the respective functions, as outlined below:

- **Regulation:** The existing LEC may continue to undertake regulatory functions, which are provided under Rules 14-16, 24-27 and 37-40 of the LE Rules.
- **Accreditation:** The accreditation exercise (Rules 30-31, LE Rules) may be carried out by a separate body which could combine the existent Accreditation Committee under Rule 29 of the LE Rules along with the Inspection and Monitoring Committees/Teams constituted by BCI under Rule 21 of the LE Rules.
- **Standards:** The establishment of standards and their periodic revision (Rules 3-13 of the LE Rules) may be undertaken by the existing Directorate of Legal Education established under Rules 34-35 of the LE Rules.

This would ensure considerable clarity in the roles of all three existing bodies vis-a-vis one another and to all other stakeholders. However, to ensure that these bodies function with adequate statutory authority, the provisions of Rules 29 and 34 of the LE Rules should be incorporated into the Act itself by way of suitable additions to Section 10.

3. Composition of the LEC

While the proposed amendment makes a laudable first step in broadening the membership of the LEC to include representatives from legal academia, it seems inadequate. Even after the proposed amendments, the representation from academia is only 7/25 members, which is less than one-third of the total representation. LEC's functioning would be more meaningful if at least 50% of its members were from legal academia, who are well-versed with the day-to-day functioning of various aspects of legal education.

One best-practice that can be followed is from the field of medical education. The NMC has specified statutory membership for Directors of AIIMS and other eminent institutions in the field of medical education including PGIMER Chandigarh, JIPMER Puducherry etc. This is a positive step which may be followed for equivalent institutions in the field of law.

Accordingly, the revised composition of the Committee is proposed to be increased to 30 members as follows:

1. Nine members nominated by BCI from among its members (no change)
2. One retired Judge of the Supreme Court (no change)
3. Two retired CJs of the High Courts (no change)
4. ~~Two Senior Advocates~~ (deleted as Advocates including Senior Advocates will be adequately represented from among BCI members)
5. AG (no change as the AG is the senior most Law Officer in the country and holds a Constitutional post)
6. ~~SG~~ (deleted as adequate representation is provided through BCI members and AG)
7. Nominee of UGC (no change)
8. Secretary of Education (proposed replacement of Secretary of Law, as the committee is specifically for legal education)
9. Three Vice-Chancellors of Universities (no change)
10. Four Deans or Professors of Law and social sciences (no change)
11. Two Deans of private law colleges (new addition)
12. Six Vice-Chancellors of National Law Universities, to be nominated by the Consortium of NLUs by rotation (new addition)

This will ensure at least 15 of 30 members in the Committees are academics, who possess deep knowledge in the field of education. Additionally, to ensure a selection that is independent, the members at Sl. Nos. 9, 10 and 11 should be nominated by an independent selection committee on the lines of s. 5 of the NMC Act, 2019. We recommend appropriate changes to the proposed amendments accordingly.

V. Professional Development Programmes for Advocates

Section 6(1) of the Act is proposed to be amended to provide for professional development programmes for advocates.

As acknowledged by the BCI in the explanations appending the amendments, this proposal has its roots in the judgment of [*Ajay Vijh v Indian Banks Association*](#) (*Ajay Vijh*) wherein the Supreme Court acknowledged the need for institutionalized learning for advocates after enrolment, the evolving nature of legal knowledge and methods, the need for simplification and refinement and higher standards of inclusiveness,

accountability and transparency. In *Ajay Vijn*, the Supreme Court mentioned that the 184th Report of the Law Commission of India recommended institutionalizing continuing legal education and improving standards of professional training by developing our own model. The Supreme Court leaned towards making continuing legal education a regulatory requirement.

The proposed amendments aim at professional development programmes as a post-enrolment, continuing education scheme for advocates with emphasis on knowledge and skill upgradation. This is an important step as continuing legal education can help advocates to sustain and perform well in the legal profession. While part of the enrollment fee may be used towards providing professional development schemes, as stated in the BCI's explanations appended to the proposed amendments, advocates enrolling for these schemes may have to bear additional expenses. As the BCI mentions that these programmes are not to be seen as an imposition on advocates, it appears that these are not meant to be mandatory but will allow advocates to enroll as per their need and convenience. This flexibility appears to be a good starting point.

However, there are some gaps and concerns leading to the following recommendations:

1. The proposed amendments mention that the BCI may constitute centres of excellence in legal education or the National Legal Academy. The Supreme Court in *Ajay Vijn* recommended that a National Legal Academy be set up so that continuing legal education is institutionalized. For a National Legal Academy to be established and effectively work, its objectives, functions, governance and composition must be adequately conceptualized and stipulated. Moreover, it is also recommended that a clear delineation of the proposed National Legal Academy's relationship with the BCI, SBCs, universities and existing legal education and professional training institutions be provided in the statute.
2. Given the absence of further details, the professional development programmes may be reduced to an occasional conference or seminar which was considered ineffective in *Ajay Vijn*. The proposed amendments must thus mandate the programmes to be conducted on a time-bound basis and yearly or half-yearly. The proposed amendments could also clarify whether these programmes would carry some certificates of participation or credits to act as an incentive.
3. The proposed amendments merely empower the SBCs to provide such programmes. This may render the implementation to be non-uniform across SBCs, reducing the overall effectiveness. It is recommended that the proposed amendments provide clarity on who will regulate these programmes as there is overlap of jurisdictions with both the BCI and SBCs being empowered equally.

VI. Citizenship criteria

The Draft Advocates (Amendment) Bill, 2026 proposes sweeping restrictions on the rights of foreign nationals to practice law in India. Previously, the proviso to Section 24(1)(a) of the Act, read with the reciprocity requirement in Section 47 (also proposed to be amended) permitted registration of non-citizens as advocates. Section 47 excluded subjects of countries where Indians were not permitted to practice law or subjected to unfair discrimination.

This proposed amendment has several implications, which are listed below:

1. Impact on OCIs

The category of foreign nationals includes Overseas Citizens of India (OCI) as well- persons with roots in or connections to India and are registered under Section 7A of the Citizenship Act, 1955. OCIs, as well as their predecessor category, Persons of Indian Origin (PIOs) are eligible to appear for the Common Law Admission Test (CLAT) but, by virtue of this proposed amendment, will not be eligible to practice law in India. Because legal systems are inherently national, this also reduces the value of an Indian law degree, and discourages persons with strong affinities to India, but who are not citizens, from applying to study in India.

In [*Anushka Renguthwar v Union of India*](#), the Supreme Court observed in the context of an earlier litigation pertaining to the right of OCIs to appear for the UG-NEET examination which was restricted through subsequent notifications, that the right of OCI card-holders is “a mid-way right in the absence of dual citizenship”, and any process for withdrawing such a right had to therefore demonstrate that the action taken is reasonable, bearing nexus to the purpose sought to be achieved and not arbitrary.

Therefore, these proposed amendments may, in so far as OCIs are concerned, constitute a violation of Article 14. It should be noted that merely permitting OCIs to apply to register as advocates does not in any way bring them at par with citizens - as BCI under existing Section 24 still retains the discretion to not register a foreign citizen as an advocate.

2. Impact on foreign students studying law in India

The Delhi High Court, in [Daeyoung Jung vs Bar Council Of India](#), directed the Bar Council of India to register a South Korean national as an advocate who had studied law in India. The Court found that the petitioner was able to demonstrate that South Korean laws satisfied the requirement of reciprocity, as duly qualified Indian nationals could register to practice law in South Korea. The High Court also stated that the petitioner was not a foreign lawyer, in the sense of a foreign-qualified lawyer - he was in fact a foreign national who held a law degree from India and was thus qualified to practice law in India.

The All India Survey on Higher Education (AISHE) [report of 2023-24](#) discloses that as of 2023-24, there are 42779 foreign students studying undergraduate degrees in India. A number of law colleges and universities in India offer admission to foreign students- enabling them to qualify to practice in India. The effect of this amendment would be an absolute ban on foreign students qualified in India to even apply for registration as advocates.

If the purpose of this amendment is to account for Delhi High Court's mandatory interpretation of the proviso to Section 24(1)(a) read with Section 47, then a limited amendment adding an additional proviso reserving the right to not register foreigners *for any other reason*, may be sufficient.

In light of these observations in (1) and (2), it is proposed that the BCI should consider creating categories of foreigners with a varied right to register. A proposed categorization is as follows:

- a. OCIs shall be permitted to register as advocates, if they have obtained their qualifying degree from India, or if they have qualified the [Qualifying Examination for Indian Nationals Holding Foreign Law Degrees](#) and satisfied other prescribed criteria.
- b. Foreign Nationals, not being OCIs, shall be permitted to register as advocates, if they have obtained their qualifying degree from India and satisfied other prescribed criteria.
- c. Foreign Nationals, not being OCIs, who have not obtained their qualifying degree from India, may only apply to register as foreign lawyers.
- d. The BCI should, if required, specify other qualifying criteria in Section 24, which does not have the effect of an absolute restriction against foreign nationals applying to register as advocates.

3. Impact on Indian lawyers practicing in other jurisdictions

The amendments to Section 47, read with Section 24, create several qualifications to the reciprocity requirement. Specifically, because foreign lawyers are no longer permitted to practice in India save for

those areas and in the manner specified in Section 47, this makes Indian provisions for registration of foreign lawyers *more* restrictive - resulting in Indian citizens not being able to register and practice as lawyers in jurisdictions which have a similar reciprocity requirement.

The proposed amendment therefore will have wide ranging and deleterious effects on the employability of Indian lawyers in other jurisdictions and impact the ability of Indian firms to expand to other jurisdictions.

4. Ambiguities around Citizenship Determination

It should be noted that as the BCI is not an authority to determine citizenship status, and therefore any decision whether or not a person is a foreigner and therefore disentitled from being registered as an advocate, should be based on a definitive finding of their positive citizenship by the appropriate authority, and not on any administrative or enumerative exercise such as the Special Intensive Revision or the National Register of Citizens.

5. Regulation of Foreign Advocates through Fly-in, Fly-out system

The Supreme Court, in [*A.K. Balaji v Bar Council of India*](#), observed that merely specifying a temporal dimension (fly-in, fly-out as opposed to permanently practicing in India) may not place a foreign advocate out of the purview of being regulated under the Advocates Act, 1961. The court also specified that the pith and substance of services provided will have to be understood to see if they amount to a practice of law.

The proposed amendments do not adequately address the Supreme Court's observations in *Balaji* about how misconduct will be regulated, and to that extent suffer from defects similar to those identified by the [Society of Indian Law Firms \(SILF\)](#) in response to the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022. While amended Section 49 does stipulate that the manner, procedure, form and fee to renew, suspend or cancel registration of foreign lawyers and law firms will be prescribed- the statute should refer to specific grounds for suspension and cancellation, so that the suspension and cancellation process is not arbitrary.

Moreover, it is unclear whether Indian immigration laws (currently governed by the Immigration and Foreigners Act, 2025) permit temporary work permits that would support a fly-in, fly-out system. In the absence of such regulations, a fly-in, fly-out system may not even take off.

VII. Election Tribunals

Proposed Sections 14A and 15A concern election related grievances. Section 14A requires state-level election grievances to be preferred to the BCI, which, after a preliminary review, will either dispose of the grievance or refer it to the Election Tribunal notified under Section 15A. Proposed amendment Section 15A enables the BCI to set up the Election Tribunal.

There are two primary concerns which are highlighted below.

1. BCI's Election Tribunal vis-a-vis existing SBC election tribunals

First, some State Bar Councils (see [Rule 34 of the Delhi Bar Council Election Rules](#), 1963 and [Rule 34 of the Punjab & Haryana Bar Council Election Rules](#), 1968) already provide for election tribunals to resolve election-related disputes. This raises the question of the relationship between the State and the BCI-level election tribunal going forward. Will the central tribunal (once notified), replace the state level tribunals? Or will the central tribunal (once notified), act as an appellate tribunal?

This matters for Section 14A specifically, since it proposes an alternative procedure for disposing of State level election disputes: i.e. to apply to the BCI, which will then be referred to the Section 15A tribunal. This might render extant State-level tribunals defunct.

2. Election Tribunal's Jurisdiction and Powers

Previous litigation has addressed the scope of the election tribunal's jurisdiction and powers. For instance, in [Bar Council of Delhi v. Surjeet Singh](#), the Supreme Court held that the election tribunal cannot declare the State Bar Council rules *ultra vires*. In this light, it is suggested that the proposed amendments clarify the substantive scope of the Election tribunal's powers under Section 15A clarified. For this, it is suggested that the Delhi and the Punjab & Haryana State Bar Council's rules serve as a potential model as they specify the tribunal's powers, composition, and motley rules concerning the tribunal's functioning.

VIII. Dispute Resolution

The proposed Section 36B proviso allows the BCI to make interim orders pending the resolution of a complaint. This appears largely clarificatory, in the wake of decisions like [M/S PLR Projects Ltd. v.](#)

[*Mahanadi Coalfields Pvt. Ltd.*](#), where questions about BCI's interim powers were raised. The case raised the question whether BCI had the power to suspend an advocate's license pending final resolution of the misconduct complaint. The Supreme Court held in the affirmative. The proposed proviso formalizes the BCI's power to issue interim orders.

The following two suggestions are made.

Considering the importance of the BCI's interim powers, it is recommended that the scope of the powers, along with the evidentiary standard (prima facie or a stricter threshold) on which such powers may be exercised, be specified with a provision mentioning the right to fair hearing. Moreover, BCI's interim order power may be exercised only in cases involving 'serious allegations' of misconduct—the scope of this threshold remains unclear and must be clarified too.

Moreover, the proposed section introduces a fee, along with supporting documents, for the filing of a complaint, but it is unclear how this fee is to be determined. In [*Gaurav Kumar v. Union of India*](#) (2024), the Supreme Court held that fees imposed as a precondition to invoking a statutory right violate Articles 14 and 19(1)(g) if it creates a financial barrier. It is recommended that the proposed amendments prescribe a modest, capped fee with an express waiver for indigent complainants, similar to the SC/ST/disability concession built into the enrolment fee clause.

IX. Other Recommendations

1. Minimum Stipend for Junior Advocates

While the [BCI has issued directions](#) recommending minimum stipends for junior lawyers, the proposed amendments contain no provisions with respect to the same. While the Act itself should not provide the minimum pay standards as those require periodic updating, a provision should be added mandating compliance with minimum pay for junior advocates laid down by BCI through circulars. Warnings and penalties for non-compliance with minimum pay standards must also be thought through.

Early-career financial instability disproportionately impacts first-generation lawyers, women, and advocates from marginalized backgrounds, creating a structural barrier to retention and advancement as has been acknowledged even by the Supreme Court in *Gaurav Kumar*, discussed above.

Analogues can be found in other legislations. Two examples are cited. [Regulation 48\(1\) of the Chartered Accountants Regulations, 1988](#), framed under the Chartered Accountants Act, 1949, mandates a minimum monthly stipend for articled assistants based on city population. Most recently, upward revisions were proposed via the [Draft Chartered Accountants \(Amendment\) Regulations, 2026 \(dated 25 June 2026\)](#). Section 13(1) of the Apprentices Act, 1961 obliges every employer to pay an apprentice the prescribed minimum rate. [Rule 11 of the Apprenticeship Rules, 1992](#) provides a graded, tier-based mechanism, most recently revised by the [Apprenticeship \(Amendment\) Rules, 2025 \(G.S.R. 610\(E\), notified 11 September 2025\)](#).

It is suggested that the models set forth by the foregoing legislation be adopted. The heightened enrolment fee as well as the added fee requirement at multiple levels only makes standard, just remuneration all the more imperative.

2. Mandatory Election Disclosures for SBC Candidates

To foster ethical leadership and ensure candidate integrity, any advocate contesting SBC elections (or being considered for co-option) should be statutorily required to file a public disclosure affidavit alongside their nomination papers.

This disclosure must mandate the following details:

- Total number of junior advocates engaged in the candidate's chamber, along with demographic breakdowns (gender, SC/ST/OBC, PwD, and minority representation).
- Specific details of monthly stipends and compensation provided to junior advocates so that compliance with minimum pay standards serves as an eligibility criterion for any advocate seeking election or co-option to an SBC.
- Declarations regarding compliance with the Prevention of Sexual Harassment (POSH) Act, including the setup of an active Internal Committee, in chambers with 10 employees or more, and in chambers with less than 10 employees, the establishment of other relevant workplace safety mechanisms.
- Details regarding the years of experience of associated juniors, the nature of cases handled, and evidence of substantial court exposure granted to them.
- Full disclosure of any pending or past complaints against the candidate concerning professional misconduct, workplace harassment, or POSH violations.

ANNEXURE: SECTION-WISE MAPPING OF THE OLD & DRAFT PROVISIONS OF THE ADVOCATES ACT, 1961

S. No.	Old Provision	New Provision	Nature of Amendment	Comment
1.	3. State Bar Councils.—(1) There shall be a Bar Council— (a) for each of the States of Andhra Pradesh, Bihar, Gujarat, 6 [Jammu and Kashmir], 7 [Jharkhand], 8 [Madhya Pradesh and Chhattisgarh], 9 ***, 10***, 11[Karnataka], Orissa, Rajasthan 12[Uttar Pradesh, 13[Uttaranchal, Meghalaya, Manipur and Tripura], to be known as the Bar Council of that State; 1 [(b) for the States of Arunachal Pradesh, Assam, Mizoram and Nagaland to be known as the Bar Council of Arunachal Pradesh, Assam, Mizoram and Nagaland;] (c) for the State of Kerala and the Union territory of 2 [Lakshadweep] to be known as the Bar Council of Kerala; 3 [(cc) for the 4 [State of Tamil Nadu] and the Union territory of Pondicherry to be known as the Bar Council of Madras;] 5 [(ccc) for the States of Maharashtra and Goa and the Union territories of Dadra and Nagar Haveli and and Daman and Diu, to be known as the Bar Council of Maharashtra and Goa;] 6 [(d) for the States of Punjab and Haryana and the Union territory of Chandigarh, to be known as the Bar Council of Punjab and Haryana; (dd) for the State of Himachal Pradesh, to be known as the Bar Council of Himachal Pradesh;] (e) for the State of West Bengal and the 7 [Union territory of Andaman and Nicobar Islands], to be known as the Bar Council of West Bengal; and (f) for the Union territory of Delhi, to be known as the Bar Council of Delhi. (2) A State Bar Council shall consist of the	3. In section 3 of the principal Act,— (a) in sub-section (1),-- (i) in clause (a), after the word "Manipur", the word ", Sikkim" shall be inserted; (ii) after clause (g), the following proviso shall be inserted, namely:-- "Provided that in the case where two or more States having a single Bar Council, one or more branch may be setup by the said Bar Council in the capital of such State where there is no Bar Council to facilitate the enrolment of advocates, and for proper functioning and implementation of the welfare schemes for advocates."; (b) in sub-section (2),-- (i) in clause (a), after the words "Additional Solicitor General of India", the words "for the High Court of Delhi" shall be inserted; (ii) for clause (b), the following clause shall be substituted, namely:-- "(b) in the case of a State Bar Council with an electorate,-- (i) not exceeding five thousand, fifteen members, out of which fourteen shall be elected, of which two shall be reserved for women and one member shall be co- opted by the Bar Council of India in consultation with concerned State Bar Councils and Bar Associations from amongst women advocates on the electoral roll of that State; (ii) exceeding five thousand but not exceeding ten thousand, twenty-one members, out of which nineteen shall be elected, of which three members shall be women and two members shall	Amendment	Amendment to be retained with but women's representation is still below the desired 30%. It should be clarified that the positions that are not specifically reserved for women are open to all and that more women members can be selected other than the minimum number that has been reserved for their representation. The geographical representation mandate that has been made part of the co-option for women should be applied across all positions. In the alternative, at least more positions should be co-opted to ensure that all geographical areas are represented and these positions should be open to both men and women advocates. The phrase “deserving women who are unable to contest but are able to contribute” must be clarified through objective criteria.

S. No.	Old Provision	New Provision	Nature of Amendment	Comment
	following members, namely:— (a) in the case of the State Bar Council of Delhi, the Additional Solicitor-General of India, ex officio; 8 [9 [in the case of the State Bar Councils of Assam, Arunachal Pradesh, Mizoram and Nagaland, the Advocate-General of each of the States of Assam, Arunachal Pradesh, Mizoram and Nagaland] ex officio; in the case of the State Bar Council of Punjab and Haryana, the Advocate-General of each of the States of Punjab and Haryana, ex officio;] and in the case of any other State Bar Council, the Advocate-General of the State, ex officio; 10[(b) in the case of a State Bar Council with an electorate not exceeding five thousand, fifteen members, in the case of a State Bar Council with an electorate exceeding five thousand but not exceeding ten thousand, twenty members, and in the case of a State Bar Council with an electorate exceeding ten thousand, twenty-five members, elected in accordance with the system of proportional representation by means of the single transferable vote from amongst advocates on the electoral roll of the State Bar Council:] 11[Provided that as nearly as possible one-half of such elected members shall, subject to any rules that may be made in this behalf by the Bar Council of India, be persons who have for at least ten years been advocates on a State roll, and in computing the said period of ten years in relation to any such person, there shall be included any period during which the person has been an advocate enrolled under the Indian Bar Councils Act, 1926 (38 of 1926).]	be co-opted by the Bar Council of India in consultation with concerned State Bar Councils and Bar Associations from amongst women advocates on the electoral roll of that state; and (iii) exceeding ten thousand, thirty-three members, out of which thirty members shall be elected, of which four members shall be women and three members shall be co-opted by the Bar Council of India in consultation with concerned State Bar Councils and Bar Associations from amongst women advocates on the electoral roll of that state: Provided that the members shall be elected in accordance with the system of proportional representation by means of the single transferable vote from amongst advocates on the electoral roll of the State Bar Council. Provided further that as nearly as possible two third of such elected members shall, subject to any rules that may be made in this behalf by the Bar Council of India, be persons having at least ten years practise at the Bar."; (c) in sub-section (6), for the words, brackets and figures, "the Advocates (Amendment) Act, 1973", the words, brackets and figures, "the Advocates (Amendment) Act, 2026" shall be substituted.		

S. No.	Old Provision	New Provision	Nature of Amendment	Comment
2	Section 6(2), Advocates Act, 1961 “(2) A State Bar Council may constitute one or more funds in the prescribed manner for the purpose of— (a) giving financial assistance to organise welfare schemes for the indigent, disabled or other advocates; (b) giving legal aid or advice in accordance with the rules made in this behalf; (c) establishing law libraries. (3) A State Bar Council may receive any grants, donations, gifts or benefactions for all or any of the purposes specified in sub-section (2) which shall be credited to the appropriate fund or funds constituted under that sub-section.” (Section 7(2) contains a materially identical provision for the Bar Council of India.)	Proposed Section 6(2)–(5) / 7(2)–(5) “(2) A State Bar Council may constitute one or more funds, as may be prescribed and create a trust for the purposes of,— (a) giving financial assistance to deserving advocates, organising seminars in the field of law, providing for professional development programmes to advocates, providing welfare scheme including insurance, pension, medical relief, and social security schemes for indigent advocates, advocates with disability or other advocates and their dependents, through annual or such other subscriptions or financial contributions from advocates in such manner, as may be prescribed; (b) establishing law libraries;” (3) A State Bar Council may appoint trustees from amongst the elected members of the State Bar Council and advocates, judges, academicians or other eminent persons for any trust created under sub-section (2). (4) Any trust or fund created by a State Bar Council prior to the commencement of the Advocates (Amendment) Act, 2026 shall continue to function as if it was created in accordance with the provisions of sub-section (2). (5) A State Bar Council may receive grants, donations, gifts or benefactions for all or any of the purposes specified in sub-section (2), and all the monies received by a State Bar Council including fee, charges and penalty shall be credited to the	Substitution	Amendment to be fortified to foster transparency, accountability and implementation of welfare funds. Creation of new funds without clear demarcation of earmarked purposes to be reviewed. The phrase “deserving advocates” to be clarified with objective criteria. For a National Legal Academy to be established and effectively work, its objectives, functions, governance and composition must be adequately conceptualized and stipulated. It is also recommended that a clear delineation of the proposed National Legal Academy’s relationship with the BCI, SBCs, universities and existing legal education and professional training institutions be provided in the statute. It is recommended that the proposed amendments provide clarity on who will regulate these programmes as there is overlap of jurisdictions with both the BCI and SBCs being empowered equally.

S. No.	Old Provision	New Provision	Nature of Amendment	Comment
		appropriate fund of the trust created under that sub-section. (Section 7(2)–(5) mirrors this for the Bar Council of India, with the addition of “centres of excellence in Legal Education or National Legal Academy” under clause (b).)		
3	10. Constitution of committees other than disciplinary committees.—(1) A State Bar Council shall constitute the following standing committees, namely:— (2) The Bar Council of India shall constitute the following standing committees, namely:— ... (b) a legal education committee consisting of ten members, of whom five shall be persons elected by the Council from amongst its members and five shall be persons co-opted by the Council who are not members thereof.	In section 10 of the principal Act, in sub-section (2), for clause (b), the following clause shall be substituted, namely:-- “(b) a legal education committee consisting of twenty-five members, of whom nine shall be nominated by the Council from amongst its members and sixteen shall be nominated by the Council who are not members thereof, and out of the sixteen nominated members,-- (i) one shall be a former Chief Justice of India or a former Judge of the Supreme Court, who shall be the Chairman of the Committee; (ii) two shall be either a sitting or former Chief Justice of High Court; (iii) one shall be the Attorney General for India; (iv) one shall be the Solicitor General of India; (v) two shall be Senior Advocates or Advocates of repute who are members of a registered Bar Association; (vi) one shall be the Chairman of the University Grant Commission or his nominee;	Substitution	Further amendments recommended: 1. Change of the proposed amendment to clause (b) of sub-section (2) to increase the size of the Committee to 30 members as follows: a. Nine members nominated by BCI from among its members, of whom two shall be Senior Advocates or Advocates of repute who are members of a registered Bar Association b. One retired Judge of the Supreme Court to be nominated by the BCI, who shall be the Chairperson of the Committee c. Two retired Chief Justices of the High Courts d. The Attorney General for India or his nominee e. The Chairperson of the Viksit

S. No.	Old Provision	New Provision	Nature of Amendment	Comment
		(vii) one shall be the Secretary (Department of Legal Affairs), Ministry of Law and Justice or his nominee not below the rank of Joint Secretary; (viii) three shall be Vice-Chancellors of Universities of national repute; and (ix) four shall be other professors or deans of institutions of excellence in the field of law and social sciences; 9. In section 10A of the principal Act,-- (a) in sub-section (3), after the words "respective Bar Councils", the words "or at such other places within India as it may, for reasons to be recorded in writing, determine" shall be inserted; (b) after sub-section (5), the following sub-section shall be inserted, namely:-- (6) The meetings of the Bar Councils or its Committees may be held at such time and in such manner as may be determined by the respective Bar Councils."		Bharat Shiksha Adhishthan Commission or his nominee f. Secretary of Education, Government of India g. Three Vice-Chancellors of Universities of national repute h. Four Deans of Institutions of Excellence or Professors of Law and social sciences i. Two Deans of private law colleges j. Six Vice-Chancellors of National Law Universities, to be nominated by the Consortium of NLUs by rotation 2. Addition of Clause (c) to sub-section (2) to describe the composition of the Directorate of Legal Education [at present mentioned in Rule 34 of the LE Rules 2008]. 3. Addition of Clause (d) to sub-section (2) to describe the composition of the Accreditation Committee [at present mentioned in Rule 29 of the LE Rules 2008].

S. No.	Old Provision	New Provision	Nature of Amendment	Comment
				- Addition of sub-section (2A) to prescribe an independent process for nomination of academic members to the Legal Education Committee, on the lines of section 5 of the National Medical Commission Act 2019. - Addition of sub-section (2B) to describe the powers and functions of the Legal Education Committee.
4	No corresponding provision. New insertion.	Proposed Section 14A, Advocates Act, 1961 (new) <i>“14A. Settlement of disputes regarding the elections of the State Bar Council—</i> <i>(i) In case of any dispute regarding any election of the State Bar Council, the aggrieved person may make an application to the Bar Council of India, which may after preliminary examination be closed or referred to the Election Tribunal, as the case may be,</i> <i>(ii) The form and manner of making application and the fee to be paid shall be such as may be prescribed.”</i>	Insertion	- It is unclear how this would impact the functioning of State-level election tribunals as established. This requires clarification. - The preliminary examination standard remains unclear: if it corresponds to the prima facie standard, it is suggested that the same phrase be used for consistency.
5	24. Persons who may be admitted as advocates on a State roll.— (1) Subject to the provisions of this Act, and the rules made thereunder, a person shall be qualified to be admitted as an advocate on a State roll, if he fulfills the following conditions, namely:— a) he is a citizen of India: Provided that subject to the other provisions contained in this Act, a	Proviso to Section 24(1)(a) is now omitted	Omission	Proviso to be reinstated, with the proposed categories of foreigners as specified above.

S. No.	Old Provision	New Provision	Nature of Amendment	Comment
	national of any other country may be admitted as an advocate on a State roll, if citizens of India, duly qualified, are permitted to practise law in that other country;			
6.	24. Persons who may be admitted as advocates on a State roll.—(1) Subject to the provisions of this Act, and the rules made thereunder, a person shall be qualified to be admitted as an advocate on a State roll, if he fulfils the following conditions, namely: (f) he has paid, in respect of the enrolment, stamp duty, if any, chargeable under the Indian Stamp Act, 1899 (2 of 1899), and an enrolment fee payable to the State Bar Council of 8 [six hundred rupees and to the Bar Council of India, one hundred and fifty rupees by way of a bank draft drawn in favour of that Council	<i>In section 24 of the principal Act, in sub-section (1): for clause (f), the following clause shall be substituted, namely:</i> <i>"(f) he has paid, in respect of such enrolment, the stamp duty, if any, chargeable under the Indian Stamp Act, 1899 and an enrolment fee of eighteen thousand rupees to the State Bar Council and four thousand five hundred rupees to the Bar Council of India, in such manner as may be specified by the respective State Bar Council:</i> <i>Provided that where such person belongs to the Scheduled Castes or the Scheduled Tribes, or is a person with benchmark disability within the meaning of clause ® of section 2 of the Rights of Persons with Disabilities Act, 2016, and produces a certificate to that effect issued by the competent authority and unable to pay the fee due to his financial condition, the enrolment fee payable under this clause shall be one-fourth of the fee payable:</i> <i>Provided further that the BCI in consultation with the Central Government may revise the</i>	Substitution	Substantial hike in enrollment fee to be reviewed in light of stipends paid to junior advocates and to explore alternative models (installments and smaller annual amounts). The proviso introducing financial hardship to be omitted or at least clarified. The proviso reserving powers to revise fee by notification to be omitted for being ultra vires the enrollment fee stipulation in the Act.

S. No.	Old Provision	New Provision	Nature of Amendment	Comment
		amount of enrolment fee by notification.		
7	No corresponding provision. New insertion.	Proposed Section 15A, Advocates Act, 1961 (new) <i>“15A. Establishment of Election Tribunal.— (1) The Bar Council of India shall, by notification from time to time, establish Election Tribunals consisting of a Presiding Officer and two other Members to decide disputes referred under Section 14A and the decision of such Tribunal shall be final.</i> <i>(2) A person shall not be qualified for appointment,—</i> <i>(a) as a Presiding Officer of the Tribunal unless he has served as a Judge of the Supreme Court of India or has served as a Chief Justice of a High Court;</i> <i>(b) as a member unless he has served as a Judge of the High Court;</i> <i>(c) as a member unless he has been in the profession of law for more than 25 years;</i> <i>(3) The terms and conditions of service of the Presiding Officer and Members of the Tribunal, their place of meetings, remuneration and allowances shall be such as may be prescribed.</i> <i>(4) The manner and the procedure to be followed by the Election Tribunal shall be such as may be prescribed.</i> <i>(5) The Election Tribunal shall decide the reference expeditiously preferably within a period of six months.</i> <i>(6) No vacancy or defect in the composition of the Election Tribunal shall not invalidate</i>	Insertion	1. Substantive jurisdiction of the election tribunal remains unclear—it is suggested that the Delhi and Punjab & Haryana State Bar Council Rules (Rule 34) be used as a model in specifying the scope of the tribunal’s powers, procedure and responsibilities. 2. The phrase ‘preferably within six months’ is merely directory: it is suggested that the timeline be made mandatory, considering the delay concerns associated with election-related dispute resolutions.

S. No.	Old Provision	New Provision	Nature of Amendment	Comment
		acts and proceedings of the Election Tribunal. (6) [sic, repeated numbering in draft] The expenses of the Election Tribunal shall be borne by the Bar Council of India.		
7	Section 35(1), Advocates Act, 1961 “(1) Where on receipt of a complaint or otherwise a State Bar Council has reason to believe that any advocate on its roll has been guilty of professional or other misconduct, it shall refer the case for disposal to its disciplinary committee.” Section 36(1), Advocates Act, 1961 “(1) Where on receipt of a complaint or otherwise the Bar Council of India has reason to believe that any advocate whose name is not entered on any State roll has been guilty of professional or other misconduct, it shall refer the case for disposal to its disciplinary committee.”	Proposed Section 35(1) “(1) Where on receipt of a complaint supported with any documents, if any, along with payment of such fees as may be prescribed or otherwise, a State Bar Council after going through the complaint and the supporting documents has reason to believe that any advocate on its roll has committed professional or other misconduct, it shall refer the case for disposal to its disciplinary Committee within a period of fifteen days from the date of receipt of Complaint.” Proposed Section 36(1) “(1) Where on receipt of a complaint or otherwise the Bar Council of India after going through the complaint and the supporting documents, if any, has reason to believe that any advocate has committed professional or other misconduct, it shall refer the case for disposal either to the disciplinary committee of the Bar Council of India or to the disciplinary committee of the State Bar Council concerned: Provided that, in a prima facie case involving serious allegations, the Bar Council of India may, for reasons to be recorded in writing, pass such interim order as it may deem fit.”	Substitution	The fee requirement for the filing of a complaint must allow relaxations for SC/ST/women/disabled persons, similar to the waiver provided in the enrolment fee. This is to prevent access to justice concerns.

S. No.	Old Provision	New Provision	Nature of Amendment	Comment
8	Section 47, Advocates Act, 1961 “(1) Where any country, specified by the Central Government in this behalf by notification in the Official Gazette, prevents citizens of India from practising the profession of law or subjects them to unfair discrimination in that country, no subject of any such country shall be entitled to practise the profession of law in India. (2) Subject to the provisions of sub-section (1), the Bar Council of India may prescribe the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India shall be recognised for the purpose of admission as an advocate under this Act.”	Proposed Section 47 (substituted) “47. Reciprocity.—(1) Where any country prevents citizens of India from practising the profession of law or subjects them to unfair discrimination in that country, as notified by the Central Government in this behalf by notification in the Official Gazette, no subject of any such country shall be entitled to practise the profession of law in India. Provided that, notwithstanding anything contained in this section, the Bar Council of India may, having regard to the principle of reciprocity, and such other relevant considerations as may be prescribed, permit or refuse permission to any foreign lawyer or foreign law firm to practise law in India; (2) Subject to the provisions of sub-section (1), the Bar Council of India with prior approval of the Central Government, may prescribe the conditions, namely:— (i) to register foreign lawyer and foreign law firms for the permitted areas of practice and to renew, suspend or cancel such registration and to lay down the manner, procedure, form and fee in this regard; (ii) to allow foreign lawyer and foreign law firm to engage in the permitted areas of practice on a fly in fly out basis and to lay down the manner and procedure, form, and fee in this regard; (3) For the purpose of sub-clause (i) & (ii) of sub-section	Substitution	Section 47 to be retained in its original form.

<i>S. No.</i>	<i>Old Provision</i>	<i>New Provision</i>	<i>Nature of Amendment</i>	<i>Comment</i>
		<i>(2), the expression 'permitted area of practice' shall be such as may be prescribed; but shall not include practice before any court or any authority or person, which only an advocate is entitled to do under Section 33 of the Act except before an arbitral tribunal in an international commercial arbitration, where the law applicable to the substance of the dispute is foreign law."</i>		